

WHEN RECORDED, RETURN TO:

City of Buckeye
ATTN: City Clerk, Lucinda J. Aja
530 East Monroe Avenue
Buckeye, Arizona 85326

ORDINANCE NO. 17-21

AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF BUCKEYE, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT ON FILE WITH THE CITY CLERK ENTITLED “PLZM-21-00247 – BUCKEYE SIGN CODE” BY REFERENCE; AND AMENDING THE CITY OF BUCKEYE CODE, CHAPTER 7 – DEVELOPMENT CODE, ARTICLE 5 – DEVELOPMENT AND DESIGN STANDARDS AND GUIDELINES, SECTION 5.11 - SIGNS, OF THE CITY OF BUCKEYE MUNICIPAL CODE; PROVIDING FOR THE REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, that certain document entitled the “PLZM-21-00247 – Buckeye Sign Code,” of which at least three paper copies or one paper copy and one electronic copy are on file in the Office of the City Clerk and open for public inspection during normal business hours, is hereby declared to be a public record and said copies are ordered to remain on file with the City Clerk; and

WHEREAS, the Mayor and City Council of the City of Buckeye, Arizona, believe that it is in the best interest of the City to amend a particular section of the Development Code of the City of Buckeye as provided in the City of Buckeye Municipal Code Amendments to promote the health, safety and welfare of the City's residents.

NOW THEREFORE BE IT ORDAINED, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BUCKEYE, ARIZONA, as follows:

Section 1. The recitals set forth above are hereby incorporated as if fully set forth herein.

Section 2. That certain document entitled the “PLZM-21-00247 – Buckeye Sign Code,” three (3) copies of which are on file in the office of the City Clerk of the City of Buckeye, Arizona, is hereby declared to be a public record, referred to, adopted and made a part hereof as if fully set out in this Ordinance.

Section 3. The City Code is hereby amended by deleting and amending the sections referenced in the “PLZM-21-00247 – Buckeye Sign Code,” and inserting the provisions in the “PLZM-21-00247 – Buckeye Sign Code,” as provided therein in Chapter 7 – Development Code, Article 5 – Development and Design Standards and Guidelines, Section 5.11 - Signs, of the Buckeye Municipal Code.

Section 4. All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the City Code are hereby repealed.

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

Section 6. Violations of this Ordinance shall be subject to the enforcement provisions of Article 9, Chapter 7 of the Development Code, and may be subject to civil and/or criminal penalties as follows:

Section 9.3.4.

Criminal and Civil Penalties.

A. Any person, firm, or corporation violating any provision of this Development Code, or any amendments to it, shall be guilty of a Class One Misdemeanor punishable by a fine not exceeding \$2,500, or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment, for each violation.

B. Violation of any provision of this Development Code, or any amendments to it, may also subject the offender to a civil monetary penalty in an amount to be established by the City Council. If the offender fails to pay this penalty within 15 days after being cited for a violation, the penalty may be recovered by the City in a civil action in the nature of a debt. A civil penalty may not be appealed to the Planning Commission if the offender was sent a final notice of violation in accordance with this Section and did not take an appeal to the Planning Commission within 20 days of the date of such final notice.

Section 7. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and to execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Mayor and City Council of the City of Buckeye, Arizona, this 16th day of November, 2021.

Eric W. Orsborn, Mayor

ATTEST:

Lucinda J. Aja, City Clerk

APPROVED AS TO FORM:

Shiela B. Schmidt, City Attorney

PLZM-21-00247 – Buckeye Sign Code DCA – Clean Edit

5.11. - SIGNS

5.11.1. Title and Authority.

- A. This Section of the Buckeye Municipal Code may hereafter be referred to as the “City of Buckeye Sign Code” or “Sign Code”.
- B. This section is adopted pursuant to the police power of the City and State Law (A.R.S. § 9-462.01.A.2), and the Development Services Director, or their designee is authorized and directed to administer and enforce this section.

5.11.2. Purpose and Intent.

- A. The purpose of this Section is to provide standards for signs that encourage the development of private property in harmony with the desired character of the City as well as enhance the safety and enjoyment of travel, by the appropriate sizing and placement of signs along public streets.
- B. The City intends to allow adequate communication through signage while encouraging aesthetic quality in the design, location, and size of all signs by:
 - 1. Allowing adequate signage for business identification while meeting public and private objectives by establishing limitations on signs in order to ensure they are appropriate to the land, building, or use that is applicable.
 - 2. Promoting the free flow of traffic, while protecting pedestrians and motorists from injury and property damage that may be caused by cluttered or distracting signage;
 - 3. Promoting the use of signs that are well designed, of appropriate scale, structurally sound, and integrated with surrounding buildings and landscape in order to meet the community’s desire for quality development;
 - 4. Protecting property values, the local economy, and the quality of life through regulations that are intended to preserve and enhance the appearance of the streetscape that affects the image of the City;
 - 5. Providing for adequate wayfinding through and within the City through regulations that are intended to aid motorists and pedestrians in navigating to local businesses and other points of interest safely; and
 - 6. Promoting the health, safety, and general welfare of the citizens of the City.

5.11.3 Applicability.

The provisions of this section apply to all incorporated areas within the City and shall supersede all previous sign codes and references thereto adopted by the Buckeye City Council as of the

effective date of this Ordinance, except that where such land is subject to an approved comprehensive sign program (CSP) existing at the time of the adoption of this chapter, the time, place, and manner provisions of said CSP shall apply. Whenever an approved CSP is silent on a matter relating to signage, the provisions of this chapter shall to the extent that such provisions are not in conflict with the provisions of the approved CSP.

The provisions of this section will not apply to regulatory signage in the rights-of-way.

5.11.4 First Amendment Interpretation and Severability.

This chapter must be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this chapter is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this chapter which can be given effect without the invalid provision.

5.11.5 Viewpoint Neutrality

- A. Notwithstanding anything in this section to the contrary, no sign or sign structure shall be subject to any limitations based upon the viewpoint of the message contained on such sign or displayed on such sign structure.
- B. Notwithstanding anything in this section to the contrary, the City shall regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content.

5.11.6. **Exempt Signs.** The placement of signs, except as listed below, shall require a sign permit issued by the City. The following types of signs are exempt from the planning process and from obtaining a permit unless otherwise noted. All temporary standalone signs will be reviewed by the Building Safety Department to determine if a building permit is required.

- A. Signs protected by state statute;
- B. Governmental signs, including signs erected by the city, for governmental purposes;
- C. Directional and traffic signs erected or permitted by the city, county or state to direct and regulate traffic;
- D. Window signs not exceeding 20 percent of the window area;
- E. Signs not visible from off property or business;
- F. Signs pertaining to the lease, sale, or rental of land or buildings, the size of which are six square feet or less for parcels up to five acres and twenty-four square feet or less for parcels more than five acres;
- G. Temporary signs approved as part of an approved temporary use permit; and
- H. Lawful Temporary Event Signage:
 - 1. Defined. A Lawful Temporary Event is defined as a use of land that is permitted by and in accordance with section 3.4 of the Buckeye Municipal Code. For purposes of this section, the following uses are also considered lawful temporary events:

- a. Real estate open houses occurring within lands zoned for residential uses.
 - b. Assembly uses where events are held on lands zoned for residential uses, but where the primary use established for said land is that of a public school, private school, or charter school, or other community facility, or public meeting hall.
2. Size. A temporary, portable sign generally in the shape of the letter "A" in which the overall height of the sign structure does not exceed 30 inches, the overall width of the sign structure does not exceed 30 inches and which does not exceed eight square feet of aggregate sign area. Riders not exceeding six inches in height and 24 inches in length which are attached to the top of the A-frame shall not be included in the overall height measurement or sign area measurement.
3. Placement.
- a. Lawful Temporary Event signage may be placed in the following locations when in association with a lawful temporary event occurring on land zoned for single-family residential uses:
 - i. One (1) sign at the site of the lawful temporary event.
 - ii. One (1) sign at each local or collector street intersection leading from the site of the lawful temporary event to the adjacent arterial street grid.
 - iii. Two (2) 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.
 - b. When allowed, Lawful Temporary Event signage 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. Signage located within the right-of-way is subject to an encroachment permit as described in Chapter 19, Article 19-2.
 - c. The sign may be weighted or ballasted; however, no such sign may be affixed to the ground or to any permanent structure.

5.11.7. **Prohibited Signs.** With the exception of temporary signs as described in Section 5.11.9 and sign walkers as regulated by A.R.S. § 9-499.13, the following types of signs are prohibited:

- A. Flashing, moving, animated, coursing, blinker, racer-type, intermittent, rotating, moving or revolving signs and/or devices, whirligig devices, inflatable signs and tethered balloons, pennants, ribbons, streamers, spinners, and other types of attention-getting devices, except for changeable copy signs when in compliance with the applicable regulations in this Section.
- B. Pylon or pole-mounted signs, except as provided in Section 5.11.8, *Dimensional Standards*.
- C. Sandwich board signs, portable signs, and outdoor banners.
- D. Roof-mounted signs or signs projecting above the roof line of a building.
- E. Signs placed within the public right-of-way.

- F. All signs mounted on, or applied to trees, utility poles, or public structures, except as otherwise provided.
- G. Any sign determined to be a safety hazard to the flow of traffic.
- H. Billboard or off-site advertising signs, except for those signs set forth in Section 5.11.10 and Section 5.11.12.
- I. Commercial signs remaining at an abandoned or vacant building for a period exceeding 180 days.
- J. Vehicle signs or signs mounted, attached, or painted on trailers, boats, or motor vehicles primarily or consistently parked, stored, or displayed in a manner intended to attract the attention of the public for advertising purposes.

5.11.8. **Dimensional Standards.**

- A. **Freestanding Sign Dimensions.** Signs shall not exceed the dimensions set forth in Table 5.11-1:

TABLE 5.11-1: MAXIMUM SIZE ALLOWED FOR FREESTANDING SIGNS		
Uses	Maximum Sign Height (Feet)	Maximum Sign Area (Square Feet)
Residential Neighborhood Identification	6	48
Multi-Family Single-Tenant standalone Office	5	20
Multi-Tenant Office	10	40
Single-Tenant Commercial Mixed Use	15	32
Multi-Tenant Commercial	20	72
Assembly Uses	10	48
Freeway-Oriented Identification	65	250
Industrial	20	48

- B. **Attached Sign Dimensions.** Attached signs shall not exceed the dimensions set forth in Table 5.11-2:

TABLE 5.11-2: MAXIMUM SIZE ALLOWED FOR ATTACHED SIGNS	
Uses	Sign area allowed (in square feet) for each lineal foot of building facing the street frontage ^{1,2,3}
Multi-Family	0.25

Office	0.50
Assembly Uses	1.00
Commercial	1.00
Freeway-Oriented Identification	1.50
Mixed-Use	1.00
Industrial	0.50

NOTE:

¹ Attached signs shall be placed below roof eave line.

² Each side of a building having a street frontage, facing a parking area, or facing a designed internal driveway may be counted separately and used to place signs.

³ The allowed sign area may be doubled when the building is setback at least 300 feet from the adjacent public right-of-way.

C. Sign Number and Location.

1. Only one free-standing sign per parcel or one free-standing sign for every 10 acres of development, whichever is less, is allowed. Partial acreage shall be rounded down to the nearest factor of 10 acres.
2. Unless no other practicable alternative is available, all signs with the exception of directional signs, shall be located a minimum of five feet from the front or side property line.
3. Signs shall be located on the same parcel as the use for which they advertise.
4. Residential Neighborhood Identification signs are limited to two (2) per community entrance.

D. Illumination. Illuminated signs may be internally lighted in commercial and industrial districts. The source of illumination of any sign is to be shielded so that it is not visible from or causes glare or reflection onto adjacent properties and streets. All illuminated signs shall meet the standards of Section 5.10, *Exterior Lighting* and shall be 100 percent cut-off.

E. Design.

1. In order to reinforce visual continuity, all on-site signs shall incorporate design elements that are consistent with each other and with the overall architectural character of the development in terms of their materials, height, colors, and lettering style.
2. Electrical service to signs, including raceways and transformers, shall be located to minimize their visibility. When such services are visible on street-facing facades, they shall be painted to match the color of the wall on which they are located.

F. Signs Along Freeway Frontage. Freeway-Oriented Identification Signs shall be limited along freeway frontages to one (1) identification sign per property or unified development, except that two (2) signs shall be allowed for properties or unified developments which are 30 acres or larger.

G. Comprehensive Sign Plan (CSP).

1. All multi-tenant commercial and mixed-use developments shall submit a Comprehensive Sign Plan (CSP) illustrating a coordinated approach to site signage. CMPs shall provide specifications regarding sign:
 - a. Type;
 - b. Materials;
 - c. Illumination;
 - d. Colors;
 - e. Dimensions; and
 - f. Location.
2. Developments utilizing a CSP may propose variations from City signage standards that address sign size and the number of signs allowed. Variations of up to 10 percent from the general requirement may be approved administratively. Variations above 10 percent must be approved by the Planning Commission.

H. **Reserved.**

5.11.9. **Temporary Signs.** Temporary signs are intended to be utilized by businesses as a short-term advertisement of special events (e.g., grand opening, going out of business), sales, and new products or services.

A. **General Standards.** Unless otherwise modified by this Section, or as a condition of approval, the following standards apply to all temporary signs:

1. Temporary signs in use prior to the adoption of this ordinance shall be deemed nonconforming and shall not be grandfathered unless said sign was approved with the issuance of a valid sign permit.
2. Temporary signs shall obtain a Temporary Sign Permit (TSP) from the Development Services Director.
3. Temporary signs located within the rights-of-way are subject to an encroachment permit as described in Chapter 19, Article 19-2.
4. Temporary signs shall display a TSP sticker at all times.
5. With the exception of buildings allowed a 0-foot front setback, temporary signs shall be located on private property outside of City and County right-of-way.
6. Temporary signs shall be spaced at least 10 feet apart.
7. Temporary signs will not interfere with sight distance requirements.
8. Except as otherwise provided in this Section, temporary signs shall not be located off-site.
9. Except as otherwise provided in this Section, temporary signs shall be limited to use for up to 30 consecutive days with at least 15 days between each use and a maximum cumulative display time of 180 days per calendar year.

10. Temporary signs shall be maintained in good condition throughout the duration of use. Failure to maintain a temporary sign in good condition, as determined by the City, shall be grounds for the revocation of any TSP.

- B. **Grand Openings.** Grand opening events must comply with all temporary sign standards and a TSP must be issued for each event. In addition to the temporary signage allowed under this Section, a Special Grand Opening TSP may be approved by the Development Services Director allowing for the use of alternative forms of temporary signage otherwise prohibited under the Development Code, subject to any conditions of approval imposed upon the TSP for such signs, for a period not to exceed 2 weeks. If a Special Grand Opening TSP is approved, the remaining 2 weeks of the event must comply with the temporary sign standards without the need for issuance of a new TSP. A Grand Opening TSP may be issued only once per business opening or ownership change.
- C. **Special Events and Temporary Uses.** Special events that are approved through the issuance of a City of Buckeye Special Event Permit and temporary uses which are approved through the issuance of a Temporary Use Permit may have alternative temporary sign standards approved as a part of the Special Event Permit or Temporary Use Permit process. If no alternative temporary sign standards are approved, the standards in this Section shall apply.
- D. **Model Home Complex.** In addition to other signs that are permitted in association with a single-family residence, a model home complex may employ the following:
1. One (1) temporary sign measuring no more than 30 inches wide and 72 inches tall for each lot within the boundaries of the model home complex. Such signs shall not be illuminated except by ambient lighting.
 2. One (1) temporary sign measuring no more than 96 inches wide and 96 inches tall with the aggregate sign area not to exceed 32 square feet. Such signs shall not be illuminated except by ambient lighting.
 3. One (1) 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.
 4. 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.
 5. 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.
 6. Model home signs shall be included with the site plan application packet to be reviewed and approved for the model home complex.
 7. All model home signs permitted under this section shall be removed upon the conversion of the model homes to a residential use.
- E. **Permitted Signage.** The following types of signage shall be permitted pursuant to the issuance of a TSP and compliance with the established standards:
1. **On-Site A-Frame Signs.**

- a. Placement must allow for a minimum 3 foot pedestrian pathway to/from all building entrances and exists.
 - b. Shall not exceed 4 feet in height and 3 feet in width.
 - c. Shall be constructed of durable materials with a stable, weighted base.
 - d. Shall be limited to 1 per business or tenant per public street frontage.
 - e. Shall not be illuminated or animated in any way.
 - f. Except as otherwise specified in this Section, A-frame signs shall only be displayed during normal business hours of operation.
 - g. Shall not be placed upon, affixed or attached to any object, including, but not limited to, light poles, trees, traffic signals, benches, tables, street signs, fencing, or bike racks.
 - h. Use of such signs are not subject to the time limitation provided in Section 5.11.10.A.7.
 - i. Shall obtain an annual TSP.
 - j. A-Frame Signs, including Off-Site A-Frame Signs, may be used for the duration of this ordinance with no lapse between each use.
2. **Off-Site A-Frame Signs.** A-frame signs may be placed off-site if all of the following standards are met, in addition to meeting the standards of Section 5.11.10.D.1:
- a. Shall only be displayed between the hours of 12:00 p.m. Friday through 7:00 a.m. Monday. Any sign being display off-site between the hours of 7:00 a.m. Monday and 12:00 p.m. Friday may be eligible for removal by the City at the owner's expense.
 - b. Must not be located within the Right-of-Way unless otherwise noted in this Section.
 - c. Off-site A-frame signs located within the rights-of-way are subject to an encroachment permit as described in Chapter 19, Article 19-2.
 - d. Must obtain written approval of the property owner of record for the property where the sign is to be located.
 - e. At the time of TSP submittal, a letter stating such approval, along with a site plan depicting the location of the off-site A-frame sign, must be submitted and approved by the City prior to the placement of the sign.
3. **Balloons.**
- a. Shall not exceed the allowed building height for the zoning district in which the business is located.
 - b. Shall not occupy any required parking spaces.
 - c. Shall be securely tethered or anchored and shall not be affixed or attached to any light poles, traffic signals, street signs, or other public safety device.
 - d. Shall not be located on the roof of the building.
4. **Banners.**
- a. Shall have a maximum area of 32 square feet and a maximum height of six feet.
 - b. Shall not be located on the roof of the building or above the building roofline.

- c. Shall be securely attached to the building in which the business is located.
- d. Shall be limited to one banner per street frontage, per business.

5. Inflatables.

- a. Shall have a maximum height of the building in which the business is located or 30 feet above the adjoining ground, whichever is less.
- b. Shall be securely tethered or anchored and shall not be affixed or attached to any light poles, traffic signals, street signs, or other public safety device.
- c. Shall be located so as to not interfere with pedestrian and vehicular circulation patterns as approved by the City.
- d. Shall not be located on the roof of the building.

6. Freestanding Pennants.

- a. Shall have a maximum area of 16 square feet and a maximum height of 12 feet.
- b. Shall be constructed of durable materials with a stable, weighted base.
- c. Shall be located on-site and in an area free of pedestrian or vehicular traffic.
- d. Unless no other practical alternative is available, pennants shall not be located adjacent to public right-of-way.
- e. Shall not occupy any required parking spaces.
- f. Shall be limited to 2 pennants per business.

5.11.10. Special Purpose Signs.

A. Kiosk Signs.

1. Community Kiosk Signs.

- a. Sign panels on City-approved community kiosk signs may be permitted for the purpose of providing directional information to community facilities and attractions and residential development, including mobile home parks and apartment developments.
- b. Community kiosk signs shall not exceed 12 feet in height and 5 feet 6 inches in width.
- c. Community kiosk signs shall be located outside of the public right-of-way of a minor arterial or higher street classification. The locations subject to the approval of the Development Services Department.
- d. A community kiosk sign plan shall be prepared showing the design and location of each kiosk sign and shall be submitted to and approved by the Development Services Department prior the issuance of a sign permit.
- e. A community Kiosk sign permit shall be effective for one year from the date of approval. Applicant must submit a community kiosk sign plan to the Development Services Department at least 30 days prior to the expiration of the current permit for review and re-approval of the Development Services Department.

- f. A minimum of 30 inches at the top of each community kiosk sign shall be reserved for the placement of an approved City logo and a 24-inch clearance shall be provided on the bottom of each community kiosk sign.
 - g. Sign panels in community kiosk signs shall not exceed 18 inches in height.
 - h. Community kiosk signs will not be located within a Sight Visibility Triangle.
2. **Neighborhood Kiosk Signs.**
- a. Sign panels on City-approved neighborhood kiosk signs may be permitted for the purpose of providing directional information to community facilities and attractions.
 - b. Neighborhood kiosk signs shall not exceed 6 feet in height and 5 feet 6 inches in width.
 - c. Neighborhood kiosk signs shall be located outside of the public right-of-way of a collector or lower street classification, the locations subject to the approval of the Development Services Department.
 - d. A neighborhood kiosk sign plan shall be prepared showing the design and location of each kiosk sign and shall be submitted to and approved by the Development Services Department prior to issuance of a sign permit.
 - e. A neighborhood kiosk sign permit shall be effective for one year from the date of approval. Applicants must submit a neighborhood sign plan to the Development Services Department at least 30 days prior to the expiration [of] the current permit for review and re-approval by the Development Services Department.
 - f. A minimum of 24 inches at the top of each neighborhood kiosk sign shall be reserved for the placement of an approved City logo and a 12-inch clearance shall be provided on the bottom of each neighborhood kiosk.
 - g. Sign panels in neighborhood kiosk signs shall not exceed 12 inches in height.
3. No kiosk signs shall be placed within 300 feet of another kiosk sign on the same side of the street.

B. Street Banner Program.

1. **Purpose.** The purpose of this section is to designate the use of certain locations for the display of street banners to benefit the community and the City as a whole by allowing street banners, other than the banners the City displays on its light poles, for the limited purpose of encouraging and promoting community identity, community organizations, and community activities and events. In allowing this limited signage in certain designated locations, the City does not intend to create an open public forum, but rather intends to create a limited forum for the purposes set forth herein.
2. **Definitions.**
- a. "Applicant" means any person or community organization that applies for a street banner permit as described herein.
 - b. "Street Banner" means a temporary secured banner to be located at the areas designated for such use as provided herein.
 - c. "Community Organization" means a City recognized, community-based organization, government entity and/or a local non-profit 501(c)(3) tax exempt status organization.

- d. "Sign" means a sign as defined in Chapter 7, Development Code, Article 10, Definitions, Section 10.4.
 - e. "Logo" means a logo as defined in Chapter 7, Development Code, Article 10, Definitions, Section 10.4.
3. **Eligible Participants.**
- a. Only non-commercial banners promoting community events open to the general public and hosted or sponsored by a community organization are permitted.
 - b. No requests shall be approved for banners advertising for the following types of events:
 - Political messages, fundraisers and/or events;
 - Commercial business product sales, logos or brand messages and/or events unless sponsors of the community organization's event. In a sponsorship circumstance, only the logo and name of the sponsor may be shown; and
 - Events not held in the City of Buckeye's municipal planning area.
4. **Prioritization.** Applications for street banner use shall be handled in a first come, first serve basis. However, requests for the use of street banners are subject to the following criteria in order of priority for banner space:
- a. Events organized and sponsored by the City of Buckeye.
 - b. Events organized and sponsored by community organizations in the City of Buckeye.
 - c. Events organized and sponsored by other community organizations not in the City of Buckeye.
5. **Street Banner Location(s).** There are two street banner designated locations: (1) 6th Street and East Monroe Avenue facing east and west, and (2) 6th Street Plaza Main Entry south side of 6th Street and East Monroe Avenue facing south. Only events with activities occurring at the 6th Street Plaza will be authorized to have a banner located at the Main Entry banner location.
6. **Application for Permit.**
- a. Any person or entity who desires to participate in the Street Banner Program shall submit an application to the City. Application forms are available from and must be submitted not more than six (6) months before the date the street banners are proposed to be displayed and must contain the following:
 - i. The name, address and telephone number of the applicant, or if an organization, the name, address and telephone number of a contact person;
 - ii. A photograph, drawing, or other visual representation of the proposed street banners;
 - iii. The proposed number of street banners and the proposed locations requested;
 - iv. The proposed dates for placement;
 - v. An application fee in an amount as adopted by the City Council; and
 - vi. Signed Indemnity and Insurance Letter as required by Public Works Department and City Attorney.

7. **Scheduling.**

- a. Applications must be received at least two (2) months in advance of the proposed installation date; however, the banner itself must be delivered to the City of Buckeye a minimum of five (5) working days prior to the preferred installation date. This will ensure adequate lead time to schedule City staff to install the banner.
- b. If multiple applications are received to have banners installed during the same timeframe, City staff will use the prioritization criteria to determine the organization able to advertise. The City may also contact the higher priority applicant to determine if they are willing to share in the cost of the banner installation by having one side be used for their organization and the other side used for another organization. Additionally, two organizations may opt to share in the cost of the banner production by having their two different events advertised on 1 side of a banner by splitting the ad down the center.
- c. The organization with higher priority may or may not allow the second organization to share either in the installation costs (2 sided banner with 1 different event advertised on each side) and/or banner production costs (2 sided banner with 2 events advertised on each side) for the single banner installed:
 - i. City staff will schedule the banner for the requested time, provided there has not been prior submission of written application for the same date;
 - ii. If prior application has been made, staff will notify the new applicant of the prior approval, no later than ten (10) working days of receipt of their request; and
 - iii. Applications of street banners are accepted up to six months in advance.

8. **Installation.** Banners shall be up for a maximum time of three (3) weeks and a minimum of one (1) week in advance to the date of the event. Installation and removal of the banners shall be the sole responsibility of the City of Buckeye. Arrangements will be made for the installation and removal of the banner by City staff through the application review. City of Buckeye staff has the absolute authority to remove the banner if repair is needed or if a banner becomes a danger to public safety, due to banner deterioration, storms, high winds, etc. The City is not responsible for any consequences resulting from any early banner removal.

9. **Banner Specifications.** The following banner specifications must be followed, or the banner will be rejected and not displayed:

- a. **Material.** Nylon filament core; a minimum of 18 oz. in thickness (thicker if possible), double-sided material. Grommets must be every two feet across the top and bottom of the banner with metal connectors that will snap onto the street banner wire on the top and bottom of the banner. The metal connectors shall be permanently attached to the banner grommet, with an easy snap connector that will affix itself to the banner wire. The connectors shall be not less than four inches long and made of stainless steel. The minimum grommet size shall be ½ inch (inside measurement). For added strength, webbing (usually 1" wide) shall be stitched into the banner on all four edges. D-rings shall be stitched into all four corners with reinforced nylon or heavier material stitching as shown to the right. Approximately twenty large U shaped wind breaks shall be cut into the banner. The minimum size of these wind breaks should be comparable to the diameter of a three-pound coffee can (or six inches in diameter). Mesh banners are permissible. Please have your banner maker contact us should you have any questions or alternative suggestions.

- b. **Banner Size.** Banners are only permitted in one size and shall be 30 feet in width and three feet, four inches (3'-4") in height, so as to fit between the four feet spacing between the upper and lower banner wires.

5.11.11. **Digital Reader Panels.** The following standards shall apply to all digital reader panels:

A. **Location.** Digital reader panels shall only be permitted in commercial and industrial zoning districts, commercial or industrial mixed-use zoning districts, and within commercial or industrial land use areas or zones identified on an approved Community Master Plan (CMP) or Planned Area Development (PAD) land use plan.

B. **Development Standards.**

- 1. Shall have a maximum height equal to the maximum height for signs established in Table 5.11-1.
- 2. Shall not exceed 75% of the overall maximum signs area established in Table 5.11-1.

C. **Design Standards.**

1. **Luminance & Illumination.**

- a. May be illuminated internally or with full cut-off down-lighting. In no instance shall up-lighting be permitted.
- b. The luminance of a digital reader panel shall be no more than 300 nits in full-white mode from sunset through sunrise.
- c. The illuminance of a digital reader panel shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the digital reader panel off, and again with the digital reader panel displaying a white image for a full color capable digital reader panel, or a solid message for a single-color digital reader panel. All measurements shall be taken perpendicular to the face of the digital reader panel at a distance determined by the following formula:

$$\text{Measurement Distance} = \sqrt{(\text{Area of Digital Reader Panel in sq. ft.} \times 100)}$$

- d. The difference between the off and solid-message measurement shall not exceed 0.3 foot-candles.
- e. All digital reader panels shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, and that can be adjusted to comply with the 0.3 foot-candle measurements.
- f. In the event of a conflict between luminance and illuminance as defined above, the most restrictive standard shall prevail.
- g. All freeway-oriented identification sign digital reader panel light sources shall be extinguished from 11:00 p.m. until sunrise.
- h. Measures must be taken to ensure that the most efficient and modern technology is utilized in order to increase operation efficiency and reduce power consumption.

2. **Messaging.**

- a. Sign shall be programmed so that one static message or image is displayed at all times or that multiple static messages or images may be displayed provided the message or image changes no more than once every 8 seconds.
 - b. There shall be no video, effects of movement, no intermittent or moving light or lights, blinking, animation, scrolling, flashing, or similar effects in the individual static digital message or in the transition between messages, and the transition time shall be instantaneous.
 - c. Sign shall contain a default design that will freeze the device on a single message or shut down if a malfunction occurs. If the ambient light meter fails, the digital reader panel shall immediately extinguish the display and shut down.
- D. **Approval.** All digital reader panels, both new and conversions from existing static signs, require approval of a sign permit as required under the 2010 City of Buckeye Development Code.

5.11.12. **Digital Off-Site Signs (Digital Billboards).**

- A. **Purpose.** The [To] promote the creation of an attractive visual environment that promotes a healthy local economy by:
- 1. Permitting businesses to inform, identify, and communicate effectively.
 - 2. Directing the general public through the use of signs while maintaining attractive and harmonious application of signs on-site.
 - 3. Protecting and enhancing the physical appearance of the City in a lawful manner than recognizes the rights of property owners by:
 - a. Encouraging the appropriate design, scale, and placement of signs.
 - b. Assuring that the information displayed on a sign is clearly visible, conspicuous, legible and reasonable so that the sign achieves the intended purpose.
 - 4. Fostering public safety along public streets within the City by assuring that all signs are in safe and appropriate locations outside of the right-of-way.
- B. **Digital Billboard Standards.** The following standards apply to all digital billboards:
- 1. **Location.**
 - a. No more than a total of eight (8) new digital billboard or static billboard to digital billboard conversions shall be approved by the City. Such approvals shall be on a first-come, first-served basis. No new non-digital billboards will be approved by the City; and
 - b. Shall only be permitted in commercial and industrial zoning districts, including commercial and industrial mixed-use zoning districts, and within commercial or industrial land uses identified on an approved Community Master Plan (CMP) or Planned Area Development (PAD) land use plan; and
 - c. Must be adjacent to Interstate 10 (I-10) or State Route 85 (SR-85). Placement of the digital billboard shall be within 175 feet of the nearest freeway travel lane or freeway interchange travel lane but no closer than 10-feet from the edge of the freeway right-of-way.
 - 2. **Separation.**

- a. All separation requirements shall be irrespective of Buckeye's corporate boundary.
- b. 1,320 feet from all residential structures constructed prior to the approval of the digital billboard and as measured from the base of the digital billboard to the nearest portion of the nearest residential structure.
- c. 500 feet from all residential (single-family or multi-family) zoning districts established prior to the approval of the digital billboard and as measured from the base of the digital billboard to the property line of the nearest residential zoning district.
- d. In the case of Community Master Plans (CMPs) and Planned Area Developments (PADs), the separation shall be 500 feet from any land use area or zone in which residential (single-family or multi-family) uses are permitted uses and as measured from the base of the digital billboard to the nearest property line of the nearest land use area or zone in which residential is a permitted use.
- e. 1,320 feet from any other digital billboard or existing static billboard on the same side of the freeway.
- f. 500 feet from any new or existing freeway-oriented identification sign on the same side of the freeway.

3. Development Standards.

- a. Sign shall have a maximum height of 45 feet as measured from the adjacent grade of the freeway roadway to the top of the sign. In no case shall the maximum height exceed 65 feet as measured from the base of the billboard pylon to the top of the sign.
- b. Shall not exceed 672 square feet in area, excluding detailing and embellishments around the sign face, with a maximum vertical facing dimension of 14 feet and a maximum horizontal facing dimension of 48 feet.
- c. Shall include no more than two faces, which are not permitted to be vertically or horizontally stacked. Digital billboards that are parallel double-sided or "V" (45-degree maximum angle) shaped shall be considered one structure with each facing subject to the size requirements established above.

4. Design Standards.

a. Luminance & Illumination.

- i. With the exception of amber alerts and emergency messaging, all digital billboard light sources shall be extinguished from 11:00 p.m. until sunrise.
- ii. May be illuminated internally. In no instance shall external lighting be permitted.
- iii. From sunset to 11:00 p.m., the following illumination standards apply to all digital billboards:
 - 1) **Luminance.** The luminance of all digital billboards shall not exceed 300 nits in full white mode.
 - 2) **Illuminance.**
 - a) The illuminance of a digital billboard shall be measured with an illuminance meter set to measure foot-candles accurate to at least two decimals. Illuminance shall be measured with the digital billboard off, and

again with the digital billboard displaying a white image for a full color capable digital billboard, or a solid message for a single-color digital billboard. All measurements shall be taken perpendicular to the face of the digital billboard at a distance determined by the following formula:

Measurement Distance = $\sqrt{\text{Area of Digital Billboard in sq. ft.} \times 100}$

- b) The difference between the off and solid-message measurement shall not exceed 0.3 foot-candles.
 - c) Shall be equipped with a sensor or other device that automatically determines the ambient illumination and programmed to automatically dim according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.
- 3) **Conflict Resolution.** In the event of a conflict between subsections (1) and (2) above, the most restrictive standard shall prevail.

b. Messaging.

- i. Shall be programmed so that one static message or image is displayed at all times or that multiple static messages or images may be displayed provided the sign changes no more than once every 8 seconds.
- ii. There shall be no video, effects of movement, blinking, animation, scrolling, flashing, or similar effects in the individual static digital message or in the transition between messages, and the transition time shall be instantaneous between messages.
- iii. Shall contain a default design that will freeze the device on a single message or shut down if a malfunction occurs. If the ambient light meter fails, the digital billboard shall immediately shut down.
- iv. Shall not simulate or imitate a directional, warning, danger or informational sign if it is likely, at the discretion of the City Engineer, to be mistaken for any such permitted sign or it is intended or likely to be construed as giving warning to traffic, such as by the use of the words "stop" or "slow down".

c. Architecture.

- i. The billboard pylon shall be clad in high-quality masonry or other durable, quality materials. The pylon shall be designed to a high architectural standard and if located within an existing development, the pylon shall be designed to meet or exceed the architectural standards within the development.
- ii. "Buckeye", "Buckeye, AZ" or the City of Buckeye logo shall be integrated into the pylon design. The text/logo shall be constructed of dark-colored metal or other durable, fade-resistant material and halo lit.

5. **Approval.** In addition to the issuance of a sign permit, all digital billboards require site plan approval in accordance with the Planning and Zoning Commission Site Plan Review requirements as outlined in Section 8.9 of the 2010 City of Buckeye Development Code.
6. **Integration into New Development.** If the digital billboard is located on an undeveloped parcel, upon issuance of a building permit on that parcel, the digital billboard must be

removed or integrated into the overall signage plan for the development. If the digital billboard is integrated into the overall signage plan for the development, the digital billboard sign area shall count against the overall freestanding signage allowed.

7. **Conversion of Existing Billboard to Digital Billboards.** Billboards in existence prior to the adoption of this ordinance shall be permitted to continue in use and may be eligible for conversion to a digital billboard subject to the standards outlined in this section. If an existing billboard is converted to a digital billboard, Arizona Department of Transportation must be notified of the conversion.