

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT  
CRAIG DOSSEY, EXECUTIVE DIRECTOR

**TO: El Paso County Planning Commission  
Brian Risley, Chair**

**FROM: Nina Ruiz, Planner III  
Gabe Sevigny, Planner II  
Craig Dossey, Executive Director**

**RE: LDC-19-001 Land Development Code Amendment -  
On-Premise Sign Code Amendments to Chapters 1 and 6 of the El Paso County Land Development Code (2019)**

**Commissioner District: All**

Planning Commission Hearing Date	11/19/19
Board of County Commissioners Hearing Date	12/10/19

### **EXECUTIVE SUMMARY**

A request by the El Paso County Planning and Community Development Department to amend Chapters 1 and 6 of the El Paso County Land Development Code (2019) pertaining to on-premise sign regulations.

The proposed amendments include:

- Adding a definition for “Master Sign Plan” to Chapter 1;
- Adding a definition for “Sign, Unlawful Vehicle” to Chapter 1;
- Amending the definition for “Sign” in Chapter 1 to clearly identify what is considered a sign;
- Changing the name of the definition for “Sign, Announcement” to “Sign, Non-Residential Use” in Chapter 1 to identify signs within a residential areas but are not for residential uses;
- Removal of the following definitions in Chapter 1: Sign, Changeable Copy; Sign, Changing Illumination; Sign, Development; Sign, Directional; Sign, Display Face (panels); Sign, Double Face; Sign, Information; Sign, Menu Board; Sign, Pennant; Sign, Political; Sign, Projecting; Sign, Real Estate; Sign, Real Estate Directional; Sign, Single Face; and Sign, Time-Temperature-Date;

- Amendments to the “Purpose” section of the On-Premise Signs in Chapter 6 to clarify the intent of the sign regulations and remove any content-based language;
- Changes to Section 6.2.10.A.3 Exemptions in Chapter 6 to make minor amendments to “Government Signs”, “Traffic Control Device Signs”, “Bus Bench and Shelter Signs”; and the removal of followings signs the were previously exempt: Holiday Signs and Lighting, Real Estate Signs, Traffic Signs, Bulletin Boards, Temporary Construction Project Signs, Memorial Signs, Political Signs, Official Signs, and HOA Signs. These were removed because they were either content based or they are allowed in other sections in Chapter 6;
- Relocating “Prohibited Signs” from Section 6.2.10.C in Chapter 6 to be listed as a sub-paragraph under Section 6.2.10.A.4 for better representation of that section;
- Minor Amendments to Sections 6.2.10.B Permits Required and 6.2.10.C General Sign Standards in Chapter 6 to provide clarity;
- Addition of a new sub-section under Section 6.2.10.C.4 Master Sign Plans. This addition is to provide developers with an option to design a master sign plan for a project that may consist of multiple uses and/or structures and to set design criteria for that particular development;
- Amendments to Section 6.2.10.D Regulations by Zoning District in Chapter 6. The purpose of the amendments are to clarify the requirements for each zoning district and create one section where an applicant may easily identify the signage allowance.

Staff is also requesting the Board of County Commissioners adopt a new fee for a Master Sign Plan review. Staff recommends the Board of County Commissioners adopt the same fee as the Commercial Over the Counter review of \$247 as staff anticipates the review time to be similar. Staff is also requesting authority to make all other conforming amendments necessary to carry out the intent of the BoCC.

#### **A. PLANNING COMMISSION SUMMARY**

**Request Heard:**

**Recommendation:**

**Waiver Recommendation:**

**Vote:**

**Vote Rationale:**

**Summary of Hearing:**

**Legal Notice:**

#### **B. APPLICABLE RESOLUTIONS:**

Approval Page 7

Disapproval Page 8

#### **C. REQUEST**

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- Adding a definition for “Sign, Unlawful Vehicle” to Chapter 1;

- Amending the definition for “Sign” in Chapter 1 to clearly identify what is considered a sign;
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#### **D. BACKGROUND**

The El Paso County Land Development Code is routinely amended to respond to current land use trends, recurring issues, changes in legislation, and

errors/oversights. The Planning and Community Development Department staff maintains a running list of necessary and recommended revisions to the Code as issues arise. A series of seven (7) Code revisions have been developed by staff and will be presented to the Planning Commission and Board of County Commissioners for review and approval. To date, the Planning and Community Development Department has completed the Accessory Structures and Uses, Miscellaneous, and Subdivision revisions. The amendments proposed with this specific request are to address the on-premise sign regulations. The proposed amendments include revisions to Chapters 1 and 6. The purpose of the amendments is twofold: to revise the regulations to be consistent with new case law as well as making the regulations easier to understand and follow. Below we have provided an analysis explaining the applicable caselaw as well as the newly proposed Master Sign Plan allowance.

#### Applicable Case Law (Reed vs. Town of Gilbert)

The Town of Gilbert was sued by Clyde Reed of the Good News Community Church for their sign regulations being content-based and restricting their freedom of speech. The Supreme Court Case specifically states the following:

*“Gilbert, Arizona (Town), has a comprehensive code (Sign Code or Code) that prohibits the display of outdoor signs without a permit, but exempts 23 categories of signs, including three relevant here. “Ideological Signs,” defined as signs “communicating a message or ideas” that do not fit in any other Sign Code category, may be up to 20 square feet and have no placement or time restrictions. “Political Signs,” de-fined as signs “designed to influence the outcome of an election,” may be up to 32 square feet and may only be displayed during an election season. “Temporary Directional Signs,” defined as signs directing the public to a church or other “qualifying event,” have even greater restrictions: No more than four of the signs, limited to six square feet, may be on a single property at any time, and signs may be displayed no more than 12 hours before the “qualifying event” and 1 hour after.*

*Petitioners, Good News Community Church (Church) and its pas-tor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near the Town, posted signs early each Saturday bearing the Church name and the time and location of the next service and did not remove the signs until around midday Sunday. The Church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, petitioners filed suit, claiming that the Code abridged their freedom of speech. The District Court denied their motion for a preliminary injunction, and the Ninth Circuit affirmed, ultimately concluding that the Code’s sign categories were content neutral, and that the Code satisfied the intermediate scrutiny accorded to content-neutral regulations of speech.”*

The Town of Gilbert lost the case and the court upheld that the sign code provisions were content based regulations of speech and because content based laws target speech based upon its content, they are unconstitutional and may only be justified if the government proves that they are tailored to serve compelling state interests.

The Town of Gilbert revised their sign regulations on November 11, 2018 following the legal action to remove those content based regulations. In revising the El Paso County regulations staff reviewed the Gilbert Code and mirrored much of the language that they utilized. The goal of the revision was that after the content was removed there would still be a similar signage allowance per lot or parcel as previously allowed. Staff believes that in most instances this has been achieved. Please review the “Master Sign Plan” Section below for how staff is proposing to handle the instances where the revised Code may be more restrictive.

The court upheld that content based regulations may be upheld if they are tailored to serve compelling state interests. Because of this, the revised Gilbert Regulations still contain a number of “content-based” regulations that have remained such as traffic control signs, street address signs, and unit and building identification signs. Staff proposes for the El Paso County regulations to also include these limited content-based regulations.

#### Master Sign Plan

El Paso County has never had a Master Sign Plan allowance or process whereby an applicant can design the signage for an entire development to ensure consistency and compatibility throughout and instead each sign is reviewed individually. A Master Sign Plan allows a developer to ensure that signage is evenly dispersed throughout the development, that the design is consistent, and that the placement does not impede the functionality of the development. Staff is proposing to add additional language to allow for a Master Sign Plan. Staff would like to incentivize applicants to utilize the Master Sign Plan and is proposing to add additional flexibility to allow the size of the size to vary if the Master Sign Plan meet the set of review criteria.

#### Input from the Community

The proposed Revisions were sent to 34 referral agencies and did not receive any negative feedback. The revisions were also sent to 23 people within the sign industry and received no response.

### **E. RECOMMENDED AMENDMENTS**

A request by the El Paso County Planning and Community Development Department to amend the El Paso County Land Development Code (2019) to include:

- Adding a definition for “Master Sign Plan” to Chapter 1;

- Adding a definition for “Sign, Unlawful Vehicle” to Chapter 1;
- Amending the definition for “Sign” in Chapter 1 to clearly identify what is considered a sign;
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**F. APPROVAL CRITERIA**

The statutory role of the Planning Commission and Board of County Commissioners is identified below:

***30-28-116. Regulations may be amended.***

*From time to time the board of county commissioners may amend the number, shape, boundaries, or area of any district, or any regulation of or within such district, or any other provisions of the zoning resolution. Any such amendment shall not be made or become effective unless the same has been proposed by or is first submitted for the approval, disapproval, or suggestions of the county planning commission. If disapproved by such commission within thirty days after such submission, such amendment to become effective, shall receive the favorable vote of not less than a majority of the entire membership of the board of county commissioners. Before finally adopting any such amendment, the board of county commissioners shall hold a public hearing thereon, and at least fourteen days' notice of the time and place of such hearing shall be given by at least one publication in a newspaper of general circulation in the county.*

**G. PUBLIC COMMENT AND NOTICE**

A summary of the proposed Code amendments and the date of the Board of County Commissioner hearing will be published in The Fountain Valley News pursuant to Colorado Revised Statute 30-28-116. A copy of this publication will be included in the backup materials for the Board of County Commissioners hearing.

**H. ATTACHMENTS**

Proposed Amendments to the Land Development Code (2019) (redline chapter 1, clean version chapter 6)  
Current Chapter 6 Sign Code  
Supreme Court Reed/Town of Gilbert Ruling  
Gilbert Sign Code

## 1.15. - DEFINITIONS OF SPECIFIC TERMS AND PHRASES

**Master Sign Plan---** A coordinated sign plan that establishes standards for the size, location, and design of signs within a development area being constructed or managed as a single development.

**Sign** — Any object, device, vehicle, trailer, display or structure, or part thereof, situated outdoors or indoors, which is used to identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images having the capacity of being visible from any public ~~road area~~, except any display on a vehicle using the ~~highway road way~~. A vehicle or trailer parked so as to be visible from a road for more than 24 hours and have the effect of directing attention to a business or profession, to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the vehicle or trailer is located or to another location within the County shall be considered ~~an unlawful vehicle sign-sign~~. Structures or other physical improvement resembling the construction of a sign Signs and/or lighting that are not used to advertise the name of a product, service, or business shall not be considered a sign (e.g. entry sign, exit sign, holiday lighting, landscape features).

~~**Sign, Announcement** — A sign which directs attention to a business or profession conducted, or to a commodity, service, or entertainment sold, or offered upon the premises where the sign is located or to which it is affixed.~~

**Sign, Attached** — A sign which is fastened to, connected to, or painted on and wholly or partially supported by a building.

**Sign, Awning** — A wall sign which is painted, stitched, sewn or stained onto the exterior of an awning.

**Sign, Billboard or Board** — An off premise large format advertising displays intended for viewing from extended distances, generally more than 50 feet. Billboard displays ~~are~~ include but are not limited to posters, copies, junior posters, vinyl-wrapped posters, bulletins, wall murals, ~~and~~ stadium signage, mechanical message displays, or electronic messaging displays.

**Sign, Canopy** — A wall sign affixed to a permanently roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.

~~**Sign, Changeable Copy** — A sign that is designed so that characters, letters, or illustrations can be replaced or rearranged non-electronically without otherwise altering the face or structure of the sign, and is considered as sign area for a business for which it advertises.~~

~~**Sign, Changing Illumination** — Any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times.~~



**Sign, Development** — ~~A temporary sign promoting the sale of a development, lots, or new homes within a development or subdivision.~~

**Sign, Directional** — ~~Signs which guide, instruct, or direct viewers to a place or event. These signs do not advertise, promote or identify a product, service or commercial development.~~

**Sign, Display Face (panels)** — ~~The flat area normally rectangular in shape where the advertisement is displayed.~~

**Sign, Double Face** — ~~A billboard structure that has two display panels, which are parallel to each other and facing in opposite directions.~~

**Sign, Electronic Message Display (EMD)** — A sign that is capable of displaying words, symbols, figures or images that can be electronically changed by ~~the~~ remote or automatic means.

**Sign, Freestanding** — A sign constructed and supported by uprights, or braces, placed upon the ground and not attached to any part of any building, wall, or fence.

**Sign, Hanging** — An attached sign located under a permitted awning or canopy at the entrance to the premises. The sign shall ~~identify only the name of the business or premises and shall be~~ mounted to be perpendicular to the ~~entrance wall of the building.~~

**Sign, Identification** — A sign which states the name of ~~such a developments as a subdivision, shopping centers, business parks, industrial parks, and similar uses or neighborhood.~~

**Sign, Illumination** — Light fixtures attached to or focused on a sign so that the message is visible in hours of darkness.

**Sign, Information** — ~~A sign which is erected to guide or direct the flow of traffic on the premises on which the device is located or which is non-commercial in nature. The sign may designate addresses, one-way, handicap parking, visitor parking, loading/unloading, and fire lanes.~~

**Sign, Low-Profile** — A freestanding sign not exceeding 6 feet in height measured from the finished grade to the top of the sign, however, bonus provisions may allow for heights greater than 6 feet.

**Sign, Mechanical Message Display (MMD)** — A sign that is capable of displaying words, symbols, figures or images that can be mechanically changed by remote or automatic means (also known as tri-fold, tri-vision).

**Sign, Menu Board** — ~~A wall or free-standing sign which lists the foods or other products available at drive-through facilities.~~

**Sign, Message** — Any static, non-animated, communication, advertisement, or frame displayed within an on or off premise signs (e.g., aA complete, static display message on an Electronic Message Display).

**Sign, Message Hold Time** — The time interval a static message or frame must remain on the display before transitioning to another message or frame.

**Sign, Nameplate** — A sign limited to identifying the street name, building or property number, and the name of the owner or occupant of the building or property.

**Sign, Nonconforming** — A legally existing sign which does not conform to the requirements of this Code either on the effective date of this Code or as a result of subsequent amendments to this Code.

**Sign, Non-Residential Use**— ~~A sign that advertises a use other than those permitted uses within the forestry, agricultural, or residential zoning districts which has been otherwise approved as a special use or variance of use.~~

**Sign, Off-Premise** — Any sign which is not on the same premises as the business or use with which it is identified, or which cannot be classified as an on-premise sign. Off-premise signs include billboards, bus bench and shelter signs (typically in Right-of-Way owned by a public entity), and directional signs (general signs that can potentially be in any zone district).

**Sign, On-Premise** — A sign which displays copy specifically related to a principal use of the lot, parcel or tract on which it is located.

**Sign, Pennant**— ~~Strings of banners or flags or the placement of them in a sequential manner giving the appearance of being strung together.~~

**Sign, Pole** — A freestanding sign whose primary means of support is one or more poles typically set into a concrete footing, located at or below ground level. A pole sign is considered a freestanding sign.

**Sign, Political**— ~~A sign that carries a message intended to influence the outcome of an election, including supporting or opposing the election of a candidate, the recall of a public official, or the passage of a ballot issue.~~

**Sign, Portable** — A sign which is not permanently affixed to a structure and is designed for or capable of movement, except those signs explicitly designed for people to carry on their persons or permanently affixed to vehicles operating in their normal course of business.

**Sign, Poster Display** — Message display which is static, non-mechanical, and non-electronic and is changed manually, or requires a manual changing of the message displayed.

**Sign, Projecting**— ~~A sign projecting in excess of 18 inches from any part of a building.~~

**Sign, Real Estate**— ~~A sign displayed for a limited time and offering the immediate premises for sale, rent or lease.~~

**Sign, Real Estate Directional** — ~~An off-premise sign displayed only when the real estate company representative, agent or seller is in attendance at the property for sale, rent or lease. A real estate directional sign is regulated as an on-premise sign.~~

**Sign, Single Face** — ~~Billboard structure that has single display panel facing in only one direction.~~

**Sign, Temporary** — A sign which is erected for a limited time ~~and may be used to advertise business, community events or civic projects, real estate for sale or lease, or other special events.~~

**Sign, Time-Temperature-Date** — ~~A sign that displays the current time, outdoor temperature, date of the month, or any combination of that information.~~

**Sign, Traffic Control Device** — A sign used to direct traffic in accordance with the MUTCD.

**Sign, Transition Duration** — The time interval it takes the display to change from one complete static message or frame to another complete static message or frame.

**Sign, Transition Method** — A visual effect applied to a message to transition from one message to the next.

**Sign, Unlawful Vehicle---** A vehicle or trailer parked so as to be visible from a road for more than 24 hours and have the effect of directing attention to a business or profession, to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the vehicle or trailer is located or to another location within the County.

**Sign, Wall** — A sign attached to or painted on the wall of a building. Wall signs also include awning, hanging, fascia, and canopy signs.

**Sign, Window** — A sign that is painted on, applied to, or attached to a window or that can be read through the window from the public right-of-way.

**Sign Area** — The total area of the face, plate, and frame, as well as the display surfaces but not including the structure or bracing of the sign. When the sign consists only of letters, logos, designs, or figures engraved, painted, or projected or fixed on a wall or freestanding, or when a sign is of an irregular shape, the total area of the sign shall be the smallest area enclosed by a single right angle figure surrounding all of the fixed lettering, designs and irregular shape. On double-faced signs where the sign faces are placed back to back, only one face is counted in computing the sign area; for signs with more than 2 faces, the area of all faces shall be counted.

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#### 6.2.10. Signs, On-Premise

##### (A) General Provisions.

- (1) **Purpose.** This section provides for the protection of the public health, safety, and welfare by establishing a system of on-premise sign controls, regulating the size, height, number, design, materials, construction, location, lighting and maintenance of on-premise signs and sign structures in order to accomplish the following:
  - Allow for reasonable and equitable identification of businesses and properties;
  - Protect and enhance the visual and aesthetic character of residential neighborhoods, business areas, and all zoning districts by prohibiting the visual clutter of obtrusive and incompatible signs;
  - Encourage signs which are well designed, architecturally integrated and compatible with the buildings of which they are a part;
  - Provide fair and equal treatment of all sign users; and
  - Promote motorist and pedestrian safety by insuring that official traffic control devices can be easily seen, that adequate sight distance is maintained and that visual impacts are limited to reduce hazards, by prohibiting nearby visual obstructions such as blinking signs, an excessive number of signs, excessive copy on signs, or signs resembling official signs.
- (2) **Applicability.** On premise signs erected, replaced, reconstructed, expanded, or relocated shall conform to the provisions of this Section and with all other pertinent laws or ordinances.
- (3) **Exemptions.** The following signs are exempt from the requirement to obtain a sign permit provided the sign complies with the restrictions and performance standards identified. The following signs shall further conform to the site distance requirements in Chapter 2 of the ECM, and the signs shall be located entirely on private property unless otherwise provided.
  - (a) **Holiday Signs and Lighting.** Temporary signs, lighting and decorations customary for special holidays, such as Independence Day and Christmas, erected entirely on private property are exempt from the requirements of this Section provided they are not used to advertise the name of a product, service, or business.
  - (b) **Real Estate Signs.**
    - (i) **Temporary Real Estate Signs.** Temporary real estate signs offering the premises for sale, lease or rent on which the sign is located are exempt from the requirements of this Section provided there is only one sign per frontage, the sign area does not exceed 32 square feet, and the sign does not exceed 8 feet in height.
    - (ii) **Portable Real Estate Directional Signs.** Portable real estate directional signs are exempt from the requirements of this Section, provided they are used only when the real estate company representative, agent or seller is in attendance at the property for sale provided they do not exceed 8 square feet, they do not exceed 4 feet in height.
  - (c) **Traffic Signs.** Traffic signs or markings, for the purpose of regulating, warning, or guiding traffic, whether on public or private property are exempt from the requirement

of this Section provided the signs and markings comply with the Manual on Uniform Traffic Control Devices for Streets and Highways, current edition, published by the U.S. Department of Transportation, Federal Highway Administration. Traffic signs may be located on public property when approved by the owner of the lot, parcel, or tract.

- (d) **Bulletin Boards.** Bulletin boards not over 12 square feet in area for each public, charitable or religious institution is exempt from the requirements of this Section provided the bulletin board is located on the premises of the institution and does not exceed 8 feet in height.
- (e) **Temporary Construction Project Signs.** Temporary construction signs denoting the architect, engineer or contractor for a project under construction are exempt from the requirements of this Section provided there is only one 1 sign per frontage, the sign area does not exceed 32 square feet, the sign does not exceed 8 feet in height, and the sign is removed within 10 days following completion of construction.
- (f) **Memorial Signs.** Memorial signs or tablets, names of buildings, and dates of erection, when cut into any masonry surface or when constructed of bronze or other non-combustible material are exempt from the requirements of this Section provided the sign does not exceed 16 square feet in area.
- (g) **Utility Signs.** Signs of utilities indicating danger and service or safety information are exempt from the requirements of this Section.
- (h) **Political Signs.** Political signs, posters, or bills not exceeding 6 square feet in area in any residential zoning district or 32 square feet in area when located in any non-residential zoning district or on a lot or parcel 5 acres or more in area are exempt from the requirements of this Section provided the political signs are located on private property with the consent of the property owner or the lawful occupant, the signs do not exceed 8 feet in height, and the signs are removed within 10 days following an election, except that the successful candidates of a primary election may keep their signs on display until 10 days after the general election, at which time they shall be promptly removed.
- (i) **Official Signs.** Official signs erected and maintained by the government, or otherwise required by law are exempt from the requirements of this Section provided the signs conform to the site distance requirements of the ECM.
- (j) **HOA Signs.** HOA signs erected by HOA or architectural review committee referencing restrictions or their control within a development are exempt from the requirements of this Section provided the sign does not exceed 16 square feet in area, the sign does not exceed 8 feet in height, is located on private property or association property, and conforms to the site distance requirements of the ECM.
- (k) **Bus Bench and Shelter Signs.** Bus bench and shelter signs located within public right of way or public improvement easement are exempt from the requirements of this section provided the location of the bus bench or shelter has been approved either by the El Paso County Department of Public Works or within a County contract for transit services.
- (4) **Liability for Damages.** Nothing in this Section shall relieve any person, corporation, firm, or entity from responsibility for damages to any other person suffering physical injury or damage to property as a result of the installation, display, maintenance or removal of any sign authorized under this Section. The County and its employees and officials shall assume no liability for the injury or damage resulting from the authorization of any permit or inspection implementing the provisions of this Section.

(B) **Permits Required.**

- (1) **Sign Permit.**

- (a) **Sign Permit Required.** No sign, except a sign not requiring a sign permit, shall be erected, re-erected, relocated, replaced, expanded or altered, without first securing a sign permit from the PCD.
- (b) **Signs and Activities Exempt from Obtaining Sign Permit.** The following signs or activities shall not be required to obtain a sign permit. These exceptions shall not be construed as relieving the owner of any sign from the responsibility of its erection and maintenance and its compliance with the provisions of this Section or any other law or ordinance regulating the sign.
  - (i) **Maintenance and Illumination.** A sign permit shall not be required for painting, repainting, cleaning or other normal maintenance and repair of a sign or a sign structure change, and the changing of the advertising copy or message on an approved painted or printed sign, theater marquee, legal nonconforming sign or similar approved signs which are specifically designed for the use of replaceable copy.
  - (ii) **Information Signs.** Information signs no more than 6 square feet in area, 3 feet in width or length, and 4 feet in height are exempt from the requirement to obtain a sign permit.
  - (iii) **Window Signs.** Window signs which are of a temporary nature which occupy less than 50% of the window surface are exempt from the requirement to obtain a sign permit.
- (2) **Building Permit.**
  - (a) **Building Permit Required.** No sign, except a sign not requiring a building permit, shall be erected, re-erected, relocated, replaced, expanded or altered, unless a building permit has been issued by the Building Department.
  - (b) **PCD Approval of Building Permit.**
    - (i) **Issuance of Building Permit to be Authorized by the PCD.** No building permit for a sign shall be issued unless the issuance of the building permit is authorized by the PCD.
    - (ii) **Permit Authorization Without State Sign Permit.** No site plan to authorize a building permit shall be approved until a State Sign Permit has been obtained, where required, and a copy of the permit is provided to the PCD.
- (C) **Prohibited Signs.** On-premise signs which fail to meet the requirements of this Section or are not specifically allowed by this Section are prohibited.
- (D) **General Sign Standards.**
  - (1) **Setback Requirements.** Signs shall meet the minimum setbacks required by the zoning district, except as otherwise provided.
  - (2) **Height Limitations.**
    - (a) **Signs Not to Exceed Height Limitations.** Signs shall not exceed the maximum height allowed by the zoning district, except as otherwise provided.
    - (b) **Sign Height to be Measured from Finished Grade.** The height of a sign shall be determined using the average elevation of the finish grade of the surrounding area.
    - (c) **Berms to be Included in Determining Sign Height.** The height of the berm shall be included as part of the sign height when the base of a sign or supporting structure is located on the berm.
  - (3) **Restrictions on Sign Placement.**
    - (a) **Signs and Public Property or Right-of-Way.**

- (i) No Encroachment on Public Property. Signs shall not encroach on public property, right-of-way or easement without the consent of the owner of the public property, right-of-way or easement, and approval of a sign permit, if required by this Section.
  - (ii) Public Property or within Right-of-Way. Signs shall not be pasted, painted, affixed or fastened to the surface of a utility pole, bridge, sidewalk, or County-owned or operated vehicle, or a public facility located on public property, rights-of-way or easements without the written consent of the owner of the public property, right-of-way or easement, and approval of a sign permit, if required by this Section.
- (b) **No Signs Placed to Limit Site Distances Along Roadways.**
  - (i) No Signs Located to Obstruct Vision Near Intersection. Signs placed within 500 feet of the center point of the intersection of two or more roads or the intersection of a road with a railroad shall not materially obstruct or reduce the existing view of traffic.
  - (ii) No Signs Located to Obstruct Vision Along Road. Signs shall not be placed along a road at any point where the sign would limit the existing view of traffic in either direction or of a traffic control or directional sign to less than 500 feet.
  - (iii) No Signs Located within Sight-Distance Triangle. Signs shall not be located within a sight-distance triangle or otherwise obstruct the view of vehicle operators entering or leaving any parking area, service drive, driveway, road, alley, or other thoroughfare. The sight-distance triangle shall be determined in accordance with the ECM.
- (c) **No Sign Located in Utility or Drainage Easement.** No sign may be erected in, placed on or extend over a utility or drainage easement unless approved in writing by the entity or entities having jurisdiction over the easement.
- (d) **Additional Restrictions Along State Highways.** Signs along highways as defined in C.R.S. §§ 43-1-203, et seq. and 43-2-101 (1) and signs along the Interstate system of highways as defined in C.R.S. § 43-2-101 (2), are prohibited unless the sign conforms with all of the requirements of the Outdoor Advertising Act, C.R.S. §§ 43-1-401 et seq., and any rules and regulations promulgated by the State of Colorado Department of Highways and any applicable federal law and rules and regulations.
- (e) **Design and Construction.**
  - (i) Sign to Conform to Building Code. Signs and associated structures shall be designed and constructed in accordance with the requirements for structures in the Building Code.
  - (ii) Signs Not to Mimic Official Signs. Signs shall not be erected which simulate any official traffic, directional, or warning sign, or which involves lights simulating or resembling traffic signals or traffic control signs, or uses the words "stop," or "danger", or any other word, symbol, character or color which might confuse traffic or detract from any legal traffic control device.
  - (iii) Portable Signs. Portable or movable signs, or inflatable devices including blimps or balloons used as signs, are prohibited, except those which are hand held by a person or persons, or ground-mounted temporary or inflatable signs, utilized for grand openings, or special events. Manned balloons or airships are not included in these restrictions and prohibitions.
  - (iv) No Sign on Wall, Fence or Roof. Signs shall not be painted, pasted or similarly posted directly on the surface of any freestanding wall or on a fence or the roof of any building, unless otherwise provided.

- (v) No Vehicle to be Used as Sign. Vehicles bearing a sign shall not be parked or located for the primary purpose of displaying the sign. This does not apply to signs or lettering on buses, taxis, or vehicles operating during the normal course of business.
- (vi) Signs to be Stationary. Signs shall be stationary.
- (vii) Illumination. No sign shall be illuminated unless the source of light is steady and suitably shielded in accordance with the lighting standards of the Code.
- (viii) Blinking or Intermittent Electrical Pulsations Prohibited. No sign is allowed with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations, except time-temperature-date signs. Time-temperature-date signs are exempt from this prohibition. A change in the advertising copy or message that occurs more rapidly than once every 4 seconds will cause the sign to be considered to be a blinking or animated sign.
- (ix) No Signs Attached Natural Objects. No sign shall be nailed, tacked, posted, or attached in any manner on trees, rocks or other natural objects.

**(4) Standards for Specific On-Premise Sign Types.**

**(a) Direction Signs.**

- (i) Sign Permit Required. Direction signs are allowed in any zoning district with approval of a sign permit by the PCD.
- (ii) Limit in Duration. Direction signs may be located and maintained in accordance with the approved sign permit for a maximum of 12 months.
- (iii) Maximum Area. Direction signs shall not exceed 16 square feet in area and the total height of the sign shall not exceed 10 feet.
- (iv) Setbacks. Direction signs shall meet the required setbacks for the zoning district in which the sign is located.
- (v) Proximity to Right-of-Way. No direction sign shall be closer than 25 feet from a right-of-way boundary line.
- (vi) Copy. The sign copy shall not advertise, promote or identify a product, service or commercial development.
- (vii) No Illumination. No direction sign shall be illuminated.
- (viii) Property Owner Approval. The location of direction signs shall be approved by the property owner of the lot, parcel, or tract on which the sign will be placed. A direction sign shall not be considered to be an off-premise sign.

**(b) Temporary Signs.**

- (i) Development Signs.

- Number of Signs Limited: A maximum of 2 development signs, per subdivision or development shall be allowed.
- Maximum Size: No development sign shall exceed 50 square feet in area. Neither the length, width nor height of the sign shall exceed 12 feet.
- Location: Development signs shall be located no closer than 25 feet from a lot, parcel, or tract line.



- **No Illumination:** No development sign shall be illuminated.
- **Time Limit for Display:** The display of development signs shall be limited to a period of 12 months or until the development or subdivision is substantially built out. At the expiration of the period, the signs shall be removed within 10 days.

(ii) **Model Home Signs.**

- **Number of Signs Limited:** One model home sign shall be allowed per lot, to advertise model homes or a group of new residences being offered for sale.
- **Size, Height, and Location Restrictions:** Model home signs shall not exceed 16 square feet in area, 8 feet in height, shall not be located less than 5 feet from any lot, parcel, or tract line.
- **Time Limit for Display:** The display of model home signs shall be limited to a period of 6 months or until the development or subdivision is substantially built out. At the expiration of the period, the signs shall be removed within 10 days.

(c) **Flagpoles and Flags.** Flags are considered signs and shall meet all standards for signs except as otherwise provided for by this Section.

- (i) **Area of Flag Limited.** The area of the flag shall not exceed 40 square feet or 2 square feet of sign for each linear foot of building wall area the flag is adjacent or closest to, whichever is less. The allowable area of freestanding signage shall be reduced by the size of the flag.
- (ii) **Intrusion into Setback Area.** A flagpole may be located within the setback area provided it is located within 10 feet of a building.
- (iii) **Height of Flagpole.** No flagpole shall exceed 20 feet in height if located within a setback area or the maximum height for the zoning district if located outside the setback area.
- (iv) **Sign Permits.** A flag or flagpole located on property in a residential or agricultural zone district shall not be subject to the sign permit requirements.

(5) **Sign Maintenance.** Every sign and sign structure shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of defective parts and wiring, painting, repainting, cleaning, and other acts required for the general maintenance of the sign. Signs not adequately maintained shall be subject to the enforcement and penalties described in Chapter 11.

(E) **Regulations by Zoning District.**

(1) **Agricultural, Forestry, and Residential Zoning Districts.** The following sign allowances and standards shall apply in agricultural, forestry, and residential zoning districts including recreational vehicle and mobile home zoning districts, and residential PUD zoning districts.

- (a) **Types of Signs Allowed.** The following signs shall be allowed in agricultural, forestry, and residential zoning districts subject to the standards of this Section and the specific limitations imposed for each sign type by this Code. The sign types allowed include:

- Announcement signs;

- Bulletin boards;
- Bus bench and shelter signs;
- Development signs;
- Direction signs;
- Flagpoles and flags;
- HOA signs;
- Identification signs;
- Information signs;
- Memorial signs;
- Model homes signs;
- Name plate signs;
- Official signs;
- Political signs;
- Project signs;
- Real estate signs;
- Temporary construction;
- Traffic signs;
- Bus stop signs; and
- Utility signs.

Signs not listed as allowed are prohibited.

(b) **Name Plate Sign.**

- (i) Number of Name Plate Signs. One name plate sign per dwelling unit shall be allowed.
- (ii) Size of Name Plate Sign. A name plate sign shall not exceed 2 square feet in area.

- (iii) **Sign Copy.** A name plate sign copy shall indicate the name, home occupation or non-commercial message.
- (iv) **Location of Name Plate Sign.** The name plate sign shall be located not closer than 5 feet from a lot, parcel, or tract line.
- (v) **Maximum Height.** The maximum height of a freestanding name plate sign shall be 4 feet.

(c) **Announcement Signs.**

- (i) **Number and Use of Announcement Signs.** One announcement sign shall be allowed per lot or parcel in association with a non-residential use.
- (ii) **Size of Announcement Sign.** The announcement sign shall not exceed 20 square feet in area. Neither the width nor length of the announcement sign shall exceed 10 feet.
- (iii) **Location of Announcement Sign.** The announcement sign shall be located no closer than 15 feet from a lot, parcel, or tract line.
- (iv) **Maximum Height of Announcement Sign.** The announcement sign shall not exceed 12 feet in height.
- (v) **Additional Signage for Schools and Religious Institutions.** In addition to a freestanding announcement sign, schools and religious institutions shall be allowed an additional 20 square feet of wall sign area for announcement signs.

(d) **Identification Sign.**

- (i) **Number and Use of Identification Sign.** Two identification signs indicating the name of the subdivision shall be allowed at each road entrance to a subdivision or development.
- (ii) **Low-Profile Sign Standards.** Low-profile signs used as identification signs shall not exceed 40 square feet in area or 6 feet in height. Low-profile identification signs shall be located at least 25 feet from a right-of-way or road easement.
- (iii) **Wall Sign Standards.** Wall signs used as identification signs shall be attached to a freestanding wall or fence and shall not exceed 40 square feet in area. The wall sign shall not extend above the height of the freestanding wall or fence.

(2) **Business, Commercial and Industrial Zoning Districts.** The following sign allowances and standards shall apply in general business and commercial zoning districts including commercial PUD zoning districts, and in industrial zoning districts including industrial PUD zoning districts.

- (a) **Types of Signs Allowed.** The following signs shall be allowed in general business and commercial zoning districts subject to the standards of this Section and the specific limitations imposed for each sign type by this Code. The sign types allowed, unless otherwise limited by this Section, include:

- Attached signs;
- Banners;
- Bulletin boards;
- Bus bench and shelter sign;

- Commercial center and building directory signs;
- Credit card signs;
- Development signs;
- Directional signs including drive-through signs;
- Drive-through directional signs;
- Entrance/exit signs;
- Flagpoles and flags;
- Freestanding signs;
- Grand opening/special event signs;
- HOA signs;
- Identification signs;
- Information signs;
- Memorial signs;
- Menu board signs;
- Official signs;
- Political signs;
- Real estate signs;
- Temporary construction project signs;
- Time-temperature-date signs;
- Traffic signs;
- Utility signs;
- Bus stop signs; and
- Window signs.

- (b) **Total Sign Area and Total Number of Signs.** The total sign area and number of signs of each sign type are limited. Maximum sign area and number of signs is established by the specific standards for each sign type. The combined sign area of attached signs and freestanding signs associated with a building wall is limited by this Section. All other signs are regulated independently from one another.

(c) **Freestanding Signs, General.**

(i) **Freestanding Sign Area.**

- **Allowable Freestanding Sign Area:** The total area of freestanding signs shall not exceed 2 square feet for each linear foot of the building wall closest to the freestanding sign or 40 square feet, whichever is smaller. The maximum freestanding sign area shall be 40 square feet where no building is present.
- **Reduction in Freestanding Sign Area:** When an attached sign and freestanding sign is located along the same building wall, the total allowable area of the freestanding sign shall, when combined with the area of attached signs, not exceed 2 square feet of signage for each linear foot of building wall or 40 square feet.
- **Increase in Freestanding Sign Area Along Arterial:** When a freestanding sign is located along an arterial or expressway identified in the MTCP, the allowable freestanding sign area shall be 125% of the sign area otherwise allowed by this Code. The 25% increase shall be added after determining the maximum sign area allowed by this Code.
- **Increase in Freestanding Sign Address Provision:** If freestanding sign copy includes an address or address and road name, up to 20 square feet of the area of the sign devoted to the address will not count against the allowable sign area.

(d) **Freestanding Sign Standards in Commercial Centers or Industrial Parks.** Where a business or use is located in a commercial center or industrial park, the following additional sign standards shall be met.

- (i) **Freestanding Signs Limited to Low-Profile Signs.** Freestanding signs located within a commercial center or industrial park shall be low-profile signs.
- (ii) **Number of Signs.** One low-profile sign shall be allowed per building or per lot or parcel where no building is present. One flag meeting the requirements of this Section is also allowed in association with a low-profile sign.
- (iii) **Location of Low-Profile Sign.** The low-profile sign may be located in a setback area, but shall be located no closer than 3 feet from a lot, parcel, or tract line.

(e) **Freestanding Sign Standards Outside Commercial Centers or Industrial Parks.** Where a business or use is not located in a commercial center or industrial park, the following additional sign standards shall be met:

- (i) **Number of Signs.** One freestanding sign is allowed per lot or parcel. One flag meeting the requirements of this Section is also allowed in association with a freestanding sign.
- (ii) **Setback of Freestanding Sign.** A low-profile sign shall be located no closer than 3 feet from a lot, parcel, or tract line. A pole sign shall be located no closer than 10 feet from a lot, parcel, or tract line.

- (iii) Height of Freestanding Sign. The maximum height of a freestanding sign shall not exceed the height of the building with which the sign is associated. If located adjacent to or within 300 feet of a grade-separated intersection or interstate highway, the maximum height of the sign shall not exceed the maximum height allowed in the zoning district. Where no building is present, the height of the freestanding sign shall not exceed 12 feet.

(f) **Identification Sign for Commercial Centers or Industrial Parks.**

- (i) Number of Identification Signs. Commercial centers or industrial parks with 2 or more tenants or users are allowed identification signs based on area of the commercial center or industrial park.

- Commercial Center Less than 10 Acres in Area: Where the commercial center is less than 10 acres in area, one identification sign is allowed per road frontage.

- Commercial Center 10 Acres or Greater in Area: Where the commercial center is 10 acres or greater in total area, 2 signs are allowed per road frontage.

- Industrial Park Less than 40 Acres in Area: One identification sign is allowed in industrial parks that are at least 5 acres in area and less than 40 acres in area.

- Industrial Park 40 or More Acres and Less than 80 Acres in Area: Two identification signs are allowed in industrial parks that are at least 40 acres in area and less than 80 acres in area.

- Industrial Park More than 80 Acres: 3 identification signs are allowed in industrial parks 80 acres or more in area.

- (ii) Minimum Separation of Identification Signs. No identification sign shall be closer than 500 feet to any other identification sign along the same road frontage in the same commercial center or industrial center.

- (iii) Identification Sign Area. Each identification sign associated with a commercial center or industrial park is limited in area based on the area of the commercial center or industrial park. When an identification sign is located along an arterial or expressway identified in the MTCP, the allowable sign area shall be 125% of the sign area otherwise allowed by this Section. The 25% increase shall be added after determining the maximum sign area allowed by this Section.

- Commercial Centers Less than 4 Acres in Area: Where the commercial center is less than 4 acres in area, the maximum area of each identification sign is 40 square feet.

- Commercial Centers 4 or More Acres and Less than 20 Acres in Area: Where the commercial center is 4 or more acres in area, but less than 20 acres in area, the maximum area of each identification sign is 5 square feet per acre of land or 1 square foot per 2 linear feet of frontage to which the sign is adjacent, up to a maximum of 80 square feet of sign area.

- Commercial Centers 20 or More Acres in Area: Where the commercial center is 20 acres or more in area, the maximum area of each identification sign is 5 square feet per acre of land or 1 square foot per 2 linear feet of frontage to which the sign is adjacent, up to a maximum 120 square feet of sign area.

- **Industrial Parks Less than 40 Acres in Area:** Where the industrial park is less than 40 acres in area, the maximum area of each identification sign is 100 square feet.

- **Industrial Parks 40 Acres of More in Area:** Where the industrial park is 40 acres or more in area, the maximum area of each identification sign is 150 square feet.

- (iv) **Identification Sign Location.** Identification signs shall be located a minimum of one foot for each foot of sign height or 25 feet from lot, parcel, or tract lines, whichever is less.

- (v) **Identification Sign Height.**

- **Commercial Centers:** Within a commercial center, identification signs shall not exceed the height of the tallest building. If no buildings exist, the maximum height of identification signs shall not exceed 12 feet.

- **Industrial Parks:** Within industrial parks, the height of a freestanding identification sign shall not exceed 45 feet.

- (g) **Attached Signs.**

- (i) **Maximum Sign Area Per Building Wall.** The total area of attached signs per building wall including wall signs, fascia signs, awning signs, canopy signs, hanging and projecting signs shall conform to the following requirements:

- **Building Walls within 300 Feet of Lot Line in Commercial Zoning Districts or Industrial Zoning Districts:** For building walls located within 300 feet of a lot, parcel, or tract line in general business or commercial zoning districts, 1½ square feet of attached signage is allowed per linear foot of building wall, or 300 square feet, whichever is less.

- **Building Walls Beyond 300 Feet of Lot Line in Commercial Zoning Districts or in Industrial Zoning Districts:** For building walls located beyond 300 feet of a lot, parcel, or tract line in general business or commercial zoning districts and for building walls in industrial zoning districts, 2 square feet of attached signage are allowed per linear foot of building wall, or 300 square feet, whichever is less.

- (ii) **Attaching Signs to a Marquee, Canopy, or Awning.** Signs may be attached to the fascia of a marquee, canopy, or awning, provided they are 8 feet or more above the ground and the sign does not project above or below the fascia.

- (iii) **Projection of Wall Signs.** Wall signs shall not project more than 18 inches from the wall to which they are attached.

- (iv) **Clearance Under Projecting or Hanging Signs.** If a sign extends over a walkway, the bottom of the sign shall be 8 feet or more above the ground.

- (v) **Minimum Surface Slope of Wall.** The surface to which the sign is attached shall not have a slope of less than 75% percent.

- (vi) **Projection of Attached Signs Above Building Restricted.** No attached sign shall project above the highest point of the building, excluding rooftop mechanical structures, chimneys, elevator shafts, ventilators, and all other facilities which may project above that area of the building commonly known as the roof.

- (h) **Window Signs.** Window signs are allowed provided window signs do not exceed 50% of the window area and are contained within the window. Where window signs exceed 50% of a window, they require a sign permit and will count against the attached sign area allowance.
- (i) **Miscellaneous Signs.** The following signs are allowed provided they meet the following standards:
  - (i) Entrance/Exit Signs.

- **General Business and Commercial Zoning Districts:** In general business and commercial zoning districts, signs designating entrances or exits for parking areas shall be limited to one sign per entrance or exit with a maximum area of 6 square feet each. Entrance/Exit signs shall not exceed 4 feet in height above the finished grade.

- **Industrial Zoning Districts:** In industrial zoning districts, signs denoting entrances and exits and providing directions shall be limited to 2 signs per entrance and are limited to 48 square feet in size and 8 feet in height.

- (ii) **Commercial Center Directory Signs.** In general business and commercial zoning districts, signs listing businesses and their locations within a commercial center shall be limited to one sign per entrance and shall be located within 150 feet and no closer than 50 feet of the road right-of-way on which the entrance is located. Commercial center directory signs shall be not exceed 32 square feet in area and shall not exceed 6 feet in height.
- (iii) **Building Directory Signs.** Signs listing businesses within a building shall be limited to one sign per building entrance and shall be located within 15 feet of the building entrance. Building directory signs and shall not exceed 32 square feet in area and shall not exceed 6 feet in height.
- (iv) **Time-Temperature-Date Signs.** A time-temperature-date sign that does not exceed 10 square feet per face may be provided in addition to the allowable sign area allowed by this Section. Any identification or advertising that is attached to or made part of the same sign structure is subject to the allowable sign area for the sign. The owner of the sign shall maintain it and insure that it is kept accurate.
- (v) **Menu Board Signs.** In general business and commercial zoning districts, two menu board signs shall be allowed per drive-through lane for each drive-through restaurant. Menu boards may be freestanding or attached. Menu board signs shall be no more than 32 square feet in area, shall not exceed 7 feet in height, and shall be oriented to the drive-through lane.
- (vi) **Drive-Through Directional Sign.** In general business and commercial zoning districts, one drive-through directional sign is allowed per drive-through lane, with a maximum size of 6 square feet and maximum height of 4 feet.
- (vii) **Grand Opening/Special Event Signs.** Portable or movable signs, inflatable devices, pennants or streamers are allowed for grand openings and special events. The grand opening or special event shall be limited to four per calendar year, each being held over a consecutive period of days. No event shall exceed 14 days.
- (viii) **Banners.** In general business and commercial zoning districts, one banner per building may be attached to a building wall. No banner shall exceed 16 square feet in area.



## 6.2.10. Signs, On-Premise

### (A) General Provisions.

- (1) **Purpose.** It is the purpose of this section to promote the public health, safety and general welfare through reasonable, consistent and non-discriminatory sign standards. The sign regulations in this section are not intended to censor speech or to regulate viewpoints, but instead are intended to regulate the adverse secondary effects of signs. The sign regulations are especially intended to address the secondary effects that may adversely impact aesthetics, traffic, and pedestrian safety. The sign regulations are designed to serve substantial governmental interests and, in some cases, compelling governmental interests such as traffic safety and warning signs of threats to bodily injury or death.

This section is not intended to extend its regulatory regime to objects that are not traditionally considered signs for purpose of government regulation. The regulation of signs within El Paso County is necessary and in the public interest, and these regulations have been prepared with the intent of enhancing the visual environment of the County and promoting its continued well-being, and are intended more specifically to:

- **Traffic and Pedestrian Safety.** To maintain and improve traffic and pedestrian safety through properly located signs; to regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians; to allow for traffic control devices consistent with national standards and whose purpose is to promote roadway safety and efficiency by providing for the orderly movement of road users on streets and roadways, and that notify users of regulations and provide warning and guidance necessary for the safe, uniform and efficient operation of all elements of the traffic stream.
- **Economic Development.** To promote economic development and the value of non-residential properties, through sensitivity to surrounding land uses and maintaining an attractive community appearance.
- **Effective Communication.** To encourage signs which are clear and legible; to encourage the effective use of signs as a means of communication.
- **Fairness.** To provide for the fair and equal treatment of all sign users.
- **Identification of Goods and Services.** To aid the public and private sectors in identifying the location of goods and services.
- **Compatibility with Surroundings.** To allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to visual clutter or that conceal or obstruct adjacent land uses or signs; to preclude signs from conflicting with the principal permitted use of the site and adjoining sites; and to minimize the possible adverse effect of signs on nearby public and private property.
- **Reduction of Visual Clutter.** To reduce visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation,

excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic.

- **Zoning District Considerations.** To encourage and allow signs that are appropriate to the zoning district in which they are located.
- **Scale, Integration and Design.** To establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains; to foster the integration of signage with architectural and landscape designs; to provide flexibility and encourage variety in signage, and to relate signage to the basic principles of good design; and to promote the use of signs that positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and advance the County's goals of quality development.
- **Maintenance and Safety.** Except to the extent expressly preempted by state or federal law, to ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and to protect the public from unsafe signs.
- **Property Values.** To protect property values by precluding, to the maximum extent possible, sign types that create a nuisance to the occupancy or use of other properties as a result of their physical characteristics such as their size (area), height, number, illumination and movement; and to protect property values by ensuring that the number of signs are in harmony with buildings, neighborhoods, and conforming signs in the area.
- **Enforcement.** To enable the fair and consistent enforcement of these sign regulations; and to provide standards regarding the non-communicative aspects of signs, which are consistent with local, county, state and federal law.
- **Aesthetics.** To maintain and enhance the beauty, unique character, aesthetic environment, and quality of El Paso County, that will attract commerce, businesses, economic development, residents and visitors; to preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all zoning districts of the County; to regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the County and that complements the natural surroundings in recognition of the County's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its community; and to assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.

- (2) **Applicability.** On premise signs erected, replaced, reconstructed, expanded, or relocated shall conform to the provisions of this Section and with all other pertinent laws or ordinances.

- (3) **Exemptions.** The following signs are exempt from the requirement to obtain a sign permit provided the sign complies with the restrictions and performance standards identified. The following signs shall further conform to the site distance requirements in Chapter 2 of the ECM, and the signs shall be located entirely on private property unless otherwise provided.
    - (a) **Government Signs.** Government signs, including signs erected by the County or other governmental entities for government purposes, or signs that are otherwise required by law.
    - (b) **Indoor Signs.** Signs located entirely inside the premises of a building or enclosed space.
    - (c) **Vehicle Signs.** Signs on a vehicle using a roadway.
    - (e) **Traffic Control Device Signs.** Traffic control signs necessary to help ensure safe vehicular travel.
    - (f) **Utility Signs.** Signs of utilities indicating danger and service or safety information are exempt from the requirements of this Section
    - (g) **Bus Bench and Shelter Signs.** Bus bench and shelter signs located within public right-of-way or public improvement easement are exempt from the requirements of this section provided the location of the bus bench or shelter has been approved either by the El Paso County Department of Public Works or via a County contract for transit services.
  - (4) **Prohibited Signs.** On-premise signs which fail to meet the requirements of this Section or are not specifically allowed by this Section are prohibited unless otherwise approved by either the Board of County Commissioners as part of a special use or variance of use approval or pursuant to the Provisions for Relief From Density and Dimensional Standards Section of this Code.
  - (5) **Liability for Damages.** Nothing in this Section shall relieve any person, corporation, firm, or entity from responsibility for damages to any other person suffering physical injury or damage to property as a result of the installation, display, maintenance or removal of any sign authorized under this Section,. except that tThe County and its employees and officials shall assume no liability for the any injury or damage resulting from the authorization of any permit or inspection implementing the provisions of this Section.
- (B) **Permits Required.**
- (1) **Sign Permit.**
    - (a) **Sign Permit Required.** No sign, except for those signs which do not require a sign permit, shall be erected, re-erected, relocated, replaced, expanded or altered, without first securing a sign permit from the PCD.
    - (b) **Signs and Activities Not Requiring a Sign Permit.** The following signs or activities shall not be required to obtain a sign permit. These exceptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance and its compliance with the provisions of this Section or any other law or ordinance regulating the sign.

- (i) Maintenance. A sign permit shall not be required for painting, repainting, cleaning or other normal maintenance and repair of a sign or a sign structure change, and the changing of the advertising copy or message on an approved painted or printed sign, theater marquee, legal nonconforming sign or similar approved signs which are specifically designed for the use of replaceable copy.
- (ii) Window Signs. Window signs which are of a temporary nature which occupy less than 50 percent of the window surface are exempt from the requirement to obtain a sign permit.

(2) **Building Permit.**

- (a) **Building Permit Required.** No sign, except for those signs which do not require a building permit, shall be erected, re-erected, relocated, replaced, expanded or altered, unless a building permit has been issued by the Building Department.
- (b) **PCD Authorization of Building Permit.**
  - (i) Issuance of Building Permit to be Authorized by the PCD. No building permit for a sign shall be issued unless the issuance of the sign building permit is authorized by the PCD.
  - (ii) Permit Authorization Without State Sign Permit. No site plan to authorize a building permit shall be approved until a State Sign Permit has been obtained, where required, and a copy of the permit is provided to the PCD.

(C) **General Sign Standards.**

- (1) **Setback Requirements.** Signs shall meet the minimum setback requirements as identified within this Section.

(2) **Height Limitations.**

- (a) **Signs Not to Exceed Height Limitations.** Signs shall not exceed the maximum height allowed by this Section.
- (b) **Sign Height to be Measured from Grade.** The height of a sign shall be determined using the average elevation of the finished grade.
- (c) **Berms to be Included in Determining Sign Height.** The height of the berm shall be included as part of the sign height when the base of a sign or supporting structure is located on the berm.

(3) **Restrictions on Sign Placement.**

- (a) **Signs Located in County Right-of-Way.**

These regulations do not apply to signs located, or proposed to be located, within County owned or maintained public right-of-way. The permitting and construction of signs within such right-of-way shall be coordinated with El Paso County Department of Public Works.

- (b) **Sight Distances Along Roadways.**

- (i) No Signs Located to Obstruct Vision Near Intersection. Signs placed within 500 feet of the center point of the intersection of two or more roads or the

intersection of a road with a railroad shall not materially obstruct or reduce the existing view of traffic.

- (ii) **No Signs Located to Obstruct Vision Along Road.** Signs shall not be placed along a road at any point where the sign would limit the existing view of traffic in either direction or of a traffic control or directional sign to less than 500 feet.
- (iii) **No Signs Located within Sight-Distance Triangle.** Signs shall not be located within a sight-distance triangle or otherwise obstruct the view of vehicle operators entering or leaving any parking area, service drive, driveway, road, alley, or other thoroughfare. The sight-distance triangle shall be determined in accordance with the ECM.
- (c) **No Sign Located in Utility or Drainage Easement.** No sign may be erected in, placed on, or extend over a utility or drainage easement unless approved in writing by the entity or entities having jurisdiction over the easement.
- (d) **Additional Restrictions Along State Highways.** Signs along highways as defined in C.R.S. §§ 43-1-203, et seq. and 43-2-101 (1) and signs along the Interstate system of Highways as defined in C.R.S. § 43-2-101 (2), are prohibited unless the sign conforms with all of the requirements of the Outdoor Advertising Act, C.R.S. §§ 43-1-401 et seq., and any rules and regulations promulgated by the State of Colorado Department of Transportation and any applicable federal law and rules and regulations. Approval of a permit by the Colorado Department of Transportation may be required prior to sign permit approval by the PCD.
- (e) **Design and Construction.**
  - (i) **Sign to Conform to Building Code.** Signs and associated structures shall be designed and constructed in accordance with the requirements for structures in the Building Code.
  - (ii) **Signs Not to Mimic Official Signs.** Signs shall not be erected which simulate any official traffic, directional, or warning sign, or which involves lights simulating or resembling traffic signals or traffic control signs, or uses the words "stop," or "danger", or any other word, symbol, character or color which might confuse traffic or detract from any legal traffic control device.
  - (iii) **Portable Signs.** Portable or movable signs, or inflatable devices including blimps or balloons used as signs, are prohibited, except those which are hand held by a person or persons, or ground-mounted temporary or inflatable signs. Manned balloons or airships are not included in these restrictions and prohibitions.
  - (iv) **No Sign on Wall, Fence or Roof.** Signs shall not be painted, pasted or similarly posted directly on the surface of any freestanding wall or on a fence or the roof of any building, unless otherwise provided herein.
  - (v) **No Vehicle or Trailer to be Used as Sign.** Vehicles or trailers bearing a sign shall not be parked or located on private property for the primary purpose of displaying the sign, unless otherwise provided herein. This does not apply to signs or lettering on buses, taxis, or vehicles parked or used as part of normal business operations.

- (vi) Signs to be Stationary. Signs shall be stationary.
- (vii) Illumination. No sign shall be illuminated unless the source of light is steady and suitably shielded in accordance with the lighting standards of this Code.
- (viii) Blinking or Intermittent Electrical Pulsations Prohibited. No sign is allowed with lights or illuminations that flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations. A change that occurs more rapidly than once every 4 seconds will cause the sign to be considered to be a blinking or animated sign, which is prohibited.
- (ix) No Signs Attached to Natural Objects. No sign shall be nailed, tacked, posted, or attached in any manner on trees, rocks or other natural objects.

(4) **Master Sign Plans.**

**(a) Applicability.** A Master Sign Plan may be approved by the PCD Director in association with applications that are approved administratively and by the BoCC in association with applications that are approved or otherwise elevated to the BoCC for public hearing as an alternative to the requirements set forth in this Section. A Master Sign Plan must be requested with an associated development application for one of the uses and developments listed below:

- Multiple-tenant commercial, office, or multi-dwelling uses.
- A multiple-building complex for a single commercial use in a project exceeding 35 acres.
- Stand-alone buildings exceeding 100,000 square feet.
- Indoor or outdoor amusement and recreational uses.
- Automobile and trailer sales
- Hospitals.
- Hotels, motels, or similar uses having at least 150 guest rooms and a full service restaurant or conference and meeting rooms.
- Shopping centers.
- Residential subdivisions.
- Agritainment.
- Any other type of development application as authorized at the discretion of the PCD Director.

**(b) Review Criteria.** In approving a Master Sign Plan the approval authority shall find each of the following:

- **Placement.** All signs shall be placed where they are visible and legible. Factors to be considered include its location relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall signs may be approved on building walls other than the wall of the space occupied by the tenant in commercial centers in which some tenants have little or no visibility from the street.

- **Quantity.** The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas.
- **Size.** All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display. In no event shall a Master Sign Plan contain a freestanding sign that exceeds the maximum height standard permitted by this Section unless otherwise approved by the BoCC as part of a Master Sign Plan. In no event shall a Master Sign Plan contain a wall sign that exceeds by more than twenty-five (25) percent any maximum size (area) standard permitted by this Article.
- **Design Features and Materials.** Sign design themes and materials shall be compatible with the architecture, colors, and materials of the associated development and/or structures as applicable.
- **Development Standards.** The approval authority may not reduce any sign development standard to less than 50 percent of any minimum standard, nor increase any sign development standard by more than one hundred (100) percent of the maximum standard. Notwithstanding the foregoing, the approval authority shall not base any decision on the message content of a sign.
- **Amendments.** The PCD Director may administratively approve minor amendments to a Master Sign Plan where such changes are determined by the PCD Director to have little or no visual impact and are consistent with the intent of the original approval.

(5) **Sign Maintenance.** Every sign and sign structure shall be maintained in a safe, presentable, and good structural condition at all times, including the replacement of defective parts and wiring, painting, repainting, cleaning, and other acts required for the general maintenance of the sign. Signs not adequately maintained shall be subject to the enforcement procedures described in Chapter 11 of this Code.

**(D) Regulations by Zoning District.**

(1) **Agricultural, Forestry, and Residential Zoning Districts.** The following sign allowances and standards shall apply in agricultural, forestry, and residential zoning districts including recreational vehicle and mobile home zoning districts, residential PUD zoning districts, and within the residential areas of mixed use PUD zoning districts having a residential use allowance.

**(a) Identification Signs.**

- (i) **Number and Use of Identification Signs.** Two identification signs indicating the name of the subdivision shall be allowed at each road entrance to a subdivision or development.

- (ii) **Low-Profile.** All identification signs shall be low-profile and shall not exceed 40 square feet in area and shall not exceed 6 feet in height. Low-profile identification signs shall be located at least 25 feet from all lot, parcel, or tract lines adjacent to public and private right-of-ways or easements.
  - (iii) **Wall Sign Standards.** Wall signs used as identification signs shall be attached to a freestanding wall or fence and shall not exceed 40 square feet in area. The wall sign shall not extend above the height of the freestanding wall or fence.
- (b) **Name Plate Sign.**
  - (i) **Number of Name Plate Signs.** One name plate sign per dwelling unit shall be allowed.
  - (ii) **Size of Name Plate Sign.** A name plate sign shall not exceed 2 square feet in area.
  - (iii) **Sign Copy.** A name plate sign copy shall indicate a name or non-commercial message.
  - (iv) **Location of Name Plate Sign.** The name plate sign shall be located not closer than 5 feet from a lot, parcel, or tract line.
  - (v) **Maximum Height.** The maximum height of a freestanding name plate sign shall be 4 feet.
- (c) **Non-Residential Use Signs.**
  - (i) **Number of Non-Residential Use Signs.** One non-residential use sign shall be allowed per lot or parcel in association with an approved non-residential use.
  - (ii) **Size of Non-Residential Use Sign.** Non-Residential Use signs shall not exceed 20 square feet in area. Neither the width nor length of the Non-Residential Use sign shall exceed 10 feet.
  - (iii) **Location of Non-Residential Use Sign.** Non-Residential Use signs shall be setback a minimum of 15 feet from all lot, parcel, or tract lines.
  - (iv) **Maximum Height of Non-Residential Use Sign.** Non-Residential Use signs shall not exceed 12 feet in height.
- (d) **Flagpoles and Flags.** Flags are considered signs and shall meet all standards for signs except as otherwise provided for by this Section.
  - (i) **Area of Flag Limited.** The area of the flag shall not exceed 40 square feet or 2 square feet of sign for each linear foot of building wall area the flag is adjacent or closest to, whichever is less. The allowable area of freestanding signage shall be reduced by the size of the flag.
  - (ii) **Intrusion into Setback Area.** A flagpole may be located within the setback area provided it is located within 10 feet of a building and is not within a utility, drainage, or access easement.
  - (iii) **Height of Flagpole.** No flagpole shall exceed 20 feet in height if located within a setback area or the maximum height for the zoning district if located outside the setback area.



- (iv) **Sign Permits.** A flag or flagpole located on property in a residential, forestry, or agricultural zone district shall not require approval of a sign permit but shall still meet the area, setback, and height limitations listed above.

(e) **Temporary Signs.**

- (i) **Temporary Signs.** Two temporary signs not to exceed 6 square feet and 8 feet in height are permitted in all Forestry, Agricultural, and Residential zoning districts.
- (ii) **Temporary Signs in Developing Residential Areas.** Temporary signs in developing single-family residential are permitted for each builder within the development only in conjunction with a valid building permit. The temporary signs shall be limited to a period of 12 months, or until the development is substantially built out as determined by the PCD Director. The signs shall be removed within 10 days of expiration. The signs shall not be lit or illuminated. The aggregate maximum sign area for all temporary signs in residential developments shall not exceed 256 square feet per builder. Temporary signs in developing single-family residential areas are prohibited if they do not meet the criteria and limitations below:
  - **Principal Entry Sign:** Two signs not to exceed 32 square feet in sign area and 12 feet in height are allowed per entry and shall be setback a minimum of 10 feet from all property lines.
  - **Model Home:** One sign, not to exceed 16 square feet in sign area and 8 feet in height, is allowed per entry and shall be setback a minimum of 5 feet from all property lines.

(2) **Commercial and Industrial Zoning Districts.** The following sign allowances and standards shall apply in commercial and industrial zoning districts, commercial PUD zoning districts, industrial PUD zoning districts, and in the commercial and industrial areas of a mixed use PUD zoning district having a commercial and/or industrial use allowance.

- (a) **Total Sign Area and Total Number of Signs.** The total sign area and number of signs of each sign type are limited as identified below. The maximum sign area and number of signs is established by the specific standards for each sign type. The combined sign area of attached signs and freestanding signs associated with a building wall is limited by this Section. All other signs are regulated independently from one another.

(b) **Freestanding Signs**

- (i) **Number of Freestanding Signs**

- Commercial Lot or Parcel Less than 10 Acres in Area: Where the commercial lot or parcel is less than 10 acres in total area, one sign is allowed per road frontage.
- Commercial Lot or Parcel 10 Acres or Greater in Area: Where the commercial lot or parcel is 10 acres or greater in total area, 2 signs are allowed per road frontage.
- Industrial Lot or Parcel Less than 40 Acres in Area: Where the industrial lot or parcel is less than 40 acres in total area, one sign is allowed.
- Industrial Lot or Parcel 40 or More Acres and Less than 80 Acres in Area: Where the industrial lot or parcel is at least 40 acres in total area and less than 80 acres in total area, two signs are allowed.
- Industrial Lot or Parcel More than 80 Acres: Where the industrial lot or parcel is 80 acres or more in total area, three signs are allowed.

**(ii) Area of Freestanding Signs.**

**1. General Standards**

- Commercial Lot or Parcel Less than 4 Acres in Area: Where the commercial lot or parcel is less than 4 acres in total area, the maximum area of each sign shall be 40 square feet.
- Commercial Lot or Parcel 4 or More Acres and Less than 20 Acres in Area: Where the commercial lot or parcel is 4 or more acres in total area, but less than 20 acres in total area, the maximum area of each sign shall be 5 square feet per acre of land or 1 square foot per 2 linear feet of frontage to which the sign is adjacent, up to a maximum of 80 square feet of sign area.
- Commercial Lot or Parcel 20 or More Acres in Area: Where the commercial lot or parcel is 20 acres or more in total area, the maximum area of each sign shall be 5 square feet per acre of land or 1 square foot per 2 linear feet of frontage to which the sign is adjacent, up to a maximum 120 square feet of sign area.
- Industrial Lot or Parcel Less than 40 Acres in Area: Where the industrial lot or parcel is less than 40 acres in total area, the maximum area of each sign shall be 100 square feet.

- Industrial Lot or Parcel 40 Acres of More in Area: Where the industrial lot or parcel is 40 acres or more in total area, the maximum area of each sign shall be 150 square feet.

## **2. Variation in Size of Sign**

- Allowable Freestanding Sign Area Not Associated with a Building: The maximum freestanding sign area shall be 40 square feet where no building is present.
- Reduction in Freestanding Sign Area: When an attached sign and/or flag and freestanding sign are located along the same building wall, the total allowable area of the freestanding sign shall, when combined with the area of attached signs and/or flag, not exceed the maximum size allowed under the General Freestanding Section above.
- Increase in Freestanding Sign Area Along Arterial: When a freestanding sign is located along an arterial or expressway identified in the MTCP, the allowable freestanding sign area shall be 125% of the sign area otherwise allowed by this Code. The 25% increase shall be added after determining the maximum sign area allowed by this Code.
- Increase in Freestanding Sign Address Provision: If freestanding sign copy includes an address or address and road name, up to 20 square feet of the area of the sign devoted to the address will not count against the allowable sign area.
- Increase in Freestanding Sign Area Associated with Drive-Thu. Two additional signs up to 32 square feet in size each and no more than 7 feet in height are permitted in association with a commercial drive-thru.

### **(iii) Location of Freestanding Signs.**

1. Low Profile Signs may be located in a setback area, but shall be located no closer than 3 feet from a lot, parcel, or tract line.
2. Pole signs shall be setback a minimum of 10 feet from a lot, parcel, or tract line.

**(iv) Height of Freestanding Signs.** The maximum height of a freestanding sign shall not exceed the height of the building with which the sign is associated. Where no building is present, the height of the freestanding sign shall not exceed 12 feet. If located adjacent to or within 300 feet of a grade-separated

intersection or interstate highway, the maximum height of the sign shall not exceed the maximum height allowed in the zoning district.

(v) **Minimum Separation of Freestanding Signs.** No freestanding sign shall be closer than 500 feet to any other freestanding sign along the same road frontage is the signs are located in the same commercial center or industrial center.

(c) **Attached Signs.**

(i) **Maximum Sign Area Per Building Wall.** The total area of attached signs per building wall including wall signs, fascia signs, awning signs, canopy signs, hanging and projecting signs shall conform to the following requirements:

- **Building Walls within 300 Feet of Lot Line in Commercial Zoning Districts or Industrial Zoning Districts.** For building walls located within 300 feet of a lot, parcel, or tract line in commercial or industrial zoning districts, 1½ square feet of attached signage is allowed per linear foot of building wall, or 300 square feet, whichever is less.

- **Building Walls Beyond 300 Feet of Lot Line in Commercial Zoning Districts or in Industrial Zoning Districts:** For building walls located beyond 300 feet of a lot, parcel, or tract line in commercial or industrial zoning districts, 2 square feet of attached signage are allowed per linear foot of building wall, or 300 square feet, whichever is less.

(ii) **Attaching Signs to a Marquee, Canopy, or Awning.** Signs may be attached to or part of the fascia of a marquee, canopy, or awning, provided they are 8 feet or more above the ground and the sign does not project above or below the fascia.

(iii) **Projection of Wall Signs.** Wall signs shall not project more than 18 inches from the wall to which they are attached.

(iv) **Clearance Under Projecting or Hanging Signs.** If a sign extends over a walkway, the bottom of the sign shall be a minimum of 8 feet above the ground.

(v) **Minimum Surface Slope of Wall.** The surface to which the sign is attached shall not have a slope of less than 75 percent.

(vi) **Projection of Attached Signs Above Building Restricted.** No attached sign shall project above the highest point of the building, excluding rooftop mechanical structures, chimneys, elevator shafts, ventilators, and all other facilities which may project above that area of the building commonly known as the roof.

(d) **Window Signs.** Window signs are allowed provided window signs do not exceed 50 percent of the window area and are contained within the window. Provided the area of the window sign exceeds 50 percent of a window, they require a sign permit and will count against the attached sign area allowance.

- (f) **Flagpoles and Flags.** Flags are considered signs and shall meet all standards for signs except as otherwise provided for by this Section.
- (i) **Area of Flag Limited.** The area of the flag shall not exceed 40 square feet or 2 square feet of sign for each linear foot of building wall area the flag is adjacent or closest to, whichever is less. The allowable area of freestanding signage shall be reduced by the size of the flag.
  - (ii) **Intrusion into Setback Area.** A flagpole may be located within the setback area provided it is located within 10 feet of a building and is not within a utility, drainage, or access easement.
  - (iii) **Height of Flagpole.** No flagpole shall exceed 20 feet in height if located within a setback area or the maximum height for the zoning district if located outside the setback area.
- (g) **Temporary Signs.**
- (i) **Temporary Signs.** Two temporary signs not to exceed 32 square feet in sign area and 8 feet in height are permitted in commercial and industrial zoning districts, commercial PUD zoning districts, industrial PUD zoning districts, and in the commercial and industrial areas of a mixed use PUD zoning district having a commercial and/or industrial use allowance.
  - (ii) **Temporary Signs in Developing Areas.** Temporary signs in developing commercial or industrial areas are permitted for each builder within the development only in conjunction with a valid building permit. The temporary signs shall be limited to a period of 12 months, or until the development is substantially built out as determined by the PCD Director. The signs shall be removed within 10 days of expiration. The signs shall not be lit or illuminated. The aggregate maximum sign area for all temporary signs in developing areas shall not exceed 256 square feet per builder. Temporary signs in developing areas are prohibited if they do not meet the criteria and limitations below:
    - **Principal Entry Sign:** Two signs not to exceed 32 square feet in sign area and 12 feet in height are allowed per entry and shall be setback a minimum of 10 feet from all property lines.
    - **Model Home:** One sign, not to exceed 16 square feet in sign area and 8 feet in height, is allowed per entry and shall be setback a minimum of 5 feet from all property lines.

## **Article 4.4            Sign Regulations**

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### **Sections**

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### **4.401 Purposes and Intent**

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

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

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

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

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

#### **4.402 Title and Authority**

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

#### **4.403 Exempt Signs**

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

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



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

#### **4.404 Prohibited Signs**

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

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

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

#### **4.405 Sign Plans and Sign Program**

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

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

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

- B. ***Comprehensive Sign Programs.*** A Comprehensive Sign Program shall be required for all projects not located within the Heritage Village Center Zoning District and consisting of multi-tenant buildings, nonresidential complexes with multiple buildings, or large-scale mixed-use developments.

A Comprehensive Sign Program provides design compatibility for all signs and integrates sign design with the architecture of the buildings.

The Comprehensive Sign Program shall set forth design standards including, but not limited to sign types, placement, size, design, colors, materials, textures, and method of illumination, as well as provides for vehicle and pedestrian safety through directions and way finding orientation.

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

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

- 1. ***Applicability.*** The Design Review Board may approve a Master Sign Plan for properties not located within the Heritage Village Center Zoning District for the following uses and developments:
  - a. Multiple-tenant commercial, office, or employment uses.
  - b. A multiple-building complex for a single commercial or employment use in a project exceeding 40 net acres.
  - c. Stand-alone office/employment buildings exceeding 100,000 square feet.

- d. Indoor or Outdoor Entertainment and Recreation uses.
  - e. Auto malls.
  - f. Hospitals.
  - g. Hotels and Commercial Lodging having at least 150 guest rooms and a Full Service Restaurant or conference and meeting rooms.
  - h. Regional retail shopping malls.
2. *Conditions.* The Design Review Board may attach conditions, requirements, or standards necessary to assure that the signs covered by the Master Sign Plan will not be materially detrimental to persons or property in the vicinity. In making its determination, the Design Review Board shall not base any condition on the message content of a sign.
3. *Evaluation Criteria.* Master Sign Plans shall be evaluated based on the following criteria:
- a. *Placement.* All signs shall be placed where they are visible and legible. Factors to be considered include its location relative to traffic movement and access points, site features, other structures, and orientation relative to viewing distances and viewing angles. Wall Signs may be approved on building walls other than the wall of the space occupied by the tenant in commercial centers in which some tenants have little or no visibility from the street.
  - b. *Quantity.* The number of signs that may be approved within any development shall be sufficient to provide necessary facilitation of internal circulation of vehicular and pedestrian traffic and way finding for safety of the occupants of vehicles and pedestrians. Factors to be considered shall be those that impact safety considerations such as the size of the development and the number of development sub-areas
  - c. *Size.* All signs shall be no larger than necessary for visibility and legibility. Factors to be considered in determining appropriate size include topography, volume and speed of traffic, viewing distances and angles, proximity to adjacent uses, and placement of display. In no event shall a Master Sign Plan contain a freestanding sign that exceeds by more than fifty (50) percent any maximum height standard permitted by this Article. Consistent with the exemptions set forth in this Article, there shall be no limit on the amount by which a Master Sign Plan may allow a freestanding sign to exceed the height restrictions permitted on the site when the freestanding sign is placed or oriented so as to be visible only internally to the development. In no event shall a Master Sign Plan

contain a wall sign that exceeds by more than twenty-five (25) percent any maximum size (area) standard permitted by this Article. Consistent with the exemptions set forth in this Article, there shall be no limit on the amount by which a Master Sign Plan may allow a wall sign to exceed the size (area) restrictions permitted on the site when the wall sign is placed or oriented so as to be visible only internally to the development itself.

- d. Design Features and Materials. Sign design themes and materials shall be compatible with the architecture, colors, and materials of the project.
- e. Development Standards. The Design Review Board may not reduce any sign development standard to less than 50 percent of any minimum standard, nor increase any sign development standard by more than one hundred (100) percent of the maximum standard. Notwithstanding the foregoing, the Design Review Board shall not base any decision on the message content of a sign.
- f. Amendments. The Planning Manager may administratively approve minor amendments to a Master Sign Plan involving non-communicative activity, where such changes are determined to have little or no visual impact and are consistent with the intent of the original approval.

#### **4.406 Review of Sign Applications for Permanent Signs**

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

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

#### **4.407 General Provisions for Signs**

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

A. ***Viewpoint Neutrality.***

1. Notwithstanding anything in this Article to the contrary, no sign or sign structure shall be subject to any limitation based upon the viewpoint of the message contained on such sign or displayed on such sign structure.
2. Notwithstanding anything in this Article to the contrary, it is the policy of the Town to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content.
3. Within this Article, any distinction between onsite signs and offsite signs applies only to commercial messages. ~~It does not apply to noncommercial messages.~~

- B. ***Substitution of Noncommercial Speech for Commercial Speech.*** Notwithstanding anything contained in this Article to the contrary, any sign erected pursuant to the provisions of this Article may, at the option of the owner, contain a noncommercial message in lieu of a commercial message and the noncommercial copy may be substituted in whole or in part at any time in place of the commercial copy. The noncommercial message (copy) may occupy the entire Sign Face or any portion thereof. The Sign Face may be changed from a commercial message to a noncommercial message or from one noncommercial message to another non-commercial message; provided, however, that there is no change in the size, height, setback or spacing criteria contained in this Article.

C. ***Administrative Interpretation and Discretionary Approval.***

1. Interpretations of this Article may be made by the zoning administrator pursuant to Section 1.109. All interpretations of this Article are to be exercised in light of the policies, purposes and intent set forth herein.

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Whenever a sign permit or other approval is subject to discretion, such discretion shall not be exercised as to message content, but instead shall be directed to structural and location factors, including, as applicable:

- a. Whether the location and placement of the sign will endanger motorists;
- b. Whether the sign will cover, blanket or interfere with any prominent view of a structure or façade of historical or architectural significance;
- c. Whether the sign will obstruct views of users or adjacent buildings to side yards, front yards or open space;
- d. Whether the sign will negatively impact the visual quality of a public open space, such as a public recreation facility, square, plaza, park, courtyard and the like.

- e. Whether the sign is compatible with building heights of the existing neighborhood;
  - f. Whether the sign's lighting or illumination system will cause hazardous or unsafe driving conditions for motorists;
- D. ***Consent of Legal Owner of Property.*** Except as required by state law, no sign may be displayed without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and any party and person holding a present legal right to possession, control, or use of the property.
- E. ***Signs on Public Property.*** Except as required by state law or otherwise permitted by this Article, any sign installed or placed on public property shall be deemed illegal and shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the Town shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign.
- F. ***Placement of Signs.***
- 1. Permanent Signs shall not project into or over the public right-of-way without first obtaining a license or encroachment permit from the Town.
  - 2. The lowest portion of any sign which extends over an area intended for pedestrian use shall not be less than eight (8) feet above finished grade.
  - 3. The lowest portion of any sign which extends over an area intended for vehicular use shall not be less than fourteen (14) feet above the finished grade.
  - 4. Any sign placed on a sidewalk or other public right of way must comply with this Article and applicable provisions of the Americans with Disability Act.
  - 5. Except for appropriately-placed Traffic Control Device Signs, no sign shall be placed in the sight visibility triangle.
- G. ***Flagpoles.*** Unless otherwise required by state law, for each parcel and development site in residential use with at least one principal structure, one flagpole may be installed and there shall be no limit to the number of flags that may be displayed per flagpole. For each parcel and development site that is over one-half (1/2) acre in size and is in nonresidential use, up to three Flagpoles may be installed. For each additional acre, up to two (2) additional flagpoles may be installed. Up to two (2) flags may be displayed per flagpole. Flagpoles shall be depicted on Final Design Review plans or approved administratively as part of a sign plan. Flagpoles shall not exceed one and one-half (1.5) times the allowed building height for the district in which it is located, but in no event shall a flagpole exceed a height of fifty (50) feet. A building permit shall be required for Flagpoles on nonresidential properties, and for Flagpoles exceeding a height of thirty (30) feet on residential properties.

H. ***Flag Brackets and Stanchions.*** For each principal structure on a parcel, up to two flag brackets or stanchions may be attached or placed for the display of flags.

I. ***Measurement of Sign Size and Height.***

1. *Sign Size (Sign Area).* The area of a sign ("Sign Area") is measured or calculated as follows (See Appendix 1, Figures 28, for graphic illustrations):

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



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

## 4.408 Temporary Signs

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

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

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

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

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

<sup>3</sup> Not applicable to signs displayed on Flagpoles.

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

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

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

<sup>6</sup> Government Signs displaying government speech are exempt from regulation under this Article 4.4.

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

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

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

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

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

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

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

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

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

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

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

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

<sup>12</sup> Not applicable to signs displayed on Flagpoles.

<sup>13</sup> Government Signs displaying government speech are exempt from regulation under this Article 4.4.

<sup>14</sup> Movement is allowed for a Flying Banner Sign, but is not allowed for a Banner Sign.

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

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

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

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

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

<sup>17</sup> Government Signs displaying government speech are not subject to Article 4.4.

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

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

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

- a. 30 feet from a street or driveway intersection measured from the back of the curb or edge of pavement if no curb exists.
- b. 5 feet from the street measured from the back of curb or edge of pavement if no curb exists.
- c. Sign walkers shall yield right-of-way to pedestrians, bicycles and all others traveling or located on the sidewalks.
- d. At grade level.

2. *Prohibited locations.* Sign walkers shall not be located:

- a. In raised or painted medians.
- b. In parking aisles or stalls.
- c. In driving lanes or driveways.
- d. On equestrian or multi-use trails.
- e. So that less than a minimum of 4 feet is clear for pedestrian passage on all sidewalks and walkways, or so as to cause a hazard to pedestrian traffic.
- f. On fences, boulders, planters, other signs, vehicles, utility facilities, or any structure.
- g. Within a minimum distance of 20 feet from any other sign walker.
- h. In a manner that results in sign walkers physically interacting with motorists, pedestrians, or bicyclists.



3. *Display.* Sign shall be:

- a. Displayed only when the business is open to conduct business.
- b. Held, worn or balanced at all times.

4. *Elements prohibited.* The following shall be prohibited:

- a. Any form of illumination, including flashing, blinking, or rotating;
- b. Animation on the sign itself;
- c. Mirrors or other reflective materials;
- d. Attachments, including, but not limited to, balloons, ribbons, speakers.

F. ***Flags.*** Unless otherwise required by state law or specified in this Article, no more than two (2) flags may be displayed on a flagpole, from a flag bracket or on a flag stanchion. The Sign Area of a flag displaying a commercial message shall not exceed twenty-four (24) square feet. For the purpose of determining the Sign Area of a flag, only one side of the flag shall be counted. Flags on residential or nonresidential parcels may be externally illuminated. A sign permit is not required for a flag.

G. ***Umbrella Signs.*** For each table in an outside seating area for a licensed business establishment, one (1) Umbrella Sign per umbrella is allowed. An Umbrella Sign shall not exceed eight (8) feet in height. An umbrella having an Umbrella Sign shall be mounted on or in the table or secured within an umbrella holder adjacent to the table. A sign permit is not required for an Umbrella Sign. Umbrella Signs shall not be counted as part of a Maximum Sign Area for any use.

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

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

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

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

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

<sup>19</sup> Minimum Sign Setbacks are measured from the edge of the property line.

## 4.409 Permanent Signs

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

1. *Lighting.* The illumination of signs shall meet all regulations as set forth in the Gilbert Municipal Code, Chapter 42, Article II, Section 42-34.

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

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

- e. Maintenance: Any allowed electronic Changing Message Display that malfunctions, fails, or ceases to operate in its usual or normal programmed manner shall be repaired or disconnected within forty-eight (48) hours by the owner or operator of such sign.

B. ***Type of Permanent Signs.*** The following types of permanent signs are allowed in one or more of the Town of Gilbert's zoning districts, as more specifically set forth in 4.409.B.1. through B.25. below.

1. *Street Address Signs.*

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

2. *Unit and Building Identification Signs.*

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

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

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

### 3. *Wall Signs.*

- a. Dwelling Unit Wall Signs.
  - (1) Each single family dwelling unit shall be clearly identified by a Street Address Sign for first responders to locate the residential unit as necessary to respond to any fire or public safety issue.
  - (2) Each single family dwelling unit may have one (1) permanent wall or ground sign not to exceed three (3) square feet in size and not to exceed two (2) feet in height if placed as a ground sign. This allowed sign is in addition to the required Street Address Sign for a single family dwelling unit.
  - (3) Each multi-family dwelling unit shall be clearly identified by a Street Address Sign and Unit and Building Identification Sign as applicable for first responders to locate the multi-family dwelling unit or building number as necessary to respond to any fire or public safety issue.
  - (4) Each individual dwelling unit in a multi-family dwelling unit may have one (1) permanent wall or ground sign not to exceed three (3) square feet in size and not to exceed two (2) feet in height if placed as a ground sign.
- b. Wall Signs in Commercial, Office, Employment, and Public Facility / Institutional Zoning Districts.
  - (1) Design. Wall Signs shall fit proportionally with building massing and architectural features of the elevation.

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



more than seventy-five (75) feet from the right-of-way, one and one-half (1.5) square feet of Sign Area for each one (1) lineal foot of building elevation adjacent to the suite.”

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

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

- (3) Height. The height of a Wall Sign shall not exceed eighty (80) percent of the vertical dimension of the sign band or wall space on which the sign is placed.
- (4) Placement. Wall Signs shall not be located closer to the top of a parapet wall than one-half the vertical dimension of the largest letter or character. Top floor signage located on multi-story buildings may span floor plates.
- (5) Wall Signs on building elevations abutting property designated for residential use in the General Plan shall:
  - i. Not be illuminated;
  - ii. Not exceed sixteen (6) square feet in area; and
  - iii. Be installed no higher than fourteen (14) feet above grade.
- (6) Wall Sign Area. The Minimum and Maximum Sign Areas for a Wall Sign shall be as set forth below.
  - i. Wall Sign Area: One-Story Buildings.
    - 1. Minimum Sign Area for a Wall Sign. Wall Signs are permitted on any exterior wall of the tenant or user suite on the first floor of the one-story building.
    - 2. Maximum Sign Area for a Wall Sign. Each tenant or user suite shall be limited to a Wall Sign with a Sign Area no greater than the total sign allowance area defined below for (i) the longest building elevation of the tenant/user suite facing the street, or (ii) the length of the building elevation of the tenant or user suite in which its principal entrance is located.
    - 3. Sign Allowance Area. Sign Allowance Area as used in this subsection, Wall Sign Area, shall mean “one and one-half (1.5) square feet in Sign Area for each lineal foot of building elevation adjacent to the suite.”
    - 4. Double Sign Allowance Area for Certain Buildings. Buildings with at least two building elevations facing streets and/or main private circulation drives shall be permitted twice the Sign Allowance Area. Signs may be located on more than two elevations so long as the Double Sign

Allowance Area is not exceeded. In no event shall the Double Sign Allowance Area be used on a single elevation.

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

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

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

<b>TABLE 4.409.B.3: Top Floor Sign Area and Height Standards for On-Premise Wall Signs</b>			
Facing Street Type	Sign Height (Feet) from Finish Floor Level to Top of Sign*	Maximum Allowable Size of Sign Face (Sq. Ft.)	Maximum Letter Height (Inches)
Local/Collector	40+	Per Code; or one percent of the area of the elevation to which it is attached, whichever is greater	12
Arterial	40+	Per Code; or one percent of the area of the elevation to which it is attached, whichever is greater	15
Freeway	40+	Per Code; or one percent of the area of the elevation to which it is attached, whichever is greater	21
*Unless approved signage spans floor plates			

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

mounted cabinet signs with electronic changing message displays must not exceed fifty (50) percent of the sign area allowance set forth in Section 4.409.B. This provision does not apply to Canopy Signs for Service Islands regulated in Section 4.409.B.25, but this provision does apply to Projecting Signs and Projecting Roof Signs.

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



14. *Drive-Through Lane Signs.* No more than two (2) Drive-Through Lane Signs are allowed for each drive-through lane serving a business establishment. The signs may be either a wall mounted sign or a ground sign. The signs shall be no greater than fifty (50) square feet in area and seven (7) feet in height. A drive-through ground sign shall be constructed with a solid base.

15. *Freestanding Sign: Monument Signs.*

- a. For a nonresidential use in a Residential Zoning District, one (1) onsite Monument Sign is permitted for any lot or parcel with a minimum of one hundred (100) feet of street frontage. One (1) additional Monument Sign is permitted for any lot or parcel with street frontage greater than or equal to 250 feet but less than 400 feet. One (1) additional Monument Sign is permitted for each additional three hundred (300) feet of street frontage. The size of a Monument Sign shall not exceed thirty-two (32) square feet in area and eight (8) feet in height. Monument Signs shall be set back a minimum of three (3) feet from the right-of-way.
- b. In Commercial and Public Facility/Institutional Zoning Districts, one (1) onsite Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. One (1) additional Monument Sign is permitted for any lot or parcel with street frontage greater than or equal to 250 feet but less than 400 feet. One (1) additional Monument Sign is permitted for each additional three hundred (300) feet of street frontage. The height of a Monument Sign shall be no greater than twelve (12) feet to the top of design embellishments, and the Sign Face shall be located between two (2) feet and ten (10) feet above grade with design embellishments added to the top, sides or bottom of the sign. The size of a Monument Sign shall not exceed sixty (60) square feet in area. Monument Signs shall be set back a minimum of three (3) feet from the right-of-way. Monument Signs shall maintain a minimum spacing of one hundred (100) feet from any other Monument Sign on the same street frontage.
- c. In Office and Employment Zoning Districts, one (1) onsite Monument Sign is permitted for any lot or parcel with a minimum of 100 feet of street frontage. One (1) additional Monument Sign is permitted for any lot or parcel with street frontage greater than or equal to 250 feet but less than 400 feet. One (1) additional Monument Sign is permitted for each additional three hundred (300) feet of street frontage. The height of a Monument Sign shall be no greater than twelve (12) feet to the top of design embellishments, and the Sign Face shall be located between two (2) feet and ten (10) feet above grade with design embellishments added to the top, sides or bottom of the sign. The size of Monument Sign shall not exceed sixty (60) square feet in area. Monument Signs shall be set back a minimum of three (3) feet from the right-of-way. Monument

Signs shall maintain a minimum spacing of one hundred (100) feet from any other Monument Sign on the same street frontage.

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

(30) degrees to the freeway. Freeway Signs shall maintain a minimum spacing of four hundred (400) feet from any other Freeway Sign on the same property.

18. *Freestanding Sign: Onsite Traffic Directional Signs.* In the Commercial, Heritage Village Center, Office, Employment, and Public Facility / Institutional Zoning Districts, Onsite Traffic Directional Signs are permitted as necessary to assist in movement of vehicular traffic on a property for the purpose of the safety of both pedestrian and vehicular traffic. The Sign Area of an Onsite Traffic Directional Sign shall not exceed three (3) square feet and the height of Onsite Traffic Directional Sign shall not exceed three (3) feet. An Onsite Traffic Directional Sign shall be set back a minimum of twenty-five (25) feet from the right-of-way, and shall not be located within the required perimeter landscape area. Onsite Traffic Directional Signs shall not be counted as part of a maximum or total sign area for any use.
19. *Freestanding Sign: Residential Subdivision Entry Signs.* A Residential Subdivision Entry Sign at the principal entry or entries to residential subdivisions may have one (1) entry sign on each side of the street. The Maximum Sign Area of the Residential Subdivision Entry Sign shall not exceed twenty-five (25) square feet and the maximum height shall not exceed eight (8) feet. The Residential Subdivision Entry Sign shall be set back a minimum of three (3) feet behind the right-of-way. A Residential Subdivision Entry Sign may be internally or indirectly illuminated. The Residential Subdivision Entry Sign shall be incorporated into the design of an entry wall, which shall be architecturally compatible with other subdivision improvements. Residential Subdivision Entry Sign structures require approval by the Design Review Board as part of the subdivision open space plan. Residential Subdivision Entry Sign structures that are added following the initial development of the subdivision require Administrative Design Review approval.
20. *Freestanding Sign: Multi-Family Complex Entry Signs.* A Multi-Family Complex Entry Sign at the principal entry or entries to a multi-family complex may have one (1) entry sign on each side of the street. The Maximum Sign Area of a Multi-Family Complex Entry Sign shall not exceed thirty-two (32) square feet and the maximum height shall not exceed eight (8) feet. The Multi-Family Complex Entry Sign shall be set back a minimum of three (3) feet behind the right-of-way. A Multi-Family Complex Entry Sign may be internally or indirectly illuminated. A Multi-Family Complex Entry Sign structure shall be architecturally compatible with the complex and shall be approved administratively.
21. *Freestanding Sign: Directory Sign.* In the Commercial, Office, Employment and Public Facility / Institutional Zoning Districts, one (1) Directory Sign is permitted for each four (4) commercial tenants or uses. The Maximum Sign Area of the Directory Sign shall not exceed forty (40) square feet and the maximum height of the Directory Sign shall not exceed eight (8) feet. A Directory Sign shall be set back a minimum of seventy-five (75) feet from any perimeter property line, except where such property line abuts other commercial or employment development and there is a cross-access

between the commercial or employment properties. A Directory Sign shall only be installed onsite within landscape islands or pedestrian areas.

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

22. *Awning Signs.* In Commercial and the Heritage Village Center District, an Awning Sign may be located on the valance of an awning. The Sign Area of an Awning Sign, together with the Sign Area of any other allowed lawful and permitted signs for the same building, shall not exceed the limitation for the Sign Allowance Area set forth in Section 4.409.B. Graphics shall be permanently affixed to the awning, and may be silkscreen, painted, cutout lettering heat color transfer, pressure sensitive vinyl films, sewn applique signs, or similar to the foregoing. An Awning Sign may be indirectly illuminated or backlit. An Awning Sign shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs. Lighting fixtures shall be decorative and architecturally compatible with the building. Recommended Guidelines for appropriate design, materials, and color of fixtures are set forth in the Heritage District Redevelopment Plan.
23. *Marquee Signs.* In Commercial Zoning District and the Heritage Village Center and Gateway Village Center Zoning Districts, a Marquee Sign may be located on a marquee that is approved by the Planning Commission or the Redevelopment Commission as applicable as part of a Design Review application, a Comprehensive Sign Program, Master Sign Plan or Heritage Sign Plan. A Marquee Sign shall only be affixed on a marquee located at the primary entrance of the tenant/user suite to which it is appurtenant. The Sign Area of the Marquee Sign, together with the Sign Area of any other allowed lawful and permitted signs for the same building, shall not exceed the limitation for the Sign Allowance Area set forth in Section 4.409.B. The colors, materials, and design of a Marquee Sign shall complement the design of the building(s) which it serves. A Marquee Sign may be internally or indirectly illuminated. A Marquee Sign may include a manual or electronic Changing Message Display that is proportional and architecturally integrated with the Marquee structure and building design. A Marquee Sign shall not obstruct sidewalks, required accessible paths of travel, or the visibility of other signs. Lighting fixtures shall be decorative and architecturally compatible with the building, and a marquee sign may incorporate flashing or blinking elements within the permitted Sign Area. Recommended Guidelines for appropriate design, materials, and color of fixtures and the appropriate flashing and blinking frequency within the Heritage Village Center District are set forth in the Heritage District Design Guidelines.
24. *Canopy Signs for Service Islands.* Each service island may have up to two (2) Canopy Signs per service island. The Sign Area of a Canopy Sign shall not exceed twelve (12)

square feet. No part of the sign shall project from a canopy wall by more than six (6) inches. A Canopy Sign shall be vertically centered on the face of the canopy and the height shall not exceed eighty (80) percent of the vertical dimension of the canopy wall on which the sign is placed. The Sign Area of a Canopy Sign shall not count against the Maximum Sign Area allowed for Wall Signs on the parcel.

25. *Historic Markers.* One (1) Historic Marker per parcel is allowed. The Sign Area of a Historic Marker shall not exceed six (6) square feet.

#### 4.4010 Residential Zoning Districts

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

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

## 4.4011 Nonresidential Uses in Residential Zoning Districts

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

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

## 4.4012 Commercial Zoning Districts

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

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

## 4.4013 Heritage Village Center Zoning District

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

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



## 4.4014 Office Zoning Districts

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

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

## 4.4015 Employment Zoning Districts

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

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

## 4.4016 Public Facility/Institutional

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

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

## **4.4017 Sign Maintenance**

Maintenance of legal signs is allowed and maintenance of the same shall not require a permit. Sign maintenance is the replacement or repair of a part or portion of a sign required by ordinary wear, tear, or damage, with like material, color, and design. Maintenance of legal signs does not include changing the color, size, design, or style of signs. Any sign or component of a sign which is in a damaged or deteriorated condition and constitutes a danger or hazard to public safety shall be promptly repaired or replaced. Surface materials and components shall be kept free of chipping, peeling, fading, cracks, holes, buckles, warps, splinters, or rusting visible from an adjacent property or street. Illuminated signs shall be maintained in good operating condition including prompt removal and replacement of all defective bulbs, light emitting diodes, fluorescent tubes, neon or other inert gas light segments, damaged or deteriorated electrical wiring, and malfunctioning control devices and related circuitry.

## **4.4018 Nonconforming Signs**

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

- A. Non-conforming signs may receive reasonable repairs or alterations to the face, letters, and frame.
- B. If a non-conforming sign is structurally changed or is damaged by fire, lack of maintenance, or other causes by more than 50 percent of its reproduction value, or is temporarily or permanently removed by any means, including “acts of God,” then such sign shall be rebuilt, repaired, or replaced only in conformance with the provisions of this Article.
- C. If a non-conforming sign becomes an abandoned sign, it shall be removed after notice to the property owner, unless in the case of an abandoned sign the property owner establishes facts sufficient to rebut the presumption of abandonment.
- D. If a property or development is expanded or modified to add new signage, all nonconforming signs shall be removed or rebuilt to comply with the provisions of this Article.
- E. Sign Faces s may be replaced on non-conforming signs.

- F. Any change to a property that adds to or changes existing signage shall be prohibited until all non-conforming signs are removed or rebuilt in conformance with this Article. Nothing herein shall prevent the replacement of Sign Faces on a nonconforming sign. Nothing herein shall require that existing signage which does not conform to the restrictions on Cabinet Signs or raceways be brought into conformance where it is demonstrated to the Zoning Administrator that the type of signage permitted by this Article is not structurally feasible.

#### **4.4019 Sign Violations**

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

offending sign has been removed by the Code Compliance Officer, the notice shall state the reason for its removal.

- b. The Building Official is authorized to remove or require the immediate removal or repair without written notice of any unsafe sign that creates an immediate hazard to persons or property.
- c. **Recovery of Costs.** The costs of removal or repair of a sign by the Town shall be borne by the person who installed the sign, and, if unknown, the owner or lessee of the sign and of the property on which the sign is located. If the Town incurs costs in the removal or repair of a sign, the Town may bring an action in Municipal Court or Superior Court to recover its costs.

**D. *Temporary Signs-Generally.***

**1. *Notice of Violation.***

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

- 2. *Enforcement.*** The Code Compliance Manager may remove or cause to be removed any Temporary Sign which is not removed by the owner.

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

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

- a. **First Offense.**
  - (1) A two-day written notice of the violation shall be given by the Code Compliance Manager to the owner or lessee of the business to which the sign relates, or, if such violation relates to the spacing requirements set forth in Section 4.408 a written notice shall be given to all owners or lessees of businesses to which the signs relate.
  - (2) Upon receipt of the notice, the owner or lessee of the business or businesses to which the sign(s) relate shall bring the sign(s) into conformance with this Article.

b. Second Offense.

- (1) If the Code Compliance Manager finds that there is a second violation by the same owner or lessee of a business to which a sign relates within any twenty-four (24) month period, then no notice shall be required. The offending A-Frame/T-Frame Sign or Flying Banner Sign shall be subject to immediate confiscation. For purposes of calculating the twenty-four (24) month period, the date of the commission of the first offense shall be used.
- (2) If the violation relates to the spacing requirements set forth in Section 4.408, then all signs in violation shall be subject to confiscation regardless of which sign was placed first.
- (3) The Code Compliance Manager shall give notice to the owner or lessee of the business to which a sign relates that the sign has been confiscated and that if not claimed within five (5) calendar days from the date of the notice, the sign shall be disposed of by the Town.

c. Third Offense.

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

d. Fourth Offense.

- (1) If the Code Compliance Manager finds that there is a fourth violation by the same owner or lessee of a business to which a sign relates within any 24 month period, the owner or lessee of the business shall be guilty of a Class I Misdemeanor but shall be exposed to civil fines only for the conviction. For purposes of calculating the 24 month period, the date of the commission of the first offense shall be used.

- (2) Upon conviction of a violation of this Article, the court shall order a person who has been convicted of a violation of this section to pay a fine of not less than \$500.00 for each count upon which a conviction has been obtained.

#### **4.4020 State Preemption**

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

#### **4.4021 Severability**

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



- D. ***Severability of prohibition on Billboards.*** If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this division and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on Billboards as contained in this Article, the LDC, or the Gilbert Code of Ordinances, or any adopting ordinance.

## Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

## SUPREME COURT OF THE UNITED STATES

## Syllabus

REED ET AL. *v.* TOWN OF GILBERT, ARIZONA, ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR  
THE NINTH CIRCUIT

No. 13–502. Argued January 12, 2015—Decided June 18, 2015

Gilbert, Arizona (Town), has a comprehensive code (Sign Code or Code) that prohibits the display of outdoor signs without a permit, but exempts 23 categories of signs, including three relevant here. “Ideological Signs,” defined as signs “communicating a message or ideas” that do not fit in any other Sign Code category, may be up to 20 square feet and have no placement or time restrictions. “Political Signs,” defined as signs “designed to influence the outcome of an election,” may be up to 32 square feet and may only be displayed during an election season. “Temporary Directional Signs,” defined as signs directing the public to a church or other “qualifying event,” have even greater restrictions: No more than four of the signs, limited to six square feet, may be on a single property at any time, and signs may be displayed no more than 12 hours before the “qualifying event” and 1 hour after.

Petitioners, Good News Community Church (Church) and its pastor, Clyde Reed, whose Sunday church services are held at various temporary locations in and near the Town, posted signs early each Saturday bearing the Church name and the time and location of the next service and did not remove the signs until around midday Sunday. The Church was cited for exceeding the time limits for displaying temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, petitioners filed suit, claiming that the Code abridged their freedom of speech. The District Court denied their motion for a preliminary injunction, and the Ninth Circuit affirmed, ultimately concluding that the Code’s sign categories were content neutral, and that the Code satisfied the intermediate scrutiny accorded to content-neutral regulations of speech.

*Held:* The Sign Code’s provisions are content-based regulations of

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speech that do not survive strict scrutiny. Pp. 6–17.

(a) Because content-based laws target speech based on its communicative content, they are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *E.g.*, *R. A. V. v. St. Paul*, 505 U. S. 377, 395. Speech regulation is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. \_\_\_, \_\_\_–\_\_\_. And courts are required to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Id.*, at \_\_\_. Whether laws define regulated speech by particular subject matter or by its function or purpose, they are subject to strict scrutiny. The same is true for laws that, though facially content neutral, cannot be “‘justified without reference to the content of the regulated speech,’” or were adopted by the government “because of disagreement with the message” conveyed. *Ward v. Rock Against Racism*, 491 U. S. 781, 791. Pp. 6–7.

(b) The Sign Code is content based on its face. It defines the categories of temporary, political, and ideological signs on the basis of their messages and then subjects each category to different restrictions. The restrictions applied thus depend entirely on the sign’s communicative content. Because the Code, on its face, is a content-based regulation of speech, there is no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny. Pp. 7.

(c) None of the Ninth Circuit’s theories for its contrary holding is persuasive. Its conclusion that the Town’s regulation was not based on a disagreement with the message conveyed skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government’s benign motive, content-neutral justification, or lack of “animus toward the ideas contained” in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429. Thus, an innocuous justification cannot transform a facially content-based law into one that is content neutral. A court must evaluate each question—whether a law is content based on its face and whether the purpose and justification for the law are content based—before concluding that a law is content neutral. *Ward* does not require otherwise, for its framework applies only to a content-neutral statute.

The Ninth Circuit’s conclusion that the Sign Code does not single out any idea or viewpoint for discrimination conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints

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is a “more blatant” and “egregious form of content discrimination,” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829, but “[t]he First Amendment’s hostility to content-based regulation [also] extends . . . to prohibition of public discussion of an entire topic,” *Consolidated Edison Co. of N. Y. v. Public Serv. Comm’n of N. Y.*, 447 U. S. 530, 537. The Sign Code, a paradigmatic example of content-based discrimination, singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter.

The Ninth Circuit also erred in concluding that the Sign Code was not content based because it made only speaker-based and event-based distinctions. The Code’s categories are not speaker-based—the restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. And even if the sign categories were speaker based, that would not automatically render the law content neutral. Rather, “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference.” *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 658. This same analysis applies to event-based distinctions. Pp. 8–14.

(d) The Sign Code’s content-based restrictions do not survive strict scrutiny because the Town has not demonstrated that the Code’s differentiation between temporary directional signs and other types of signs furthers a compelling governmental interest and is narrowly tailored to that end. See *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U. S. \_\_\_, \_\_\_. Assuming that the Town has a compelling interest in preserving its aesthetic appeal and traffic safety, the Code’s distinctions are highly underinclusive. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town when other types of signs create the same problem. See *Discovery Network, supra*, at 425. Nor has it shown that temporary directional signs pose a greater threat to public safety than ideological or political signs. Pp. 14–15.

(e) This decision will not prevent governments from enacting effective sign laws. The Town has ample content-neutral options available to resolve problems with safety and aesthetics, including regulating size, building materials, lighting, moving parts, and portability. And the Town may be able to forbid postings on public property, so long as it does so in an evenhanded, content-neutral manner. See *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 817. An ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—e.g., warning signs marking hazards on private property or signs directing traffic—might also survive strict scrutiny. Pp. 16–17.

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707 F. 3d 1057, reversed and remanded.

THOMAS, J., delivered the opinion of the Court, in which ROBERTS, C. J., and SCALIA, KENNEDY, ALITO, and SOTOMAYOR, JJ., joined. ALITO, J., filed a concurring opinion, in which KENNEDY and SOTOMAYOR, JJ., joined. BREYER, J., filed an opinion concurring in the judgment. KAGAN, J., filed an opinion concurring in the judgment, in which GINSBURG and BREYER, JJ., joined

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NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

**SUPREME COURT OF THE UNITED STATES**

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No. 13–502

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CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF  
GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE THOMAS delivered the opinion of the Court.

The town of Gilbert, Arizona (or Town), has adopted a comprehensive code governing the manner in which people may display outdoor signs. Gilbert, Ariz., Land Development Code (Sign Code or Code), ch. 1, §4.402 (2005).<sup>1</sup> The Sign Code identifies various categories of signs based on the type of information they convey, then subjects each category to different restrictions. One of the categories is “Temporary Directional Signs Relating to a Qualifying Event,” loosely defined as signs directing the public to a meeting of a nonprofit group. §4.402(P). The Code imposes more stringent restrictions on these signs than it does on signs conveying other messages. We hold that these provisions are content-based regulations of speech that cannot survive strict scrutiny.

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<sup>1</sup>The Town’s Sign Code is available online at <http://www.gilbertaz.gov/departments/development-service/planning-development/land-development-code> (as visited June 16, 2015, and available in Clerk of Court’s case file).

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## I

## A

The Sign Code prohibits the display of outdoor signs anywhere within the Town without a permit, but it then exempts 23 categories of signs from that requirement. These exemptions include everything from bazaar signs to flying banners. Three categories of exempt signs are particularly relevant here.

The first is “Ideological Sign[s].” This category includes any “sign communicating a message or ideas for noncommercial purposes that is not a Construction Sign, Directional Sign, Temporary Directional Sign Relating to a Qualifying Event, Political Sign, Garage Sale Sign, or a sign owned or required by a governmental agency.” Sign Code, Glossary of General Terms (Glossary), p. 23 (emphasis deleted). Of the three categories discussed here, the Code treats ideological signs most favorably, allowing them to be up to 20 square feet in area and to be placed in all “zoning districts” without time limits. §4.402(J).

The second category is “Political Sign[s].” This includes any “temporary sign designed to influence the outcome of an election called by a public body.” Glossary 23.<sup>2</sup> The Code treats these signs less favorably than ideological signs. The Code allows the placement of political signs up to 16 square feet on residential property and up to 32 square feet on nonresidential property, undeveloped municipal property, and “rights-of-way.” §4.402(I).<sup>3</sup> These signs may be displayed up to 60 days before a primary election and up to 15 days following a general election. *Ibid.*

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<sup>2</sup>A “Temporary Sign” is a “sign not permanently attached to the ground, a wall or a building, and not designed or intended for permanent display.” Glossary 25.

<sup>3</sup>The Code defines “Right-of-Way” as a “strip of publicly owned land occupied by or planned for a street, utilities, landscaping, sidewalks, trails, and similar facilities.” *Id.*, at 18.

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The third category is “Temporary Directional Signs Relating to a Qualifying Event.” This includes any “Temporary Sign intended to direct pedestrians, motorists, and other passersby to a ‘qualifying event.’” Glossary 25 (emphasis deleted). A “qualifying event” is defined as any “assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar non-profit organization.” *Ibid.* The Code treats temporary directional signs even less favorably than political signs.<sup>4</sup> Temporary directional signs may be no larger than six square feet. §4.402(P). They may be placed on private property or on a public right-of-way, but no more than four signs may be placed on a single property at any time. *Ibid.* And, they may be displayed no more than 12 hours before the “qualifying event” and no more than 1 hour afterward. *Ibid.*

## B

Petitioners Good News Community Church (Church) and its pastor, Clyde Reed, wish to advertise the time and location of their Sunday church services. The Church is a small, cash-strapped entity that owns no building, so it holds its services at elementary schools or other locations in or near the Town. In order to inform the public about its services, which are held in a variety of different loca-

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<sup>4</sup>The Sign Code has been amended twice during the pendency of this case. When litigation began in 2007, the Code defined the signs at issue as “Religious Assembly Temporary Direction Signs.” App. 75. The Code entirely prohibited placement of those signs in the public right-of-way, and it forbade posting them in any location for more than two hours before the religious assembly or more than one hour afterward. *Id.*, at 75–76. In 2008, the Town redefined the category as “Temporary Directional Signs Related to a Qualifying Event,” and it expanded the time limit to 12 hours before and 1 hour after the “qualifying event.” *Ibid.* In 2011, the Town amended the Code to authorize placement of temporary directional signs in the public right-of-way. *Id.*, at 89.



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tions, the Church began placing 15 to 20 temporary signs around the Town, frequently in the public right-of-way abutting the street. The signs typically displayed the Church's name, along with the time and location of the upcoming service. Church members would post the signs early in the day on Saturday and then remove them around midday on Sunday. The display of these signs requires little money and manpower, and thus has proved to be an economical and effective way for the Church to let the community know where its services are being held each week.

This practice caught the attention of the Town's Sign Code compliance manager, who twice cited the Church for violating the Code. The first citation noted that the Church exceeded the time limits for displaying its temporary directional signs. The second citation referred to the same problem, along with the Church's failure to include the date of the event on the signs. Town officials even confiscated one of the Church's signs, which Reed had to retrieve from the municipal offices.

Reed contacted the Sign Code Compliance Department in an attempt to reach an accommodation. His efforts proved unsuccessful. The Town's Code compliance manager informed the Church that there would be "no leniency under the Code" and promised to punish any future violations.

Shortly thereafter, petitioners filed a complaint in the United States District Court for the District of Arizona, arguing that the Sign Code abridged their freedom of speech in violation of the First and Fourteenth Amendments. The District Court denied the petitioners' motion for a preliminary injunction. The Court of Appeals for the Ninth Circuit affirmed, holding that the Sign Code's provision regulating temporary directional signs did not regulate speech on the basis of content. 587 F.3d 966, 979 (2009). It reasoned that, even though an enforcement

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officer would have to read the sign to determine what provisions of the Sign Code applied to it, the “kind of cursory examination” that would be necessary for an officer to classify it as a temporary directional sign was “not akin to an officer synthesizing the expressive content of the sign.” *Id.*, at 978. It then remanded for the District Court to determine in the first instance whether the Sign Code’s distinctions among temporary directional signs, political signs, and ideological signs nevertheless constituted a content-based regulation of speech.

On remand, the District Court granted summary judgment in favor of the Town. The Court of Appeals again affirmed, holding that the Code’s sign categories were content neutral. The court concluded that “the distinctions between Temporary Directional Signs, Ideological Signs, and Political Signs . . . are based on objective factors relevant to Gilbert’s creation of the specific exemption from the permit requirement and do not otherwise consider the substance of the sign.” 707 F. 3d 1057, 1069 (CA9 2013). Relying on this Court’s decision in *Hill v. Colorado*, 530 U. S. 703 (2000), the Court of Appeals concluded that the Sign Code is content neutral. 707 F. 3d, at 1071–1072. As the court explained, “Gilbert did not adopt its regulation of speech because it disagreed with the message conveyed” and its “interests in regulat[ing] temporary signs are unrelated to the content of the sign.” *Ibid.* Accordingly, the court believed that the Code was “content-neutral as that term [has been] defined by the Supreme Court.” *Id.*, at 1071. In light of that determination, it applied a lower level of scrutiny to the Sign Code and concluded that the law did not violate the First Amendment. *Id.*, at 1073–1076.

We granted certiorari, 573 U. S. \_\_\_\_ (2014), and now reverse.

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## II

## A

The First Amendment, applicable to the States through the Fourteenth Amendment, prohibits the enactment of laws “abridging the freedom of speech.” U. S. Const., Amdt. 1. Under that Clause, a government, including a municipal government vested with state authority, “has no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 95 (1972). Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests. *R. A. V. v. St. Paul*, 505 U. S. 377, 395 (1992); *Simon & Schuster, Inc. v. Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 115, 118 (1991).

Government regulation of speech is content based if a law applies to particular speech because of the topic discussed or the idea or message expressed. *E.g.*, *Sorrell v. IMS Health, Inc.*, 564 U. S. \_\_\_, \_\_\_–\_\_\_ (2011) (slip op., at 8–9); *Carey v. Brown*, 447 U. S. 455, 462 (1980); *Mosley*, *supra*, at 95. This commonsense meaning of the phrase “content based” requires a court to consider whether a regulation of speech “on its face” draws distinctions based on the message a speaker conveys. *Sorrell*, *supra*, at \_\_\_ (slip op., at 8). Some facial distinctions based on a message are obvious, defining regulated speech by particular subject matter, and others are more subtle, defining regulated speech by its function or purpose. Both are distinctions drawn based on the message a speaker conveys, and, therefore, are subject to strict scrutiny.

Our precedents have also recognized a separate and additional category of laws that, though facially content neutral, will be considered content-based regulations of speech: laws that cannot be “justified without reference to

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the content of the regulated speech,” or that were adopted by the government “because of disagreement with the message [the speech] conveys,” *Ward v. Rock Against Racism*, 491 U. S. 781, 791 (1989). Those laws, like those that are content based on their face, must also satisfy strict scrutiny.

## B

The Town’s Sign Code is content based on its face. It defines “Temporary Directional Signs” on the basis of whether a sign conveys the message of directing the public to church or some other “qualifying event.” Glossary 25. It defines “Political Signs” on the basis of whether a sign’s message is “designed to influence the outcome of an election.” *Id.*, at 24. And it defines “Ideological Signs” on the basis of whether a sign “communicat[es] a message or ideas” that do not fit within the Code’s other categories. *Id.*, at 23. It then subjects each of these categories to different restrictions.

The restrictions in the Sign Code that apply to any given sign thus depend entirely on the communicative content of the sign. If a sign informs its reader of the time and place a book club will discuss John Locke’s *Two Treatises of Government*, that sign will be treated differently from a sign expressing the view that one should vote for one of Locke’s followers in an upcoming election, and both signs will be treated differently from a sign expressing an ideological view rooted in Locke’s theory of government. More to the point, the Church’s signs inviting people to attend its worship services are treated differently from signs conveying other types of ideas. On its face, the Sign Code is a content-based regulation of speech. We thus have no need to consider the government’s justifications or purposes for enacting the Code to determine whether it is subject to strict scrutiny.

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## C

In reaching the contrary conclusion, the Court of Appeals offered several theories to explain why the Town's Sign Code should be deemed content neutral. None is persuasive.

## 1

The Court of Appeals first determined that the Sign Code was content neutral because the Town “did not adopt its regulation of speech [based on] disagree[ment] with the message conveyed,” and its justifications for regulating temporary directional signs were “unrelated to the content of the sign.” 707 F. 3d, at 1071–1072. In its brief to this Court, the United States similarly contends that a sign regulation is content neutral—even if it expressly draws distinctions based on the sign's communicative content—if those distinctions can be “justified without reference to the content of the regulated speech.” Brief for United States as *Amicus Curiae* 20, 24 (quoting *Ward, supra*, at 791; emphasis deleted).

But this analysis skips the crucial first step in the content-neutrality analysis: determining whether the law is content neutral on its face. A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of “animus toward the ideas contained” in the regulated speech. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429 (1993). We have thus made clear that “[i]llicit legislative intent is not the *sine qua non* of a violation of the First Amendment,” and a party opposing the government “need adduce ‘no evidence of an improper censorial motive.’” *Simon & Schuster, supra*, at 117. Although “a content-based purpose may be sufficient in certain circumstances to show that a regulation is content based, it is not necessary.” *Turner Broadcasting System, Inc. v. FCC*, 512 U. S. 622, 642 (1994). In other words, an

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innocuous justification cannot transform a facially content-based law into one that is content neutral.

That is why we have repeatedly considered whether a law is content neutral on its face *before* turning to the law’s justification or purpose. See, e.g., *Sorrell, supra*, at \_\_\_\_–\_\_\_\_ (slip op., at 8–9) (statute was content based “on its face,” and there was also evidence of an impermissible legislative motive); *United States v. Eichman*, 496 U. S. 310, 315 (1990) (“Although the [statute] contains no explicit content-based limitation on the scope of prohibited conduct, it is nevertheless clear that the Government’s asserted *interest* is related to the suppression of free expression” (internal quotation marks omitted)); *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789, 804 (1984) (“The text of the ordinance is neutral,” and “there is not even a hint of bias or censorship in the City’s enactment or enforcement of this ordinance”); *Clark v. Community for Creative Non-Violence*, 468 U. S. 288, 293 (1984) (requiring that a facially content-neutral ban on camping must be “justified without reference to the content of the regulated speech”); *United States v. O’Brien*, 391 U. S. 367, 375, 377 (1968) (noting that the statute “on its face deals with conduct having no connection with speech,” but examining whether the “the governmental interest is unrelated to the suppression of free expression”). Because strict scrutiny applies either when a law is content based on its face or when the purpose and justification for the law are content based, a court must evaluate each question before it concludes that the law is content neutral and thus subject to a lower level of scrutiny.

The Court of Appeals and the United States misunderstand our decision in *Ward* as suggesting that a government’s purpose is relevant even when a law is content based on its face. That is incorrect. *Ward* had nothing to say about facially content-based restrictions because it involved a facially content-*neutral* ban on the use, in a

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city-owned music venue, of sound amplification systems not provided by the city. 491 U. S., at 787, and n. 2. In that context, we looked to governmental motive, including whether the government had regulated speech “because of disagreement” with its message, and whether the regulation was “justified without reference to the content of the speech.” *Id.*, at 791. But *Ward’s* framework “applies only if a statute is content neutral.” *Hill*, 530 U. S., at 766 (KENNEDY, J., dissenting). Its rules thus operate “to protect speech,” not “to restrict it.” *Id.*, at 765.

The First Amendment requires no less. Innocent motives do not eliminate the danger of censorship presented by a facially content-based statute, as future government officials may one day wield such statutes to suppress disfavored speech. That is why the First Amendment expressly targets the operation of the laws—*i.e.*, the “abridg[ement] of speech”—rather than merely the motives of those who enacted them. U. S. Const., Amdt. 1. “The vice of content-based legislation . . . is not that it is always used for invidious, thought-control purposes, but that it lends itself to use for those purposes.” *Hill, supra*, at 743 (SCALIA, J., dissenting).

For instance, in *NAACP v. Button*, 371 U. S. 415 (1963), the Court encountered a State’s attempt to use a statute prohibiting “improper solicitation” by attorneys to outlaw litigation-related speech of the National Association for the Advancement of Colored People. *Id.*, at 438. Although *Button* predated our more recent formulations of strict scrutiny, the Court rightly rejected the State’s claim that its interest in the “regulation of professional conduct” rendered the statute consistent with the First Amendment, observing that “it is no answer . . . to say . . . that the purpose of these regulations was merely to insure high professional standards and not to curtail free expression.” *Id.*, at 438–439. Likewise, one could easily imagine a Sign Code compliance manager who disliked the Church’s

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substantive teachings deploying the Sign Code to make it more difficult for the Church to inform the public of the location of its services. Accordingly, we have repeatedly “rejected the argument that ‘discriminatory . . . treatment is suspect under the First Amendment only when the legislature intends to suppress certain ideas.’” *Discovery Network*, 507 U. S., at 429. We do so again today.

## 2

The Court of Appeals next reasoned that the Sign Code was content neutral because it “does not mention any idea or viewpoint, let alone single one out for differential treatment.” 587 F. 3d, at 977. It reasoned that, for the purpose of the Code provisions, “[i]t makes no difference which candidate is supported, who sponsors the event, or what ideological perspective is asserted.” 707 F. 3d, at 1069.

The Town seizes on this reasoning, insisting that “content based” is a term of art that “should be applied flexibly” with the goal of protecting “viewpoints and ideas from government censorship or favoritism.” Brief for Respondents 22. In the Town’s view, a sign regulation that “does not censor or favor particular viewpoints or ideas” cannot be content based. *Ibid.* The Sign Code allegedly passes this test because its treatment of temporary directional signs does not raise any concerns that the government is “endorsing or suppressing ‘ideas or viewpoints,’” *id.*, at 27, and the provisions for political signs and ideological signs “are neutral as to particular ideas or viewpoints” within those categories. *Id.*, at 37.

This analysis conflates two distinct but related limitations that the First Amendment places on government regulation of speech. Government discrimination among viewpoints—or the regulation of speech based on “the specific motivating ideology or the opinion or perspective of the speaker”—is a “more blatant” and “egregious form of



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content discrimination.” *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U.S. 819, 829 (1995). But it is well established that “[t]he First Amendment’s hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic.” *Consolidated Edison Co. of N. Y. v. Public Serv. Comm’n of N. Y.*, 447 U.S. 530, 537 (1980).

Thus, a speech regulation targeted at specific subject matter is content based even if it does not discriminate among viewpoints within that subject matter. *Ibid.* For example, a law banning the use of sound trucks for political speech—and only political speech—would be a content-based regulation, even if it imposed no limits on the political viewpoints that could be expressed. See *Discovery Network, supra*, at 428. The Town’s Sign Code likewise singles out specific subject matter for differential treatment, even if it does not target viewpoints within that subject matter. Ideological messages are given more favorable treatment than messages concerning a political candidate, which are themselves given more favorable treatment than messages announcing an assembly of like-minded individuals. That is a paradigmatic example of content-based discrimination.

## 3

Finally, the Court of Appeals characterized the Sign Code’s distinctions as turning on “the content-neutral elements of who is speaking through the sign and whether and when an event is occurring.” 707 F.3d, at 1069. That analysis is mistaken on both factual and legal grounds.

To start, the Sign Code’s distinctions are not speaker based. The restrictions for political, ideological, and temporary event signs apply equally no matter who sponsors them. If a local business, for example, sought to put up

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signs advertising the Church's meetings, those signs would be subject to the same limitations as such signs placed by the Church. And if Reed had decided to display signs in support of a particular candidate, he could have made those signs far larger—and kept them up for far longer—than signs inviting people to attend his church services. If the Code's distinctions were truly speaker based, both types of signs would receive the same treatment.

In any case, the fact that a distinction is speaker based does not, as the Court of Appeals seemed to believe, automatically render the distinction content neutral. Because “[s]peech restrictions based on the identity of the speaker are all too often simply a means to control content,” *Citizens United v. Federal Election Comm’n*, 558 U. S. 310, 340 (2010), we have insisted that “laws favoring some speakers over others demand strict scrutiny when the legislature’s speaker preference reflects a content preference,” *Turner*, 512 U. S., at 658. Thus, a law limiting the content of newspapers, but only newspapers, could not evade strict scrutiny simply because it could be characterized as speaker based. Likewise, a content-based law that restricted the political speech of all corporations would not become content neutral just because it singled out corporations as a class of speakers. See *Citizens United*, *supra*, at 340–341. Characterizing a distinction as speaker based is only the beginning—not the end—of the inquiry.

Nor do the Sign Code's distinctions hinge on “whether and when an event is occurring.” The Code does not permit citizens to post signs on any topic whatsoever within a set period leading up to an election, for example. Instead, come election time, it requires Town officials to determine whether a sign is “designed to influence the outcome of an election” (and thus “political”) or merely “communicating a message or ideas for noncommercial purposes” (and thus “ideological”). Glossary 24. That obvious content-based

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inquiry does not evade strict scrutiny review simply because an event (*i.e.*, an election) is involved.

And, just as with speaker-based laws, the fact that a distinction is event based does not render it content neutral. The Court of Appeals cited no precedent from this Court supporting its novel theory of an exception from the content-neutrality requirement for event-based laws. As we have explained, a speech regulation is content based if the law applies to particular speech because of the topic discussed or the idea or message expressed. *Supra*, at 6. A regulation that targets a sign because it conveys an idea about a specific event is no less content based than a regulation that targets a sign because it conveys some other idea. Here, the Code singles out signs bearing a particular message: the time and location of a specific event. This type of ordinance may seem like a perfectly rational way to regulate signs, but a clear and firm rule governing content neutrality is an essential means of protecting the freedom of speech, even if laws that might seem “entirely reasonable” will sometimes be “struck down because of their content-based nature.” *City of Ladue v. Gilleo*, 512 U. S. 43, 60 (1994) (O’Connor, J., concurring).

## III

Because the Town’s Sign Code imposes content-based restrictions on speech, those provisions can stand only if they survive strict scrutiny, “‘which requires the Government to prove that the restriction furthers a compelling interest and is narrowly tailored to achieve that interest,’” *Arizona Free Enterprise Club’s Freedom Club PAC v. Bennett*, 564 U. S. \_\_\_, \_\_\_ (2011) (slip op., at 8) (quoting *Citizens United*, 558 U. S., at 340). Thus, it is the Town’s burden to demonstrate that the Code’s differentiation between temporary directional signs and other types of signs, such as political signs and ideological signs, furthers a compelling governmental interest and is narrowly tai-

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lored to that end. See *ibid.*

The Town cannot do so. It has offered only two governmental interests in support of the distinctions the Sign Code draws: preserving the Town's aesthetic appeal and traffic safety. Assuming for the sake of argument that those are compelling governmental interests, the Code's distinctions fail as hopelessly underinclusive.

Starting with the preservation of aesthetics, temporary directional signs are "no greater an eyesore," *Discovery Network*, 507 U. S., at 425, than ideological or political ones. Yet the Code allows unlimited proliferation of larger ideological signs while strictly limiting the number, size, and duration of smaller directional ones. The Town cannot claim that placing strict limits on temporary directional signs is necessary to beautify the Town while at the same time allowing unlimited numbers of other types of signs that create the same problem.

The Town similarly has not shown that limiting temporary directional signs is necessary to eliminate threats to traffic safety, but that limiting other types of signs is not. The Town has offered no reason to believe that directional signs pose a greater threat to safety than do ideological or political signs. If anything, a sharply worded ideological sign seems more likely to distract a driver than a sign directing the public to a nearby church meeting.

In light of this underinclusiveness, the Town has not met its burden to prove that its Sign Code is narrowly tailored to further a compelling government interest. Because a "law cannot be regarded as protecting an interest of the highest order, and thus as justifying a restriction on truthful speech, when it leaves appreciable damage to that supposedly vital interest unprohibited," *Republican Party of Minn. v. White*, 536 U. S. 765, 780 (2002), the Sign Code fails strict scrutiny.

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## IV

Our decision today will not prevent governments from enacting effective sign laws. The Town asserts that an “absolutist” content-neutrality rule would render “virtually all distinctions in sign laws . . . subject to strict scrutiny,” Brief for Respondents 34–35, but that is not the case. Not “all distinctions” are subject to strict scrutiny, only *content-based* ones are. Laws that are *content neutral* are instead subject to lesser scrutiny. See *Clark*, 468 U. S., at 295.

The Town has ample content-neutral options available to resolve problems with safety and aesthetics. For example, its current Code regulates many aspects of signs that have nothing to do with a sign’s message: size, building materials, lighting, moving parts, and portability. See, e.g., §4.402(R). And on public property, the Town may go a long way toward entirely forbidding the posting of signs, so long as it does so in an evenhanded, content-neutral manner. See *Taxpayers for Vincent*, 466 U. S., at 817 (upholding content-neutral ban against posting signs on public property). Indeed, some lower courts have long held that similar content-based sign laws receive strict scrutiny, but there is no evidence that towns in those jurisdictions have suffered catastrophic effects. See, e.g., *Solantic, LLC v. Neptune Beach*, 410 F.3d 1250, 1264–1269 (CA11 2005) (sign categories similar to the town of Gilbert’s were content based and subject to strict scrutiny); *Matthews v. Needham*, 764 F.2d 58, 59–60 (CA1 1985) (law banning political signs but not commercial signs was content based and subject to strict scrutiny).

We acknowledge that a city might reasonably view the general regulation of signs as necessary because signs “take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.” *City of Ladue*, 512 U. S., at 48. At the same time, the presence of certain

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signs may be essential, both for vehicles and pedestrians, to guide traffic or to identify hazards and ensure safety. A sign ordinance narrowly tailored to the challenges of protecting the safety of pedestrians, drivers, and passengers—such as warning signs marking hazards on private property, signs directing traffic, or street numbers associated with private houses—well might survive strict scrutiny. The signs at issue in this case, including political and ideological signs and signs for events, are far removed from those purposes. As discussed above, they are facially content based and are neither justified by traditional safety concerns nor narrowly tailored.

\* \* \*

We reverse the judgment of the Court of Appeals and remand the case for proceedings consistent with this opinion.

*It is so ordered.*

ALITO, J., concurring

**SUPREME COURT OF THE UNITED STATES**

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF  
GILBERT, ARIZONA, ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE ALITO, with whom JUSTICE KENNEDY and  
JUSTICE SOTOMAYOR join, concurring.

I join the opinion of the Court but add a few words of  
further explanation.

As the Court holds, what we have termed “content-  
based” laws must satisfy strict scrutiny. Content-based  
laws merit this protection because they present, albeit  
sometimes in a subtler form, the same dangers as laws  
that regulate speech based on viewpoint. Limiting speech  
based on its “topic” or “subject” favors those who do not  
want to disturb the status quo. Such regulations may  
interfere with democratic self-government and the search  
for truth. See *Consolidated Edison Co. of N. Y. v. Public  
Serv. Comm’n of N. Y.*, 447 U. S. 530, 537 (1980).

As the Court shows, the regulations at issue in this case  
are replete with content-based distinctions, and as a result  
they must satisfy strict scrutiny. This does not mean,  
however, that municipalities are powerless to enact and  
enforce reasonable sign regulations. I will not attempt to  
provide anything like a comprehensive list, but here are  
some rules that would not be content based:

Rules regulating the size of signs. These rules may  
distinguish among signs based on any content-neutral  
criteria, including any relevant criteria listed below.

Rules regulating the locations in which signs may be

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placed. These rules may distinguish between free-standing signs and those attached to buildings.

Rules distinguishing between lighted and unlighted signs.

Rules distinguishing between signs with fixed messages and electronic signs with messages that change.

Rules that distinguish between the placement of signs on private and public property.

Rules distinguishing between the placement of signs on commercial and residential property.

Rules distinguishing between on-premises and off-premises signs.

Rules restricting the total number of signs allowed per mile of roadway.

Rules imposing time restrictions on signs advertising a one-time event. Rules of this nature do not discriminate based on topic or subject and are akin to rules restricting the times within which oral speech or music is allowed.\*

In addition to regulating signs put up by private actors, government entities may also erect their own signs consistent with the principles that allow governmental speech. See *Pleasant Grove City v. Summum*, 555 U. S. 460, 467–469 (2009). They may put up all manner of signs to promote safety, as well as directional signs and signs pointing out historic sites and scenic spots.

Properly understood, today’s decision will not prevent cities from regulating signs in a way that fully protects public safety and serves legitimate esthetic objectives.

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\*Of course, content-neutral restrictions on speech are not necessarily consistent with the First Amendment. Time, place, and manner restrictions “must be narrowly tailored to serve the government’s legitimate, content-neutral interests.” *Ward v. Rock Against Racism*, 491 U. S. 781, 798 (1989). But they need not meet the high standard imposed on viewpoint- and content-based restrictions.



BREYER, J., concurring in judgment

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[June 18, 2015]

JUSTICE BREYER, concurring in the judgment.

I join JUSTICE KAGAN’s separate opinion. Like JUSTICE KAGAN I believe that categories alone cannot satisfactorily resolve the legal problem before us. The First Amendment requires greater judicial sensitivity both to the Amendment’s expressive objectives and to the public’s legitimate need for regulation than a simple recitation of categories, such as “content discrimination” and “strict scrutiny,” would permit. In my view, the category “content discrimination” is better considered in many contexts, including here, as a rule of thumb, rather than as an automatic “strict scrutiny” trigger, leading to almost certain legal condemnation.

To use content discrimination to trigger strict scrutiny sometimes makes perfect sense. There are cases in which the Court has found content discrimination an unconstitutional method for suppressing a viewpoint. *E.g.*, *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 828–829 (1995); see also *Boos v. Barry*, 485 U. S. 312, 318–319 (1988) (plurality opinion) (applying strict scrutiny where the line between subject matter and viewpoint was not obvious). And there are cases where the Court has found content discrimination to reveal that rules governing a traditional public forum are, in fact, not a neutral way of fairly managing the forum in the interest of all

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speakers. *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 96 (1972) (“Once a forum is opened up to assembly or speaking by some groups, government may not prohibit others from assembling or speaking on the basis of what they intend to say”). In these types of cases, strict scrutiny is often appropriate, and content discrimination has thus served a useful purpose.

But content discrimination, while helping courts to identify unconstitutional suppression of expression, cannot and should not *always* trigger strict scrutiny. To say that it is not an automatic “strict scrutiny” trigger is not to argue against that concept’s use. I readily concede, for example, that content discrimination, as a conceptual tool, can sometimes reveal weaknesses in the government’s rationale for a rule that limits speech. If, for example, a city looks to litter prevention as the rationale for a prohibition against placing newsracks dispensing free advertisements on public property, why does it exempt other newsracks causing similar litter? Cf. *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410 (1993). I also concede that, whenever government disfavors one kind of speech, it places that speech at a disadvantage, potentially interfering with the free marketplace of ideas and with an individual’s ability to express thoughts and ideas that can help that individual determine the kind of society in which he wishes to live, help shape that society, and help define his place within it.

Nonetheless, in these latter instances to use the presence of content discrimination automatically to trigger strict scrutiny and thereby call into play a strong presumption against constitutionality goes too far. That is because virtually all government activities involve speech, many of which involve the regulation of speech. Regulatory programs almost always require content discrimination. And to hold that such content discrimination triggers strict scrutiny is to write a recipe for judicial management

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of ordinary government regulatory activity.

Consider a few examples of speech regulated by government that inevitably involve content discrimination, but where a strong presumption against constitutionality has no place. Consider governmental regulation of securities, *e.g.*, 15 U. S. C. §78l (requirements for content that must be included in a registration statement); of energy conservation labeling-practices, *e.g.*, 42 U. S. C. §6294 (requirements for content that must be included on labels of certain consumer electronics); of prescription drugs, *e.g.*, 21 U. S. C. §353(b)(4)(A) (requiring a prescription drug label to bear the symbol “Rx only”); of doctor-patient confidentiality, *e.g.*, 38 U. S. C. §7332 (requiring confidentiality of certain medical records, but allowing a physician to disclose that the patient has HIV to the patient’s spouse or sexual partner); of income tax statements, *e.g.*, 26 U. S. C. §6039F (requiring taxpayers to furnish information about foreign gifts received if the aggregate amount exceeds \$10,000); of commercial airplane briefings, *e.g.*, 14 CFR §136.7 (2015) (requiring pilots to ensure that each passenger has been briefed on flight procedures, such as seatbelt fastening); of signs at petting zoos, *e.g.*, N. Y. Gen. Bus. Law Ann. §399–ff(3) (West Cum. Supp. 2015) (requiring petting zoos to post a sign at every exit “‘strongly recommend[ing] that persons wash their hands upon exiting the petting zoo area’”); and so on.

Nor can the majority avoid the application of strict scrutiny to all sorts of justifiable governmental regulations by relying on this Court’s many subcategories and exceptions to the rule. The Court has said, for example, that we should apply less strict standards to “commercial speech.” *Central Hudson Gas & Elec. Corp. v. Public Service Comm’n of N. Y.*, 447 U. S. 557, 562–563 (1980). But I have great concern that many justifiable instances of “content-based” regulation are noncommercial. And, worse than that, the Court has applied the heightened

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“strict scrutiny” standard even in cases where the less stringent “commercial speech” standard was appropriate. See *Sorrell v. IMS Health Inc.*, 564 U. S. \_\_\_, \_\_\_ (2011) (BREYER, J., dissenting) (slip op., at \_\_\_). The Court has also said that “government speech” escapes First Amendment strictures. See *Rust v. Sullivan*, 500 U. S. 173, 193–194 (1991). But regulated speech is typically private speech, not government speech. Further, the Court has said that, “[w]hen the basis for the content discrimination consists entirely of the very reason the entire class of speech at issue is proscribable, no significant danger of idea or viewpoint discrimination exists.” *R. A. V. v. St. Paul*, 505 U. S. 377, 388 (1992). But this exception accounts for only a few of the instances in which content discrimination is readily justifiable.

I recognize that the Court could escape the problem by watering down the force of the presumption against constitutionality that “strict scrutiny” normally carries with it. But, in my view, doing so will weaken the First Amendment’s protection in instances where “strict scrutiny” should apply in full force.

The better approach is to generally treat content discrimination as a strong reason weighing against the constitutionality of a rule where a traditional public forum, or where viewpoint discrimination, is threatened, but elsewhere treat it as a rule of thumb, finding it a helpful, but not determinative legal tool, in an appropriate case, to determine the strength of a justification. I would use content discrimination as a supplement to a more basic analysis, which, tracking most of our First Amendment cases, asks whether the regulation at issue works harm to First Amendment interests that is disproportionate in light of the relevant regulatory objectives. Answering this question requires examining the seriousness of the harm to speech, the importance of the countervailing objectives, the extent to which the law will achieve those objectives,

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and whether there are other, less restrictive ways of doing so. See, e.g., *United States v. Alvarez*, 567 U. S. \_\_\_, \_\_\_–\_\_\_ (2012) (BREYER, J., concurring in judgment) (slip op., at 1–3); *Nixon v. Shrink Missouri Government PAC*, 528 U. S. 377, 400–403 (2000) (BREYER, J., concurring). Admittedly, this approach does not have the simplicity of a mechanical use of categories. But it does permit the government to regulate speech in numerous instances where the voters have authorized the government to regulate and where courts should hesitate to substitute judicial judgment for that of administrators.

Here, regulation of signage along the roadside, for purposes of safety and beautification is at issue. There is no traditional public forum nor do I find any general effort to censor a particular viewpoint. Consequently, the specific regulation at issue does not warrant “strict scrutiny.” Nonetheless, for the reasons that JUSTICE KAGAN sets forth, I believe that the Town of Gilbert’s regulatory rules violate the First Amendment. I consequently concur in the Court’s judgment only.

KAGAN, J., concurring in judgment

**SUPREME COURT OF THE UNITED STATES**

No. 13–502

CLYDE REED, ET AL., PETITIONERS *v.* TOWN OF  
GILBERT, ARIZONA, ET AL.ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF  
APPEALS FOR THE NINTH CIRCUIT

[June 18, 2015]

JUSTICE KAGAN, with whom JUSTICE GINSBURG and JUSTICE BREYER join, concurring in the judgment.

Countless cities and towns across America have adopted ordinances regulating the posting of signs, while exempting certain categories of signs based on their subject matter. For example, some municipalities generally prohibit illuminated signs in residential neighborhoods, but lift that ban for signs that identify the address of a home or the name of its owner or occupant. See, *e.g.*, City of Truth or Consequences, N. M., Code of Ordinances, ch. 16, Art. XIII, §§11–13–2.3, 11–13–2.9(H)(4) (2014). In other municipalities, safety signs such as “Blind Pedestrian Crossing” and “Hidden Driveway” can be posted without a permit, even as other permanent signs require one. See, *e.g.*, Code of Athens-Clarke County, Ga., Pt. III, §7–4–7(1) (1993). Elsewhere, historic site markers—for example, “George Washington Slept Here”—are also exempt from general regulations. See, *e.g.*, Dover, Del., Code of Ordinances, Pt. II, App. B, Art. 5, §4.5(F) (2012). And similarly, the federal Highway Beautification Act limits signs along interstate highways unless, for instance, they direct travelers to “scenic and historical attractions” or advertise free coffee. See 23 U. S. C. §§131(b), (c)(1), (c)(5).

Given the Court’s analysis, many sign ordinances of that kind are now in jeopardy. See *ante*, at 14 (acknowledging

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that “entirely reasonable” sign laws “will sometimes be struck down” under its approach (internal quotation marks omitted)). Says the majority: When laws “single[] out specific subject matter,” they are “facially content based”; and when they are facially content based, they are automatically subject to strict scrutiny. *Ante*, at 12, 16–17. And although the majority holds out hope that some sign laws with subject-matter exemptions “might survive” that stringent review, *ante*, at 17, the likelihood is that most will be struck down. After all, it is the “rare case[] in which a speech restriction withstands strict scrutiny.” *Williams-Yulee v. Florida Bar*, 575 U. S. \_\_\_, \_\_\_ (2015) (slip op., at 9). To clear that high bar, the government must show that a content-based distinction “is necessary to serve a compelling state interest and is narrowly drawn to achieve that end.” *Arkansas Writers’ Project, Inc. v. Ragland*, 481 U. S. 221, 231 (1987). So on the majority’s view, courts would have to determine that a town has a compelling interest in informing passersby where George Washington slept. And likewise, courts would have to find that a town has no other way to prevent hidden-driveway mishaps than by specially treating hidden-driveway signs. (Well-placed speed bumps? Lower speed limits? Or how about just a ban on hidden driveways?) The consequence—unless courts water down strict scrutiny to something unrecognizable—is that our communities will find themselves in an unenviable bind: They will have to either repeal the exemptions that allow for helpful signs on streets and sidewalks, or else lift their sign restrictions altogether and resign themselves to the resulting clutter.\*

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\*Even in trying (commendably) to limit today’s decision, JUSTICE ALITO’s concurrence highlights its far-reaching effects. According to JUSTICE ALITO, the majority does not subject to strict scrutiny regulations of “signs advertising a one-time event.” *Ante*, at 2 (ALITO, J., concurring). But of course it does. On the majority’s view, a law with an exception for such signs “singles out specific subject matter for

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Although the majority insists that applying strict scrutiny to all such ordinances is “essential” to protecting First Amendment freedoms, *ante*, at 14, I find it challenging to understand why that is so. This Court’s decisions articulate two important and related reasons for subjecting content-based speech regulations to the most exacting standard of review. The first is “to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail.” *McCullen v. Coakley*, 573 U. S. \_\_\_, \_\_\_–\_\_\_ (2014) (slip op., at 8–9) (internal quotation marks omitted). The second is to ensure that the government has not regulated speech “based on hostility—or favoritism—towards the underlying message expressed.” *R. A. V. v. St. Paul*, 505 U. S. 377, 386 (1992). Yet the subject-matter exemptions included in many sign ordinances do not implicate those concerns. Allowing residents, say, to install a light bulb over “name and address” signs but no others does not distort the marketplace of ideas. Nor does that different treatment give rise to an inference of impermissible government motive.

We apply strict scrutiny to facially content-based regulations of speech, in keeping with the rationales just described, when there is any “realistic possibility that official suppression of ideas is afoot.” *Davenport v. Washington Ed. Assn.*, 551 U. S. 177, 189 (2007) (quoting *R. A. V.*, 505 U. S., at 390). That is always the case when the regulation facially differentiates on the basis of viewpoint. See *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 829 (1995). It is also the case (except in non-public or limited public forums) when a law restricts “discussion of an entire topic” in public debate. *Consolidated*

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differential treatment” and “defin[es] regulated speech by particular subject matter.” *Ante*, at 6, 12 (majority opinion). Indeed, the precise reason the majority applies strict scrutiny here is that “the Code singles out signs bearing a particular message: the time and location of a specific event.” *Ante*, at 14.



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*Edison Co. of N. Y. v. Public Serv. Comm'n of N. Y.*, 447 U. S. 530, 537, 539–540 (1980) (invalidating a limitation on speech about nuclear power). We have stated that “[i]f the marketplace of ideas is to remain free and open, governments must not be allowed to choose ‘which issues are worth discussing or debating.’” *Id.*, at 537–538 (quoting *Police Dept. of Chicago v. Mosley*, 408 U. S. 92, 96 (1972)). And we have recognized that such subject-matter restrictions, even though viewpoint-neutral on their face, may “suggest[] an attempt to give one side of a debatable public question an advantage in expressing its views to the people.” *First Nat. Bank of Boston v. Bellotti*, 435 U. S. 765, 785 (1978); accord, *ante*, at 1 (ALITO, J., concurring) (limiting all speech on one topic “favors those who do not want to disturb the status quo”). Subject-matter regulation, in other words, may have the intent or effect of favoring some ideas over others. When that is realistically possible—when the restriction “raises the specter that the Government may effectively drive certain ideas or viewpoints from the marketplace”—we insist that the law pass the most demanding constitutional test. *R. A. V.*, 505 U. S., at 387 (quoting *Simon & Schuster, Inc. v. Members of N. Y. State Crime Victims Bd.*, 502 U. S. 105, 116 (1991)).

But when that is not realistically possible, we may do well to relax our guard so that “entirely reasonable” laws imperiled by strict scrutiny can survive. *Ante*, at 14. This point is by no means new. Our concern with content-based regulation arises from the fear that the government will skew the public’s debate of ideas—so when “that risk is inconsequential, . . . strict scrutiny is unwarranted.” *Davenport*, 551 U. S., at 188; see *R. A. V.*, 505 U. S., at 388 (approving certain content-based distinctions when there is “no significant danger of idea or viewpoint discrimination”). To do its intended work, of course, the category of content-based regulation triggering strict scrutiny must

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sweep more broadly than the actual harm; that category exists to create a buffer zone guaranteeing that the government cannot favor or disfavor certain viewpoints. But that buffer zone need not extend forever. We can administer our content-regulation doctrine with a dose of common sense, so as to leave standing laws that in no way implicate its intended function.

And indeed we have done just that: Our cases have been far less rigid than the majority admits in applying strict scrutiny to facially content-based laws—including in cases just like this one. See *Davenport*, 551 U. S., at 188 (noting that “we have identified numerous situations in which [the] risk” attached to content-based laws is “attenuated”). In *Members of City Council of Los Angeles v. Taxpayers for Vincent*, 466 U. S. 789 (1984), the Court declined to apply strict scrutiny to a municipal ordinance that exempted address numbers and markers commemorating “historical, cultural, or artistic event[s]” from a generally applicable limit on sidewalk signs. *Id.*, at 792, n. 1 (listing exemptions); see *id.*, at 804–810 (upholding ordinance under intermediate scrutiny). After all, we explained, the law’s enactment and enforcement revealed “not even a hint of bias or censorship.” *Id.*, at 804; see also *Renton v. Playtime Theatres, Inc.*, 475 U. S. 41, 48 (1986) (applying intermediate scrutiny to a zoning law that facially distinguished among movie theaters based on content because it was “designed to prevent crime, protect the city’s retail trade, [and] maintain property values . . . , not to suppress the expression of unpopular views”). And another decision involving a similar law provides an alternative model. In *City of Ladue v. Gilleo*, 512 U. S. 43 (1994), the Court assumed *arguendo* that a sign ordinance’s exceptions for address signs, safety signs, and for-sale signs in residential areas did not trigger strict scrutiny. See *id.*, at 46–47, and n. 6 (listing exemptions); *id.*, at 53 (noting this assumption). We did not need to, and so did not, decide the

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level-of-scrutiny question because the law’s breadth made it unconstitutional under any standard.

The majority could easily have taken *Ladue*’s tack here. The Town of Gilbert’s defense of its sign ordinance—most notably, the law’s distinctions between directional signs and others—does not pass strict scrutiny, or intermediate scrutiny, or even the laugh test. See *ante*, at 14–15 (discussing those distinctions). The Town, for example, provides no reason at all for prohibiting more than four directional signs on a property while placing no limits on the number of other types of signs. See Gilbert, Ariz., Land Development Code, ch. I, §§4.402(J), (P)(2) (2014). Similarly, the Town offers no coherent justification for restricting the size of directional signs to 6 square feet while allowing other signs to reach 20 square feet. See §§4.402(J), (P)(1). The best the Town could come up with at oral argument was that directional signs “need to be smaller because they need to guide travelers along a route.” Tr. of Oral Arg. 40. Why exactly a smaller sign better helps travelers get to where they are going is left a mystery. The absence of any sensible basis for these and other distinctions dooms the Town’s ordinance under even the intermediate scrutiny that the Court typically applies to “time, place, or manner” speech regulations. Accordingly, there is no need to decide in this case whether strict scrutiny applies to every sign ordinance in every town across this country containing a subject-matter exemption.

I suspect this Court and others will regret the majority’s insistence today on answering that question in the affirmative. As the years go by, courts will discover that thousands of towns have such ordinances, many of them “entirely reasonable.” *Ante*, at 14. And as the challenges to them mount, courts will have to invalidate one after the other. (This Court may soon find itself a veritable Supreme Board of Sign Review.) And courts will strike down those democratically enacted local laws even though no

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one—certainly not the majority—has ever explained why the vindication of First Amendment values requires that result. Because I see no reason why such an easy case calls for us to cast a constitutional pall on reasonable regulations quite unlike the law before us, I concur only in the judgment.