

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

C. REQUEST

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 is 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.

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.

authority to make all other conforming amendments necessary to carry out the intent of the BoCC.

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) (clean version)
Current Sign Code
Supreme Court Reed/Town of Gilbert Ruling
Gilbert Sign Code

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 subdivisions, 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., a complete, static display message on an Electronic Message Display).

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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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.

Comment [SK1]: I think we spoke about looking to consolidate some of these?

Comment [NR2R1]: Craig would like to keep these

- (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.

(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

Comment [SK5]: Do we have height and setback limitations for every zoning district clearly spelled out?

Comment [D6R5]: Yes, if you look at each sign type it will include the setback and ht

- (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.

Comment [SK13]: Do we use PCD Director or executive director?

Comment [D14R13]: PCD Director

- (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.

- 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.

Comment [SK19]: Formatting got a little off w/ accepted changes

Comment [D20R19]: We know- it is not pretty

(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.

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.

- 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.

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.**

- (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.

- **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.

- 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.
- Intrusion into Setback Area.** A flagpole may be located within the setback area provided it is located within 10 feet of a building.
- 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.
- 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;**

- (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;

- (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.

- **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.

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

Syllabus

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.

Opinion of the Court

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

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 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).¹ 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.

¹The 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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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.⁴ 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-

⁴The 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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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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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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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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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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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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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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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

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.

* 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

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

BREYER, J., concurring in judgment

“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,

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

KAGAN, J., concurring in judgment

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*

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.

KAGAN, J., concurring in judgment

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

KAGAN, J., concurring in judgment

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.

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;

- 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.

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.

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.

- 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.

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.

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

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

**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.

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

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

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

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

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

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

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.

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

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

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

- (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.

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.

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.

- (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

- (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

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

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

(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

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.

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

4.4012 Commercial Zoning Districts

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

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

4.4014 Office Zoning Districts

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

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

4.4016 Public Facility/Institutional

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

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

- 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

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.

- 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.