

# **EXHIBIT A**

## **ARTICLE 7 SIGN REGULATIONS**

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### **ARTICLE 7-1 PURPOSE**

- A. The purpose of this Article regulating signs of all types is: to establish comprehensive provisions that will promote the public welfare and safety by safe placement and installation of appropriate signage; to establish reasonable regulations that promote effective messaging and economic vitality for local businesses and services; and to enhance the visual environment of the city of Goodyear. The regulation of signs within the city of Goodyear is necessary and in the public interest for the following reasons:
  - 1. To promote and aid the public and private sectors in the identification, location and advertisement of goods and services.
  - 2. To balance public and private objectives by allowing adequate avenues for both commercial and noncommercial messages.
  - 3. To allow for adequate and effective signs in all zoning districts while preventing signs from dominating the appearance of the area.
  - 4. To maintain high quality signage throughout the City.
  - 5. To provide consistent sign design standards that enable the fair and consistent enforcement of these regulations.
- B. It is the city of Goodyear's policy to regulate signs in a constitutional manner that does not favor commercial speech over noncommercial speech and is content neutral as to noncommercial messages, which are within the protections of the First Amendment to the

United States Constitution and corollary provisions of the Arizona Constitution. If any provision of this Article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this Article, which can be given effect without the invalid provision.

- C. With the property owner's consent, a protected noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is permitted without consideration of message content. Such substitution of message may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over protected noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.
- D. Nothing in this Code shall be construed to prohibit a person from holding a sign while picketing or protesting on public property that has been determined to be a traditional or designated public forum, so long as the person holding the sign does not block ingress and egress from buildings, create a safety hazard by impeding travel on sidewalks, in bike or vehicle lanes, or violate any other reasonable time, place, and manner restrictions adopted by the City.

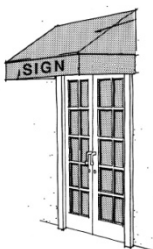
## ARTICLE 7-2 DEFINITIONS

For the purpose of this Article, the following words, terms and phrases are defined herein as prescribed in Article 2 (Definitions) of this Ordinance:

**Abandoned sign.** Any sign that has ceased to be actively maintained and is in a dilapidated or deteriorated condition, or any sign for a business or other premises that has been vacant for six or more months.

**Animated sign.** Any sign or part of a sign which changes physical position by any movement, rotation or undulation or by the movement of any light used in conjunction with a sign such as blinking, traveling, flashing or changing degree of intensity of any light movement other than burning continuously.

**Awning sign.** A sign that is mounted, painted on, or attached to an awning.



**Banner.** A temporary sign of fabric, plastic, paper or other light pliable material not enclosed in a rigid frame.



**Billboard.** A permanent sign or structure containing a commercial or noncommercial message, which directs attention to something offered or existing elsewhere than upon the property where the sign is located.

**Business.** For purposes of this Article, any commercial or noncommercial activity conducted within or outside a building or structure located on a property, parcel, or any part of a property or parcel.

**Cabinet sign.** A three-dimensional structure, which includes a frame, borders and sign panel face and which may include internal lighting.

**Canopy sign.** A sign that is mounted, painted on, or attached to a canopy.

**Commercial sign.** A permanent or temporary sign, which identifies, advertises, or directs attention to a business or is intended to induce a purchase of a good, property, or service, including, without limitation, any sign naming a brand of good or service and any sign that is not a noncommercial sign.

**Comprehensive sign package.** A submittal required for any commercial or industrial development that contains three or more businesses, for a master planned residential or mixed-use community, and for all Planned Area Developments (PADs), to provide unified signage throughout the proposed development.

**Construction sign.** A temporary sign, limited to the period of construction, located on the premises of an existing construction project.

**Digital marquee signs.** A permanent sign or structure, which is capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means, for the purpose of directing attention to something offered or existing elsewhere than upon the property where the sign is located.

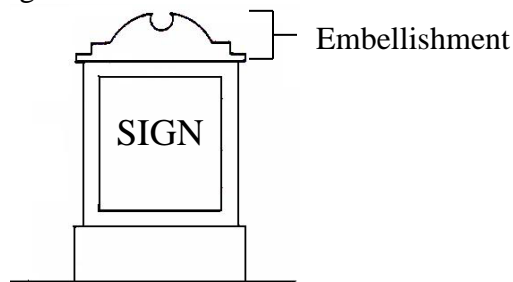
**Directional sign.** A permanent or temporary sign typically containing information for the purpose of directing vehicular traffic or pedestrian travel to the identified property or other location.

**Directory sign.** A permanent on-site sign typically listing the names, uses and/or locations of persons, businesses or activities conducted within a building or group of buildings.

**Electronic message display.** A permanent on-site sign capable of displaying words, symbols, figures or images that can be electronically changed by remote or automatic means.



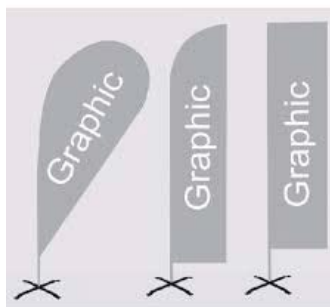
**Embellishment.** Irregular forms or similar ornamentation, whether or not attached to, affixed to, or imposed upon advertising signs.



**Figurative sign.** An on-site sign that advertises the occupant activity or business through the use of graphic or crafted symbols, such as shoes, keys, glasses, books, etc. Figurative signs can be incorporated into any of the allowable sign types identified in this Ordinance.



**Flying banner.** A type of vertical banner made of flexible material, with the longer dimension typically attached to a pole or rod attached to the ground. Also sometimes called a feather, sail or teardrop banner.



**Freeway pylon sign.** A permanent freestanding identification sign located on property abutting a freeway, or part of a complex or center abutting a freeway that is oriented to and intended to be read from the freeway.

**Governmental sign.** Any sign erected, constructed, or placed and maintained on government-owned or privately-owned real property, including, but not limited to, public buildings, public rights-of-way, public schools, and community facilities, by the City or any other governmental entity of the State of Arizona, a public or quasi-public utility, or the Federal Government or an agency thereof, including any sign placed and maintained pursuant to a government contract or license. Government signs also include official traffic, fire and police signs, signals and devices and markings of the State of Arizona and the City of Goodyear or other authorized public agency, and the posting of notices as required by law.

**Illuminated sign.** A permanent sign with the surface artificially lighted, either internally or externally.

**Inflatable sign.** A type of sign that achieves its shape through inserted air or gas. Includes balloons and other air or gas blown displays.

**Kiosk sign.** A City-installed or licensed informational sign indicating directions to destinations within the community, including, but not limited to, government and community facilities, residential developments, schools, and businesses.

**Legal Nonconforming sign.** A sign lawfully erected and maintained prior to the adoption of this Ordinance, which does not conform to the requirements of this Ordinance.

**Maintenance.** The replacement or repair of a part or portion of a sign required by ordinary wear, tear or damage, with like material, color and design.

**Menu board sign.** A permanent sign typically displaying items for sale at a drive-in or drive-through restaurant, with or without ordering capability.



**Monument sign.** A freestanding, permanent self-supported identification sign that is not attached to the supportive elements of a building.

**Noncommercial sign.** A permanent or temporary sign, which in no way identifies, advertises, or directs attention to a business or is intended to induce a purchase of a good, property, or service, or portrays or symbolizes a good, property, or service, especially, but, without limitation, a brand or trade name, an identifiable container shape, or a trademark. Noncommercial signs include, but are not limited to, political and ideological messages.

**Off-Site sign:** A temporary sign, other than a billboard, that directs attention to an activity, business, commodity, service, entertainment, product or attraction sold, offered, or existing elsewhere than upon the property where the sign is located.

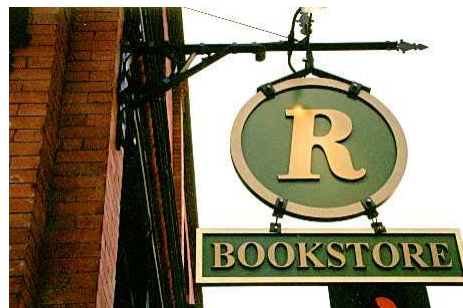
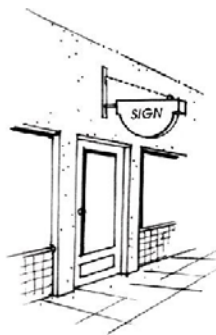
**Pennant.** Any piece of lightweight plastic, fabric or other material suspended from a rope, wire or string, displayed in series and capable of movement in the wind.

**Permanent sign.** A sign that is permanently attached to a building, structure, or the ground and that is intended to be used for an ongoing, indefinite period of time.

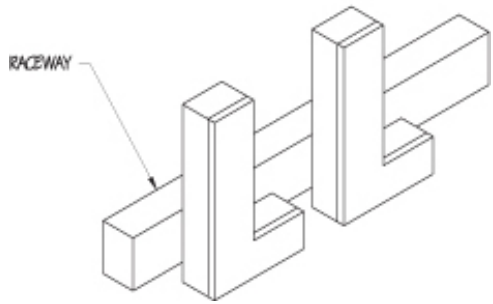
**Portable sign.** A temporary sign not affixed to a structure or ground-mounted on a site, but rather is self-supporting and designed to be moved from place to place.



**Projecting sign.** A permanent sign attached to a building or other structure and extending in whole or in part more than 12 inches beyond the building or other structure.



**Raceway.** A structure used for wall-mounted signage with individual letters or characters located upon the exterior wall surface between the wall and the letters or sign characters. Raceways contain wiring, conduit, transformers and other electrical components.

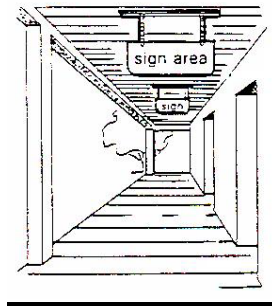


**Reader Panel sign.** A permanent on-site sign, which is designed to permit immediate change of copy by manual means.



**Roof sign.** A permanent sign erected on, above or over the roof so that it projects above the highest point of the roofline, parapet or fascia.

**Shingle sign.** A permanent sign suspended from, and located entirely under a covered porch, covered walkway or an awning and is anchored or rigidly hung to prevent the sign from swinging due to wind movement.



**Sign.** Any structure, board, poster, placard, or device, which contains or comprises a display designed, used, or intended to attract the attention of the public. As used in this Article, sign includes the sign structure, display surface, and all other components.

**Sign walker.** Any person who wears, holds or balances a sign as defined and regulated by Article 7-9-A-2 and A.R.S. § 9-499.13, as amended.

**Special event or temporary use sign.** A temporary sign as set forth in Article 7-9.

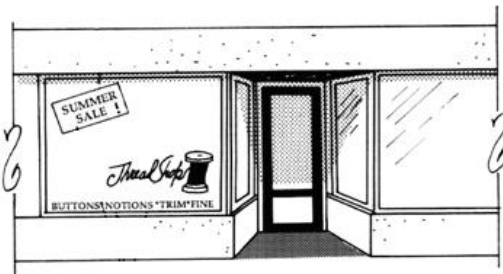
**Temporary sign.** A sign that is not permanently affixed or attached to a building, structure, or the ground and that is intended to be used for limited periods of time.

**Vehicle sign.** A sign mounted, painted or otherwise placed on a truck, bus, car, boat, trailer or other vehicle or equipment and used in such a manner that the sign is visible from a public street or right-of-way and the primary purpose of such vehicle or equipment is for the display of such signage.

**Wall sign.** A permanent sign fastened to or painted on the exterior wall of a building or structure in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign.



**Window sign.** Any poster, cut-out letters, painted text or graphic, or other text or visual presentation affixed to the interior or exterior of a window, or placed within six feet of a window pane, and placed so as to be read from the exterior of the building. This does not include any item, such as merchandise, normally displayed within a store window.



**Yard sign.** A temporary sign made of corrugated plastic, metal, grey board, or similar type of material and that is generally supported by stakes inserted into the ground.

#### **ARTICLE 7-3 REQUIREMENT OF PERMIT**

- A. Except as provided in Section 7-5 (Exceptions), it shall be unlawful for any person to construct, install, attach, place, paint, alter, relocate or otherwise maintain any sign in the City without first obtaining a sign permit in accordance with this Article. Application for a sign permit shall be made on forms provided by the Development Services Department. The application shall include all plans, drawings, and other documentation as specified on the form.
- B. Before issuing any sign permit required by this Ordinance, the City shall collect a fee in accordance with a fee schedule established by the City Council. If work for which a permit is required by this Ordinance is started before a permit has been issued, the fees specified above shall be doubled. The payment of such double fee shall not relieve any persons from complying fully with the requirements of this Ordinance in the execution of the work or from any penalties prescribed herein.
- C. All signs for which a permit is required shall be subject to inspections during various stages of construction as prescribed by the city of Goodyear Building Safety Division.

#### **ARTICLE 7-4 REQUIREMENT OF CONFORMITY**

- A. Signs shall not be installed, placed, or maintained in the City except in conformance with this Article. If provisions of this Article are in conflict with any other City Code provision(s), 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.

## ARTICLE 7-5 EXEMPTIONS

A. The provisions of this Ordinance shall not apply to the following:

1. Government signs.
2. Kiosk signs caused by the City to be erected, constructed, or placed, and maintained or licensed by the City.
3. Flags that do not convey a commercial message.
4. Tablets, grave markers, headstones, statuary or remembrances of persons or events, noncommercial, on private property.
5. Works of fine art and historic or cultural artifacts when not displayed in conjunction with a commercial enterprise, which may derive direct commercial gain from such display.
6. Original works of art that do not convey a commercial message painted on or otherwise affixed to the side of a building.
7. Temporary decorations or displays, noncommercial, such as for celebrating patriotic, religious, or other holidays or events, located on private property.
8. Signs required to be installed by the City or any other governmental entity of the State of Arizona, a public or quasi-public utility, or the Federal Government or an agency thereof.
9. A digital marquee sign permitted by the City Council on City-owned or leased property that is zoned agricultural, commercial, industrial, public facilities or planned area development pursuant to an agreement or license if the City Council determines that such digital marquee meets a public purpose and serves a City interest.

B. **NO SIGN PERMIT REQUIRED.** Sign permits are not required for the following activities provided that such activities are in compliance with all other applicable codes and ordinances:

1. Routine maintenance of a legal sign that does not include changing the color, size, design or style of the sign.
2. Replacement of a panel containing the same color, size, design and style as the original panel on an approved sign structure with removable panels.

3. The relocation of any sign as required by the city of Goodyear, the Federal Government, the State of Arizona, any quasi-public utility, or any other political subdivision of the State of Arizona.

## **ARTICLE 7-6 GENERAL SIGN REGULATIONS**

### **A. DESIGN AND CONSTRUCTION OF PERMANENT SIGNS.** All signs shall be structurally designed, constructed, erected and maintained in accordance with all applicable provisions and requirements of the city of Goodyear codes and ordinances.

1. All signs and sign structures, conforming and legally nonconforming, shall be maintained in good order, repair, and appearance at all times so as not to constitute a danger or hazard to the public safety or create visual blight as determined by the Development Services Director or designee.
2. There shall be no visible raceways, angle iron supports, guy wires, braces or secondary supports, except in the case of projecting signs. All sign supports shall be an integral part of the design.
3. Illumination of signs shall meet all regulations as set forth in Article 10 (Outdoor Lighting Standards) of this Ordinance. The source of a sign's illumination shall not be visible from any street, sidewalk, or adjacent property. This shall not preclude the use of exposed neon or LED sign elements within the commercial zoning districts, as long as such elements are not visible from surrounding residential properties. However, neon, LED or other forms of illumination shall not be used as a border or outline for any architectural element of a building. No illuminated wall sign shall be permitted on a building elevation abutting a residential district or use.
4. Signs shall be compatible with and complement the architecture and design theme of the specific development in which the signs are located in terms of color, materials and architectural style.

### **B. PLACEMENT OF SIGNS.**

1. Signs shall not be located in a manner that interferes with pedestrian or vehicular travel, poses a hazard to either pedestrians or vehicles, or within the specified "sight visibility triangle" as defined in the Engineering Design Standards & Policies Manual, adopted December 17, 2012, as amended from time to time.
2. Free-standing signs shall be located a minimum of five feet from a property line and freeway pylon signs shall be located a minimum of 15 feet from a property line. Setbacks shall be measured from the property line to the nearest edge of the sign.
3. Signs shall not be located within, on or projecting over any easement, public street right-of-way or City property.

4. Signs shall not be placed in such a manner that obstructs the view or conflict with any traffic control sign or device or any other governmental-required sign.

## **ARTICLE 7-7 SIGN AREA AND HEIGHT**

### **A. SIGN AREA.** Sign area shall be measured as follows:

1. Sign copy mounted on a panel of a monument sign or other freestanding type sign shall be measured as that area encompassing the panel. The base of a freestanding monument sign shall not be calculated as sign area unless said base contains signage (see definition of a sign).



2. Sign copy mounted as individual letters and/or graphics on a building wall or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy shall be measured as a sum of the smallest rectangles that will enclose each word and each graphic in the total sign copy.

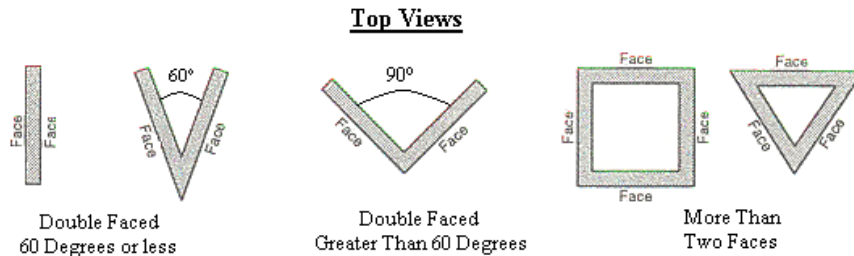


### **SIGN AREA WHEN BACKGROUND NOT PART OF SIGN**

3. Sign copy mounted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy shall be measured as the smallest rectangle that will enclose both the sign copy and background area together.
4. Multi-face signs shall be measured as follows:
  - a. Where a sign has two or more faces, if the distance between the two parallel faces does not exceed four feet or the interior angle between the two non-parallel sign faces is 60 degrees or less, the area of the sign will be the area of one face only. If the distance between the two parallel faces exceeds four

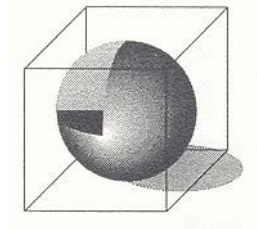
feet or the interior angle is greater than 60 degrees, the sign area shall be the sum of the area of the two faces.

- b. Where a sign has three or more faces, the area of the sign shall be calculated as 50 percent of the sum of the area of all faces.



### **MULTI-FACE SIGNS**

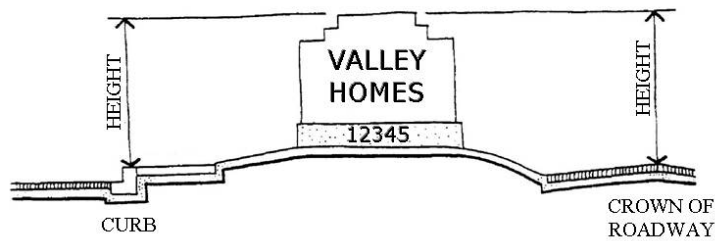
- c. Where a sign is a spherical, free-form, sculptural, figurative or other non-planar sign, the sign area shall be calculated as 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure.



### **NON-PLANAR SIGNS**

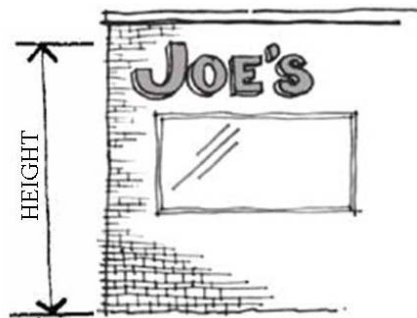
B. **SIGN HEIGHT.** Sign height is defined and shall be measured as follows.

1. The height of a freestanding monument sign located within 30 feet of an adjacent street right-of-way shall be measured as the vertical distance from the top of the highest element of the sign structure to the top of the curb or crown of the adjacent roadway where no curb exists. Any monument base or other structure erected to support or enhance the sign shall be measured as part of the sign height.
2. The height of all other freestanding monument signs or ground-mounted signs, not located within 30 feet of an adjacent street right of way, shall be measured as the vertical distance from the top of the highest element of the sign structure to the adjacent grade.



### **MEASUREMENT WHEN WITHIN 30 FEET OF RIGHT-OF-WAY**

3. A maximum of two feet of additional height may be added to a freestanding monument sign to provide for the provision of architectural embellishments.
4. The height of a wall sign shall be measured as the vertical distance from the base of the wall on which the sign is located to the top of the sign structure.



### **WALL SIGN HEIGHT**

## **ARTICLE 7-8 PERMITTED SIGNAGE BY ZONING DISTRICT**

- A. **RESIDENTIAL DISTRICTS:** For all signs within Residential Districts (AG, AP, AU, R1-10, R1-7, R1-6, R2, MF-18, MHS, MH/RVP and Residential PADs) the following shall apply:
  1. **Single Residence Uses:**
    - a. **Wall sign:** One wall sign per residence with a maximum area of three square feet and maximum height of six feet.
  2. **Multiple Residence Uses** (includes apartments, condominiums, townhouses, manufactured home parks, recreational vehicle parks or similar such uses).
    - a. **Directory Signs:**
      - (1) The maximum sign area is 18 square feet and the maximum height is six feet.

- (2) One free-standing sign shall be permitted for each multi-tenant building onsite. One sign may also be permitted for each entrance to the property from a street.
- (3) Signs shall only be located in pedestrian areas adjacent to the main building entrance or at the main entrance to the property.

b. Monument Signs:

- (1) One monument sign for each driveway onto a public street and at each public street intersection.
- (2) The maximum sign area is 32 square feet and the maximum height is six feet.
- (3) The base of any monument sign shall have a width at least 50% the width of the sign.
- (4) Street address numerals shall be provided on any monument sign located along the street to which the address numbering applies, in a contrasting color and/or material from the color and material used for the background for the numerals on the sign. Numerals shall be sized in accordance with the International Fire Code, as amended.

c. Sales Office:

- (1) Up to eight flags may be placed at the sales office.
- (2) Flags shall have a maximum area of 12 square feet and a maximum height of 25 feet.
- (3) Flags shall be removed no later than one year of the issuance of the first Certificate of Occupancy for the development.

d. Wall Sign: One wall sign per residential unit with a maximum area of three square feet and maximum height of six feet located within at least three feet of the main entry.

3. Non-Residential Uses in Residential Districts:

a. Directional Signs:

- (1) Each sign shall have a maximum area of six square feet and maximum height of three feet.

- (2) One sign shall be permitted at each driveway and at each major internal intersection.
  - (3) Signs shall not be located within the sight visibility triangle of any driveway.
- b. Directory Signs:
  - (1) Signs shall have a maximum area of 18 square feet and a maximum height of six feet.
  - (2) One free-standing sign shall be permitted for each multi-tenant building onsite. One sign may also be permitted for each entrance to the property from a street.
  - (3) Signs shall only be located in pedestrian areas adjacent to the main building entrance or at the main entrance to the property.
- c. Monument Sign:
  - (1) One monument sign per driveway onto a public street.
  - (2) The sign shall have a maximum area of 32 square feet when adjacent to an arterial street and 16 square feet when adjacent to a collector or local street. All signs shall have a maximum height of six feet.
  - (3) The base of the sign shall have a width at least 50% the width of the sign.
  - (4) Street address numerals shall be provided on any monument sign located along the street to which the address numbering applies, in a contrasting color and/or material from the color and material used for the background for the numerals on the sign. Numerals shall be sized in accordance with the International Fire Code, as amended.
- d. Wall sign:
  - (1) The sign shall have a maximum area of 32 square feet when adjacent to an arterial street and 16 square feet when adjacent to a collector or local street.
  - (2) The maximum height of the sign shall be 10 feet, measured as the vertical distance from the base of the wall on which the sign is located to the top of the sign or sign structure.

4. The following signs may be utilized in recorded residential subdivisions.

a. Permanent Subdivision Signs. Within a recorded subdivision, monument signs and/or wall signs may be utilized at an entryway.

- (1) A monument sign may be permitted within common areas located at the entryway(s) of a subdivision. The sign shall be designed to complement the streetscape and landscaping and have a base with a width at least 50% the width of the sign. A maximum area of 32 square feet per monument sign is permitted.
- (2) Wall signs may be permitted at the entryway(s) to a subdivision. One wall sign may be permitted on each side of the entryway road. The signage shall be designed to complement the streetscape and landscaping. A maximum area of 32 square feet per wall sign is permitted.



**WALL SIGN**

- (3) The maximum height of any permanent subdivision sign shall be eight feet. The sign is encouraged to include the name of the development for efficient wayfinding.

b. Temporary Subdivision Signs:

- (1) During the construction phase, each recorded subdivision having more than 40 lots may have one sign with a maximum area of 96 square feet and a maximum height shall of 12 feet.
- (2) The sign shall not be located within 100 feet of any property line of an existing residence.
- (3) Such sign shall not be illuminated.

- (4) The sign must be removed when 95% of the lots within the subdivision are sold and/or the on-site sales office closes, whichever occurs first.

c. Model Homes:

- (1) Up to four flags per model home may be placed at any one subdivision, but the total number shall not exceed eight.
- (2) Flags shall have a maximum area of 12 square feet and may not be maintained higher than 25 feet above the adjoining ground.
- (3) Flags shall be removed when 95% of the lots in the subdivision are sold and/or the on-site sales office closes, whichever occurs first.

B. COMMERCIAL DISTRICTS: Signs within Commercial Districts (C-O, C-1, C-2, CBD and Commercial PADs) shall comply with the following applicable restrictions. Additionally, any development containing three or more businesses shall be required to submit a Comprehensive Sign Package for review and approval subject to the provisions of Article 7-10 (Special Sign Areas) of this Ordinance.

1. Awning Signs:

- a. A maximum of 25% percent of the front face area of the awning shall be used for signage.

2. Canopy Signs:

- a. A business utilizing an attached or detached canopy (i.e. gasoline service station) may use a portion of its wall sign allocation for a sign on the canopy. However, no canopy sign shall exceed an area of six square feet.
- b. One canopy sign may be permitted per street frontage. Said signs may not extend above the canopy.
- c. Signs may not be placed on parking canopies.

3. Directional Signs:

- a. One sign shall be permitted at each driveway onto a public street and at each major internal intersection.
- b. The maximum sign copy area shall be six square feet.
- c. The maximum height shall be three feet.

- d. Directional signs shall not be located within the sight visibility triangle of any driveway.
4. Directory Signs:
- a. Signs shall not exceed an area of 18 square feet or height of six feet.
  - b. One sign shall be permitted for each multi-tenant building onsite.
  - c. Signs shall only be located in pedestrian areas adjacent to the main building entrance.
5. Drive-Through Restaurant Menu Boards:
- a. A drive-through restaurant may have two menu boards per drive-through lane. However, only one of the two signs may contain speaker equipment.
  - b. A menu board shall have a maximum height of eight feet and maximum copy area of 25 feet. Menu board signs may be freestanding or wall-mounted.
  - c. A menu board shall be located at least 45 feet from any public right-of-way or residential property line.
  - d. The front of the menu board(s) shall not be visible from a public street. Speakers shall be directed away from residential property lines.
  - e. Freestanding menu boards shall have a monument base with a width at least 50% the width of the sign, be of masonry construction and have a landscape area at the base of the sign(s) equal to at least two square feet for each square foot of sign area.
6. Gasoline Service Stations:
- a. Electronic Message Display or Reader Panel:
    - (1) A stand-alone gasoline service station, not part of an existing Comprehensive Sign Package, may use up to one-half (1/2) of the allowed freestanding monument sign area for an electronic message display or reader panel to identify the current price of fuel being sold. However, the electronic message display shall not exceed 24 square feet.
    - (2) A gasoline service station located in a commercial center and part

of an existing Comprehensive Sign Package shall be permitted one freestanding sign with an electronic message display or reader panel, in addition to other permitted freestanding signage. An additional sign may be permitted for each additional street frontage if that frontage adjacent to the site is at least 330 feet in length.

- i. The electronic message display/reader panel sign shall not exceed 24 square feet.
- ii. The sign shall not exceed a height of six feet.
- iii. The base of the sign shall have a width of at least 50% the width of the sign.

- (3) Any electronic message display shall change no more than necessary to reflect the current price of fuel being sold. The display shall not exhibit any form of animation or movement.

7. Monument Signs:

- a. One monument sign for each driveway onto a public street and at each public street intersection.
- b. The minimum distance between monument signs on the same street side shall be 150 feet.
- c. The maximum height shall be eight feet and the maximum copy area shall be 32 feet. Within a unified commercial development containing three or more businesses, the maximum height shall be 12 feet and the maximum copy area shall be 48 square feet.
- d. The base of the monument sign shall have an aggregate width at least 50% the width of the sign.
- e. Street address numerals shall be provided on all monument signs located along the street to which the address numbering applies, in a contrasting color and/or material from the color and material used for the background for the numerals on the sign. Numerals shall be sized in accordance with the International Fire Code, as amended.

8. Monument Signs, Internal:

- a. One internal monument sign per parcel located within a unified, multi-parcel commercial development and approved as part of a Comprehensive Sign Package.

- b. The sign shall be located at least 50 feet from any public right-of-way and may not be visible from the right-of-way.
  - c. The maximum height shall be six feet and the maximum copy area shall be 16 square feet.
  - d. The base of the monument sign shall have an aggregate width at least 50% the width of the sign.
  - e. Internal monument signs shall not be located within the sight visibility triangle of any driveway nor in any other location that restricts or blocks visibility of vehicles traveling within the development.
9. Projecting Signs:
- a. One projecting sign may be permitted per ground floor business. A business may use a portion of its allocation of wall signage for a projecting sign. However, no projecting sign shall exceed an area of 15 square feet.
  - b. A projecting sign shall have an eight-foot minimum clearance between the bottom of the sign and the sidewalk,
10. Shingle Signs:
- a. One shingle sign may be permitted per ground floor business. A shingle sign shall have a maximum area of three square feet.
  - b. Shingle signs shall have an eight-foot minimum clearance between the bottom of the sign and the sidewalk.
11. Wall Signs:
- a. One or more wall signs shall be permitted on the exterior walls of the space occupied by the business in accordance with the following guidelines:
    - (1) One building elevation: one square foot of sign area for each linear foot of building frontage or 35 square feet, whichever is greater.
    - (2) All other elevations: one-half square foot of sign area for each linear foot of respective building frontage.
  - b. Signage shall not extend horizontally a distance greater than 80% the width of the building wall or specific surface plane upon which it is displayed.

- c. Wall-mounted cabinet signs exceeding 10 square feet in area are prohibited unless such cabinet sign utilizes a figurative design.
- d. For multi-story buildings, wall signs may only be placed on the bottom and top floors.

12. Window Signs:

- a. Signs, including both permanent and temporary, shall not exceed 25% of the total area of the window through which such signs are located.
- b. Window signs shall only be displayed in first floor windows.
- c. Permanent window signs may be illuminated but may not be animated or utilize an electronic message display. Signs must utilize materials and colors consistent with the building in which the signs are displayed.

C. INDUSTRIAL DISTRICTS: Signs within Industrial Districts (I-1, I-2 and Industrial PADs) shall comply with the following applicable restrictions. Additionally, any development of three or more businesses shall be required to submit a Comprehensive Sign Package for review and approval subject to the provisions of Article 7-10 (Special Sign Areas) of this Ordinance.

1. Directional Signs:

- a. One sign shall be permitted at each driveway onto a public street and at each major internal intersection.
- b. The maximum sign copy area shall be six square feet.
- c. The maximum height shall be three feet.
- d. Directional signs shall not be located within the sight visibility triangle of any driveway.
- e. Directional signs along designated, internal truck routes shall not exceed an area of 12 square feet or height of six feet. Signs shall utilize a monument base with a width at least 50% the width of the sign and the sign shall be architecturally compatible with the design of the other onsite monument signs.

2. Directory Signs:

- a. One sign shall be permitted for each multi-tenant building onsite.

- b. Signs shall not exceed an area of 18 square feet or height of six feet.
  - c. Signs shall only be located in pedestrian areas adjacent to the main building entrance.
- 3. Monument Signs:
  - a. One monument sign for each driveway onto a public street and at each public street intersection.
  - b. The minimum distance between monument signs on the same street shall be 150 feet.
  - c. The maximum height shall be eight feet and the maximum copy area shall be 32 feet. Within a unified industrial development containing three or more businesses, the maximum height shall be 12 feet and the maximum copy area shall be 48 square feet.
  - d. The base of the monument sign shall have an aggregate width at least 50% the width of the sign.
  - e. Street address numerals shall be provided on all monument signs located along the street to which the address numbering applies, in a contrasting color and/or material from the color and material used for the background for the numerals on the sign. Numerals shall be sized in accordance with the International Fire Code, as amended.
- 4. Wall Signs:
  - a. Wall signs shall be permitted on the exterior walls of the space occupied by the business in accordance with the following guidelines:
    - (1) One building elevation: one square foot of sign area for each linear foot of building frontage or 35 square feet, whichever is greater.
    - (2) All other elevations: one-half (1/2) square foot of sign area for each linear foot of respective building frontage.
  - b. Signage shall not extend horizontally a distance greater than 80% the width of the building wall or surface plane upon which it is displayed.
  - c. Wall-mounted cabinet signs exceeding 10 square feet in area are prohibited unless such cabinet sign utilizes a figurative design.

- d. For multi-story buildings, wall signs may only be placed on the bottom and top floors.
- 5. Window Signs:
  - a. Signs, including both permanent and temporary, shall not exceed 25% of the total area of the window through which such signs are located.
  - b. Window signs shall only be displayed in first floor windows.
  - c. Permanent window signs may be illuminated but may not be animated or utilize an electronic display. Signs must utilize materials and colors consistent with the building in which the signs are displayed.

**D. FREEWAY PYLON SIGNS.**

- 1. In addition to the findings required for approval of a Use Permit as specified in Sections 1-3-2 and 4-2-9 of the Zoning Ordinance, a freeway pylon sign may be approved only upon a finding by the City Council that such freeway pylon sign is also consistent with the provisions of this Article 7 (Sign Regulations).
- 2. An existing freeway pylon sign shall not be modified, altered, or enlarged unless such change is also deemed consistent with the provisions set forth in this Article 7 (Sign Regulations).

**ARTICLE 7-9 TEMPORARY SIGNS**

**A. TEMPORARY SIGNS NOT REQUIRING A SIGN PERMIT.**

- 1. Directional signs in residential zoning districts:
  - a. A residence or multiple residence use may display a maximum of four directional signs during daylight hours.
  - b. The maximum height shall be three feet and the maximum copy area shall be six square feet.
  - c. Directional signs may not be placed within the public right-of-way.
- 2. Sign Walkers:
  - a. Sign walkers shall be located only at grade level and at least five feet from the street, as measured from the back of curb or edge of pavement, if no curb exists.
  - b. From a street driveway or intersection, sign walkers shall be located 30 feet

from the intersection as measured from the back of curb or edge of pavement, if no curb exists.

- c. Sign walkers shall not be located in raised or painted medians, in parking aisles or stalls, in driving lanes, on equestrian or multi-use trails or on fences, boulders, plants, other signs, vehicles, utility facilities or any structure. Additionally, sign walkers shall not be located:
  - (1) So that less than a minimum of four feet is clear for pedestrian passage on all sidewalks and walkways, or so as to cause a hazard to pedestrian traffic.
  - (2) Within a minimum distance of 20 feet from any other sign walker.
  - (3) In a manner that results in sign walkers physically interacting with motorists, pedestrians or bicyclists.
  - (4) Sign walkers shall yield the right-of-way to pedestrians, bicycles and all others traveling or located on the sidewalks.
- d. Signs shall be displayed only during daylight hours and shall be held, worn or balanced at all times.
- e. All forms of illumination (including flashing, blinking or rotating lights), animation of the sign itself, mirrors or other reflective materials or attachments (including, but not limited to, balloons, ribbons, speakers, etc.) are prohibited.

3. Special Event and Temporary Use Signs:

- a. Temporary uses are those that require a Special Event Permit or Temporary Use Permit with approved sign plan showing the proposed location, placement, and size of all signs.

4. Vehicle Signs in commercial and industrial zoning districts:

- a. One vehicle sign per business.
- b. The vehicle upon which the sign is affixed shall be operable and licensed to operate on a public street.
- c. The vehicle shall be used daily in the function of the business.
- d. The vehicle shall be parked onsite in a designated parking space.

- e. Signs may be magnetic, affixed or painted upon an integral part of the vehicle, as originally intended by the manufacturer. Signs may not break the silhouette of the vehicle.
    - f. Vehicle signs may not be illuminated, animated or utilize an electronic display.
  - 5. Window signs in all zoning districts such that the total area of all window signs, including both permanent and temporary signs, does not exceed 25% of the total area of the window through which they are visible. For commercial, industrial and non-residential uses in residential zones, window signs shall be displayed in first floor windows only. No window sign may be illuminated, animated or utilize an electronic display.
  - 6. Yard signs in residential zoning districts that do not exceed a maximum area of six square feet and a maximum height of six feet. One sign permitted per property. Such signs shall not be illuminated.
- B. TEMPORARY SIGNS REQUIRING A SIGN PERMIT. A permit approving the time, place and manner of the temporary signage addressed in this Section shall be obtained from the Zoning Administrator on forms provided by the Department.
- 1. Construction:
    - a. A non-illuminated temporary sign may be placed on properties zoned for commercial, industrial, multi-family or for permitted non-residential uses in residential districts when active construction is occurring onsite.
    - b. One sign per business under construction.
    - c. The maximum copy area shall be 32 square feet and the maximum height shall be eight feet.
    - d. A sign permit shall not be issued prior to the issuance of a building permit for the business to be conducted onsite.
    - e. The sign shall be removed within 10 days following the issuance of a Certificate of Occupancy for the business.
  - 2. Grand Opening and Special Promotions:
    - a. Temporary signs may be placed on properties zoned for commercial, industrial, multi-family or for permitted non-residential uses in residential districts at time of grand opening or special promotion for a business onsite. Signage shall be displayed for a maximum of 30 consecutive days, no more

than four times in any given calendar year.

- b. Temporary signs may be displayed on the building or within the parking area, perimeter landscape or some other area of the property.
- c. For every 10,000 square feet of building area of the business observing the grand opening or special promotion, 50 square feet of temporary signage shall be permitted. However, the amount of temporary signage shall not exceed 500 square feet. All forms of display (banners, pennants, inflatables, balloons, etc.) shall be counted towards the business's allocation of temporary signage.
- d. Signs are subject to the following limitations:
  - (1) Displays shall not be animated by mechanical or other means.
  - (2) Flying banner signs and animated inflatable signs are not permitted.
  - (3) Displays shall not be illuminated.
  - (4) No sign or display shall be placed on or above the roof of any building.
  - (5) All balloons shall be tethered and shall not exceed the allowed building height for the zoning district in which the business is located.
  - (6) Displays shall not be placed in any required parking spaces or drive aisles or on City-owned property or rights-of-way.

3. Portable Signs:

- a. Portable signs shall be subject to the following regulations:
  - (1) One sign per business located on property zoned for commercial, industrial, multi-family or for permitted non-residential uses in residential districts.
  - (2) The sign shall be subject to renewal of an annual permit.
  - (3) Sign may only be displayed during daylight hours.
  - (4) The maximum copy area shall be six square feet and the maximum height shall be three feet.

- (5) Placement of the sign must allow for a minimum four-foot clear pedestrian pathway to and from all building entrances or exits;
- (6) The sign shall be located within three feet of the building face and within 10 feet of the building entry.
- (7) Portable signs shall be constructed of durable materials with a stable base and shall be white in color or a color that complements the existing signage for the building. Sign may not be illuminated or animated.
- (8) Portable signs shall not be affixed or attached to objects such as light poles, trees, traffic signals, benches, street signs, fencing or bike racks, and shall not be allowed within the public right-of-way.

4. Sale or Lease:

- a. A non-illuminated temporary sign may be placed on properties zoned for commercial, industrial, multi-family or for permitted non-residential uses in residential districts when for sale or lease.
  - (1) For developed property, and undeveloped property less than 40 acres in size, one sign per street frontage for the building or property for sale or lease. The maximum copy area shall be 32 square feet and the maximum height shall be eight feet.
  - (2) For undeveloped commercial or industrial property between 40 and 100 acres in size, one sign per street frontage for the property for sale or lease. The maximum copy area shall be 96 square feet and the maximum height shall be 12 feet.
  - (3) For undeveloped commercial or industrial property over 100 acres in size and adjacent to a freeway, one sign with a maximum copy area of 500 square feet and maximum height of 12 feet.
- b. A non-illuminated temporary sign may be placed on properties over 40 acres in size zoned for agricultural or residential uses when for sale or lease. The maximum copy area shall be 32 square feet and the maximum height shall be eight feet.
- c. The sign shall be removed within 10 days following the sale or lease of the building or property.

## **ARTICLE 7-10 SPECIAL SIGN AREAS**

- A. **COMPREHENSIVE SIGN PACKAGES.** The purpose of a Comprehensive Sign Package is to provide a comprehensive and coordinated approach to the design of signage that exhibits superior quality and effective messaging. In recognition of the benefits of cohesive and comprehensive sign design, modifications to the requirements provided in this Ordinance may be appropriate within a Comprehensive Sign Package.
1. Any commercial, industrial, non-residential use in a residential zoning district, or mixed-use development containing three or more buildings or businesses and all Planned Area Developments (PADs) shall be required to prepare and submit a Comprehensive Sign Package for review and approval prior to the issuance of individual sign permits.
  2. The Zoning Administrator, or designee, shall process an application for a Comprehensive Sign Package in accordance with the procedures and time frames outlined in the city of Goodyear Administrative Process Manual. A Comprehensive Sign Package that is in compliance with all of the requirements provided in this Article may be approved by the Zoning Administrator after review and approval by the Development Review Committee. A Comprehensive Sign Package that proposes modifications to the requirements provided in this Article shall be reviewed and approved by the Planning and Zoning Commission and City Council.
  3. All Comprehensive Sign Packages shall provide for unified signage throughout the development that is complementary to and integrated with the architectural design and character of the buildings within the development. The Comprehensive Sign Package shall describe and illustrate the locations, heights, sizes, colors, function, materials, design, illumination and all other elements of all proposed signs within the development.
  4. Comprehensive Sign Packages shall be evaluated based upon the following criteria:
    - a. **Size and Height:** The Comprehensive Sign Package shall demonstrate that all proposed signage is no larger than necessary for sufficient visibility and legibility. Factors to be considered in determining allowed size and height may include, but are not limited to, topography, traffic volumes, traffic speeds, visibility ranges, copy size and impact on adjacent property.
    - b. **Location and Orientation:** Signs should be located and oriented to allow sufficient visibility and legibility for pedestrian and vehicle traffic. Factors that may be considered in reviewing the appropriateness of the sign location and orientation may include, but are not limited to, location relative to the surrounding streets and land uses, traffic volumes and access points, visibility angles and topographic features.

- c. **Design, Colors and Materials:** Signs proposed under the Comprehensive Sign Package shall be harmonious with and enhance the architecture and theme of the specific development in which the signs are located. Compatibility with the specific development shall include the use of complementary colors, materials and architectural style.
    - d. **Surrounding Land Uses:** Signs shall not adversely impact adjacent land uses, especially adjacent residential land uses. The Comprehensive Sign Package shall demonstrate the measures that will be taken to ensure the proposed signage will not adversely impact adjacent land uses in terms of lighting, size, location and orientation.
  - 5. All amendments to an approved Comprehensive Sign Package shall be processed in accordance with the following procedures:
    - a. **Minor Amendments:** Minor amendments shall include any change that does not increase the number of signs nor increase the size or height of any sign beyond what was approved under the original Comprehensive Sign Package or any change that adheres to the provisions of this Article. Minor amendments shall be approved administratively by staff.
    - b. **Major Amendments:** Major amendments shall be defined as those amendments not meeting the criteria set forth above to qualify as a minor Comprehensive Sign Package amendment. Major amendments shall be processed and approved in the same manner as the initial Comprehensive Sign Package submittal.
  - 6. After approval of a Comprehensive Sign Package, or an amended sign package, no sign shall be erected, placed, painted, or maintained, except in accordance with such package, and the package may be enforced in the same way as any provision of this Article.
  - 7. The owner of a premise with a Comprehensive Sign Package approved before the effective date of this amended Article shall continue to implement the sign package pursuant to the original sign package.
- B. **MCDOWELL ROAD BUSINESS AND ENTERTAINMENT DISTRICT.** The intent of the District is to promote the development of the area as a regional hub of activity within the City of Goodyear. Commercial properties within the District may develop signage in accordance with the supplemental sign regulations as established in Article 9-2 (McDowell Road Business and Entertainment District) of the Zoning Ordinance.

**ARTICLE 7-11 PROHIBITED SIGNS.** Any sign not specifically listed as being permitted by this Ordinance is prohibited, including, but not limited to, the following:

1. Any sign bearing content or conveying a message that is not protected by the First Amendment to the United States Constitution or any corollary provisions in the Arizona Constitution.
2. Billboards.
3. Signs attached to any utility pole or structure, street light, traffic signal, tree, fence, fire hydrant, bridge, park bench or other location on City-owned property, rights-of-way or other public property.
4. Signs affixed to any vehicle, except as provided in Article 7-9 (Temporary Signs).
5. Off-site signs.
6. Electronic message displays and signs that are animated or audible, rotate or have intermittent or flashing illumination or emit audible sound or visible matter except as otherwise allowed in this Article.
7. Banners, flying banners, pennants, wind-driven spinners, streamers, balloons, flags, search lights, strobe lights, holographic projections, laser light displays, beacons, and inflatable signs, except as otherwise provided in Article 7-9 (Temporary Signs).
8. Roof signs.
9. Signs displayed in a manner or location that prevent free ingress and egress from a door, window or other exit.
10. Portable signs and/or temporary signs except as otherwise provided in Article 7-9 (Temporary Signs).
11. Signs displayed in a location prohibited by this Ordinance.
12. Directional signs, except as otherwise provided for in this Article.
13. Pole signs over six feet in height.
14. Nonconforming signs other than legal nonconforming signs.

## **ARTICLE 7-12 NONCONFORMING AND UNSAFE SIGNS.**

### **A. LEGAL NONCONFORMING SIGNS:**

1. Legal nonconforming sign(s) mean signs that lawfully existed at the time of the enactment of this Ordinance that did not conform to the regulations as specified in this Ordinance.
2. A legal nonconforming sign may continue to be utilized in perpetuity only in the manner and to the extent that it existed at the time of the Ordinance adoption, amendment thereto, or annexation which rendered the sign legally nonconforming, except as otherwise provided in this Ordinance.
3. A legal nonconforming sign may not be altered in any manner not in conformance with this Ordinance, except for reasonable repair and maintenance of the sign or to a change of copy that does not require structural alterations.
4. Any construction permit which invokes Certificate of Occupancy requirements shall specify and require that any legal nonconforming sign located within the boundaries of the development site, and within the limits of the applicant's control, authorized by said permit shall be brought into conformance with the provisions of this Ordinance provided that if the legal nonconforming sign is a type of sign that is prohibited by this Ordinance, then it shall be removed.
5. Legal nonconforming signs that are located on a parcel of property which is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase, or dedication may be relocated on the remaining parcel without extinguishing the legal nonconforming status of that sign provided that the nonconforming sign:
  - a. Is not increased in area or height;
  - b. Remains structurally unchanged except for reasonable repairs or alterations;
  - c. Is placed in the most similar position on the remaining property that it occupied prior to the relocation; and
  - d. Is relocated in a manner so as to comply with all applicable safety requirements.

After relocation pursuant to this subsection, the legal nonconforming sign shall be subject to all provisions of this section in its new location.

6. A nonconforming sign shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this Ordinance.

7. A sign approved by variance or Comprehensive Sign Package before the effective date of this Ordinance or any amendment thereof shall not be considered legally nonconforming.
8. If the structure of a legal nonconforming sign is changed, the height and area of the sign shall not be increased to exceed the height and area limits of the site on which it is located. If the sign exceeds the site's height and/or area limitations, the excess height and/or area shall be reduced a minimum of 50%. Two such reductions shall be permitted. After the third structural change, the sign shall conform to current standards. Nothing in this Section shall require a legal nonconforming sign to be reduced to a height or area less than that otherwise allowed on the site.
9. If a legal nonconforming sign is located on a parcel being developed for which Site Plan and/or Design Review is required, the height and area of the sign shall not be increased to exceed the height and area limitations of the site. If the sign exceeds the site's height and/or area limitations, the excess height and/or area shall be reduced a minimum of 50%. Two such reductions shall be permitted. After the third structural change, the sign shall conform to current standards. Nothing in this Section shall require a legal nonconforming sign to be reduced to a height or area less than that allowed on the site.

Site Plan and/or Design Review required by one of the following types of development shall not cause reduction in a sign's legal nonconforming height and/or area:

- a. An addition of less than 2,000 square feet when the addition is less than 50% of the size of the usable space of the site which is the subject of design review. A series of additions, which total more than 50% of the usable space of the site shall require reduction of nonconformities. Usable space shall not include areas such as restrooms and storage rooms.
  - b. An addition of more than 2,000 square feet when the addition is less than 10% percent of the size of the usable space of the site which is the subject of design review. A series of additions, which total more than 10% percent of the usable space of the site shall require reduction of nonconformities. Usable space shall not include areas such as restrooms and storage rooms.
  - c. A modification required by federal, state or local regulations or programs.
10. Any legal nonconforming sign shall be removed or rebuilt in full conformity to the terms of this Ordinance if it is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration is 50% or more of the cost of replacement of such sign.

**B. SIGNS FOR A LEGAL NONCONFORMING USE:**

1. New or additional signs for a legal nonconforming use shall not be permitted.
2. A legal nonconforming sign for a legal nonconforming use, which ceases to be used for a period of 365 consecutive days or the legal nonconforming use becomes a conforming use of the site, shall be considered a prohibited sign and shall be removed or brought into conformance upon establishment of the conforming use.

**C. SIGNS RENDERED ABANDONED:**

1. Sign structures, which remain vacant, unoccupied or devoid of any message for a period of six months or pertain to a time, event or purpose that no longer applies, shall be deemed to be abandoned.
2. A sign whose use has been abandoned is prohibited.
3. Within six months after a use has been abandoned, it shall be the responsibility of the property owner or the property owner's authorized leasing agent to remove the message or copy of an abandoned sign and to patch and conceal any and all damage to the structure resulting from removal of the sign in a neat and professional manner. Legally existing cabinet signs and panels on freestanding monument or pylon signs shall be replaced with a blank panel, consistent with sign panel replacement as outlined in this Ordinance.

**D. UNSAFE SIGNS:**

1. If the Building Official, or designee, determines any sign or sign structure to be in an unsafe condition, he/she shall immediately notify, in writing, the owner of such sign who shall correct such condition within 48 hours.
2. If the correction has not been made within 48 hours, the Building Official, or designee, 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.

**ARTICLE 7-13 VIOLATIONS**

- A. All violations of this Article shall be prosecuted pursuant to Section 1-2-3 of the City of Goodyear Zoning Code.
- B. The responsible party for any violations of this Ordinance is the owner of the sign or the real property upon which it is located and/or person in possession or control of the sign or real property. The responsible party shall be responsible for any violations hereunder

whether or not the responsible party or its agent committed the prohibited act(s) or neglected to prevent the commission of the prohibited act(s) by another.

- C. In any such action under this Section, the court with jurisdiction, in its discretion, may issue a temporary restraining order, a preliminary injunction, or a permanent injunction upon such terms and conditions as will do justice and enforce this Ordinance.

## **ARTICLE 7-14 APPEALS**

### **A. DECISIONS BY THE ZONING ADMINISTRATOR**

1. The approval or denial of a sign permit or any written interpretations of a sign regulation made by the Zoning Administrator, pursuant to his/her authority under Section 1-2-2, may be appealed to the Board of Adjustment pursuant to Sections 1-2-7 (B) and (C).
2. Challenges to the constitutionality of any provision of this Article regulating signs shall only be processed pursuant to Section 7-14(B) below.
3. Any person with standing who is aggrieved by the decision of the Zoning Administrator may appeal such decision by filing a written notice of appeal within 15 calendar days of the date the decision was issued.
4. The appeal shall be filed with the Zoning Administrator on a form(s) provided by the Development Services Department and shall be processed in accordance with the procedures generally described in Section 1-2-7(C) and the Administrative Process Manual.
5. The Board of Adjustment may affirm, reverse, or modify the decision of the Zoning Administrator, which decision will be final.
6. Any person aggrieved by the decision of the Board may, at any time within 30 days after a decision has been rendered, file a complaint for special action in the superior court of Maricopa County pursuant to Section 1-2-7(D).

### **B. CONSTITUTIONAL ISSUES INVOLVING APPLICATION OF SIGN REGULATIONS**

1. When an appeal raises an issue(s) involving the application of Federal or Arizona constitutional law in the issuance or denial of a sign permit, the revocation of a sign permit, or an order to alter or remove a sign, the constitutional issue(s) shall be referred to a hearing officer appointed by the City for hearing and decision.
2. The appeal shall be filed with the Zoning Administrator on a form(s) provided by the Development Services Department.

3. The appeal shall be in writing and shall include the following information:
  - a. The name and address of the applicant.
  - b. The ordinance, code provision, or other City document or policy statement that is alleged to be unconstitutional.
  - c. Any relevant facts and supporting documents.
  - d. The names and addresses of any witnesses.
4. The Zoning Administrator shall forward the appeal and all supporting documents to the hearing officer within 10 working days of receipt with a copy to the applicant.
5. The Zoning Administrator may prepare and include with the transmittal to the hearing officer a written statement of the City's response to the appeal accompanied by any supporting documents, names of witnesses, and any other matters considered relevant.
6. Upon receipt of the appeal, the hearing officer shall contact the Zoning Administrator and the applicant acknowledging receipt and scheduling a time for the appeal to be heard not later than 30 days after receipt. The applicant shall be given at least 10-days' notice of the time when the appeal will be heard unless he/she agrees to a shorter time period.
7. The applicant shall bear the burden to establish that the subject ordinance, code provision, or other City document or policy statement is unconstitutional.
8. The hearing officer shall decide the appeal and issue a written decision setting forth findings of fact and conclusions of law within five working days after the appeal is heard.
9. The decision shall be transmitted to the Zoning Administrator and the applicant at the address provided by the applicant.
10. If the hearing officer finds that the subject ordinance, code provision, or other City document or policy is unconstitutional, in whole or in part, the City shall issue within 30 days of the hearing's office decision a written notice to the applicant stating that it will either (1) repeal or otherwise amend the challenged ordinance, code provision, or other document or policy to cure the constitutional deficiency or (2) take no action.
11. Any person aggrieved by the City's response to the hearing officer's decision may file, at any time within 30 days thereafter, a complaint in a court of competent jurisdiction to review the City's response based upon the record of the appeal to the hearing officer.

## **ARTICLE 7-15 CONFLICT AND SEVERABILITY**

### **A. CONFLICT**

1. In the event any provision of this Article is found to be in conflict with any other zoning, building, fire safety, health, or other code provision of the City, the provision which establishes a higher standard for the promotion and protection of the public health, safety, and welfare of the residents of the City shall prevail.

### **B. SEVERABILITY**

1. A finding by a court of competent jurisdiction that any part, section, subsection, paragraph, subparagraph, sentence, clause, phrase, term, or word within this Article is declared invalid shall not invalidate the remaining portions. A permit issued pursuant to this Article does not grant any authority to violate any other law or regulation that may apply. Any permit or approval issued in conflict with this Article shall be void.

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