

## Chapter 41      Introductory and General Provisions

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### 11-41-1:      Findings and Purpose

- A.      **Findings.** Signs can obstruct views, distract motorists, obstruct pedestrians or vehicular traffic flow, create a safety hazard, create aesthetic blight and visual clutter, and pose other problems that legitimately call for regulation.
- B.      **Purpose.** The purpose of this Sign Ordinance is to regulate the size, illumination, movement or appearance of movement, materials, location, height, and condition of all signs, as defined herein, and to allow and to promote sign communication in a manner that:
1.      Preserves and protects public health, safety, and welfare within the City of Mesa;
  2.      Assure the use of a variety of sign forms designed to be sensitive to the context of the location, as a reasonable method of visual communication between groups and individuals;
  3.      Enhances the flow of traffic and the convenience, ease, and enjoyment of travel within the City of Mesa;
  4.      Restricts circumstances that might otherwise result in injury or damage because of distractions, or obstructions of vision attributable to sign placement or size, or to the illumination of signs that may become a source of undo glare, distraction, or light pollution;
  5.      Avoids visual clutter that may contribute to traffic accidents or is potentially harmful to vehicular traffic or pedestrian safety;
  6.      Promotes the aesthetic and environmental values of the community by providing for signs that do not impair property values, business opportunities, community appearance, or the attractiveness of the City as a place to visit, live, work, and shop;
  7.      Allows signs that are appropriate in scale to the zoning district in which they are located;

8. Provides for signs as an effective channel of communication, while ensuring that sign forms are aesthetically designed and proportioned in relation to adjacent structures on the same lot or development site, and that are compatible with their surroundings; and
9. Promotes the effectiveness of signs by preventing their overconcentration, improper placement, deterioration, and excessive size and number.
10. Supports and enhances commerce within the City.

**11-41-2: Applicability**

A. **Subject of this Sign Ordinance.** All signs are subject to the provisions of this Sign Ordinance as it pertains to:

1. The allowance of signs (principally the number, form, material, size, and structure of signs);
2. The review and consideration of sign plans and permits;
3. The entitlement and issuance of permits;
4. The location and placement of signs on all buildings, structures, and land;
5. The integration of the design of signs with associated building architecture; and
6. The maintenance of signs.

B. **The provisions of this Sign Ordinance do not apply to the following:**

1. Address numbers as required by the Mesa Fire Code;
2. Government Signs;
3. Traffic Control Signs, Markings, and Devices;
4. Signs authorized by Arizona Revised Statutes;
5. Public Transportation Signs; and
6. Signs specified as mandatory by any provision of the Mesa City Code.

C. **Most Restrictive Provision Applies.** Except when otherwise authorized by an approved Council Use Permit, Special Use Permit, Administrative Use Permit, or Variance, the most restrictive provision shall prevail in cases in which two or more provisions of this Sign Ordinance appear to conflict.

D. **Controlling Document.** This Sign Ordinance is not intended to repeal, abrogate, annul, or in any way impair or interfere with other City provisions, allowances, or ordinances, except those specifically repealed by this Sign Ordinance. Where this Sign Ordinance imposes a greater restriction on a sign than is imposed or required by other Mesa City Codes, provisions, allowances, ordinance, the provisions of this Sign Ordinance control.

E. **Definitions Used.** Definitions for specific terms used in this Sign Ordinance are principally found in Chapter 50 of this Sign Ordinance. Additional definitions are also provided in Chapters 86 and 87 of the Zoning Ordinance, and in the Mesa City Code. Definitions not included in this

Sign Ordinance, the Zoning Ordinance, or the Mesa City Code are as defined in a widely circulated dictionary commonly considered to be accurate and noteworthy.

- F. **Effect on Previously Approved Sign Permits and Comprehensive Sign Plans.** All sign permits and comprehensive sign plans approved after January 1<sup>st</sup>, 1987, and in effect prior to the effective date of this Sign Ordinance, shall remain in effect. Signs authorized by such comprehensive sign plans shall be developed in accordance with the standards specified by that adopted sign plan, and any applicable conditions or stipulations associated with the approval of that sign plan. The development standards and requirements of this Sign Ordinance apply if not specifically modified by the applicable adopted sign plan. The Zoning Administrator may approve minor modifications to approved plans, regarding specific design, height, number, or sign area, that do not exceed the maximums allowed by this Sign Ordinance.

### 11-41-3: General Requirements

All signs shall conform to the following requirements:

- A. **Building Regulations.** All signs, including portable signs and electric signs, shall conform to the requirements of the Mesa Building Code, Title 4 of the Mesa City Code.
- B. **Illumination.**
1. The light source, direct or indirect, for a sign(s) is oriented or shielded so the light source is not directly visible from any adjacent residential use, or from a public thoroughfare.
  2. Direct illumination by incandescent sources shall:
    - a. Incorporate a dimming and/or a screening device when using bulbs rated at greater than eleven (11) watts, or equivalent measurement; and
    - b. Not exceed a rating of forty (40) watts, or equivalent measurement, for any individual bulb.
  3. No illuminated sign is placed or constructed on a vacant or undeveloped lot, or parcel.
  4. The following types of illumination are prohibited:
    - a. Flashing, blinking or rotating lights;
    - b. Metal halide lighting;
    - c. High or low-pressure sodium light bulbs; and
    - d. Mercury vapor light sources.
  5. Within the Desert Uplands Area (see Section 9-6-5 of the Mesa City Code for map), illuminated signs shall not exceed a 0.4-foot candle or equivalent light level.
  6. The illumination of any sign shall conform to the requirements of the Mesa Lighting and Electrical Code, Title 4 of the Mesa City Code.
  7. Outline illumination of buildings using a non-shielded or exposed illumination (neon, argon, LED or similar) source shall comply with Section 11-30-5-D of the Zoning Ordinance for Exposed Building Illumination.

C. **Sound or Odor.** No sign shall emit a sound or odor.

D. **Prohibited Placement and Locations of Signs.**

1. Within, on, or projecting over the right-of-way, unless it is in the Downtown Pedestrian Area defined in Chapter 50.
2. On public property.
3. Placed in a manner that interferes with pedestrian movement or obstructs ADA access.
4. Placed in a manner that obstruct the visibility of any authorized traffic sign, traffic signal, or another traffic control device.
5. Affixed to fuel tanks, storage containers, or solid waste receptacles; except signs related to the manufacturer's or installer's identification, warning signs, and placards, and information otherwise required by law.
6. Tacked, painted, burned, cut, pasted, or otherwise affixed to trees, shrubs, posts, fences, ladders, benches, or similar supports if visible from across the property boundary or from the right-of-way.
7. Placed in a manner that prevents ingress or egress from any window or door, or other exit-way required by the Mesa Building Code, and amendments, or by the Mesa Fire Code.
8. Covers the architectural features of a building, such as dormers, insignias, pilasters, soffits, transoms, trims, columns, or similar architectural elements or devices.
9. Placed on the roof of a building or extends higher than the highest point of the portion of the building to which the sign is attached.
10. Attached to a standpipe, gutter, drain, or fire escape, or placed in a manner that impairs roof access.
11. Located contrary to the standards of horizontal and vertical clearance from electrical wires and conductors found in the Mesa Lighting and Illumination Code, and the National Electrical Code Safety Standards.

E. **Signs for Nonconforming Uses.** New signs for a nonconforming use are permitted in accordance with permitted signage for the zoning district in which the nonconforming use is located. Existing signs must be maintained consistent with the requirements of Section 11-49-1.

#### **11-41-4: Repeal and Severability**

A. If any section, subsection, paragraph, sentence, clause or phrase of this Sign Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Sign Ordinance. The City of Mesa hereby declares that it would have passed this Sign Ordinance, and each section, subsection, sentence, clause and phrase thereof, regardless of the fact that any or

one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

- B. **Effects on Previous Proceedings.** Nothing contained in this Sign Ordinance affect rights and duties that matured, penalties that were incurred, and proceedings that begun before its effective date, notwithstanding the provisions of subsection (A) of this Section.

#### **11-41-5: Consent of the Property Owner Required**

No person shall construct, place, display, or maintain any sign without the written consent of the property owner, the property owner's agent, or an authorized representative.

#### **11-41-6: Noncommercial Message Substitutions Allowed**

Notwithstanding any other provision of this Sign Ordinance to the contrary, any noncommercial message may be substituted for the message placed on any sign permitted by this Sign Ordinance.

#### **11-41-7: Standards of Measurement**

- A. **Sign Area Measurement.** Sign area for all sign types is measured as follows:
1. Sign copy is measured as a minimum area contained within the sum of one (1) or two (2) smallest tangent rectangle(s) or other standard regular geometric shapes (e.g.: circle, triangle, regular ellipse, regular rhombus or regular parallelogram), or combination of rectangles or standard regular geometric shapes (e.g.: rectangle and circle, two (2) triangles, or a circle and a rhombus) that will enclose both the sign copy and the background, as shown in Figure 11-41-7-A. When two (2) shapes are used, the shapes must include at least one (1) point of common tangency between the two (2) shapes.
  2. The background portion of a sign is included in the sign area measurement when the surface of a building or background panel to which the sign copy is mounted, affixed, painted, or textured, is clearly distinct when compared to the color, texture, or materials used on the building or mounting structure.
  3. A sign as individual letters, logos, or similar graphics painted or mounted directly on a wall, fascia, mansard, or parapet of a building or surface of another structure are measured based on the calculation described in Section 11-41-7-B that encloses the entire proposed sign in total, as shown in Figure 11-41-7-B.
  4. Sign copy mounted, affixed, or painted on a distinct illuminated surface or illuminated element of a building or structure is measured as the entire illuminated surface or illuminated element that contains sign copy, as shown in Figure 11-41-7-A.
  5. Window sign area is computed by calculating each windowpane or panel. A group of windowpanes or panels is considered one (1) window if the windowpanes or panels are adjoined or are not separated by more than six (6) inches. The area for each building

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face and window is separate. The building face includes any doors or walls with varying wall planes.

6. A multi-face sign, as shown in Figure 11-41-7-D, is measured as follows:
  - a. Two (2) face sign:
    - i. If the interior angle between the two sign faces is forty-five (45) degrees or less, the sign area is one (1) sign face only. If the angle between the two (2) sign faces is greater than forty-five (45) degrees, the sign area is the sum of the areas of the two (2) sign faces.
    - ii. If the faces of the signs at the closest point are separated by a horizontal distance of two (2) feet or more, even when placed on the same sign support structure, the sign area is the sum of the areas of the two (2) sign faces.
  - b. Three (3) or more face sign:
    - i. The sign area is fifty percent (50%) of the sum of the areas of all vertical sign faces.
  - c. Sign sculpture, statue, or three-dimensional figure:
    - i. Spherical, free-form, sculptural, or other non-planar sign area is measured as fifty percent (50%) of the sum of the areas using only the four (4) vertical sides of the smallest four (4) vertical sided polyhedron that encompasses the sign structure (six (6) total sides when counting top and bottom), as shown in Figure 11-41-7-D. No more than four-vertical flat polyhedron faces are used to calculate the sign area for a non-planar sign.

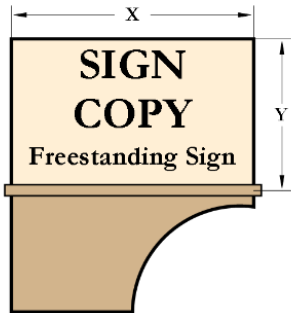
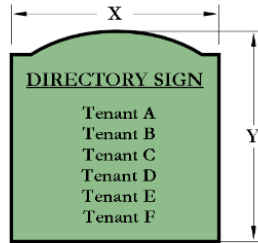
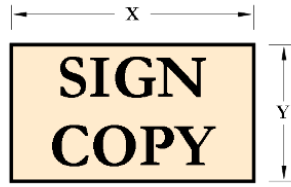


Figure A. Sign Area for Signs on Background Panel

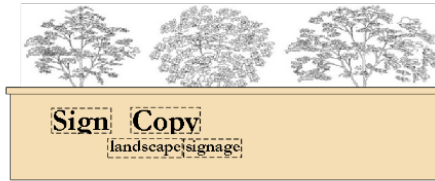


Figure B. Sign Area for Signs with Individual Letters

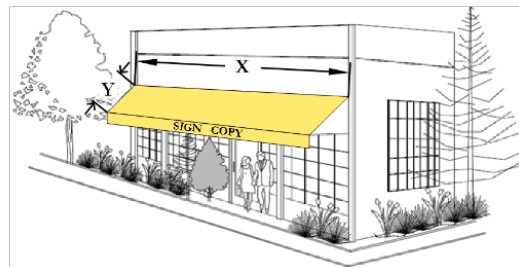


Figure C. Sign Area for Signs with Illuminated Surfaces

Figures 11-41-7-A through C

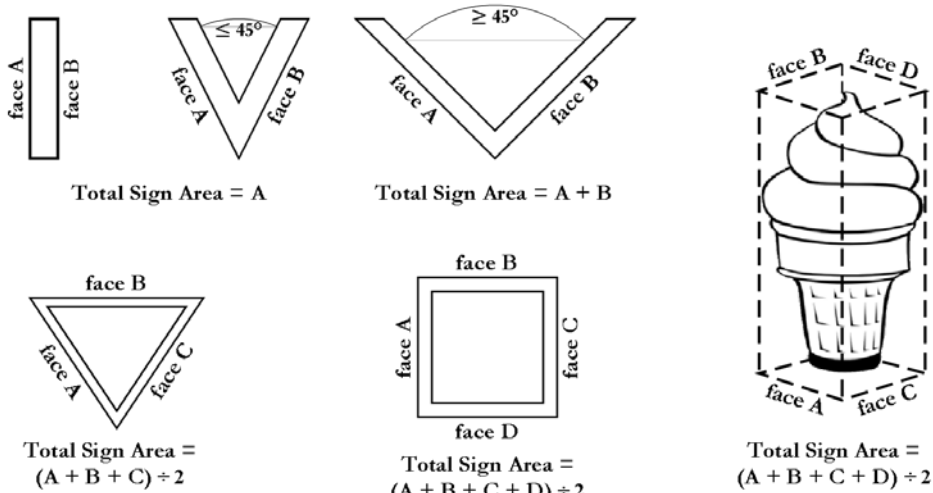


Figure 11-41-7-D

**B. Sign Height Measurement.** Sign height is measured as follows:

1. **Freestanding Signs.** Sign height is measured as the vertical distance from the average elevation of the finished grade within an eight (8) foot radius from all sides of the sign at the base of a sign to the top of the sign, exclusive of any filling, berms, mounds, or landscaping solely for the purpose of locating the sign, excluding decorative embellishments as defined in Section 11-50-2, and authorized in Section 11-43-3.
  - a. If natural grade at the base of a sign is higher than the grade of the adjacent road, and the grade has not been artificially raised by fill or other means to a height above the adjacent road, then sign height is measured from the base of the sign at natural grade, as shown in Figure 11-41-7-E.
  - b. If natural grade at the base of a sign is lower than the grade of an adjacent road, or has been reduced to provide a storm water retention basin, then the height of the sign is measured from the top of curb elevation, as shown in Figure 11-41-7-F.
  - c. Consideration of natural grade does not include the use of berms or increases in building construction pads, grading of the site, importing of sand, gravel, or other similar means to artificially increase the natural grade level of a site.
2. **Building Mounted Signs.** The height of wall, fascia, mansard, parapet, or other building mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign, as shown in Figure 11-41-7-G.

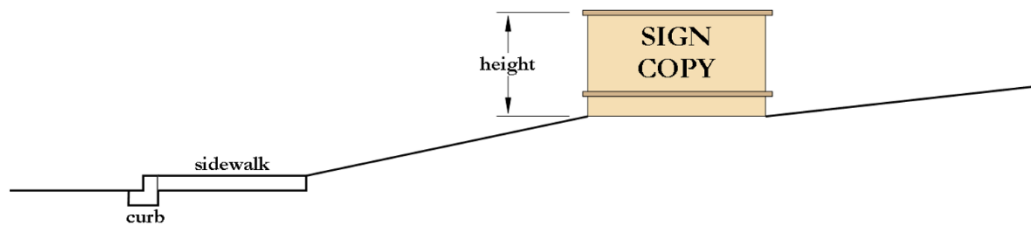


Figure E. Freestanding Sign Height - Signs Higher than the Grade of an Adjacent Road

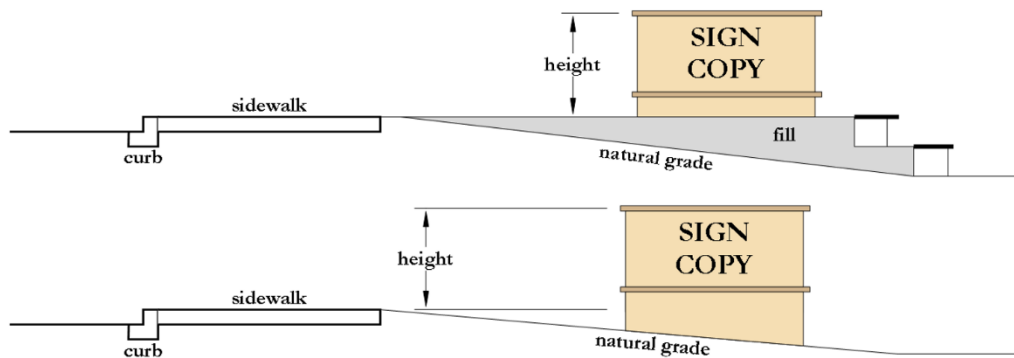


Figure F. Freestanding Sign Height - Signs Lower than the Grade of an Adjacent Road



Figures 11-41-7-E and 11-41-7-F

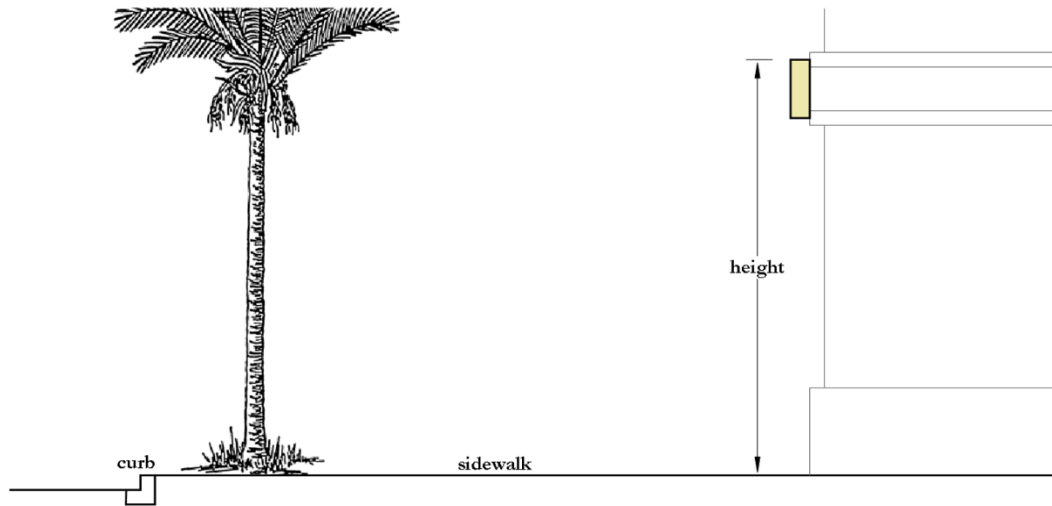


Figure 11-41-7-G

- C. **Sign Illumination Measurement.** The illuminance of an electronic message panel shall be measured with an illuminance meter set to measure foot-candles accurate to two (2) decimals. Illuminance shall be measured with the unit turned off, and again with the unit turned on displaying a white image for a full color-capable electronic message panel, or a solid message for a single-color electronic message panel. Both measurements shall be taken perpendicular to the face of the electronic message panel at a distance determined by the total square footage of the electronic message panel as provided in Table 11-41-7-C below.

Table 11-41-7-C: Measurement Distance Based on Sign Area							
Sign Area	Measurement Distance	Sign Area	Measurement Distance	Sign Area	Measurement Distance	Sign Area	Measurement Distance
5	22 feet	35	59 feet	65	81 feet	95	97 feet
10	32 feet	40	63 feet	70	84 feet	100	100 feet
15	39 feet	45	67 feet	75	87 feet	105	102 feet
20	45 feet	50	71 feet	80	89 feet	110	104 feet
25	50 feet	55	74 feet	85	92 feet	115	107 feet
30	55 feet	60	77 feet	90	95 feet	120	110 feet

**11-41-8: Sight Visibility Triangles**

No sign shall interfere with visibility at street intersections or driveways as provided in the City of Mesa Engineering and Design Standards Section 211 - Sight Distance and Visibility Guidelines.

- A. **Permanent Signs.** No permanent sign is allowed above the height of three (3) feet.
- B. **Portable Signs.** Portable signs are allowed in the sight visibility triangle, only as follows:

1. The portable sign does not exceed three (3) feet in height.
2. In the RS, RSL, and DR-1 districts or T3N transect, one (1) portable sign exceeding three (3) feet high is allowed within fifteen (15) feet of the edge of pavement or face of curb, as may be applicable, of any streets, roads or highways providing two (2) or less vehicular traffic lanes.

**11-41-9: Responsible Party**

- A. **Posting Sign.** The person, group, or organization directing the posting, installation, or erection of a sign is responsible for assuring the compliance of the sign with the requirements of this Sign Ordinance. This includes the removal, maintenance, replacement, or alteration of the sign, as may be applicable.
- B. **Owner or Occupant.** If the person directing the posting, installation, or erection of the sign does not remove, maintain, replace, or alter the sign in accordance with the requirements of this Sign Ordinance, then the property owner or occupant of the building, where the sign is posted, is responsible for either replacing the sign with a sign that complies with this Sign Ordinance or removing the sign.