

CHAPTER 9 – SIGNAGE

SECTION 9.0 PURPOSE AND SCOPE

- A. The purpose of the signage code is to strike a balance between the needs of businesses for adequate, safe and reasonably regulated signage and the desire of the community have pride in the Town's appearance. Sign regulations are designed to:
- Provide for safe, well maintained signage;
 - Provide legal, reasonable regulations that allow for business and government identification, communication and advertising;
 - Prevent hazards to motorists, pedestrians, equestrians and bicycle riders by prohibiting signs that interfere with their safe travel and
 - Preserve and enhance the appearance and uniqueness of the Town and not detract from its surrounding natural beauty all of which draw residents and tourists alike to spend money in Cave Creek.
- B. This Chapter shall apply to all signs placed within the Town of Cave Creek. If a sign is not specifically allowed by this Chapter, Town Code, or state or federal law, it is not allowed and may be removed as provided in this Chapter.

SECTION 9.1 GENERAL REGULATIONS: These general requirements apply to all signs in all zones unless otherwise noted.

A. General Sign Regulations

1. A *Zoning Clearance* and/or *Building Permit* shall be required for signs except as otherwise specified in this Ordinance. A *Building Permit* and an *Electrical Permit* is required for all permanent exterior electric signs.

2. All signs shall be structurally designed, constructed, and erected in accordance with all applicable provisions and requirements of the Town of Cave Creek adopted codes and ordinances.
3. All signs and sign structures, including legal nonconforming signs, shall be maintained in good order and repair at all times so as not to constitute a danger or hazard to the public safety.
4. Signs shall not be located in a manner that interferes with pedestrian or vehicular travel or poses a hazard to pedestrians, equestrians or vehicles.
5. No sign shall be located within the Town rights-of-way without first obtaining a *Right-of-Way* Use Permit from the Town or unless otherwise authorized by law or this Chapter. Public easements shall be treated as a Town right-of-way and require a Right-of-Way use permit.
6. For all illuminated signs, the source of the sign's illumination shall not be visible from any street, sidewalk, or adjacent property.
7. Notwithstanding Sections 9.2, 9.3 and 9.4, additional signage may be located in a residential and/or commercial zone pursuant to a lawfully issued Special Event Permit. Signage authorized in conjunction with a Special Event Permit shall conform to Signage Plan approved with the Special Event Permit Application. The Signage Plan shall control as to the number, location, type and size of signs, if specified therein. In all other respects, such signs shall be regulated by this Chapter.
8. All Regulatory Signs allowed or required by a State, Local or Federal law or regulation shall be allowed.

B. Sign Area is defined and shall be measured as follows:

1. Sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy and affixed to a structure shall be measured as that area within the outside dimensions of the background panel or surface.
2. Sign copy mounted as individual letters and/or graphics against a wall shall be measured as the smallest rectangle that will enclose the entire copy or grouping of such letters, words, or graphics in the total sign.
3. A double-faced sign shall be considered as one sign when determining the sign area, provided both faces are parallel and the distance between faces does not exceed 18 inches (18”).

C. Sign height is defined and shall be measured as follows:

1. Freestanding and Ground Mounted signs shall be measured as the vertical distance from grade to the top of the highest element of the sign or sign structure.
2. Wall, Fascia, or Parapet sign height shall be measured as the vertical distance to the top of the sign or sign structure from the base of the structure on which the sign is located.

D. Prohibited Signs:

1. Internally illuminated signs, including variable message boards, unless previously approved by the Town;
2. Signs mounted, attached, or painted on any unregistered motor vehicle the condition of which is wrecked, dismantled, partially dismantled, or inoperative or from which the wheels, engine, transmission, or other substantial part thereof has been removed;

3. Signs attached to any utility pole or structure, streetlight, traffic signal, tree, fence, fire hydrant, park bench or other location on public property unless otherwise specifically addressed in this Ordinance;
4. The use of pennants, banners, balloons, streamers, and similar displays except as permitted in this Chapter;
5. Signs that are animated or audible, or rotate or have intermittent or flashing illumination, or emit audible sound;
6. Signs displayed in a manner or locations that prevent free ingress or egress from a door, window, accessible path or other exit;
7. Signs displayed in a location in such a manner as to obstruct or interfere with an official traffic sign, signal or device, or signs that obstruct or interfere with a driver's view of approaching, merging or intersecting traffic;
8. Signage located upon wireless communication facilities;
9. Any inflatable sign; and
10. Any sign not otherwise authorized by this Chapter or required by local, state, or federal law or regulation.

SECTION 9.2 RESIDENTIAL ZONES:

A. Purpose

The regulations, requirements and provisions set forth within this Section are specific to all signs erected, placed or constructed within the residential zones of the Town.

B. General Regulations:

Zoning District	Total Aggregate Area **	Maximum Height	Permit Req'd *
MR	40 sq. ft.	6' feet	YES
R-18	20 sq. ft.	6' feet	NO*
R-35	20 sq. ft.	6' feet	NO*
DR-43	20 sq. ft.	6' feet	NO*
DR-70	20 sq. ft.	6' feet	NO*
DR-89	20 sq. ft.	6' feet	NO*
DR-190	20 sq. ft.	6' feet	NO*

Table 9.1 Residential Signs

* A building permit is required for any structure requiring a foundation to support or requiring electrical or plumbing.

** The square footage set forth in the table is separate from and in addition to the total aggregate square footage set forth for portable signs in Section 9.4

1. Sign height shall not exceed six feet (6') unless the proposed sign is placed within the buildable area of the lot as defined by the building setbacks.
2. Private signage shall not be located in any manner that in the determination of the Town Engineer creates a traffic hazard.

SECTION 9.3 COMMERCIAL ZONES:

A. Purpose:

The Purpose of these regulations, requirements, and provisions as set forth in this Section is specific to all signs erected, placed, or constructed within the Town’s Commercial Zones (**CB, TCC, & GC**).

B. Regulations:

1. General Regulations.

Zoning District	Number of Signs	Total Area *	Maximum Height	Permit Req'd	Specifications
CB	1 Freestanding / Ground Mounted Sign	40 sq. ft.	12 feet	YES	Shall be installed by a licensed contractor.
TCC	1 Freestanding / Ground Mounted Sign	40 sq. ft.	12 feet	YES	Shall be installed by a licensed contractor.
GC	1 Freestanding / Ground Mounted Sign	48 sq. ft.	12 feet	YES	Shall be installed by a licensed contractor.

Table 9.2 Commercial Signs

* The square footage set forth in the table is separate from and in addition to the total aggregate square footage set forth for portable signs in Section 9.4

- a. Permanent signs within commercial zones shall be constructed and installed by a licensed contractor and a permit issued by the Town.
- b. Signs shall be located in such a manner that they do not interfere with pedestrian or vehicular travel or pose a hazard to pedestrians, equestrians or vehicles.
- c. Neon sign elements shall be limited to interior window usage only within the **CB, TCC, or GC** zones.
- d. Where a sign has three (3) or more faces the area of the sign shall be calculated as the total area of all faces.

- e. The aggregate sign area for all signs on a lot or parcel shall be the sum of the areas of all the signs except, the area for the following:
 - (1) Directional signs, assisting in the flow of traffic, which do not exceed an area of two square feet (2 sq. ft.) or a height of three feet (3').
 - (2) Street address wall signs, which do not exceed an area of two square feet (2 sq. ft.) or as approved by the Fire Official to ensure visibility from the street or road fronting the property;
 - (3) Signs necessary for safety, which do not exceed an area of two square feet (2 sq. ft.) or height of three feet (3'); or
 - (4) Other Wall or Building Signage.
- 2. Any proposed complex containing three (3) or more businesses shall be required to submit a comprehensive sign package to be reviewed and approved by the Town.
 - a. Wall or Building Signage:
 - (1) May be externally illuminated or non-illuminated in compliance with this Ordinance; or
 - (2) Signage shall not extend horizontally or vertically a distance greater than the width or height of the building wall on which it is displayed.
 - b. Freestanding and Ground Mounted Signage:
 - (1) If externally illuminated, signage shall be in compliance with the lighting provisions of this Ordinance;

- (2) One (1) Freestanding or Ground Mounted sign shall be permitted per development or commercial center, except as otherwise permitted;
- (3) Freestanding or a Ground Mounted sign shall not exceed 12 feet (12') in height. The height of the sign is measured from grade to the highest point of the sign;
- (4) In the case where there is no street frontage, the property owner may either share a multi-tenant sign with the frontage property or erect a Freestanding or a Ground Mounted sign on the frontage property within a "sign easement" procured from the frontage property owner. Such permission shall include the consent of the property owner(s) to allow the Town to enter said property and remove the sign in the event of non-compliance. A minimum distance of 100 feet (100') shall be maintained between signs on the same property;
- (5) For multiple building developments or commercial centers, a maximum of two (2) Ground Mounted signs per street frontage may be permitted. The minimum distance between two (2) signs on the same street frontage shall be 330 feet (330');
- (6) A *Location Plan* shall be prepared showing the site of any proposed Ground Mounted Sign. The *Location Plan* shall be submitted with a *Building Permit* application. Sign panels may be single or double 'faced.

- 3. **Banners and Pennants:**
 - a. Banners and Pennants shall be allowed within the **CB, TCC & GC** zones.
 - b. Banners and Pennants shall be displayed only on a building and not within the parking area, perimeter landscape, or other areas of the commercial development. No Pennant, Banner or other display shall be placed on or above the roof of any building.

SECTION 9.4 Portable Signs

A. General Regulations

- 1. Portable signs shall not impede or restrict vehicular, non-vehicular, or pedestrian traffic;
- 2. Portable signs shall not exceed a maximum of six square feet (6 sq. ft.) in area per side or three feet (3') in height. The height of the sign is measured from grade to the highest point of the sign.

B. Portable Signs Allowed by Zone

- 1. Each property in a residential zoning district is allowed a maximum aggregate portable sign area of 12 square feet, and one (1) portable sign per street front. Properties with more than one (1) street front must place signs in a way that they are not visible simultaneously.
- 2. In all commercial zones, one (1) portable sign is allowed per address. If a building has multiple suites, each suite shall be treated as a separate address for purposes of the portable sign allowance.

Section 9.5 SUBMITTAL & PERMIT REQUIREMENTS:

- A. A *Building Permit* application shall be made in writing on forms provided by the Town. The following minimum information shall be required as part of all *Building Permit* applications:
1. Site Address;
 2. Assessor's Parcel Number;
 3. Project Description;
 4. Contract value of job;
 5. Property owner's name, address, telephone number and email address;
 6. Sign contractor's name, address, telephone number and email address;
 7. Inventory of all existing signs on the property showing the type and dimensions of each sign as well as a *Site Plan* showing the locations of each sign;
 8. Fully dimensioned plans and elevations showing the dimensions, design copy, and location of each proposed sign in relation to the property line(s) and public Right-of-Way;
 9. *Structural Plans* indicating the scope and structural detail of the work to be done, including details of all connections;
 10. The edition of the Building Codes that the plans are designed to;
 11. Additional information as may be required by the Town for the approval of a *Building Permit* for all electrically illuminated signage; and

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12. When a comprehensive sign package is required by this Ordinance, the submittal shall include the following information: the material(s), sign type (e.g. attached or detached), and any other information deemed necessary by the Town.
 - B. One (1) application and two (2) copies of all information listed above in this Section shall be submitted with the application for each sign; one (1) copy being returned to the applicant at the time the *Zoning Clearance* and/or *Building Permit* is issued.
 - C. Before issuing any *Building Permit* required by this Ordinance, the Town shall collect a fee in accordance with a fee schedule established by the Town Council.
 - D. All signs for which a *Building Permit* is required shall be subject to inspections during various stages of construction as prescribed by the Town of Cave Creek Building & Fire Safety Department.

SECTION 9.6 ADDITIONAL SIGN DESIGNATIONS:

A. Nonconforming Signs:

1. Legal Nonconforming Signs:

Legal nonconforming sign(s) shall mean a permanent sign that lawfully existed at the time of the enactment of this Chapter but does not now conform to the regulations set forth within this Chapter. Legal nonconforming signs are subject to the provisions of Chapter 11 of the Zoning Ordinance – Nonconforming Uses. Reasonable repair, maintenance, and alterations to legal, nonconforming signs are allowed including change of copy, provided that no structural alterations are made.

2. Signs Rendered Nonconforming:

- a. Except as provided in this Chapter, a nonconforming sign may continue in the manner and to the extent that it existed at the time of the Chapter adoption, amendment or annexation which rendered the sign nonconforming;

- b. A nonconforming sign shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this Chapter; and
- c. Any nonconforming sign shall be removed or rebuilt in full conformity to the terms of this Chapter if it is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration is 50 percent (50%) or more of the cost of replacement of such sign.

3. Signs Rendered Discontinued:

- a. Sign structures which remain vacant, unoccupied, devoid of any message for a period of on 180 consecutive days, or displays a message pertaining to a time, event or purpose that no longer applies shall be deemed to be discontinued; and
- a. A sign whose use has been discontinued is prohibited and shall be removed by the owner of the property upon which it is located. Removal shall occur no later than 30 days after such use has been discontinued.

B. Unsafe Signs:

- 1. If the Town determines that any sign or sign structure is found to be in an unsafe condition, or location, the Town shall immediately notify the owner, by means of a *Sign Violation Notice* placed upon the subject sign and require that immediate action be taken to correct the identified unsafe condition. If the corrective action cannot reasonably be completed immediately, then, immediately, the area around or under the unsafe condition must be removed from public access and electricity must be disconnected from the sign until the unsafe condition has been repaired or abated. The owner shall contact the Chief Building Official's office to determine an acceptable time with in which the hazardous condition shall be corrected to the satisfaction of the Town.

2. If the correction has not been made within 24 hours (24 hrs.) of the posting of the *Sign Violation Notice*, the Town may have the sign removed at the expense of the owner of the sign.

C. Illegal Signs:

1. The Town Marshal, or other designated Town official, shall remove all illegal signs placed within the Town's Right-of-Way. The Town Marshal shall require the removal of all other illegal signs as further provided herein, subject to the notice requirements of this Section.
2. Before bringing an action to require removal of any illegal sign, the Town Marshal shall first provide notice, either by hand delivery or by certified mail, to the property owner of the parcel upon which the illegal sign is located with a *Sign Violation Notice*. The notice shall contain the following:
 - a. The violation charged;
 - b. The reasons and grounds for removal;
 - c. The specific deficiencies or defects;
 - d. What repairs, if any, will make the sign conform to the requirements of this Chapter; and
 - e. Specify that the sign must be removed or made to conform with the provisions of this ordinance within the notice period provided.
3. Notice period:
 - a. The notice period for illegal signs shall be seven (7) days;
 - b. Re-erection of any sign or substantially similar sign on the same premises after a compliance notice has been issued shall be deemed a continuation of the original violation.

4. If the owner of the premises upon which the sign located has not demonstrated to the satisfaction of the Town Marshal that the sign has been removed or brought into compliance with the provisions of this Chapter by the end of the notice period, then the Town Marshal shall certify the violations to the Town's Civil Hearing Officer for prosecution as a violation of this Chapter.
5. The Town Marshal may remove any illegal sign which is maintained or re-erected in violation of this Chapter after the expiration of the notice period, if the owner of the premises has been issued a compliance notice at least once before for the same violation involving the same or a similar sign.
6. The costs of removal or repair of a sign by the Town shall be borne by the owner of the property on which it is located; and an action for recovery thereof may be brought by the Town Attorney.
7. All signs impounded by the Town shall be destroyed or disposed of after going unclaimed for a period of seven (7) days.

D. Liability for Damages:

The provisions of this Chapter shall not be construed to relieve or to limit in any way the responsibility or liability of any person, firm, or corporation which erects or owns any sign, for personal injury or property damage caused by the sign nor shall the provisions of this Chapter be construed to impose upon the Town, its officers, or its employees, any responsibility or liability by reason of the approval of any sign under the provisions of this Chapter.

SECTION 9.7 DEFINITIONS

The definitions in this Section contain the terms most frequently used in this Chapter. Additional definitions may be found in Appendix A of the Zoning Ordinance.

BANNER SIGN. Any sign of fabric, plastic, paper or other light pliable material not enclosed in a rigid frame and secured or affixed to a rigid structure on more than one side.

BUILDING SIGNAGE. A sign that is embedded, attached, extruded or carved into the material of a building façade.

FASCIA SIGN. Any sign permanently affixed to a horizontal piece covering the joint between the top of a building wall and the projecting eaves of a roof.

FLAG. A flag is made of cloth, vinyl or similar pliant material attached on one side to a flagpole and is designed to flow in the wind.

FREESTANDING SIGN. Any sign which is erected on its own self-supporting permanent structure, detached from any supporting elements of a building. Freestanding Sign as used in this Section shall not include Ground Mounted signs as defined below.

GROUND MOUNTED. A sign which extends from the ground or has support which places the bottom of the sign less than two (2) feet from the ground.

NONCONFORMING SIGN (LEGAL). A legal nonconforming sign shall mean a permanent sign that lawfully existed at the time of the enactment of this Ordinance but does not now conform to the regulations set forth within this Ordinance and otherwise complies with Chapter 11 of this Ordinance.

PARAPET SIGN. A sign attached to that portion of a building's exterior wall which projects above the plate line of the building.

PENNANT. A narrow, tapering sign made of fabric, plastic, paper or other light pliable material not enclosed in a rigid frame.

PERMANENT SIGN. A ground mounted or freestanding sign.

PORTABLE SIGN. A temporary sign not affixed to a structure or ground mounted on a site. It rests on the ground or is post driven and consists of two sign faces.

REGULATORY SIGN. Describes a range of signs that are used to indicate or reinforce traffic laws, regulations or requirements which apply either at all times or at specified times or places upon a street or highway or signs in general that regulate public behavior in places open to the public.

SIGN. Any object, display, structure or device (including but not limited to letters, words, numerals, figures, symbols, pictures, outline, character, color, illumination, trademark, logo, or any part of combination) visible from a public place and which is affixed directly or indirectly upon a building, vehicle, structure or land used for visual communication which is intended to attract the attention of the public by providing identification, advertising or directional information for a specific business, service, product, person, organization, place or building and is visible from the public rights-of-way. The term “sign” shall also mean and include any display of one or more the following: single or multiple colored bands, stripes, patterns, outlines or delineations. The term “sign” shall not include any flags, window displays, athletic score boards or the official announcement signs of government.

WALL SIGN. Any 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.