

**THE PLANNING & ZONING ADVISORY COMMISSION  
FOR THE TOWN OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE  
Thursday, August 9, 2012 6:00 P.M.**

**P&Z MEETING  
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL  
DEWEY-HUMBOLDT, ARIZONA**

## **AGENDA**

The issues that come before the Planning & Zoning Advisory Commission are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Commission believes that the meeting be a safe place for people to speak. With this in mind, the Commission asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Agenda items may be taken out of order. Please turn off all cell phones. The Commission meeting may be broadcast via live streaming video on the internet in both audio and visual formats. A quorum of Council may be present. One or more members of the Commission may attend either in person or by telephone, video or internet conferencing. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

1. **Call To Order.**
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.**
3. **Roll Call.** Commissioners Chris Berry, Claire Clark, Andy Peters, Mel Scarbrough, Vice Chair Arlene Alen and Chair Bob Bowman.
4. **Disclosure of Ex Parte Contacts.**
5. **Announcements Regarding Current Events.** Announcements of items brought to the attention of the Chair not requiring legal actions by the Commission.
  - 5.1. **Announcement of Glenn Allen’s resignation from the Commission.**
6. **Consent Agenda.** All matters listed under the Consent Agenda are considered to be routine by the Commission and will be enacted by one motion. Any item may be removed from the Consent Agenda for separate consideration at a Commissioner’s request. If a citizen desires separate consideration of an item, he or she should approach a Commissioner prior to the meeting and ask that the Commissioner request that the item be removed.
  - 6.1. **Minutes.** Minutes from the July 5, 2012 Meeting.
7. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.
  - 7.1. **Comparative Sign Codes, under 10k population in Arizona.**
8. **Discussion Agenda – New Business.** Discussion and Possible Action.
  - 8.1. **HB 2500 – Campaign Signs.**
  - 8.2. **Amending Town Code Section 153.137 – Office Complexes, Commercial and Industrial Centers, to allow for larger signage.** Discussion and possible action.

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9. **Public Hearing Agenda.** Discussion and Possible Action on matters not previously presented to the Commission.

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**THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.**

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10. **Commissioners' Forum.** Current Events and Future Agenda Requests. Members of the Commission may discuss **Planning and Zoning related items** in terms of past, present and future.

11. **Comments from the Public.** The Commission wishes to hear from Citizens at each meeting. Those wishing to address the Commission need not request permission or give notice in advance. For the official record, individuals are asked to state their name. Public comments may appear on any video or audio record of this meeting. Please direct your comments to the Commission. Individuals may address the Commission on any issue within its jurisdiction. At the conclusion of Comments from the Public, Commissioners may respond to criticism made by those who have addressed the public body, may ask Town staff to review a matter, or may ask that a matter be put on a future agenda; however, Commissioners are forbidden by law from discussing or taking legal action on matters raised during the Comments from the Public unless the matters are properly noticed for discussion and legal action. The total time for Comments from the Public is **20** minutes. No time limit is imposed on individuals within this total. The audience is asked to please be courteous and silent while others are speaking.

12. **Town Planner's Report.** Update on Current Events.

13. **Adjourn.**

**For Your Information:**

Next Town Council Work Session: Tuesday, August 14, 2012 at 2:00 p.m.

Next Town Council Meeting: Tuesday, August 21, 2012 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, September 6, 2012 at 6:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

**Certification of Posting**

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the \_\_\_\_ day of \_\_\_\_\_, 2012, at \_\_\_\_ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: \_\_\_\_\_, Town Clerk's Office.

Persons with a disability may request reasonable accommodations by contacting the Town Hall at 632-7362 at least 24 hours in advance of the meeting.

**TOWN OF DEWEY-HUMBOLDT  
PLANNING & ZONING ADVISORY COMMISSION  
REGULAR MEETING MINUTES  
JULY 5, 2012, 6:00 P.M.**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, JULY 5, 2012, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIR BOB BOWMAN PRESIDED.**

1. **Call To Order.** The meeting was called to order at 6:07PM by Vice Chair Arlene Alen. She explained Chair Bob Bowman was on his way to the meeting.

2. **Opening Ceremonies.**

2.1. **Pledge of Allegiance.** Made.

3. **Roll Call.** Commissioners Chris Berry (arrived at 7:11PM), Claire Clark, Andy Peters, Mel Scarbrough, Vice Chair Arlene Alen and Chair Bob Bowman (arrived at 6:23PM) were present; Commissioner Glenn Allen was absent.

4. **Disclosure of Ex Parte Contacts.** None.

5. **Announcements Regarding Current Events.**

5.1. **Introduction of new Community Development Coordinator, Warren Colvin.**

Town Manager Yvonne Kimball introduced Warren Colvin, Community Development Coordinator and spoke on his extensive work experience. Commissioner Andy Peters asked what Mr. Colvin's roles and responsibilities included and what his top three short-term priorities are. Town Manager Kimball gave an overview of Mr. Colvin's roles and responsibilities including customer service, counter, planning-related issues, interpreting code book, etc. Mr. Colvin spoke on his top three goals: to play a role in the sign code revision, learn the needs of the community and start addressing items on P&Z's top 10 list.

6. **Consent Agenda.**

6.1. **Minutes.** Minutes from the June 7, 2012 Meeting.

Commissioner Mel Scarbrough made a motion to approve the minutes of the June 7, 2012 meeting as presented, Commissioner Claire Clark seconded. The motion passed unanimously.

7. **Discussion Agenda – Unfinished Business.**

7.1. **Sign Code Rework.** Vice Chair Alen asked staff if there was further directive from Town Council on their desires for the sign code rework. Town Manager Kimball stated Town Council wanted the sign code to be simpler, less restrictive, with less regulation and explained that Mr. Colvin summarized further details in the packet communication. Commissioner Scarbrough spoke on his disappointment with the sign code being returned to Planning & Zoning again, noting that the Commission had revised it into a concise format and made it very clear; he expressed his desire for a joint meeting with Town Council in order to get specifics. Chair Bowman arrived at the meeting at 6:23PM. There was consensus amongst the Commissioners about a joint meeting with Town Council. Commissioner Peters spoke on the history of revising the sign code, language required by state statute and the sign code moratorium. Town Manager Kimball explained that the sign code moratorium was cancelled at the last Town Council meeting because staff needed guidance and is now using the existing sign code. There was

discussion about scheduling a joint meeting with Town Council on this item and tentatively scheduled it for August 21<sup>st</sup> at the Regular Council Meeting.

## **8. Discussion Agenda – New Business.**

**8.1. Possible Medical Marijuana Cultivation Facility.** Mr. Colvin explained he placed this item on the agenda due to a potential application for a cultivation-only facility and wanted to inform the Commission so they could review the code and become familiar with it. He noted this is a new applicant in the same general location as the previously received application; the way the code is written the application will require a use permit from the Commission to proceed. There was discussion about federal law, licensing criteria and inspections. Town Manager Kimball noted that section 153 of the Town Code is the most updated regulation for the Town; the ordinance was passed in 2011.

**8.2. Discussion on requesting a Joint Meeting with the Town Council.** Chair Bowman stated this item was previously discussed; a tentative meeting was scheduled for August 21<sup>st</sup> at the Regular Council Meeting. Town Manager Kimball noted that the Commission has a guest speaker scheduled for their August 9<sup>th</sup> meeting and inquired whether the Commission wished to invite the Town Council for a joint meeting for that particular item. The consensus of the Commission was to extend an open invitation to the members of the Town Council for the August 9, 2012 meeting, not a formal invitation for a joint meeting. Town Manager Kimball stated she will make an announcement at the next Town Council meeting inviting all Town Council members to the August 9<sup>th</sup> Planning & Zoning meeting.

**9. Public Hearing Agenda.** None.

## **10. Commissioners' Forum.**

Chair Bowman noted that Steve Mauk from Yavapai County will attend the August 9<sup>th</sup> Planning & Zoning meeting, Richard Parker from Prescott Valley is not yet confirmed. Commissioner Peters spoke on having several other sign codes from similar towns to use as examples in the past, noting that would be helpful for future sign code revisions. There was discussion. Chair Bowman asked staff to research current sign codes of similar size up to 10,000 in population and include them in the August 9<sup>th</sup> meeting packet for review before the meeting.

## **11. Comments from the Public.**

Jerry Brady spoke on federal laws regarding the use, cultivation, possession and sale of marijuana and the Town's legal liability for enacting, implementing or permitting not defined by state law, it is only policy; recreational marijuana use versus permitted use under federal and state law; the need for a joint meeting with Town Council regarding suspending the Board of Adjustment which affects the Planning and Zoning Commission in many ways.

Commissioner Chris Berry arrived at 7:11PM.

Denise Rogers spoke on the sign code redevelopment, reviewing the size of signs in front of current businesses and suggested the Commission take into consideration the proportion of the storefront to the size of the sign.

Nancy Wright spoke on the sign code and suggested not making it too restrictive because the Town wants businesses; reviewing sign codes of smaller towns around the state; corner signs and political signs.

Jerry Brady spoke on increasing engineering costs due to overhead surveillance by the County, flood plain increasing infrastructure development costs and enacting appropriate local ordinances; the need for a joint session with Town Council to establish appropriate ordinances for remediation of the Iron King site based on administrative orders from the U.S. Courts.

**12. Town Planner's Report.** None.

**13. Adjourn.** The meeting was adjourned at 7:31PM.

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Robert Bowman, Chairman

ATTEST:

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Mandi Garfield, Administrative Assistant

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B. Any extension of a nonconforming use shall be by conditional use permit issued by the planning and zoning commission subject to the following:

1. The extension of a lawful use to any portion of a nonconforming building shall not be deemed the extension of a nonconforming use;
2. No nonconforming use shall be extended to displace a conforming use;
3. A nonconforming use of a building or lot shall not be changed to another nonconforming use except that such changes may be allowed by conditional use permit when the proposed use is not more intensive and objectionable than the original use;
4. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.

(Ord. 2007-004 § 1 (part))

**17.96.050 Parking.**

A. If a building or business is destroyed, and if it is allowed to be reconstructed, it shall be required to provide only the number of parking spaces which existed prior to the destruction.

B. If a business expands, it shall in addition to the parking spaces which existed prior to such expansion, be required to provide only the number of additional parking spaces necessitated by the expansion.  
(Ord. 2007-004 § 1 (part))

**Chapter 17.100**

**SIGNS**

Sections:

17.100.010 Purpose.

17.100.020 Definitions.

17.100.030 Applicability.

17.100.040 Permits.

17.100.050 Regulations applicable to signs in all zones.

17.100.060 Regulations applicable to sign in all agricultural residential and mobile/ manufactured home zones.

17.100.070 Regulations applicable to signs in all commercial and industrial zones.

**17.100.010 Purpose.**

This section provides a set of standards for the design and construction of signs within the town of Springerville in order to protect property values; to promote a desirable aesthetic character for the town through professional-appearing signage; to protect the general public from damage or injury which may be caused by the faulty and uncontrolled construction of signs; to protect pedestrians and motorists from damage or injury caused, or partially attributed to the distractions and obstructions which are caused by improperly situated signs; to promote the public safety, welfare, convenience and enjoyment of travel and free flow of traffic.

(Ord. 2007-004 § 1 (part))

## 17.100.020 Definitions.

As used in this chapter:

"Shopping center" means a group of three or more commercial establishments associated by common agreement or under common ownership which comprises contiguous land parcel unit with common parking facilities.

"Sign" means any identification, description, illustration or device which is affixed directly or indirectly upon a building, structure or land which directs attention to a product, place, activity, person, institution or business, and which is visible from any public street, waterways, alley or public place, and shall include banners and similar services. A vehicle mounted sign on a vehicle that is habitually parked or stationed at the site of a business and serves to advertise or identify the business, shall be construed as a sign for the purpose of this chapter. National flags of political subdivisions shall not be construed as signs.

"Sign--A-frame or sandwich board" means a freestanding, unattached, two-faced sign not exceeding sixteen (16) square feet per face. (Note the height regulations of Sections 17.100.050(H), 17.100.060(F) and 17.100.070(A)).

"Sign--Area of" means that area in square feet of the smallest rectangle, square, circle or triangle that encompasses the sign. The area of any two-faced sign with parallel faces or "V" type signs having an interior angle of forty-five (45) degrees shall be the area of a single face. All other multiple faced or paneled signs shall be the total area of all faces or panels. Sign area shall include the mounting surface, on which the lettering is placed. For signs which are painted on a wall surface and for multiple-unit signs, the area shall include the lettering and the vertical and horizontal spacing between letters which comprise the work or words that convey the message.

Sign, Banner. "Banner sign" means any sign painted or displayed on cloth or other flexible material.

Sign, Canopy. "Canopy sign" means a type of building-mounted sign under and supported by a permanent canopy, arcade or portal, and the faces of which are perpendicular to the nearest facade.

Sign, Development. "Development sign" means any temporary sign erected on the premise(s) of an existing construction project and designating the architect, contractor, designer or builder or developer, or the name and nature of the project.

Sign, Directional. "Directional sign" means any sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed, and which contains no advertising copy.

Sign, Freestanding. "Freestanding sign" means a sign attached to or supported from the ground and not attached to a building. Signs on walls or fences which are not an integral part of a building are freestanding signs.

Sign, Height. "Height sign" means the vertical distance from grade to the highest point of the sign.

Sign, Political. "Political sign" means any temporary sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot of primary, general or special elections.

Sign, Projecting. "Projecting sign" means a type of building-mounted sign, other than a wall sign or canopy sign, which projects from and is supported by a wall of a building.

Sign, Property Sale, Rental or Lease. "Property sale, rental or lease sign" means any sign advertising the availability for sale, rental or lease of land or buildings.

Sign, Roof. "Roof sign" means a type of building-mounted sign which projects from and is supported by the roof of a building.

Sign, Wall. "Wall sign" means a sign flush to the exterior surface of a building, applied directly on the building, in a window or a signboard attached flush to the building, projecting no more than six inches from the building surface and not projecting above the roof surface. However, light sources aimed at the wall sign may project farther.

(Ord. 2007-004 § 1 (part))

#### **17.100.030 Applicability.**

The provisions of this section shall apply to all signs placed or maintained within the town of Springerville with the exception of the following:

- A. Governmental Signs. Signs required by law or signs of a duly constituted governmental body, such as traffic signs, warning signs or no trespassing signs.
- B. Public Utility Signs. Signs placed by a public utility for the safety, welfare or convenience of the public, such as signs identifying high voltage, public telephone or underground cables.
- C. Vehicle Signs. Signs upon a vehicle, boat or trailer provided that any such vehicle, boat or trailer is not conspicuously parked so as to constitute a sign. Nothing herein contained shall prevent such a vehicle from being used from a bona fide delivery and other vehicular purposes.
- D. Temporary Holiday Decorations. Shall be allowed, provided they shall in no way create a hazard or nuisance, provided they are erected no more than thirty (30) days prior to that holiday to which they refer, and provided they are removed within ten days following that holiday to which they refer.

(Ord. 2007-004 § 1 (part))

#### **17.100.040 Permits.**

A. A sign permit shall be required before a sign may be placed, constructed, reconstructed or altered within the town of Springerville with the exception of the following:

1. Nameplate signs and address signs;

2. Repainting or maintenance of signs, provided there is no change in size or shape. (Changes in wording, composition or colors shall be allowed without a permit);
3. Property sale, rental or lease signs;
4. Directional signs;
5. Dedication Plaques. Non-illuminated names of buildings, dates of erection, monument citations, commemorative tables and the like, when carved into stone, concrete, metal or any other permanent type construction and made an integral part of a permitted structure and made flush to the ground;
6. Yard, moving or garage sale signs as defined in Section 17.100.050 O.;
7. Special event signs as defined in Section 17.100.050 P;
8. Political signs in conformance with Section 17.100.050 K.

B. An application for a sign permit shall be filed with the zoning administrator on a form prescribed by the zoning administrator. The application shall include the following:

1. Sketch showing size, height and shape of sign;
2. Description of material used and method of mounting;
3. Landscaping;
4. Existing signs;
5. Any other information the planning and zoning administrator might need to evaluate the sign proposal;
6. Payment of the filing fee in an amount established by a schedule adopted by resolution of the council. No part of the filing fee shall be returnable. This fee shall be doubled for any sign(s) erected or installed without a permit. Payment of the filing fee shall be waived when the petitioner is an official or agency of the city, county, state or federal government.

C. Plan Review. Within ten days after receipt of a complete application for a sign permit, the zoning administrator shall review the sign plans, and deny, approve or conditionally approve said plans, basing his decision on the conformity of the proposal with the provisions of this section.

D. Appeal. An applicant can appeal the decision of the zoning administrator as provided under Sections 17.88.060 and 17.92.101 et seq., of this code.

(Ord. 2007-004 § 1 (part))

(Ord. No. 2008-005, § 1, 8-20-08)

**17.100.050 Regulations applicable to signs in all zones.**

- A. No sign shall be constructed or erected in such a manner as to interfere in any way with or confuse vehicular or pedestrian traffic or present a traffic hazard.
- B. Flashing Signs. Signs shall not be animated or have intermittent illumination or flashing lights, except that "time and temperature" signs such as used by banking institutions may be allowed by conditional use permit.
- C. Lighting. Lighting shall be so installed so as to avoid any glare or reflection into any building used for residential purposes, or into any street, alley or driveway if such glare or reflection might create a traffic hazard. All exposed neon, freon, incandescent or similar type of illumination shall be not less than ten feet above grade. Below ten feet, any such lighting shall be shielded by transparent or translucent protective material.
- D. Audible Devices. No sign shall have audible devices.
- E. Building Codes. All signs shall be constructed, designed or attached to structures in conformance with the building code adopted by the town of Springerville.
- F. Real Estate Signs. Temporary property sale, rental or lease signs shall be allowed along each street frontage of the property to which the sign refers. Each sign shall not exceed six square feet in area, shall not exceed five feet in height and shall be located no nearer than ten feet from another lot, nor nearer than fifty (50) feet from any other real estate sign along the same street frontage. Signs of up to twenty (20) square feet may be allowed by conditional use permit.
- G. Entrance, Exit and Directional Signs. Two utility signs not more than two square feet each denoting "Entrance" or "Exit" shall be permitted if necessary for that purpose. In addition, two directional signs such as "Office" signs and arrows not more than two square feet each shall be allowed.
- H. Height Limitations at Streets, Driveways and Sidewalks. When located within a distance of twenty-five (25) feet from a street or driveway, or within two feet from a sidewalk, no sign shall be placed between a height of three feet and seven feet above the level of said street, driveway or sidewalk. When located over a sidewalk, no part of the sign shall be less than eight feet above said sidewalk. When located over any driveway, no part of any sign shall be less than fourteen (14) feet above said driveway.
- I. Location. No freestanding, projecting or canopy sign shall be located closer than ten feet from any abutting lot.
- J. No sign shall obstruct any door or fire escape of any building.
- K. Campaign or Election Signs.
  - a. Individual signs shall not exceed thirty-two (32) square feet in area.
  - b. No signs shall be permitted in the public right-of-way or be placed in such a manner as to block

visibility.

- c. Candidates, the registered entity responsible for the ballot measure or the registered entity opposing any ballot measure shall be held responsible for violations, which shall be prosecuted under Chapter 17.04.
- d. All signs shall be removed within ten days after the election to which the sign pertains or after the termination of a candidacy, whichever occurs first. Failure to comply shall constitute a violation of Chapter 17.04.
- e. In the event that the town must remove such signs, the cost of such removal shall be assessed against the candidate the registered entity responsible for the ballot measure or the registered entity opposing any ballot measure.

L. **Nonconforming Signs.** Any nonconforming sign may be continued in use, provided however, that in the event any such sign is hereafter damaged to exceed fifty (50) percent of the reproduction value according to appraisal thereof by a licensed appraiser, or is removed or destroyed by any means whatsoever, including fire, collapse, explosion, act of the owner, act of public enemy or act of God, such sign may be restored, reconstructed, altered or repaired only to conform with the provisions of this chapter. Reasonable repairs may be made to nonconforming signs.

M. **Maintenance.** All signs shall be maintained in a state of good order and repair, and if any outdoor advertising sign becomes a danger to the public, or becomes deteriorated or is abandoned, the property owner or owner of the sign shall be notified to remove or repair the sign. If he does not comply within ten days, the zoning administrator shall have the sign removed and the cost assessed to the owner of the property on which such sign is located.

N. **Temporary Signs.** Signs used to promote a special event, sale, grand opening or other activity that does not qualify as a nonprofit or community event as defined in subsection P of this section. Not more than two temporary signs may be erected on- or off-site for up to thirty (30) days with a permit. A maximum of four temporary signs may be erected on- or off-site for up to ten days without a permit. Temporary signs (other than portable signs allowed in Section 17.100.070 J. used for more than thirty (30) days during a twelve (12) month period shall be considered permanent and included in total signage as defined in Section 17.100.070 B. All temporary signs shall comply with all other regulations set forth in the zoning code.

O. **Yard, Garage and Moving Sale Signs.** Yard, garage and moving sale signs shall be allowed not more than seventy-two (72) hours prior to the sale provided they are anchored in a manner to prevent them from creating a hazard for traffic or pedestrians. All yard, garage and moving sale sign shall indicate the date(s) of the sale and the complete physical address. Any such sign lacking this information, adequate anchoring or appropriate placement will be immediately removed by the town and the property owner associated with the sale may be cited for littering. Signs shall not exceed three square feet in total area. Any sign in place longer than seventy-two (72) hours in advance of the sale or that has not been removed within twenty-four (24) hours after the sale has ended will be removed by the town and the property owner who placed it there may be cited for littering.

P. **Special Event Signs.** Signs promoting a legitimate nonprofit or community event, including, but

not limited to, art shows, circuses, fairs, carnivals, festivals, religious revivals, political rallies, vehicle shows and displays, swap meets, rodeos and other temporary events or activities as defined by Ordinance 117. Not more than two off-site special event signs may be posted up to thirty (30) days in advance of an event with a permit. A maximum total of four off-site special event signs may be posted up to ten days in advance of the event. All special event signs shall be removed within twenty-four (24) hours of the end of the event. Special event signs shall conform with all other regulations set forth in the zoning code.

Q. Prohibited Signs. No posters, flyers, stake signs or notices of any kind shall be placed or displayed on posts, sidewalks, utility poles, lamp posts, hydrants, trees, bridges, rocks, boulders, walls of buildings, sheds, walls or fences, or other surfaces located on public property within public rights-of-way. Such signs will be immediately removed by the town and the responsible party may be cited for littering.

R. Banners. A maximum of two banners not exceeding twenty-four (24) square feet each shall be allowed provided they are attached in such a manner to prevent them from creating a hazard. Banners not attached to a building or structure shall include wind cuts. Banners may be used as permanent signage as defined in Section 17.100.070 B. or on a temporary basis as defined in subsections N through P of this section.

S. A-Frame or Sandwich Board Signs. A-frame or sandwich board signs not exceeding sixteen (16) square feet per face shall be allowed provided they are anchored and positioned in such a manner to prevent them from blocking or creating a hazard for vehicular or pedestrian traffic. A-frame or sandwich board signs may be used as permanent signage as defined in Section 17.100.070B. or on a temporary basis as defined in subsections N through P of this section.

(Ord. 2007-004 § 1 (part))

(Ord. No. 2008-005, § 2, 8-20-2008)

**17.100.060 Regulations applicable to sign in all agricultural residential and mobile/ manufactured home zones.**

A. Nameplates. One nameplate not exceeding three square feet in area indicating the names of the occupants, and one set of numbers not exceeding one square foot in area indicating the street address, shall be allowed for each dwelling unit.

B. Home Occupation and Business Signs. One sign not exceeding four square feet in area shall be allowed for each street frontage for each professional office, business or home occupation, in those zones in which such office or business is permitted, provided such signs shall be wall signs, except that signs other than wall signs shall be allowed by conditional use permit.

C. Subdivision Sale Signs. Two signs, not to exceed thirty-two (32) square feet each shall be allowed for each subdivision to designate the availability of lots or homes for sale. These signs shall be erected at least two hundred (200) feet apart. Permits for these signs shall be valid for a period of one year, and the sign shall be removed after expiration of the permit.

D. Subdivision ID Signs. A maximum of two signs containing only the name of the subdivision and not exceeding a combined total area of thirty-two (32) square feet may be erected at each entrance to a subdivision.

E. Apartment House ID Signs. One sign containing the name of the apartment house, not exceeding thirty-two (32) square feet in area may be allowed on each street frontage of any apartment complex. These signs shall be only wall signs or freestanding signs. Freestanding signs shall not exceed four feet in height. (Note the height regulations in subsection F of this section).

F. Height. No sign shall exceed eight feet in height.  
(Ord. 2007-004 § 1 (part))

**17.100.070 Regulations applicable to signs in all commercial and industrial zones.**

A. Height. No sign shall exceed a height of sixteen (16) feet above grade.

B. Attached Sign. A total of four wall, projecting, roof and/or canopy signs, not exceeding a total combined area of two hundred (200) square feet shall be allowed along each street property line. (Note the height regulation in subsection A of this section).

C. Freestanding Signs. One freestanding sign shall be permitted in lieu of one of the attached signs permitted in subsection B of this section, along each street property line. No such sign shall be greater in area than one hundred fifty (150) square feet, and the total combined area shall be computed as in subsection B of this section. No freestanding sign shall be located closer than twenty (20) feet from any abutting property line.

D. Off-Site Signs. One off-site sign shall be permitted in lieu of one of the attached signs permitted in subsection B of this section. No such sign shall be greater in area than fifty (50) square feet and the total combined area shall be computed as in subsection B of this section. Applications for off-site signs must be accompanied by the written permission of the owner of the property on which the sign is to be located.

E. Shopping Center Signs. One freestanding sign not exceeding one hundred (100) square feet in area shall be allowed along each shopping center street property line to designate the area of the shopping center and/or the names of the businesses located therein.

F. Sale, Rent or Lease Signs. One temporary property sale, rental or lease sign not exceeding thirty-two (32) square feet in area shall be allowed for each lot to which said sign refers. Such signs shall be removed within twenty (20) days of the sale, rental or lease of which they refer.

G. Development Signs. Development signs shall be allowed subject to the following regulations:

1. One temporary sign, not to exceed thirty-two (32) square feet in area shall be allowed for each lot or parcel of property to designate that the same is to be occupied at a future date by the business or concern designated thereon.
2. One non-illuminated temporary sign, not to exceed thirty-two (32) square feet in area for each contractor, developer, architect or engineer, shall be allowed for each lot or parcel of property to designate that such contractor developer, architect or engineer is engaged in the construction or repair of a building on such lot or parcel of property.
3. Each such development sign shall be removed from the lot or parcel of property upon which the

same is placed within twenty (20) days after any occupancy of the building constructed on the premises, or in the event of repairs to the building, within twenty (20) days after the completion of such repairs.

H. Window Signs. Window signs which are temporary in nature such as "sale" signs, "open" and "closed" signs, etc., and service ID signs such as "Master Charge," "Visa," "American Express," etc., shall be allowed in addition to other signs allowances, provided such signs are placed on the inside of the window and are unlighted.

I. Address Signs. One set of numbers not exceeding one square foot in area indicating the street address, shall be allowed in addition to normal sign allowances.

J. Portable Signs. Not more than one A-frame or sandwich board sign shall be allowed during business hours provided such signs are anchored and positioned in such a manner as to prevent them from blocking or creating a hazard for vehicular or pedestrian traffic as determined by the zoning administrator. Such signs shall be considered supplemental to the total number of signs allowed in subsection B of this section, but shall be computed as part of the total square footage set forth in subsection B of this section. (Note the height regulations in subsection A of this section).

K. Additional Signage. Signs in excess of the number allowed in subsections B and J of this section or of another type than those described herein may be allowed by conditional use permit.  
(Ord. 2007-004 § 1 (part))

## Chapter 17.104

### PARKING AND LOADING REQUIREMENTS

#### Sections:

17.104.010 Purpose.

17.104.020 General regulations.

17.104.030 Design and location of parking spaces.

17.104.040 Schedule of required off-street spaces.

17.104.050 Off-street loading requirements.

#### 17.104.010 Purpose.

The purpose of this chapter is to alleviate or prevent congestion of the public streets, and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking of motor vehicles in accordance with the use to which the property is put. It is the further purpose of this section to place upon the property owner the primary responsibility for relieving public streets of the burden of on-street parking.

(Ord. 2007-004 § 1 (part))

#### 17.104.020 General regulations.

A. Size. A parking space shall mean an area of not less than one hundred eighty (180) feet, with a minimum width of nine feet and a minimum depth of twenty (20) feet, which is specifically designated for and used for, the parking of an automobile or light truck, exclusive of all driveways and access ways.

## Chapter 7 SIGNS

### 10-7-1: PURPOSE:

This chapter provides a set of standards for the design and construction of signs in the town of Snowflake in order to: protect and improve the economic, scenic, and aesthetic values of the community; allow adequate and appropriate signs to effectively identify each business location and type of business conducted; prevent unsafe, oversized, or excessive signs which obscure the buildings, trees, and the natural beauty of the town; promote public safety, welfare, convenience, and enjoyment of travel, and free flow of traffic throughout the community. (Ord. 07-282, 1-23-2007, eff. 2-23-2007)

### 10-7-2: DEFINITIONS:

**PLATE LINE:** The horizontal line of a building at a height that would normally be the horizontal framing member resting on top of the studs on the first or ground floor.

**SHOPPING CENTER:** A group of three (3) or more commercial establishments and/or professional offices associated by common agreement or under common ownership which comprises contiguous land parcel units with common parking facilities.

**SIGN:** Any device for visual communication, including part or all of any structure, or natural object, that is used for the purpose of bringing the subject concerned to the attention of the public, but not including any sign of any governmental agency, or any flag, badge or insignia of any governmental, civic, charitable, religious, patriotic, fraternal, or similar organization.

**SIGN AREA:** That area in square feet of the smallest rectangle, square, circle, or triangle that encompasses the sign. The area of any two (2) faced sign with parallel faces, or "V" type signs having an interior angle of forty five degrees (45°) or less, shall be the area of the single face. All other multiple faced or paneled signs shall be the total area of all faces or panels. Sign area shall include the mounting surface, and for multiple-unit signs, the area shall include the lettering and the vertical and horizontal spacing between letters that comprise the word or words that convey the message.

**SIGN, CANOPY:** A type of building mounted sign mounted under and supported by a permanent canopy, arcade, or portal, and the faces of which sign are perpendicular to the nearest facade.

**SIGN, DEVELOPMENT:** Any temporary sign erected on the premises of an existing construction project and designating the architect, contractor, designer or builder, or developer or the name and nature of the project.

**SIGN, DIRECTIONAL:** Any sign, which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed, and which contains no advertising.

**SIGN, FREESTANDING:** Any nonmovable sign not affixed to a building and mounted on its own self-supporting frame, including the following types:

- A. Ground: Any freestanding sign, other than a pole sign, placed upon or supported by the ground independent of any other structures except footings.
- B. Pole: Any freestanding sign that is mounted on a pole or other support so that the bottom edge of the sign face is eight feet (8') or more above grade.

**SIGN HEIGHT:** The vertical distance from the crown of the nearest adjacent road to the highest point of the sign or the vertical distance from the natural grade of the property where the sign is located to the highest point of the sign, whichever is greater.

**SIGN, OBSOLETE:** Any sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product, activity, or product available on the premises where such sign is displayed.

**SIGN, OFF PREMISES:** A sign which directs attention to a business, commodity, service, entertainment establishment, or other activity or phenomenon not exclusively related to the premises on which the sign is located.

**SIGN, ON PREMISES:** A sign which directs attention to a business, profession, or activity, conducted on the property on which the sign is located.

**SIGN, POLITICAL:** Any temporary sign, which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot of primary, general, or special elections.

**SIGN, PORTABLE:** A sign that is not permanent, affixed to a building, structure or the ground.

**SIGN, PROJECTING:** A type of building mounted sign, other than a wall sign or canopy sign, which projects from and is supported by a wall of a building.

**SIGN, PROPERTY SALE, RENTAL, OR LEASE:** Any sign advertising the availability for sale, rental, or lease of land or buildings.

**SIGN, TEMPORARY:** Any sign or banner, which is not intended for permanent use, expressly used to announce community functions, grand openings, or establishment of new commercial projects.

SIGN, WALL: A sign flush to the exterior surface of a building, applied directly on the building, in a window, or a signboard attached flush to the building, projecting no more than twelve inches (12") from the building surface. (Ord. 07-282, 1-23-2007, eff. 2-23-2007)

#### 10-7-3: APPLICABILITY:

The provisions of this chapter shall apply to all signs placed or maintained within the town of Snowflake with the exception of the following:

- A. Governmental signs: Signs required by law or signs of a duly constituted governmental body, such as traffic signs, warning signs, or no trespassing signs.
- B. Public utility signs: Signs placed by a public utility for the safety, welfare, or convenience of the public, such as signs identifying high voltage, public telephone, or underground cables.
- C. Vehicle signs: Signs upon a vehicle, provided that any such vehicle with a sign face of over two (2) square feet is not conspicuously parked so as to constitute a sign; nothing herein contained shall prevent such a vehicle from being used for a bona fide delivery and other vehicular purposes.
- D. Temporary holiday decorations. (Ord. 07-282, 1-23-2007, eff. 2-23-2007)

#### 10-7-4: PERMITS:

A. Permit Required; Exceptions: A sign permit shall be required before a sign may be placed, constructed, reconstructed, or altered within the town of Snowflake, with the exception of the following:

- 1. Nameplate signs and address signs as allowed in residential zones.
  - 2. Repainting or maintenance of signs, provided there is no change in size or shape. (Changes in wording, composition or color shall be allowed without a permit.)
  - 3. Property "For Sale", rental, or lease signs.
  - 4. Temporary construction signs.
  - 5. Dedication plaques: Nonilluminated names of buildings, dates of creation or construction, monument citations, commemorative tables and the like when carved into stone, concrete, metal, or any other permanent type construction and made an integral part of a permitted structure or made flush to the ground.
- B. Application: An application for a sign permit shall be filed with the planning and zoning department on a form prescribed by the planning and zoning department. The application shall include the following:
- 1. Sketch showing size, height and shape of sign.
  - 2. Message to be contained on proposed sign(s).
  - 3. Description of materials used, method of mounting, and method of lighting if applicable.
  - 4. Any existing or planned landscaping.
  - 5. Existing signs including, but not limited to; relationship of new signage to existing signage, square footage of existing signage.
  - 6. Calculation in square feet of total sign area.
  - 7. Any other information the planning and zoning department might need to evaluate the sign proposal.
  - 8. Payment of the filing fee in an amount established by a schedule adopted by resolution of the town council. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is an official agency of the town, county, state or federal government.

C. Plan Review: Upon receipt of a completed application for a sign permit, the planning and zoning department shall review the sign plans and deny, approve, or conditionally approve said plans, basing his/her decision on the conformity of the proposal with the provisions of this chapter.

D. Inspections: As part of a sign permit, should the town of Snowflake planning and zoning department deem it necessary, a structural inspection will be required at the owner's expense. (Ord. 07-282, 1-23-2007, eff. 2-23-2007)

#### 10-7-5: NONCONFORMING SIGNS:

##### A. General:

1. If, at the time of the adoption of this chapter, any sign which is being used in a manner or for a purpose which was otherwise lawful, but does not conform to the provisions of this chapter, shall be deemed nonconforming. Such sign may continue only in the manner and to the extent that it existed at the time of such adoption, amendment or extension.
2. Any sign and/or sign structure which becomes nonconforming subsequent to the effective date hereof shall be subject to the provisions of this chapter.

B. Alterations: A nonconforming sign and/or sign structure shall not be altered, reconstructed, replaced, or relocated other than to be brought into compliance with this chapter, except for:

1. Reasonable repair and maintenance required to restore the structure to its original state.
2. Change in wording.

C. Removal Or Replacement: Removal of a nonconforming sign and/or sign structure, or replacement of a nonconforming sign with a conforming sign, is required when:

1. Blown Down, Taken Down Or Destructive Action: Any such sign or substantial part is blown down, destroyed, or for any reason or by any means is taken down, altered, and/or removed besides routine maintenance. For the purpose of this section, "substantial" is defined as fifty percent (50%) or more of the entire sign structure.
2. Damage Or Destruction: The condition of the sign, and/or sign structure or building it is mounted on is destroyed or damaged by a fire, flood, windstorm, or similar abnormal event, and the cost of restoration of the sign to its condition immediately prior to such deterioration or event exceeds fifty percent (50%) of the cost of reconstruction of the sign structure. The planning and zoning department shall determine the cost of restoration.
3. Use Of Sign Or Building Vacated: The use of the sign and/or the property on which the sign is located has ceased, become vacant, or been unoccupied for a period of one hundred eighty (180) consecutive days or more. In the event this should occur, such conditions will be considered as evidence of abandonment, required removal of such sign by the owner of the property, his/her agent, or person having the beneficial use of the property, building, or structure upon which such sign or sign structure is erected within thirty (30) days after written notification from the planning and zoning department. If within the thirty (30) day period, such sign(s) is (are) not removed, enforcement action will result.
4. Existing Nonconforming Sign: Any sign permit issued by the town shall specify and require that any nonconforming signs located on the lot where the new sign is to be placed shall be modified or removed to comply with this chapter. This requirement shall not apply to nonconforming off site signs.
5. Construction Permit For Site: Any construction permit, which invokes certificate of occupancy requirements in relation to:
  - a. Any building addition and/or an increase of use in terms of gross floor area, seating capacity, or other units of measurement indicating an intensification of use.
  - b. Any exterior structural remodeling of the building facade which affects signage.
  - c. Any construction, shall specify and require that any nonconforming sign, except a nonconforming off site sign, located within the boundaries of the development site authorized by said permit shall be brought into conformance with the provisions of this chapter provided that, if the nonconforming sign is a prohibited sign type as described in this chapter, except for a nonconforming off site sign, it shall be removed.
6. Separation Provision: Nothing in this chapter shall require a sign which is nonconforming solely due to not satisfying a separation standard (e.g., spacing between ground signs, separation from buildings, or residential areas), to eliminate that nonconformity if meeting that standard on the site is not possible. This provision shall not be construed to exempt such signs from the provisions requiring reduction of height and area nonconformities. (Ord. 07-282, 1-23-2007, eff. 2-23-2007)

#### 10-7-6: PROHIBITED SIGN TYPES:

A. Purpose: The purpose of this section is to specify sign types and other devices which are prohibited within the jurisdiction of the town of Snowflake.

B. Applicability: Any sign not specifically authorized by this chapter is prohibited unless required by law. The following signs and conditions are prohibited:

1. Any sign located within, on, or projecting over a property line which borders a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right of way, except as provided in this chapter. The property owner or owner of the sign shall be notified to remove the prohibited sign. If the owner does not comply within thirty (30) days, the planning and zoning department may have the sign removed and the cost assessed to the owner of the sign, or enforcement action may be taken.
2. Any sign attached to any public utility pole or structure, streetlight, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property, except as provided herein.
3. Any sign placed, which by reason of its location, obstructs the clear view of traffic, obstructs the view of any authorized traffic sign, signal, or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device.
4. Any sign which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exitway required by the currently adopted building code or by fire department regulations.
5. Any sign or lighting device, whether on the exterior of the building, or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right of way, with intermittent, flashing, rotating, blinking, or strobe light illumination except for "time and temperature" signs. Also prohibited are signs containing an electronic message device, unless an approved special use permit is obtained.
6. Any sign which emits audible sound, odor, smoke, steam, laser or hologram lights, or other visible matter, including any sign that employs motion picture projection.
7. Any sign mounted, attached, or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on the public right of way in a manner intended to attract attention of the public for advertising purposes. Such signs or devices are considered portable signs within the meaning of these regulations and are prohibited.
8. Any fixed aerial displays that do not conform to the requirements herein.
9. Any off site sign and/or portable sign including, but not limited to: sandwich, A-frame, or tire rim sign, or vehicle used as a sign or sign structure; and/or string of lights arranged in the shape of a product, arrow, or any commercial message, except for:
  - a. Directional or off site sign as established and specified by the town council. A directional sign indicating a business location shall be construed as a portion of the cumulative total of allowable signage for that business. When a directional or off site sign for a business, not located adjacent to a state highway is requested, such signage shall:
    - (1) Be construed as part of the total allowable signage for the business seeking the permit.
    - (2) Not exceed eight (8) square feet in area.
    - (3) Be located within two thousand five hundred feet (2,500') from the advertising business.
    - (4) Be allowed only on private property or within any right of way with the written permission of the owner of such property.
    - (5) Not exceed two (2) in number on any one property, lot, or parcel.
    - (6) (As pertaining to temporary signs to announce community and/or civic activities) remain posted for a time period not to exceed twenty one (21) days.
    - (7) Expressly exclude business signs that are permanently painted on or magnetically attached to motor vehicles, trailers or other rolling apparatus that is regularly and consistently used to conduct normal business activities.
    - (8) Not be attached to existing signs, outdoor light poles, or other structures.
    - (9) Not be attached to a tree or other natural object.
    - (10) (As pertaining to business signs) not be located in agricultural, residential, or mobile home zones, except as provided herein.
    - (11) Not utilize any sign with movement of the sign body such as rotating, moving up and down, or any other type of action involving a change in position of the sign body or segment thereof, whether by mechanical or any other means, excluding barber pole signs. (Ord. 07-282, 1-23-2007, eff. 2-23-2007)

#### 10-7-7: REGULATIONS IN ALL ZONING DISTRICTS:

A. Maintenance: All signs shall be maintained in a state of good order and repair, and if any outdoor advertising sign becomes a danger to the public, or becomes deteriorated or is abandoned, the property owner or owner of the sign shall be notified to remove or repair the sign. If the owner does not comply within thirty (30) days, the planning and zoning department may have the sign removed and the cost assessed to the owner of the property on which such sign is located, or enforcement action may be taken.

- B. Building And Electrical Codes: All signs shall be constructed, designed, or attached to structures in conformance with the building and electrical codes adopted by the town of Snowflake.
- C. Signs In Public Rights Of Way: Only signs erected by the town, county, state, or federal government shall be in any way supported by a public building or structure or located within a public right of way.
- D. Freestanding Signs In Parking Areas: Freestanding signs located within a parking area shall incorporate a suitable barrier and/or landscaping, as determined by the planning and zoning department, around such sign as to prevent vehicles from coming into contact with the sign. The barrier will be set at a distance also determined as suitable by the planning and zoning department.
- E. Charitable, Fraternal, Or Religious Organization: Two (2) on site signs shall be permitted for charitable, fraternal, or religious institutions. The total area of such signs shall not exceed thirty two (32) square feet. (Note the height regulations of subsection G of this section.)
- F. Entrance Or Exit Signs: Two (2) utility signs not more than two (2) square feet each denoting "entrance" or "exit" with business logo shall be permitted at each entrance, if necessary for that purpose.
- G. Height Limitations At Streets, Driveways, And Sidewalks: When located within a distance of twenty five feet (25') of a street and twenty five feet (25') of a driveway or other street, or within two feet (2') from a sidewalk, no sign shall be placed between a height of three feet (3') and eight feet (8') above the level of said street, driveway, or sidewalk. When located over a sidewalk, no part of any sign shall be less than eight feet (8') above said sidewalk. When located over any driveway, no part of any sign shall be less than fourteen feet (14') above said driveway.
- H. Location: No freestanding, projecting, or canopy sign shall be located closer than ten feet (10') from any abutting lot.
- I. Lighting: Lighting shall be so installed so as to avoid any glare or reflection into any building used for residential purposes or into any street, alley, or driveway if such glare or reflection might create a traffic hazard. All exposed neon, freon, incandescent, or similar type of illumination shall be no less than ten feet (10') in height. Below this ten feet (10') in height, any such lighting shall be shielded by transparent or translucent protective material.
- J. Political Signs: Political signs shall be permitted, but shall not be placed in the public right of way or upon power or telephone poles. Political signs may be erected no earlier than sixty (60) days prior to any primary or general election; they shall be removed within ten (10) days after the election to which the sign pertains or after the termination of a candidacy, whichever occurs first.
- K. Address Signs: Parcels and structures assigned an address shall indicate that particular street number on their particular freestanding sign, or on the particular structure if a freestanding sign is not utilized. In the case of freestanding shopping center signs, the shopping center's main street number shall be presented, while each individual business within the shopping center will present their particular number on their building frontage. The numbers shall be a minimum of four inches (4") in height and a maximum of six inches (6"). Address numbers shall not exceed the height of any sign or building. Street numbers will not be construed as part of a business' allowable sign area.
- L. Advertising At Public Transit Stops: Advertising for sponsors of public transit stops shall be permitted according to industry standards for bus benches and/or weather protective shells.
- M. Directory Signs: Directory signs are subject to criteria, design standards and locations as established by the town of Snowflake town council. (Ord. 07-282, 1-23-2007, eff. 2-23-2007)

#### **10-7-8: REGULATIONS IN ALL AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS:**

- A. Nameplates: One nameplate not exceeding three (3) square feet in area indicating the names of the occupants and one set of numbers not exceeding one square foot in area indicating the street address shall be allowed for each dwelling unit.
- B. Business Signs: Excluding signs referenced in section 10-3-2 of this title pertaining to "home occupation", one sign not exceeding eight (8) square feet in area shall be allowed in AG (agricultural) zoning districts for each street frontage and for each professional office or business

in which such office or business is permitted. Business signs in all other agricultural and residential zones are prohibited. (Note the height regulations of subsection 10-7-7G of this chapter.)

- C. "For Sale", Rental, Lease Signs: Temporary property sale, rental, or lease signs not exceeding a total of six (6) square feet in area shall be allowed for each street frontage of the property to which the signs refer. Such signs shall be removed within twenty (20) days after the sale, rental, or lease to which they refer. (Note the height regulations of subsection 10-7-7G of this chapter.)
- D. Subdivision Sale Sign: One subdivision sale sign for each street frontage with a maximum of two (2) signs per subdivision at least two hundred feet (200') apart shall be allowed, with a maximum of one hundred (100) square feet of sign area per sign. These signs shall be valid for either a period of five (5) years or at which point more than ninety percent (90%) of the lots are sold within the subdivision. The time period may be extended upon written request and with approval of the planning and zoning department if no more than seventy five percent (75%) of the subdivision lots have sold. The extension may occur for either a period of two (2) years or at which point more than seventy five percent (75%) of the lots are sold within the subdivision. Signs shall be removed after the expiration of time or sale of the above listed lot percentages. (Note the height regulations of subsection 10-7-7G of this chapter.)
- E. Subdivision Identification Signs: One sign, containing only the name of the subdivision, not exceeding forty eight (48) square feet in area, may be erected on each side of any entrance to a subdivision. (Note the height regulations of subsection 10-7-7G of this chapter.)
- F. Apartment House Identification Signs: One sign containing the name of the apartment house, not exceeding forty eight (48) square feet in area, may be allowed on each street frontage of any apartment complex. These signs shall be only wall signs or freestanding signs. Freestanding signs shall not exceed four feet (4') in height. (Note the height regulations of subsection 10-7-7G of this chapter.)
- G. Height: No wall, projecting, or canopy sign shall project above the top plate line of the building to which it is attached and no freestanding sign shall exceed twelve feet (12') in height. (Note the height regulations of subsection 10-7-7G of this chapter.) (Ord. 07-282, 1-23-2007, eff. 2-23-2007)

#### **10-7-9: REGULATIONS IN COMMERCIAL AND INDUSTRIAL ZONES:**

- A. Number: On a premises other than a shopping center a maximum of three (3) signs shall be permitted on any one street frontage and a maximum of four (4) when a building has more than one street frontage. (Building frontage shall be deemed to exist when the entire length of a building side faces and can be seen from a street or mall.)
- B. Size: A total sign area of eighty (80) square feet will be allowed for buildings with fifty five (55) or less linear feet of building frontage. Buildings with more than fifty five (55) linear feet of building frontage will be allowed one and one-half (1½) square feet of sign area per linear foot of building frontage. The total maximum sign area for any building frontage shall be two hundred (200) square feet. (Note the height regulations of subsection 10-7-7G of this chapter.)
- C. Industrial Signs: Permanent industrial signs shall be permitted only within industrial zones subject to the following regulations:
  1. An industrial sign shall only advertise businesses on the particular site of the industrial sign.
  2. No industrial sign shall have a vertical dimension greater than twelve feet (12') or a horizontal dimension greater than twenty feet (20').
  3. No industrial sign shall exceed twenty five feet (25') in height nor be less than ten feet (10') in height.
  4. No industrial sign shall be closer than three hundred feet (300') from another industrial sign on the same lot, nor closer than three hundred feet (300') from a residential zoning district, nor closer than twenty feet (20') from a right of way, nor closer than twenty five feet (25') from an intersection of two (2) rights of way.
  5. All permits for industrial signs are subject to the requirement that the owner and/or builder thereof remove the sign in the event of an expansion of the existing town right of way.
- D. Shopping Center Signs:
  1. Shopping centers shall be allowed one freestanding sign not exceeding eighty (80) square feet per street frontage. This sign shall identify the shopping center and/or individual shops only and shall not be used for advertising products or services. Only shopping center signage may be utilized as a freestanding sign if the criteria for the definition of "shopping center" are met as defined in this chapter. If a freestanding sign identifies businesses in a shopping center, each identification sign shall be construed as one of the allowable signs. Individual businesses in a shopping center shall have no more than two (2) signs for any one building frontage, with a maximum of three (3) total allowable signs per any one business. (Street frontage shall be deemed to exist when the entire length of a building side faces

and can be seen from a street or mall.) Individual shops in a shopping center shall be allowed one and one-half (1½) square feet per linear foot frontage of business. A second such freestanding shopping center sign (of the same or less size) shall be permitted for a lot whose street frontage measures greater than four hundred feet (400'). Where such second sign is permitted, it shall be at least one hundred feet (100') from the other sign. No more than two (2) shopping center signs for any one building frontage, with a maximum of three (3) total shopping center signs shall be allowed. (Note the height regulations of subsection 10-7-7G of this chapter.)

2. Out parcel pads of a shopping center shall adhere to the signage requirements of subsection A of this section with a maximum of three (3) signs as specified for one street frontage.

E. "For Sale", Rent, Or Lease Signs: One temporary property sale, rental, or lease sign not exceeding thirty two (32) square feet in area shall be allowed for each lot to which said sign refers. Such signs shall not exceed twelve feet (12') in height (note the height regulations of subsection 10-7-7G of this chapter), and shall be removed within twenty (20) days of the sale, rental, or lease of which they refer.

F. Temporary Construction Signs: Construction signs shall be allowed, subject to the following regulations:

1. One temporary sign, not to exceed thirty two (32) square feet in area shall be allowed for each lot or parcel of property to designate that the same is to be occupied at a future date by the business or concern designated thereon.
2. One nonilluminated temporary sign, not to exceed thirty two (32) square feet in area for each contractor and thirty two (32) square feet for each subcontractor, shall be allowed for each lot or parcel of property to designate that such contractor or subcontractor is engaged in the construction or repair of a building on such lot or parcel of property.
3. Each such temporary construction sign shall be removed from the lot or parcel of property upon which the same is placed within twenty (20) days after any occupancy of the building constructed on the premises, or in the event of repairs to the building, within twenty (20) days after completion of such repairs.
4. No sign shall exceed twelve feet (12') in height. (Note the height regulations of subsection 10-7-7G of this chapter.)

G. Parking Lot Signs: A maximum of one sign per street frontage advertising a public parking lot which shall not exceed a total area of thirty two (32) square feet. (Note the height regulations of subsection 10-7-7G of this chapter.)

H. Window Signs: Window signs which are temporary in nature such as "sale", "open" and "closed", etc., and service identification signs such as "MasterCard", "Visa", "American Express", etc., shall be allowed in addition to other sign allowances, provided such signs are placed on the inside of the window and consist of no more than twenty five percent (25%) of any one window area.

I. Temporary Signs: Temporary signs shall be permitted in commercial and/or industrial zones for uses specified in the above definition of a temporary sign.

1. A sign permit is required for all temporary signs.
2. Only one temporary sign shall be permitted per business for any one event at the business location.
3. Temporary sign area shall not exceed thirty two (32) square feet in area. (Ord. 07-282, 1-23-2007, eff. 2-23-2007)

## Chapter 15 SIGN PROVISIONS

### 10-15-1: PURPOSE:

The purpose of this chapter is to establish comprehensive provisions that will eliminate confusing, distracting and unsafe signs; establish reasonable regulations to promote economic vitality for local businesses and services; and enhance the visual environment of the town of Parker. (Ord. 03-2005, 9-6-2005)

### 10-15-2: INTENT:

The intent of these provisions is to maximize establishment identification, minimize visual clutter, and maintain a high quality of signs throughout the town. (Ord. 03-2005, 9-6-2005)

### 10-15-3: DEFINITIONS:

For the purpose of this chapter the following words, terms and phrases shall have the following meanings and as may be prescribed in section 10-18-1, appendix A, of this title:

**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 OR CANOPY SIGN:** A sign on a traditional canvas awning and/or a sign on the edge of a structural canopy that is otherwise permitted by this title.

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

**BILLBOARD:** See definition of Off Site Sign.

**BULLETIN BOARD:** A sign which identifies a noncommercial institution or organization, on site, which contains the name of the institution or organization and associated individuals, and general announcements of events or activities at the institution, or similar messages of general public interest.

**BUSINESS SIGN:** A sign that attracts attention to a business or profession conducted on site, or to a commodity or service sold, offered or manufactured on site, or to an entertainment offered on site.

**COMMUNITY SIGN:** The "town of Parker welcome signs" and the integrated public service club(s) sign.

**CONSTRUCTION SIGN:** A temporary sign, limited to the period of construction, erected on a premises of an existing construction project, and designating the architect, contractor, designer, engineer, financier, or name and nature of the project.

**DIRECTIONAL SIGN:** Signs limited to directional messages, which do not contain identification or advertising copy, which aid the flow of pedestrian and vehicular traffic as well as provide directional information relating to points of interest, institutions, facilities and districts.

**DIRECTORY SIGN:** A sign listing the names, uses, and/or locations of the various businesses or tenants within a building or a multi-tenant development, but not for the purpose of advertising products, goods, or services.

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

**FIXED BALLOON:** Any lighter than air or gas filled inflatable object attached by a tether to a fixed place.

**FREESTANDING MONUMENT SIGN:** An identification sign on its own self-supporting permanent structure, detached from supportive elements of a building, on a base which has an aggregate width of at least fifty percent (50%) of the width of the sign and shall include the street address.

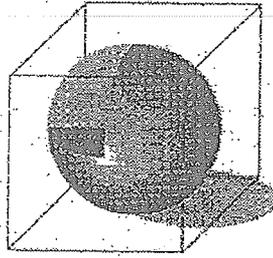
**GARAGE SALE SIGN:** A temporary sign advertising a temporary garage sale (see definition of Portable Sign and regulations in subsection 10-15-6H of this chapter).

**GASOLINE FUEL PRICE SIGN:** A changeable copy sign advertising gasoline fuel prices only.

**IDENTIFICATION SIGN:** A sign that includes, as copy, only the name of the business, place, facility, organization, building, or person it identifies and shall include the street address which shall be positioned on the side of the building that it is addressed from.

**ILLUMINATED SIGN:** A sign with the surface artificially lighted, either internally or externally.

**KIOSK SIGN:** A town provided, informational sign providing directional information to planned residential developments, special districts, and community facilities.



4. 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:
  - a. Directional signs, assisting in the flow of traffic, which do not exceed an area of two (2) square feet or a height of three feet (3') and do not include advertising.
  - b. Street address wall signs, which do not exceed an area of two (2) square feet.
  - c. Signs necessary for safety, which do not exceed an area of two (2) square feet or height of three feet (3').
  - d. For sale, lease or rent signs.

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

1. Freestanding signs shall be measured as the vertical distance from the top of the highest element of the sign or sign structure to the top of the curb or sidewalk, or the street grade of the nearest adjacent roadway where no curb exists. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.
2. Wall, fascia, or parapet mounted sign height shall be measured as the vertical distance to the top of the sign or sign structure from the base of the wall on which the sign is located. (Ord. 03-2005, 9-6-2005)

#### 10-15-5: PERMITTED PERMANENT SIGNS:

A. Residential Districts: For all signs within the residential districts (including single and multiple residential) the following shall apply:

1. Single residence uses:
  - a. Shall be externally illuminated or nonilluminated.
  - b. One nameplate sign may be permitted per lot or parcel.
  - c. Within the R1-43, R1-18, R1-10 and R1-6 zoning districts a total aggregate area of two (2) square feet may be permitted.
  - d. Within the RR-20 and RR-2.5 zoning districts a total aggregate area of twelve (12) square feet may be permitted.
2. Multiple residence uses:
  - a. One nameplate sign may be permitted per unit.
  - b. Sign area shall not exceed a total aggregate area of two (2) square feet.
  - c. Building number or letter signs for multiple building developments shall be in compliance with fire department requirements and shall not be counted as part of the aggregate sign area.
  - d. A maximum of two (2) freestanding monument identification signs with an aggregate area of twenty four (24) square feet may be permitted per development. The maximum height shall be five feet (5'). Signs should be located near the main entrance(s) and may include only the name of the development and the street address.
3. Nonresidential uses: Examples of nonresidential uses in a residential zone include, but are not limited to, churches, assisted living facilities, and farms, but do not include home occupations.
  - a. One wall mounted sign per lot or parcel not exceeding six (6) square feet in area shall be permitted. The sign may include only the name of the facility, organization or development and the street address.
  - b. One freestanding monument sign per lot, not exceeding twelve (12) square feet in area nor a height of five feet (5'), may be permitted. The sign may include only the name of the facility, organization or development and shall include the street address.
4. Subdivision entry/identification signs:

- a. A wall sign or monument sign may be permitted at no more than two (2) of the entryway(s) of a subdivision. The signage shall be integrated to complement the streetscape and landscaping frontages. A maximum aggregate area of no more than forty eight (48) square feet per subdivision nor more than one sign on each side of the entry, if wall mounted, may be permitted. Backlighting signs are preferred; spotlighting signs are strongly discouraged.
  - b. The maximum height shall be five feet (5'). The sign may include only the name of the development and the street address.
5. Reader panel signs:
- a. Churches may use up to one-half ( $1/2$ ) of the allowed freestanding sign area for a reader panel.
6. Total signage:
- a. Single residence uses: Only one nameplate sign per lot or parcel may be permitted.
  - b. Multiple residence uses: Only one nameplate sign per individual unit or dwelling may be permitted. A maximum of two (2) freestanding monument signs or four (4) wall mounted signs per development may be permitted.
  - c. Nonresidential uses: Maximum of two (2) signs per lot or parcel may be permitted, except schools as outlined above.
- B. Commercial Districts: For all signs within the commercial districts of OT, C-1 and C-2 the following regulations shall apply. Additionally, any complex of three (3) or more businesses shall be required to submit a comprehensive sign package (see subsection 10-15-8E of this chapter) to be reviewed and approved by the town.
1. Wall or building signage:
    - a. The sign area for any one business or individual tenant shall not exceed one square foot for each two (2) linear feet of street or store frontage with the maximum not to exceed twenty four (24) square feet.
    - b. Within a multiple-tenant development, or complex, wall signage shall only be permitted on the exterior wall of the space occupied by the business.
    - c. Signage shall not extend horizontally a distance greater than fifty percent (50%) of the width of the building wall on which it is displayed.
  2. Freestanding or monument signage:
    - a. One freestanding identification sign shall be permitted per development and may include only the name of the business and shall include the address.
    - b. The sign shall not exceed six feet (6') in height.
    - c. For a single-tenant building the sign area shall not exceed one square foot for each two (2) linear feet of street frontage with the maximum not to exceed twenty four (24) square feet.
    - d. For a single-building development with multiple tenants the sign shall not exceed one square foot for each two (2) linear feet of street frontage with the maximum not to exceed thirty two (32) square feet in area.
    - e. If street frontage is not available then the allowable sign area may be based on the linear foot of store frontage at a ratio of one square foot for each five (5) linear feet of store frontage. 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 sign on the frontage property within a "sign easement" procured from the frontage property owner. A minimum distance of fifty feet (50') shall be maintained between signs on the same property and from any sign on adjacent properties.
    - f. For multiple-building developments or commercial centers one sign may be permitted for every three hundred thirty feet (330') of street frontage for the entire development with a maximum of two (2) signs per street frontage if applicable. The individual buildings within the development and/or the pad sites within the commercial center shall not be considered as separate developments. The minimum distance between two (2) signs on the same street frontage shall be three hundred thirty feet (330'). Each sign may be a maximum of forty eight (48) square feet in area and may be either a center identification sign or a multi-tenant identification sign.
  3. Directory signs:
    - a. One directory sign may be used when required to identify the location of various buildings, offices or businesses within a complex. A directory sign may be externally illuminated or nonilluminated and have a maximum area of six (6) square feet and a maximum height of six feet (6') and shall not be included in calculating the total aggregate area for signage allowed on a parcel or lot or for a particular business.
  4. Window signage:
    - a. The total aggregate area of all window signs shall not exceed twenty five percent (25%) of the total area of the windows through which they are visible.

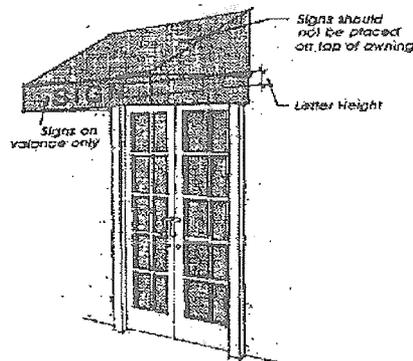
### Window Signage



#### 5. Awning signs:

- a. A maximum of twenty five percent (25%) of the front face area of the awning may be used for signage.
- b. May only identify the name of the business. Such signs shall not include advertising copy.

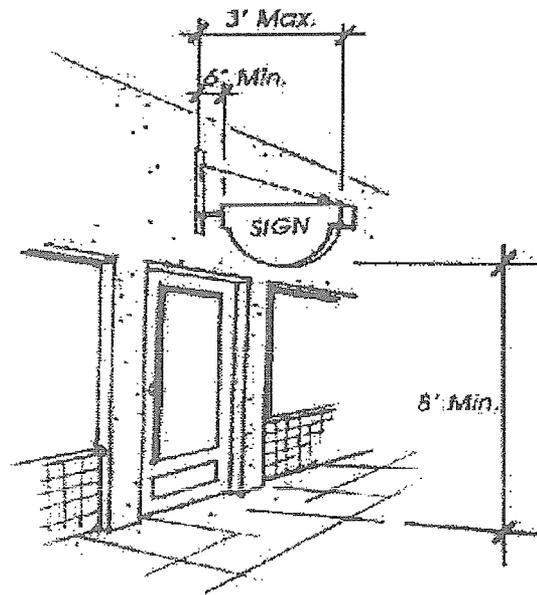
### Awning Signage



#### 6. Shingle signs and projecting signs:

- a. One shingle sign or projecting sign which is designed and oriented primarily for the aid of pedestrians may be allowed per business and shall be located immediately adjacent to the business it identifies.
- b. Shall have an eight foot (8') minimum clearance between the bottom of the sign and the sidewalk.
- c. Projecting signs shall not project less than six inches (6") nor more than three feet (3') from the building wall or building face.
- d. Shingle signs shall have a maximum area of three (3) square feet.
- e. Projecting signs for each ground floor business, on a street, shall not exceed one square foot for each linear street frontage of business, up to a maximum of fifteen (15) square feet.
- f. May only identify the name of the business. Such signs shall not include advertising copy.
- g. A wall, fascia, or parapet sign is not permitted if a projecting sign is used to identify the business.

### Projecting Signage



#### 7. Menu boards:

- Each drive-through or drive-in restaurant may be permitted one preview board and one ordering menu board. These boards may be freestanding or wall mounted located not less than forty five feet (45') from the street property line and the front of the board shall not be visible from the public street.
- Maximum sign area shall not exceed twelve (12) square feet and shall not be included in calculating the total aggregate area for signage allowed on a parcel or lot or for a particular business.
- The sign shall not exceed five feet (5') in height.

#### 8. Price signs (for gasoline service stations only):

- One freestanding sign per street frontage on which the service station has frontage.
- Maximum sign area shall not exceed twelve (12) square feet.
- Maximum sign height shall not exceed five feet (5').

#### 9. Total signage:

- The combination of all of the above types and styles of allowed signage shall be included in calculating the total aggregate sign area, except where specifically excluded or otherwise exempted by this title. For corner buildings or developments only the main entrance frontage shall be measured when determining the allowable signage.
- The combined total aggregate sign area of all signs for any one business in the OT zoning district shall not exceed forty eight (48) square feet.
- The combined total aggregate sign area of all signs for any one business in the C-1 and C-2 zoning district shall not exceed eighty (80) square feet.
- Only one wall or building sign per business may be permitted.

#### C. Industrial Districts: Signs within the industrial districts of I-1 and I-2 shall comply with the following applicable restrictions. Additionally, any development of three (3) or more businesses shall be required to submit a comprehensive sign package (see subsection 10-15-8E of this chapter) to be reviewed and approved by the town.

##### 1. Wall or building signage:

- Wall identification signs pertaining to any one business or individual tenant shall not exceed one square foot for each linear foot of street or building frontage with the maximum not to exceed twenty four (24) square feet.

- b. For a single-building development with multiple tenants a wall or building sign shall only be permitted on the exterior wall of the space occupied by the business and shall not exceed one square foot for each linear foot of street frontage with the maximum not to exceed twenty four (24) square feet in area per sign.
- c. The aggregate of all wall or building signage shall not extend horizontally a distance greater than fifty percent (50%) of the width of the building wall on which it is displayed.
- d. Signage shall be located near the building or business entryway and shall not exceed a height of twenty four feet (24') above finished grade.

2. Freestanding monument signage:

- a. For a single user/tenant development there may be permitted one freestanding monument identification sign, not exceeding eight feet (8') in height or thirty two (32) square feet in area.
- b. For a multi-tenant development there may be one freestanding monument identification sign, not exceeding eight feet (8') in height or forty eight (48) square feet in area.
- c. If the development is located on a corner lot or parcel, for both the single-tenant and the multi-tenant developments, then two (2) signs of the dimensions outlined above (32 square feet and 48 square feet, respectively) may be permitted.
- d. Where two (2) signs are permitted there shall be a minimum distance of three hundred feet (300') between the freestanding signs.
- e. If wall, building or other types of signage will be used for the development then the maximum height of the freestanding signs shall be six feet (6') with a maximum area of twenty four (24) square feet.

3. Directional signs:

- a. Such signs shall not exceed an area of six (6) square feet or a height of three feet (3'). These signs shall not be included in calculating the total aggregate area of signage allowed on a particular lot or for a particular business, and shall not include any advertising.

4. Total signage:

- a. The combination of all of the above types and styles of allowed signage shall be included in calculating the total aggregate sign area, except where specifically excluded or otherwise exempted by this title. For corner buildings or developments only the main entrance frontage shall be measured when determining the allowable signage.
- b. The total maximum aggregate signage shall not exceed eighty (80) square feet per business.

D. Open Space And Public Land Districts: For all signs within the OSR open space district or the PL public land district the following shall apply:

1. Wall sign:

- a. One wall mounted sign per lot or parcel not exceeding six (6) square feet in area may be permitted. The sign may include only the name of the facility or development and the street address.

2. Freestanding sign:

- a. One freestanding sign per lot not exceeding twelve (12) square feet in area nor a height of five feet (5') may be permitted. The sign may include only the name of the facility or development and shall include the street address.

3. Directional or informational signage:

- a. Signs shall be nonilluminated.
- b. Signs shall not exceed twelve (12) square feet in area or six feet (6') in height.

4. Reader panel signs:

- a. Elementary and secondary schools may also have, in addition to the above, one freestanding reader panel sign no greater than twenty four (24) square feet in area and five feet (5') in height. (Ord. 03-2005, 9-6-2005)

**10-15-6: TEMPORARY SIGNS:**

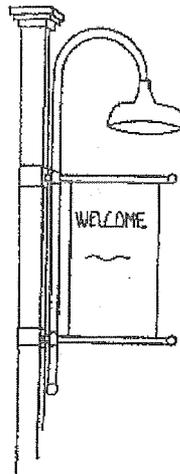
A. Banners, Pennants And Displays For Grand Openings:

- 1. Banners, pennants, and other displays, for the grand opening of a business, shall be allowed within the commercial zoning districts on a one time basis for a maximum of fourteen (14) consecutive days.
- 2. Banners, pennants, and other displays for special sales events may be permitted within the commercial zoning districts. A business may request such signs and displays a maximum of four (4) times per year for a maximum period of ten (10) consecutive days on each occasion. A minimum of thirty (30) days shall pass between each such display. Such signs and displays shall be removed immediately upon termination of the sale that they advertise or after the ten (10) day period, whichever occurs first.

3. Written approval must be obtained from the zoning administrator, or his designee, prior to the installation of any special sales event or grand opening banners, pennants, signs, balloon, or other displays.
4. Banners and pennants shall be displayed only on the building and not within the parking area, perimeter landscape, or some other area of the development.
5. The maximum banner size shall be four feet by eight feet (4' x 8'), or thirty two (32) square feet, and shall be limited to one per street frontage for the business.
6. No pennant, banner or display shall be placed on or above the roof of any building.

B. Special Events:

1. Off site directional signs:
  - a. A sign plan shall be required in conjunction with the special event permit or temporary use permit. Said sign plan shall show the proposed location, placement, and size of all off site directional signs.
  - b. Directional event signs shall be no greater than four (4) square feet and may be permitted within the town right of way, excluding medians, in accordance with the approved sign plan for an approved special event permit and an approved right of way permit.
  - c. Signs may be placed twenty four (24) hours in advance of the event and shall be removed within twenty four (24) hours after the conclusion of the event.
2. Banners and promotional signs:
  - a. Banners shall be made of cloth, nylon, or similar material.
  - b. Banners may be fastened to streetlights that are specifically designed to accommodate banners. Such banners may advertise a town authorized special event or a communitywide event or a community message but not for individual businesses.
  - c. All banners shall be reviewed and approved by the zoning administrator or his/her designee.



C. Political Signs:

1. Political signs are permitted in all zones.
2. Signs shall not be displayed earlier than thirty (30) days prior to an election and shall be removed within seventy two (72) hours after the specific election to which they refer. (If a candidate is in a runoff election, the sign may remain until after the completion of the runoff election.)
3. Signs shall not be placed in any portion of the public right of way.
4. The total sign area permitted on any residentially zoned lot or parcel is thirty two (32) square feet. The total sign area permitted on any commercial or industrial zoned lot or parcel is sixty four (64) square feet.
5. Political signs and candidate signs pertaining to primary, general or special elections that do not affect the residents of Parker (extrajurisdictional) are prohibited.

D. Real Estate Signs: Signs advertising the sale, lease or renting of a building, suite, dwelling or lot shall conform to the following regulations and are exempt from the total aggregate sign area:

1. Real estate signs are permitted in all zones.
2. In residential zoning districts one nonilluminated sign, located on the subject property, shall be permitted. Said sign shall not exceed six (6) square feet in area or four feet (4') in height. For multiple residential developments the real estate signs shall be placed at the dwelling unit unless an alternative location, not along the street frontage, is provided by the HOA for all such signs.
3. In commercial zoning districts one nonilluminated sign, located on the subject property, shall be permitted. Said sign shall not exceed six (6) square feet in area or four feet (4') in height.
4. A maximum of four (4) "open house" directional signs, including any such sign on the property of the home for sale, may be posted for each home not within the public right of way. Each sign shall have a maximum height of three feet (3'). The signs may be posted only when a sales person is on duty at the home and for no longer than nine (9) hours during any twenty four (24) hour period.
5. All real estate signs shall be removed upon closing of the sale.

E. Construction And Future Development Signs:

1. For residential construction, one construction sign may be posted on the lot or parcel and shall have a maximum area of six (6) square feet and a maximum height of four feet (4').
2. For commercial construction, one construction sign may be posted on the lot or parcel and shall have a maximum area of twenty four (24) square feet and a maximum height of six feet (6').
3. Construction signs shall not be erected without a permit and not before application for the building permit has been submitted to the town for the construction of the project/development.
4. For commercial projects, one future development sign may be posted on a lot or parcel, indicating only the name of the future business and the leasing information, only after the land is in escrow. The sign shall have a maximum area of twenty four (24) square feet and a maximum height of six feet (6'). If the development is located on a corner lot or parcel, then two (2) signs of the dimensions outlined above may be permitted. A letter from the property owner will be required that states the land is in escrow, gives permission for the posting of the future development sign, outlines the maintenance responsibilities and the parties responsible for the removal of the sign after the required sign permit has expired. The sign shall be limited to one year with the ability to renew for one additional year.
5. In all cases, such signs shall be removed within ten (10) days following the issuance of a certificate of occupancy for the project.

F. Subdivision Model Home Complex/Sales Office And Flags:

1. Signage for the model home complex and sales office shall be limited to no more than fifty (50) square feet of total sign area; total of no more than six (6) signs; the height of the signs shall be limited to five feet (5').
2. Subdivision "attention flags" are considered signage and may be permitted in conjunction with an approved on site model home complex/sales office. The aggregate area of the attention flags shall be included in the calculations for total allowed signage and shall be placed on, or behind, the property line at the model home complex/sales office. The flags shall have a maximum area of twelve (12) square feet, shall contain no lettering and may not be maintained higher than fifteen feet (15') above the adjoining ground.
3. The height of the flagpole for either the state of Arizona flag and/or the U.S. flag is limited to twenty five feet (25') and if illuminated shall be illuminated from above the flag and directed downward so as to be compliant with the state of Arizona dark sky provisions.
4. The flagpole(s) must be removed when ninety five percent (95%) of the lots in the subdivision are sold and/or at the time the on site model home/sales office use is removed.

G. Portable Signs:

1. Portable signs shall be allowed only in the commercial C-1 and C-2 zoning districts. Signs may be placed on site or within the adjacent public rights of way provided they are placed in a manner that does not impede or restrict vehicular, nonvehicular, or pedestrian traffic. No portable signs shall be allowed within the sight triangle at intersections or within the center medians that divide portions of paved or unpaved roads.
2. Portable signs shall not exceed three feet (3') in height or six (6) square feet in area and shall not exceed one sign per business.
3. Signs may be placed, in the permitted areas, only between sunrise and sunset. Signs shall be removed daily prior to sunset; except, if used to advertise a meeting, then they shall be removed at the conclusion of the meeting, or they shall be subject to confiscation by the town.
4. Portable signs shall not be used for real estate sales.

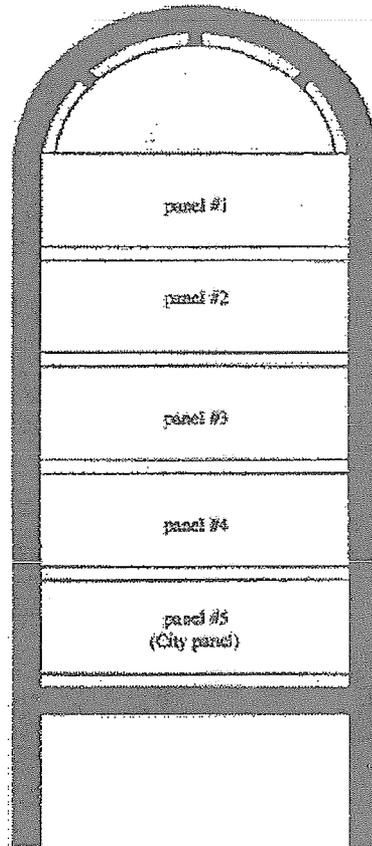
H. Yard, Carport, Or Garage Sale Signs:

1. Garage sale signs shall be limited to residential districts only (not on commercial corners/zoning districts) and shall not exceed four (4) square feet. Such signs shall not be up longer than three (3) consecutive days.
2. No more than three (3) portable signs per yard or garage sale shall be permitted inclusive of the one sign on the property. A maximum of two (2) directional signs may be placed off site, provided they are located on private property, not within the public right of way, with the private property owner's permission.
3. Signs may be placed, in the permitted areas, only between sunrise and sunset. Signs shall be removed daily prior to sunset or they shall be subject to confiscation by the town. (Ord. 03-2005, 9-6-2005)

#### 10-15-7: COMMUNITY KIOSK SIGNS:

Sign panels on a town approved kiosk structure may be authorized for the purpose of providing directional information to community facilities and residential developments, including apartment developments of one hundred (100) units or more, within the first two (2) years after approval of the site plan for development, which are offering the first time sale and/or lease of single-family subdivisions, multi-family condominiums, or apartments that are located within the town limits. Sign panels may be single or double faced. Maximum sign height for a single sign structure (kiosk) shall be twelve feet (12').

- A. Sign panels shall be located on designated town kiosk structures within the public right of way, or, upon finding that such location will not permit adequate directional information, kiosk structures may be approved on private property (with a sign easement designating the town as a third party beneficiary) with the written permission of the property owner. Such permission shall include the consent of the property owners to allow the town, in the event of noncompliance, to enter said property and remove the sign. A kiosk location plan shall be prepared showing the site of each kiosk and shall be submitted to and approved by the zoning administrator, or his/her designee, prior to the acceptance of a sign permit application.
- B. Each temporary real estate directional sign panel may contain only the name of the subdivision or builder or new multi-family development, the corporate logo, and a directional arrow. Community directional sign panels (town hall, library, medical facilities, parks, historic sites, etc.) may also be allowed on kiosk structures.
- C. No temporary real estate kiosk sign shall be placed within three hundred feet (300') of another except when they are across the street from one another.
- D. Directional sign panels shall conform to colors and design standards approved by the zoning administrator, or his/her designee.
- E. Any sign panel approved for a particular development project within the town shall not be changed to another project without prior approval of the zoning administrator or his/her designee.



(Ord. 03-2005, 9-6-2005)

#### 10-15-8: SUBMITTAL AND PERMIT REQUIREMENTS:

- A. Sign permit approval is required for constructing or altering any nonexempt sign. A sign permit application shall be made in writing on forms provided by the town. The following information shall be required as part of all sign permit applications:
1. Business owner's name, address, telephone and fax number.
  2. Sign contractor's name, address, telephone and fax number.
  3. Inventory of all existing signs on the property showing the type and dimensions of each sign as well as a site plan showing the location of each sign.
  4. 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.
  5. Plans indicating the scope and structural detail of the work to be done, including details of all connections, supports, footings, and materials to be used.
  6. Required information for an electrical permit for all signage illumination.
  7. When a comprehensive sign package is required by this title the submittal shall include information regarding the color(s), material(s), type of sign (e.g., attached or detached), and letter samples that are for all tenant, freestanding center identification signage, directional signs and window signs, and any other information deemed necessary by the town to adequately review the comprehensive sign package.
- B. Two (2) copies of all information listed in subsection A of this section shall be submitted with the application for each sign, one copy being returned to the applicant at the time the permit is issued.

- C. Before issuing any sign permit required by this title, the town shall collect a fee in accordance with a fee schedule established by the town council. If work, for which a permit is required by this title, 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 title in the execution of the work or from any penalties prescribed herein.
- D. All signs for which a permit is required shall be subject to inspections during various stages of construction as prescribed by the town of Parker building safety department.
- E. When a comprehensive sign plan is required by this title, the submittal shall comply with the standards and submittal requirements as outlined below. A comprehensive sign plan is intended to provide for the establishment of signage criteria that are tailored to a specific development location, and which may vary from specific ordinance provisions. The intent is to provide for flexible sign criteria that promote superior design through architectural integration of the site, buildings and signs. A comprehensive sign plan shall demonstrate consistency and uniformity among signs within a project. The requirements of a comprehensive sign plan shall apply to all businesses and/or developments within a related project, even if the properties have been subdivided. Comprehensive sign plans approved under this section shall be evaluated based upon the following criteria:
1. Placement: All signs shall be placed where they are sufficiently visible and readable for their function. Factors to be considered shall include the purpose of the sign, its location relative to traffic movement and access points, site features and structures. In commercial centers in which some tenants are in locations having little or no street visibility, in order to provide identification, wall signs may be placed on walls of the building in which such tenants are located, even though not a wall of the space is occupied by those tenants.
  2. Quantity: The number of signs that may be approved within any development shall not be greater than that required to provide project identification and entry signs, internal circulation and directional information to destinations and/or development subareas, and business identification. Factors to be considered shall include the size of the development, the number of development subareas, and the division or integration of sign functions.
  3. Size: All signs shall be no larger than necessary for visibility and readability. Factors to be considered in determining appropriate size shall include topography, amount of sign copy, placement of display (location and height), lettering style and the presence of distracting influences. Specific justification must be made if a request is submitted for a freestanding or wall sign to exceed by more than twenty five percent (25%) any maximum height standard or by fifty percent (50%) any maximum area standard allowed in the regular ordinance.
  4. Materials: Sign materials shall be compatible with architectural and/or natural features of the project. This may be accomplished through similarity of materials for sign structures and faces, the use of complementary colors, similarity of architectural style, or the use of a consistent lettering style or copy.
  5. Context: The design of all signs should respect the context of the surrounding area and the character established by existing signage. Items to be considered include, but are not limited to, lettering style, sign placement, and architectural style.
  6. Submittal Package: Ten (10) copies of the following should be submitted with the sign application to be reviewed by the town staff and planning and zoning commission. The specific submittal shall include, at a minimum, the following information:
    - a. Information regarding the color(s), material(s), type of sign (e.g., attached or detached), and letter samples that are for all tenant, freestanding center identification signage, directional signs, window signs and any other information deemed necessary by the town to adequately review the comprehensive sign plan (both in a graphic and written format).
    - b. A justification letter describing the request and how the sign structure, materials, and colors are compatible with the project's building architecture. Include a list in outline form of each sign requested, both freestanding and wall, to include verbiage, area in square feet, and height.
    - c. Preliminary site/landscape plan including property boundaries and dimensions. Show adjacent street right of way, existing and proposed, and existing/proposed street and sidewalk improvements noted to centerline. Show location of conceptual or existing landscape concepts including trees, shrubs, ground covers, berms, and screen walls.
    - d. Show location of proposed freestanding signs including dimensions, height, materials and colors, and method of illumination. Include elevations of buildings showing wall sign locations with dimensions.
  7. Amendments: Applications for amendments to the comprehensive sign package shall be processed in the same way as an original application. Revisions or amendments to the comprehensive sign package shall require documentation from all tenants and/or property owners on the property prior to approval.
  8. Minor Alterations: Minor alterations in sign locations resulting from unexpected conditions on site may be approved by the zoning administrator. (Ord. 03-2005, 9-6-2005)

#### 10-15-9: CHANGE IN USE:

- A. Whenever the use of land or structures changes, signs, including any supporting structures that do not relate to the new use or to any product or service associated with the new use, shall be removed or appropriately altered within thirty (30) days. (Ord. 03-2005, 9-6-2005)

**10-15-10: EXCEPTIONS:**

- A. Permits Not Required: Sign permits are not required for the following signs, provided that such signs are subject to all other provisions of this title. (Note: Electric permit required for all exterior electric signs.)
1. Standard sign maintenance.
  2. Yard, carport or garage sale signs.
  3. Political signs.
  4. Real estate and open house signs (see subsection 10-15-6D of this chapter for regulations).
  5. Nameplate signs for individual residences.
  6. Messages painted directly on, or adhesive vinyl film affixed to, the exterior surface of existing mineral glass windows, except that the aggregate square footage of such signs shall be calculated as window signage.
  7. Signs required by a county, state or federal agency, provided permits for such signs are issued by those agencies and signs are posted as determined by the governing agency.
- B. Exempted Signage: The provisions of this title shall not apply to the following. (Note: Electric permits are required for all exterior electric signs.)
1. Flags, pennants or insignia of any nation, state, county, town, or school.
  2. Memorial plaques, statuary or remembrances of persons or events noncommercial in nature, or building identification signs and building cornerstones when cut or carved into a masonry surface or when made of noncombustible material and made an integral part of the building or structure.
  3. Works of fine art, historic or cultural artifacts when not displayed in conjunction with a commercial enterprise that may derive direct commercial gain from such display.
  4. Temporary decorations or displays celebrating the occasion of traditionally accepted patriotic, religious or local holidays or events.
  5. Signs that are relevant to the function of the property that are not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right of way.
  6. Signs displayed within the interior of a building.
  7. The placement and maintenance of official traffic, fire and police signs, signals and devices and markings of the state of Arizona and the town of Parker or other authorized public agency, and the posting of notices as required by law.
  8. Nonilluminated directional or informational signs of a noncommercial public or quasi-public nature, and community signs.
  9. Signs displayed during recognized holidays as identification of temporary sales areas for trees and similar holiday items in conjunction with an approved temporary use permit. Such signs shall be exempted only when displayed within thirty (30) days of the recognized holiday. (Ord. 03-2005, 9-6-2005)

**10-15-11: PROHIBITED, UNSAFE AND ILLEGAL SIGNS:**

- A. Prohibited Signs: Any sign not specifically listed as permitted by this title is prohibited, including, but not limited to, the following:
1. Billboards are prohibited in the town of Parker.
  2. Signs mounted, attached, or painted on trailers, boats, or motor vehicles primarily or consistently parked, stored, or displayed in a manner intended to attract the attention of the public for advertising purposes. This does not prohibit the identification of a firm or its principal products on a vehicle operating during the normal course of business or being taken home.
  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 chapter.
  4. The use of pennants, banners, balloons, streamers, and similar displays, except as permitted in section 10-15-6 of this chapter.
  5. Off site signs, unless otherwise permitted by this chapter.
  6. Signs that are animated, or rotate (except barber poles), or computer generated changing signs, or have intermittent or flashing illumination, or emit audible sound or visible matter, or LED signs (except time and temperature units).
  7. Pole mounted signs.
  8. Signs displayed in a manner or locations that prevent free ingress and egress from a door, window or other exit.

9. 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 the driver's view of approaching, merging or intersecting traffic and signs within the road medians or signs that are otherwise prohibited by this title.
10. The use of reader panel signs, except as permitted in subsections 10-15-5A and D of this chapter.
11. Fixed balloons, as defined in section 10-15-3 of this chapter, used for promotional and advertisement purposes.
12. Signage on wireless communication facilities unless otherwise required by the town of Parker.

B. Unsafe Signs:

1. If the building official, or his designee, determines any sign or sign structure to be in an unsafe condition, he shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty eight (48) hours.
2. If the correction has not been made within forty eight (48) hours, the building official, or his/her 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.

C. Illegal Signs:

1. The zoning administrator, or other designated town official, shall remove all illegal signs or legal signs placed in prohibited locations. Should an entity continue to place a sign(s) without a permit(s), a citation may be issued. (Ord. 03-2005, 9-6-2005)

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**TOWN OF DEWEY-HUMBOLDT**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8562 ▪ Fax 928-632-7365**

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**PLANNING AND ZONING COMMISSION REGULAR MEETING**  
**August 9 2012 6:30 PM Council Chambers**

**Agenda Item # 8.1**

**To:** Planning & Zoning Commission

**From:** Warren Colvin

**By:** Warren Colvin

**Date submitted:** 8/1/2012

**Agenda Item:** 8.1 Political Signs HB 2500 No action needed informational only.

**Recommended action:** No action needed informational only

**Summary:**

On July 17<sup>th</sup> Council voted unanimously to remove the client/counsel privilege in order to share the attorney's opinion in regards to campaign signage with P&Z Commission.

Council wanted this information released to P&Z Commission due to their work on the new sign code.

Council agreed that HB2500 was consistent with our current sign code so no action was taken or needed.

Council agreed that the date used for placement of signage was Election Day.

S:\2008 COUNCIL MEETINGS\CC Form.doc

Conference Engrossed

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Fiftieth Legislature  
First Regular Session  
2011

CHAPTER 318

# HOUSE BILL 2500

AN ACT

AMENDING SECTION 16-1019, ARIZONA REVISED STATUTES; RELATING TO POLITICAL SIGNS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

- i -

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 16-1019, Arizona Revised Statutes, is amended to  
3 read:

4 16-1019. Political signs; tampering; classification

5 A. It is a class 2 misdemeanor for any person to knowingly remove,  
6 alter, deface or cover any political sign of any candidate for public office  
7 for the period commencing forty-five days ~~prior to~~ BEFORE a primary election  
8 and ending seven days after the general election.

9 B. ~~The provisions of This section shall~~ DOES not apply to the removal,  
10 alteration, defacing or covering of a political sign by the candidate or the  
11 authorized agent of the candidate in support of whose election the sign was  
12 placed, ~~or~~ by the owner or authorized agent of the owner of private property  
13 on which such signs are placed with or without permission of the owner, ~~or~~  
14 placed in violation of state law, ~~or~~ county, city or town ordinance or  
15 regulation.

16 C. NOTWITHSTANDING ANY OTHER STATUTE, ORDINANCE OR REGULATION, A CITY,  
17 TOWN OR COUNTY OF THIS STATE SHALL NOT REMOVE, ALTER, DEFACE OR COVER ANY  
18 POLITICAL SIGN IF THE FOLLOWING CONDITIONS ARE MET:

19 1. THE SIGN IS PLACED IN A PUBLIC RIGHT-OF-WAY THAT IS OWNED OR  
20 CONTROLLED BY THAT JURISDICTION.

21 2. THE SIGN SUPPORTS OR OPPOSES A CANDIDATE FOR PUBLIC OFFICE OR IT  
22 SUPPORTS OR OPPOSES A BALLOT MEASURE.

23 3. THE SIGN IS NOT PLACED IN A LOCATION THAT IS HAZARDOUS TO PUBLIC  
24 SAFETY, OBSTRUCTS CLEAR VISION IN THE AREA OR INTERFERES WITH THE  
25 REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT (42 UNITED STATES CODE  
26 SECTIONS 12101 THROUGH 12213 AND 47 UNITED STATES CODE SECTIONS 225 AND 611).

27 4. THE SIGN HAS A MAXIMUM AREA OF SIXTEEN SQUARE FEET, IF THE SIGN IS  
28 LOCATED IN AN AREA ZONED FOR RESIDENTIAL USE, OR A MAXIMUM AREA OF THIRTY-TWO  
29 SQUARE FEET IF THE SIGN IS LOCATED IN ANY OTHER AREA.

30 5. THE SIGN CONTAINS THE NAME AND TELEPHONE NUMBER OF THE CANDIDATE OR  
31 CAMPAIGN COMMITTEE CONTACT PERSON.

32 D. IF THE CITY, TOWN OR COUNTY DEEMS THAT THE PLACEMENT OF A POLITICAL  
33 SIGN CONSTITUTES AN EMERGENCY, THE JURISDICTION MAY IMMEDIATELY RELOCATE THE  
34 SIGN. THE JURISDICTION SHALL NOTIFY THE CANDIDATE OR CAMPAIGN COMMITTEE THAT  
35 PLACED THE SIGN WITHIN TWENTY-FOUR HOURS AFTER THE RELOCATION. IF A SIGN IS  
36 PLACED IN VIOLATION OF SUBSECTION C AND THE PLACEMENT IS NOT DEEMED TO  
37 CONSTITUTE AN EMERGENCY, THE CITY, TOWN OR COUNTY MAY NOTIFY THE CANDIDATE OR  
38 CAMPAIGN COMMITTEE THAT PLACED THE SIGN OF THE VIOLATION. IF THE SIGN  
39 REMAINS IN VIOLATION AT LEAST TWENTY-FOUR HOURS AFTER THE JURISDICTION  
40 NOTIFIED THE CANDIDATE OR CAMPAIGN COMMITTEE, THE JURISDICTION MAY REMOVE THE  
41 SIGN. THE JURISDICTION SHALL CONTACT THE CANDIDATE OR CAMPAIGN COMMITTEE  
42 CONTACT AND SHALL RETAIN THE SIGN FOR AT LEAST TEN BUSINESS DAYS TO ALLOW THE  
43 CANDIDATE OR CAMPAIGN COMMITTEE TO RETRIEVE THE SIGN WITHOUT PENALTY.

1 E. A CITY, TOWN OR COUNTY EMPLOYEE ACTING WITHIN THE SCOPE OF THE  
2 EMPLOYEE'S EMPLOYMENT IS NOT LIABLE FOR AN INJURY CAUSED BY THE FAILURE TO  
3 REMOVE A SIGN PURSUANT TO SUBSECTION D UNLESS THE EMPLOYEE INTENDED TO CAUSE  
4 INJURY OR WAS GROSSLY NEGLIGENT.

5 F. SUBSECTION C DOES NOT APPLY TO COMMERCIAL TOURISM, COMMERCIAL  
6 RESORT AND HOTEL SIGN FREE ZONES AS THOSE ZONES ARE DESIGNATED BY  
7 MUNICIPALITIES. THE TOTAL AREA OF THOSE ZONES SHALL NOT BE LARGER THAN THREE  
8 SQUARE MILES, AND EACH ZONE SHALL BE IDENTIFIED AS A SPECIFIC CONTIGUOUS AREA  
9 WHERE, BY RESOLUTION OF THE MUNICIPAL GOVERNING BODY, THE MUNICIPALITY HAS  
10 DETERMINED THAT BASED ON A PREDOMINANCE OF COMMERCIAL TOURISM, RESORT AND  
11 HOTEL USES WITHIN THE ZONE THE PLACEMENT OF POLITICAL SIGNS WITHIN THE  
12 RIGHTS-OF-WAY IN THE ZONE WILL DETRACT FROM THE SCENIC AND AESTHETIC APPEAL  
13 OF THE AREA WITHIN THE ZONE AND DETER ITS APPEAL TO TOURISTS. NOT MORE THAN  
14 TWO ZONES MAY BE IDENTIFIED WITHIN A MUNICIPALITY.

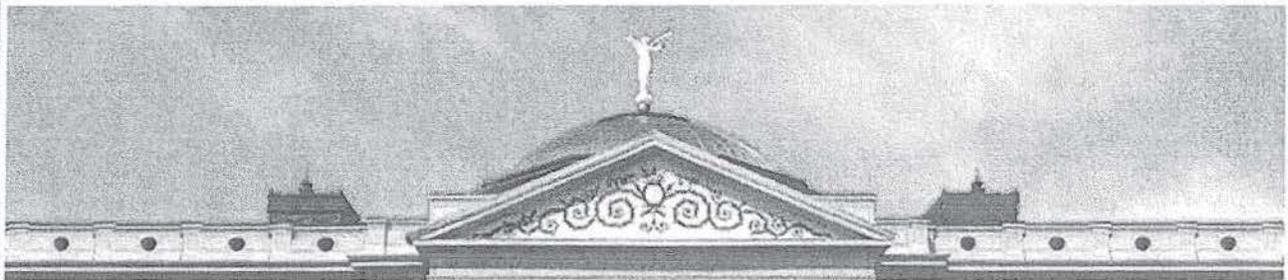
15 G. A CITY, TOWN OR COUNTY MAY PROHIBIT THE INSTALLATION OF A SIGN ON  
16 ANY STRUCTURE OWNED BY THE JURISDICTION.

17 H. SUBSECTION C APPLIES ONLY DURING THE PERIOD COMMENCING SIXTY DAYS  
18 BEFORE A PRIMARY ELECTION AND ENDING FIFTEEN DAYS AFTER THE GENERAL ELECTION,  
19 EXCEPT THAT FOR A SIGN FOR A CANDIDATE IN A PRIMARY ELECTION WHO DOES NOT  
20 ADVANCE TO THE GENERAL ELECTION, THE PERIOD ENDS FIFTEEN DAYS AFTER THE  
21 PRIMARY ELECTION.

22 I. THIS SECTION DOES NOT APPLY TO STATE HIGHWAYS OR ROUTES, OR  
23 OVERPASSES OVER THOSE STATE HIGHWAYS OR ROUTES.

APPROVED BY THE GOVERNOR APRIL 28, 2011.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 29, 2011.



Fiftieth Legislature - Second Regular Session

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16-1019. Political signs; printed materials; tampering; classification

A. It is a class 2 misdemeanor for any person to knowingly remove, alter, deface or cover any political sign of any candidate for public office or knowingly remove, alter or deface any political mailers, handouts, flyers or other printed materials of a candidate that are delivered by hand to a residence for the period commencing forty-five days before a primary election and ending seven days after the general election.

B. This section does not apply to the removal, alteration, defacing or covering of a political sign or other printed materials by the candidate or the authorized agent of the candidate in support of whose election the sign was placed, by the owner or authorized agent of the owner of private property on which such signs are placed with or without permission of the owner or placed in violation of state law or county, city or town ordinance or regulation.

C. Notwithstanding any other statute, ordinance or regulation, a city, town or county of this state shall not remove, alter, deface or cover any political sign if the following conditions are met:

1. The sign is placed in a public right-of-way that is owned or controlled by that jurisdiction.
2. The sign supports or opposes a candidate for public office or it supports or opposes a ballot measure.
3. The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with disabilities act (42 United States Code sections 12101 through 12213 and 47 United States Code sections 225 and 611).
4. The sign has a maximum area of sixteen square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two square feet if the sign is located in any other area.
5. The sign contains the name and telephone number of the candidate or campaign committee contact person.

D. If the city, town or county deems that the placement of a political sign constitutes an emergency, the jurisdiction may immediately relocate the sign. The jurisdiction shall notify the candidate or campaign committee that placed the sign within twenty-four hours after the relocation. If a sign is placed in violation of subsection C and the placement is not deemed to constitute an emergency, the city, town or county may notify the candidate or campaign committee that placed the sign of the violation. If the sign remains in violation at least twenty-four hours after the jurisdiction notified the candidate or campaign committee, the jurisdiction may remove the sign. The jurisdiction shall contact the candidate or campaign committee contact and shall retain the sign for at least ten business days to allow the candidate or campaign committee to retrieve the sign without penalty.

E. A city, town or county employee acting within the scope of the employee's employment is not liable for an injury caused by the failure to remove a sign pursuant to subsection D unless the employee intended to cause injury or was grossly negligent.

F. Subsection C does not apply to commercial tourism, commercial resort and hotel sign free zones as those zones are designated by municipalities. The total area of those zones shall not be larger than three square miles, and each zone shall be identified as a specific contiguous area where, by resolution of the municipal governing body, the municipality has determined that based on a predominance of commercial tourism, resort and hotel uses within the zone the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourists. Not more than two zones may be identified within a municipality.

G. A city, town or county may prohibit the installation of a sign on any structure owned by the jurisdiction.

H. Subsection C applies only during the period commencing sixty days before a primary election and ending fifteen days after the general election, except that for a sign for a candidate in a primary election who does not advance to the general election, the period ends fifteen days after the primary election.

I. This section does not apply to state highways or routes, or overpasses over those state highways or routes.

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[privacy statement](#)

**CURTIS, GOODWIN, SULLIVAN,  
UDALL & SCHWAB, P.L.C.**

M E M O R A N D U M

TO: Yvonne Kimball, Town Manager, Town of Dewey-Humboldt

FROM: Susan D. Goodwin, Curtis, Goodwin, Sullivan, Udall & Schwab, P.L.C.,  
Town Attorneys

DATE: June 26, 2012

RE: HB2500 - Political Signs in the Right-of-Way

Recently there has been a lot of discussion regarding HB2500 (amending A.R.S. § 16-1019) (the "Legislation") adopted by the legislature in April 2011. The Legislation restricts municipalities' ability to regulate political signs in the public right-of-way. It does not affect political signs on private property. We made conforming changes when we revised the sign code, but this memorandum may be helpful in explaining the changes related to political signs and when taking any enforcement action.

Specifically, the Legislation prohibits a municipality from removing, altering, defacing or covering any political sign if the sign:

- (1) is placed in a public right-of-way that is owned or controlled by the jurisdiction;
- (2) supports or opposes a candidate for public office or a ballot measure;
- (3) is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with Disabilities Act;
- (4) has a maximum area of 16 square feet if the sign is located in an area zoned for residential use or a maximum area of 32 square feet if located in any other area; and
- (5) contains the name and telephone number of the candidate or campaign committee contact person.

This prohibition *only* applies during the period commencing 60 days before a primary election and ending 15 days after the general election. We have concluded that the 60 days begin 60 days before the date of the primary election - not 60 days before the first day of early voting or the first day overseas military ballots are mailed or the first day of early voting (which some

candidates have attempted to argue). However, the Legislation is not specific and a court has not interpreted the Legislation with respect to how the 60 day restriction is calculated.

If the placement of a political sign creates an “emergency,” a municipality may “immediately relocate” the sign but must notify the candidate or campaign committee that placed the sign within 24 hours after the relocation. A municipality’s employee, acting within the scope of his employment, is *not* liable for injuries caused by the failure to remove a sign that constitutes an emergency unless the employee *intended* to cause injury or was “grossly negligent.”

If the placement of the sign does not meet A.R.S. § 16-1019’s requirements (listed above) but does not create an emergency, the municipality “may notify” the candidate or campaign committee the placed the sign of the violation. If the sign remains in violation for at least 24 hours after that notification is made, the municipality may remove the sign but must contact the candidate or campaign committee and must retain the sign for at least 10 business days to allow the candidate or campaign committee to retrieve the sign without penalty.

Municipalities have authority under the statute to designate a “commercial tourism, commercial resort and hotel sign free zone” of up to three square miles. Within that zone, the municipality may prohibit all signs (other than traffic signs) if they will detract from the scenic and aesthetic appeal and deter tourists. If a municipality wishes to designate this type of zone in a particular area, it should begin the process of determining that, “based on a predominance of commercial tourism, resort and hotel uses within the zone the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourists.” It is not clear how this designation, authorized by the statute, conforms to existing First Amendment cases regarding discrimination against political signs where other signs are allowed in the right-of-way. If there is a challenge to the statute on that basis, we suspect that the First Amendment will prevail.

Please do not hesitate to contact us if you have any questions.

MAP/

Enclosures: HB2500/A.R.S. § 16-1019

cc: Honorable Terry Nolan, Mayor  
File Nos. 1908-1 and 1908-8-1

**§ 153.137 OFFICE COMPLEXES,  
COMMERCIAL AND INDUSTRIAL CENTERS.**

This section pertains to office complexes, commercial and industrial centers in the RS, C1, C2, C3, M1, M2, PM and PAD Zoning Districts. Signs pertaining to a group of two or more businesses associated by a common agreement or common ownership with common parking facilities are permitted, subject to the following regulations:

(A) Individual business signs shall be in accordance with the following:

(1) The total aggregate area of all signs on the site pertaining to any one business shall not exceed 32 square feet. However, if the portion of the building adjacent to the street property line of that lot measures more than 40 feet, then the total aggregate area of one face of all such signs on the site may be increased in area at the rate of one square foot of sign area for each foot of building frontage in excess of 40 lineal feet. The total aggregate area of all such signs on the site shall not exceed 48 square feet for each separate business. For corner buildings, only the main entrance frontage shall be so measured.

(2) When two or more businesses occupy one building with common entrances, (i.e., without separate entrances), they shall be considered one business for sign computation purposes.

(3) Such signs shall be wall-mounted or under-canopy signs.

(4) Under-canopy signs shall be business identification signs and shall be limited to one per business and a maximum of six square feet in area.

(B) Center identification signs shall be in accordance with the following:

(1) One freestanding center identification sign per street frontage of the entire site is permitted, provided that:

(a) Such signs shall identify the center only, and shall not be counted in the total aggregate sign area for individual business identification.

(b) The maximum area does not exceed 32 square feet per sign and maximum height does not exceed 12 feet.

(2) A second such freestanding sign shall be permitted for a lot whose street frontage measures greater than 200 feet. Where such second sign is permitted, it shall be at least 100 feet from the other sign.

(C) Directory signs may be provided to identify and direct, with location numbers and/or arrows, to individual businesses in an office complex or commercial/industrial center, in accordance with the following:

(1) No more than one such sign per tenant business;

(2) Each sign shall not exceed one square foot in area. The area of such sign shall be permitted in addition to the aggregate permitted in division (A)(1) above;

(3) Such signs shall be placed together in one or more groups at points nearest the pedestrian entrances to the businesses so indicated;

(4) Such signs or groupings of signs shall be wall-mounted or mounted on freestanding monument sign standards; and

(5) Such signs or groupings of signs shall not exceed six feet in height.  
(Ord. § 601(K), passed 9-4-2008)

**§ 153.138 SIGN PERMITS.**

(A) *Permit required.* A sign permit shall be secured from the Town Development Services Department prior to the erection, relocation, construction, installation or substantial reconstruction (including painting or enlarging a painted sign on the surface of a permitted structure) of any non-exempt sign exceeding six square feet in area, or higher than eight feet above grade at the sign, regardless of value.

**§ 153.137 OFFICE COMPLEXES,  
COMMERCIAL AND INDUSTRIAL CENTERS.**

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