

**THE PLANNING & ZONING ADVISORY COMMISSION
FOR THE TOWN OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE
Thursday, July 5, 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 Glenn Allen, 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. **Introduction of new Community Development Coordinator, Warren Colvin.**
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 June 7, 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. **Sign Code Rework.** The Town Council wants the sign code shorter, simpler, less restrictive, and with less regulations. Discussion and possible action.

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8.1. Possible Medical Marijuana Cultivation Facility. Discussion and possible action.

8.2. Discussion on requesting a Joint Meeting with the Town Council.

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

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

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, July 10, 2012 at 2:00 p.m.

Next Town Council Meeting: Tuesday, July 17, 2012 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, August 5, 2012 at 6:00 p.m

If you would like to receive Town Council agendas via email, please sign up at 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.

**TOWN OF DEWEY-HUMBOLDT
PLANNING & ZONING ADVISORY COMMISSION
REGULAR MEETING MINUTES
JUNE 7, 2012, 6:00 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, JUNE 7, 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 6:10PM.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Made.
3. **Roll Call.** Commissioners Glenn Allen, Chris Berry, Claire Clark, Mel Scarbrough, and Chair Bob Bowman were present; Commissioner Andy Peters and Vice Chair Arlene Alen were absent.
4. **Disclosure of Ex Parte Contacts.** None.
5. **Announcements Regarding Current Events.**
 - 5.1. **Medical Marijuana Dispensaries Article.** Chair Bowman spoke on the medical marijuana article from the Daily Courier noting there was an error in the article and there are no dispensaries or applications for dispensaries in the Town of Dewey-Humboldt.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the May 3, 2012 Meeting. Commissioner Berry made a motion to approve the May 3, 2012 minutes, seconded by Commissioner Scarbrough. The motion passed unanimously.
7. **Discussion Agenda – Unfinished Business.** None.
8. **Discussion Agenda – New Business.** Discussion and Possible Action on scheduling a joint meeting with Town Council to discuss future agenda items.

Town Manager Kimball spoke on joint meetings in the future, if Planning & Zoning decides to have a joint meeting the request should go through the Town Manager and she will present it to the Town Council. She stated the speakers are not yet confirmed for the P&Z meeting in July. There was discussion about scheduling the speakers, the benefits of a joint meeting and inviting the Town Council to the July Planning & Zoning meeting.

 - 8.1. **Firearms Ordinance Research.** There was discussion about firearms and not having a need to go further than what state law calls for.

Public comment was taken on this item.

Jerry Brady spoke in favor of using the state law standards.

Dennis Repan inquired how this agenda item came about. Commissioner Berry stated it stemmed from the possibility of a civil war re-enactment which was discussed at a previous Planning & Zoning meeting, not from the Town Council.

Chair Bowman made a motion not to enact any additional restrictions, other than state law, on the use of firearms or discharge of firearms in this area, seconded by Commissioner Clark. The motion passed unanimously.

9. Public Hearing Agenda.

The public hearing was opened at 6:35PM.

9.1. Sign Code. Final Revised Sign Code Review. Town Manager Kimball gave an overview of the sign code process, noting the Town Attorney made final revisions to the Sign Code, and she re-advertised the public hearing for June 19, 2012 at the 6:30PM Town Council Meeting. She wanted to bring the Sign Code back for P&Z to review before the final hearing. Town Manager Kimball reviewed the minor verbiage changes made by the Town Attorney.

Commissioner Clark noted that letter (K) on page 21 of the packet does not make sense; the minimum and maximum heights have been switched. There was discussion amongst the Commissioners. Commissioner Berry suggesting changing the wording of letter (K) to "Signs located within the triangular area on a corner lot formed by measuring 30 feet along both street lines from their intersection of a public street and a private street or driveway, shall maintain a maximum eight foot top height and contain a maximum of two supports with a maximum 12-inch diameter each (see accompanying diagram Figure 13)." Commissioner Clark made a motion to change the wording of letter (K) as Commissioner Berry previously stated, seconded by Commissioner Berry. The motion passed unanimously.

Commissioner Clark noted on page 35 of the packet letter (i). Commissioner Clark made a motion to strike letter (i), seconded by Commissioner Berry. There was discussion. Commissioner Clark amended the motion to strike what is written in footnote (i) and instead write there will be no restrictions on window coverage, seconded by Commissioner Berry. There was discussion about the possibility of covering the whole window. Commissioner Clark withdrew her motion and Commissioner Berry withdrew his second. Commissioner Berry made a motion to strike footnote (i), seconded by Commissioner Clark. The motion passed unanimously.

Commissioner Clark noted there was nothing in the sign code regarding digital signs and felt the Town should not allow these signs. There was discussion on this item and whether it was covered elsewhere in the sign code, whether to add it to the code now under "General Provisions" item B, the dark sky initiative and the ability to revise code at a later date if necessary.

Public comment was taken on this item.

Barrie Clark spoke on the dark sky initiative possibly satisfying the requirement.

Bill Cadell spoke on how could members of the community afford a digital sign.

Commissioner Berry made a motion to leave that section of the sign code as it stands, seconded by Commissioner Scarbrough. The motion passed unanimously.

The public hearing was closed at 7:17PM.

10. Commissioners' Forum.

Chair Bowman referenced a letter he received regarding fireworks and inquired if the Town could pass a fireworks ban temporarily without P&Z action. Commissioner Berry noted that the County has passed a ban on fireworks. Town Manager Kimball stated that applies to the Town.

Commissioner Berry commended Commissioner Clark for bringing up the sign code changes.

11. Comments from the Public.

Bill Cadell spoke against fireworks.

12. Town Planner's Report. Town Manager Kimball informed the Commission that there is currently an open position in the Community Development department for a Community Development Coordinator. She stated the hiring process is underway and hopes to have someone hired by the August P&Z meeting.

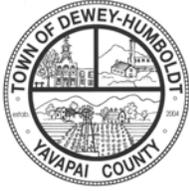
13. Adjourn. The meeting was adjourned at 7:25PM.

Robert Bowman, Chairman

ATTEST:

Mandi Garfield, Administrative Assistant

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TOWN OF DEWEY-HUMBOLDT
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MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION

July 5, 2012 6:00 p.m. Town Council Meeting Chambers

Agenda Item # 7.1 Sign Code Rework.

To: Planning & Zoning Advisory Commission
From: Warren Colvin, Community Development Coordinator

Date Submitted: July 2, 2012

Agenda Item: 7.1 Sign Code Rework. The Town Council wants the sign code shorter, simpler, less restrictive and with less regulations. Discussion and possible action.

Recommendation: The P&Z Commission should request a formal joint meeting with Town Council. At this meeting, clarification can be provided by Council on the main points they feel the sign code does not comply with the original Council direction to P&Z.

Summary: On June 19th the Town Council held a Public Hearing on the final revised Sign Code. Some of the comments received from the public were:

- Including wording in the sign code to assimilate state standards, referenced by statute.
- Simplifying corner lot signage.
- Removing specific position titles from code.
- Including a liability clause.
- Allowing bigger signs for businesses to draw visitors off the highway.

Also at that meeting, Council unanimously approved sending the sign code back to Planning and Zoning, reiterating the Council wants it “shorter, simpler, less restrictive, with less regulations”.

On June 26th the Council unanimously approved lifting the moratorium on the sign code.

The Planning and Zoning Commission is now tasked with reworking the amended sign code to satisfy the Council’s direction.

Attachments: Sign Code Clean Copy

DEWEY-HUMBOLDT SIGN CODE

§153.125 PURPOSE.

- (A) The purpose of the Dewey-Humboldt Sign Code is to provide freedom and flexibility for the design, construction and maintenance of signs that are in harmony with the values, and character of this country community, which are to preserve aesthetics, maintain property values protect the general public from damage or injury caused by distractions/hazards/obstructions which result from improperly designed or located signs and insuring that the Constitutionally guaranteed right of free speech is protected. -
- (B) The following subchapter shall be known and cited as the Town of Dewey-Humboldt Sign Code.

§153.126 DEFINITIONS.

AWNING: A shelter or cover projecting from and supported by an exterior wall of a building.

BANNER: A temporary sign composed of lightweight material, enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign.

CANOPY: Same as awning.

CHANGEABLE COPY: A sign on which copy is changed electronically or manually.

COMMERCIAL COMPLEX, OFFICE, OR INDUSTRIAL: One or more parcels occupied by more than two commercial use tenants. Typically, the aggregate area of the buildings is 10,000 sq. ft. or more.

COMPREHENSIVE SIGN PLAN: A coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site, The sign program shall include, but not be limited to indications of the locations, dimensions, and sign types of all signs to be located on a site.

ERECT: To build, construct, alter, repair, display, relocate, attach, hand, place, suspend, affix, or maintain any sign including the painting of exterior wall signs.

Flags , Emblems and Posters deifinitions

FRONTAGE: The length of the property line of a premise along a public right-of-way.

GROUND LEVEL: The average ground elevation within 10 feet measured horizontally of the sign base.

LOGO: A symbol, graphic, trademark or emblem associated with or representing a specific entity, product or concept.

RELIGIOUS ASSEMBLY: Facilities for worship and other religious ceremonies , with incidental religious education, religious bookstores, rectories and parsonages, offices, social services, day care and community programs.

RELIGIOUS SYMBOLS: Works of art as signs which convey compelling ideas or ideals such as, but not limited to, a Christian cross, Star of David, Crescent and Star, fish (ICITHUS), or statuary depicting (for example) a nativity scene.

SIGN, ABANDONED: A permanent sign which is no longer safe or no longer serves its intended purpose.

SIGN, COMMEMORATIVE: A symbol or plaque commemorating a person or event.

SIGN, CANOPY: Any sign erected directly upon or suspended from a canopy (awning).

SIGN, CONSTRUCTION: A temporary sign identifying the persons, firms or businesses directly connected with a construction project

SIGN, DIRECTIONAL: A sign commonly associated with and limited to information and directions necessary and convenient for persons coming on the property, including sign marking entrances, parking areas, one-way drives, restrooms, pick-up and delivery areas and the like.

SIGN, DIRECTORY: Any sign listing the names, use or location of the businesses or activities conducted within a building or group of buildings.

SIGN FREESTANDING: A sign which is erected on its own self-supporting permanent structure, not attached to a building.

SIGN, GOVERNMENTAL: A sign erected and maintained pursuant to and in discharge of any governmental function or required by a law or ordinance or governmental regulations.

SIGN, IDENTIFICATION: A sign identifying by name, message or symbol a business, residence, occupant activity, institution, establishment, operation, merchandise, product or service available at the property at which the sign is displayed.

SIGN, ILLUMINATED: A sign with an artificial light source incorporated internally or externally.

SIGN, INFORMATIONAL: A sign clearly intended for informational (instructional or warning) purposes, other than an identification-sign.

SIGN, MANSARD: A sign mounted on a mansard façade.

SIGN, MENU BOARD: A variable-message sign that allows a retailer to list products and prices (for example, the bill of fare for a fast-food restaurant).

SIGN, NONCONFORMING: Any sign which is not allowed under this Code but when first constructed was lawful and currently does not jeopardize public safety.

SIGN, NUMBER OF FACES ON:

- (1) **Single-faced:** If a sign has copy on one side-only or if the interior angle between the two sign faces is greater than 45 degrees, it shall be considered one face; the area of will be considered to be the sum of both sides.
- (2) **Double-face:**
 - (a) If the angle between the two sign faces is less than 45 degrees, the sign shall be considered double-faced; the sign area will be the area of one face only.
 - (b) If two sign faces are attached to a structure with a thickness exceeding 36 inches, then the sign area will be the sum of both faces.
- (3) **Multi-faced:** Any sign containing more than two sides. The area shall be the area of the largest side plus the area of any other side whose interior angle with any other side exceeds 45 degrees.

SIGN, OFF-PREMISES: A sign advertising a business, place, activity, goods, services or products on a different property from where the sign is located.

SIGN, ON PREMISES: A sign advertising a business, place, activity, goods, services or products on the same property on which the sign is located.

SIGN, PERMANENT: A sign with an expected useful life of more than 6 months.

SIGN, POLITICAL: A temporary sign announcing or supporting political candidates or issues connected with any national, state or local election.

SIGN, PORTABLE: A sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes.

SIGN, PROJECTING: Any sign attached to a building or other structure and extending in whole or in part more than 12 inches beyond the building, shall be considered "freestanding" signs with reference to square footage allowances.

SIGN, READER PANEL: A sign on which copy is changed manually or electronically. Reader boards may typically display time, temperature, dates or messages.

SIGN, PROPERTY: A sign pertaining to the sale or lease of the premises, or a portion of the premises on which the sign is located or for open houses for premises for sale or lease.

SIGN, ROOF: A sign erected upon the roof of any building or which is partially or totally supported by the roof or roof structure of the building.

SIGN, SUBDIVISION: A sign advertising lots or units for sale or lease in a subdivision, apartment or condominium project.

SIGN, TEMPORARY: A sign intended to remain in use for a period of time which is 6 months or less.

SIGN, UNDER-CANOPY: A sign suspended beneath a canopy, ceiling, roof, or marquee shall be considered a “freestanding” sign with reference to square-footage allowances.

SIGN, WALL: A sign fastened to or painted on the wall of a building in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from the building.

SIGN, WINDOW: A sign that is applied or attached to the interior of a window or is located within three feet of the interior of the window and which can be seen from the exterior of the structure, and which is non-electric in nature.

STANDARD: A post embedded in the ground on which a sign is mounted.

§153.127 GENERAL PROVISIONS

Except as may be further restricted in specific zones, all signs shall be subject to the following:

- (A) No sign shall be audible and/or suspended by balloons.
- (B) Lighted beacons, searchlights or similar lights, are prohibited (see *Dark Sky*, Town Code Sections §150.150 – 150.153).
- (C) No sign may encroach on or overhang an adjacent property, public right-of-way, including any utility right-of-way or easements. No sign shall be attached to a utility pole, light standard, bridge or other fixture in the public right-of-way.
- (D) No sign shall be painted directly on or affixed to any natural object in its natural location.
- (E) No sign shall exceed 30 feet in height.
- (F) No sign shall be located as to obstruct or interfere with any official traffic signs and/or devices or in such a manner as to obstruct a driver’s view of any oncoming, merging or intersecting traffic.
- (G) No sign shall display any statement, symbol or picture of an obscene nature.

- (H) Signs may be painted directly onto vertical structural surfaces.
- (I) Signs that are not permitted in a residential zone shall not be placed closer than 20 feet of any residentially zoned lot.
- (J) New signs exceeding 6 sq. ft. in area or exceeding eight feet in height shall follow the permitting requirements specified under sign permits, in §153.138. Relocation or substantial reconstruction, i.e., costing more than 50% of the present value of a sign, shall be considered a new sign for building permit purposes.
- (K) Signs located within the triangular area on a corner lot formed by measuring 30 feet along both street lines from their intersection or at the intersection of a public street and a private street or driveway, shall maintain a maximum three-foot top height or minimum eight-foot bottom height and contain a maximum of two supports with a maximum 12-inch diameter each (see accompanying diagram Figure 13).

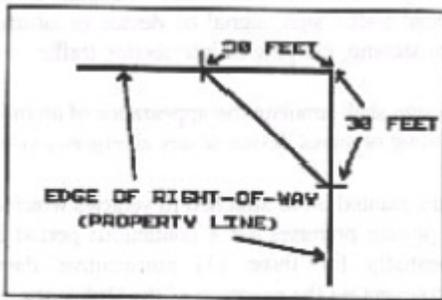


Figure 13

- (L) All freestanding signs will comply with § 153.076 (i.e., one foot setback for each foot in height shall be required).
- (M) The square footage of a sign made up of letters, words, or symbols within a frame or border shall be determined from the outside edge of the frame or border itself. The square footage of a sign composed only of letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters words or symbols. Only those portions of the construction elements that are an integral part of the sign itself shall be considered in the allocation of square footage allowed.
- (N) Signs deemed dangerous, abandoned or in substantial violation of this Sign Code by the Zoning Administrator, shall require correction within 30 days of official notification, or the Town may remove the sign in accordance with State Law ARS §9-462.02(C).
- (M) An informational sign *shall not be included in the permitted sum of the sign area of identification wall signs, provided such sign is not larger than necessary to serve the*

intended instructional purpose, and such sign is not in a location, nor includes design characteristics, that constitute or serve the purposes of an identification sign.

§153.128 EXEMPT SIGNS

Descriptions & Districts	Type	Number Permitted	Area & Height	Permit Required?
Official Notices Authorized by a court, public body or public safety official		No Limit	No Limit	N
Directory or Informational Signs Authorized by federal, state, county or municipal government	Wall or ground-mounted standard	No Limit	No Limit	N
Commemorative Signs	Wall or Monument			N
Flags , Emblems and Posters				N
Religious Symbols				N
Signs Located within Structures	Window Signs (i)			N
Political Signs, Residential (not in right-of-way)	Wall, window or ground-mounted standard	No Limit. Remove within -15 days of last day of vote casting	10 Sq. Ft. Max.	N
Political Signs, Residential (in right-of-way)	Wall or ground-mounted standard	No Limit. Install 60 days prior to election. Remove within 15 days of last day of vote casting	16 Sq. Ft. Max.	N
Political Signs, Commercial / Industrial (not in right-of-way) <u>Not in ROW</u>	Wall or ground-mounted standard	No Limit. Install 60 days prior to election-Remove w/in 10 15 days of last day of vote casting	32 Sq. Ft. Max.	N
Political Signs, Commercial / Industrial (not in right-of-way)	Wall or ground-mounted standard	No limit. Remove within 15 days of last day of vote casting.	32 Sq. Ft. Max.	

§153.129 SPECIAL PURPOSE SIGNS

Descriptions & Districts	Type	Number Permitted	Area & Height	Permit Required?
<p>Directory or Informational Signs</p> <p>Permitted in all zoning districts.</p>	<p>Wall or Ground-mounted standard which can be double-sided.</p>	<p>1 per sign for each building entrance and exit from a parking area.</p>	<p>4 sq. ft., 8 ft. in height</p>	<p>Y</p>
<p>Directory Signs for Hospitals, Clinics, Law Enforcement facilities religious assemblies and subdivisions. May be located on property other than the hospital, clinic, law enforcement facilities, religious assembly or subdivisions</p> <p>Directory signs for tourist and recreational-related businesses shall be located at the arterial highway and / or intersection of roads that access the business.</p>	<p>Wall or Ground-mounted standard which can be double-sided.</p> <p>Ground-mounted standard where more than one collocated business is located.</p>	<p>Limited to no more than 3 signs per business or service.</p> <p>Limit 1</p>	<p>4 sq. ft., 8 ft. in height</p> <p>6 sq. ft., 8 ft. in height limited in context to a symbol description of the business or service.</p>	<p>Y</p> <p>1 off-premise sign permit is required for each sign</p> <p>Y</p>

§153.129 SPECIAL PURPOSE SIGNS (CONT'D)

Descriptions & Districts	Type	Number Permitted	Area & Height	Permit Required?
<p>Property signs</p> <p>Permitted in all zoning districts</p> <p>Unlighted</p> <p>Shall not impede traffic and shall not be located in any public ROW</p>	<p>Wall or Freestanding</p>	<p>1 each – on each street frontage.</p>	<p>6 sq. ft. 6 ft. in height</p>	<p>N</p> <p>To be removed w/in 30 days of sale or rental.</p>
<p>Property Signs for larger Properties abutting Highways</p> <p>Only permitted adjacent to ROW at least 150 feet wide.</p> <p>Permitted in all zoning districts</p> <p>Unlighted</p>	<p>Wall or Freestanding</p>	<p>1 sign per ROW frontage</p>	<p>32 sq. ft. and 8 ft. in height</p> <p>Property to be at least 2 acres.</p>	<p>Y</p> <p>To be removed w/in 30 days of sale.</p>

§153.129 SPECIAL PURPOSE SIGNS (CONT'D)

Descriptions & Districts	Type	Number Permitted	Area & Height	Permit Required?
<p>Temporary Off-site Residential Property Signs.</p> <p>Permitted in all zoning districts.</p> <p>Unlighted</p>	<p>Wall or Freestanding</p>	<p>No property may host more than 3 off-site “for sale” signs.</p>	<p>Each off-site “for sale” sign shall not exceed 3 sq. ft. and does not exceed 5 ft. in height except within a 30-foot triangular area of a corner lot as regulated in Sec 153.127(K) and is not within the public right-of-way. Any off-site “for sale” sign within the 30-foot triangular area may not exceed 3 ft. in height.</p>	<p>N</p> <p>To be removed w/in 30 days of sale.</p>
<p>Construction Signs</p> <p>Permitted in all zoning districts.</p> <p>Unlighted</p>	<p>Unspecified</p>	<p>1 each for each construction site.</p>	<p>Maximum area shall not exceed 40 sq. ft.</p>	<p>Y</p>
<p>Subdivision Signs</p>	<p>Freestanding</p>	<p>Up to 5 signs</p>	<p>100 sq. ft. aggregate total.</p> <p>12 ft. in height maximum</p>	<p>Y</p> <p>2-year duration. Requires a Use Permit thereafter.</p> <p>Apartment complexes may display directional signs for one year subsequent to the completion of construction subject to obtaining temp. sign permits.</p>

§153.129 SPECIAL PURPOSE SIGNS (CONT'D)

Descriptions & Districts	Type	Number Permitted	Area & Height	Permit Required?
Property Signs for Office Complexes, Shopping Centers and Industrial Centers.	Wall or Freestanding (g)	1 Freestanding 2 Wall	100 sq. ft. aggregate total. Freestanding signs shall not exceed 8 ft. in height	Y Temporary sign status can be maintained for 1 year subsequent to completion.
Property Signs for Self-Service Storage Facility.	Wall or Freestanding (g)	1 sign for each property line abutting a street ROW.	40 sq. ft. each. 15 ft. in height maximum	Y

§153.130 OFF-PREMISE SIGNS

Descriptions & Districts	Type	Number Permitted	Area & Height	Permit Required?
<p>Off-Premise Signs</p> <p>Other than directional or temporary property signs.</p> <p>Permitted only in C3, M1 & M2.</p>	<p>Ground-mounted, not to be constructed on more than three supports.</p> <p>Lighting shall be either internal or by indirect source per Town Code Sections §153.150-153</p>	<p>Must be min. of 1,000 ft. from advertised property and not within 1,500 ft. of an existing off-site sign or within 200 ft. of a residential zoning district.</p>	<p>Each sign 160 sq. ft. max. 20 ft. in height max.</p>	<p>Y</p>
<p>Temporary Off-Premise Signs for Community Events, Festivals & Similar Public Gatherings of a not-for-profit nature.</p> <p>Permitted only in C2, C3, M1 & M2.</p>	<p>Banners or other temporary means of advertising.</p>	<p>Signs may be placed within or across a public ROW with the Town's authorization but shall be limited to one entrance to the Town from a State Hwy.</p>	<p>To comply with General Provisions and those of each zoning district.</p>	<p>Y</p> <p>One temporary off-premise sign permit is required for each sign.</p>

§153.131 SIGN REGULATIONS FOR USE DISTRICTS

Descriptions & Districts	Type	Number Permitted	Area & Height	Permit Required?
R1-L, RMM, R1, R2, Residential				
Residential Dwelling	Name Plate (a.)	1	4 sq. ft., 8 ft. in height	N
Multi-family	Wall or Freestanding (g)	1 per street frontage	16 sq. f, 10 ft. in height	Y
Subdivision	Monument	2	20 sq. ft. each, 6 ft. in height	Y
School, Religious assemblies	Wall or Freestanding which can be dbl. sided (b,d,e,f,h,m1.)	1 total , 2 if more than 5 ac. & frontage on two roads	24 sq. ft., 10 ft. in height	Y

§153.132 SIGN REGULATIONS FOR USE DISTRICTS

Descriptions & Districts	Type	Number Permitted	Area & Height	Permit Required?
C1, Neighborhood Commercial	Wall (c,d,e,f,h)	Varies	<p>Aggregate area on any one property shall not exceed 1 sq. ft. per lin. ft. of street frontage except that the total need not be < 24 sq. ft. or > 96 sq. ft.</p> <p>The allowed aggregate sign area less the combined areas of the freestanding and portable signs.</p>	Y
	Freestanding (g)	1	The sign area shall be > 1/3 of the aggregate area but not < 16 sq. ft. and may be dbl. sided, No more than 12 ft. in height.	Y
	Portable	1	6 sq. ft. & dbl. sided, no more than 4 ft. in height, The area of this sign shall be included in the total aggregate area.	Y

§153.133 SIGN REGULATIONS FOR USE DISTRICTS

Descriptions & Districts	Type	Number Permitted	Area & Height	Permit Required?
<p>C2, General Sales & Services Commercial</p>	<p>Wall (c,d,e,f,h,n)</p>	<p>Varies</p>	<p>Aggregate area on any one property shall not exceed 1 sq. ft. per lin. ft. of street frontage except that the total need not be < than 24 sq. ft. or > 128 sq. ft.</p>	<p>Y</p>
	<p>Freestanding (g), (m2)</p>	<p>1</p>	<p>The allowed aggregate sign area less the combined areas of the freestanding and portable signs.</p> <p>The area of the sign shall not exceed one half of the aggregate area but not be less than 24 sq. ft. and may be dbl. sided. No more than 15 ft. in height.</p>	<p>Y</p>
	<p>Window (i,j)</p>	<p>Varies with number of windows</p>	<p></p>	<p>N</p>
	<p>Portable</p>	<p>1</p>	<p>6 sq. ft. & dbl. sided, no more than 4 ft. in height, The area of this sign shall be included in the total aggregate area.</p>	<p>N</p>
	<p>Off-Premises</p>	<p>1 per entrance</p>	<p>Banners or other temporary means of advertising for purposes of identifying community events.</p>	<p>N</p>

§153.134 SIGN REGULATIONS FOR USE DISTRICTS

Descriptions & Districts	Type	Number Permitted	Area & Height	Permit Required?
C3, M1, M2, Commercial & Industrial	Wall (c,d,e,f,h,)	Varies	Aggregate area on any one property shall not exceed 1- sq. ft. per lin. ft. of street frontage except that the total need not be less than 60 sq. ft. or more than 160 sq. ft.	
	Freestanding (g, m2)	1	The allowed aggregate sign area less the combined areas of the freestanding and portable signs.	Y
	Window (i,j)	Varies with number of windows	The area of the sign shall not exceed one half of the aggregate area but not be less than 24 sq. ft. and may be dbl. sided, No more than 15 ft. in height except if located at interstate freeway interchanges where the height may not exceed 30 feet.	Y
	Off-Premise	Varies	Max. Area + 160 sq. ft. Max. Height = 20 feet. (See. §153.130)	N
		1 per entrance to community from highway. May be placed within or across ROW with authorization	Banners or other temporary means of advertising for purposes of identifying community events etc.	Y No Fee

§153.135 SIGN REGULATIONS FOR USE DISTRICTS

Descriptions & Districts	Type	Number Permitted	Area & Height	Permit Required?
PUD & PAD			Use criteria from the district that most closely approximates the approved uses	

§153.137 SIGN REGULATIONS FOR USE DISTRICTS

Descriptions & Districts	Type	Number Permitted	Area & Height	Permit Required?
Office Complexes Commercial and Industrial Centers	Wall-mounted or Under Canopy	1 per business	Aggregate area of all signs pertaining to one business shall not exceed 32 sq. ft. However, if the width of the building adjacent to the street frontage measures more than 40 lin. ft. then the aggregate of one face of all such signs may be increased in area at the rate of one sq. ft. for each foot of building frontage in excess of 40 lin. ft. The total of all signs for each business may not exceed 48 sq. ft. When two businesses share a common entrance they shall be considered one business for sign computation purposes.	Y
	Freestanding Center Identification only	1 per each street frontage, 2 per frontage if more than 200 lin. ft. All such signs shall be at least 100 lin. ft. apart	Under Canopy 6 sq. ft. max. Per sign: 32 sq. ft. max. No more than 12 ft. in height. Not counted in aggregate areas	Y
	Directory Signs Wall-mounted or on free-standing monument sign standards	1 per each business	Per sign: one sq. ft. max. No more than 6 ft. in height. Not counted in aggregate areas	Y

Applicable Foot Notes:

- (a) A name plate sign identifying the occupant, occupant's profession or title and the address of the dwelling.
- (b) May be indirectly illuminated by one light bulb or fluorescent tube not exceeding 150 watts.
- (c) Wall-mounted or under architectural projection.
- (d) Attached signs shall not extend horizontally a distance greater than fifty percent of the width of the building wall on which it is displayed, except for buildings containing multiple occupancies.
- (e) Attached signs shall be on the occupants building only.
- (f) The abstract ratio of a wall-mounted sign cannot exceed 2:1.
- (g) Freestanding pole signs are not permitted unless the support member is concealed by a decorative enclosure.
- (h) Wall mounted signs must use back-lighted sign panels, individual letters or a painted plaque.
- (i) Maximum of 30 percent window coverage is allowed, 70 percent of the window must be able to be seen through.
- (j) Awning signs shall only be allowed on the ground floor of a building.
- (k) A Comprehensive Sign Plan Permit shall be required for signs on upper level stories of buildings exceeding two stories.
- (l) Reader Panel Signs:
 - 1. Religious Assemblies may use up to one-half of the allowed freestanding sign area for a reader panel which shall display manually changeable copy only.
 - 2. Gasoline service stations may use up to one-half of the allowed freestanding sign area for a reader panel only to identify the current price of fuel being sold. The maximum sign area used for the reader panel shall be 24 square feet which shall display manually changeable copy only.
 - 3. Theaters:
 - a. One wall, fascia, mansard, or parapet sign may contain a reader panel.
 - b. The area of the reader panel shall not exceed 75 square feet or the maximum wall sign area otherwise allowed, whichever is less and shall display manually changeable copy only.
 - c. The reader panel shall be used exclusively for the purpose of identifying entertainment, motion pictures, or special events which occur on the premises.
- (m) Menu Boards for Drive-Thru Restaurants:
 - 1. One menu board is allowed per business. Such signs may be free-standing or wall-mounted.
 - 2. The maximum aggregate area for a menu board shall not exceed 45 square feet.
 - 3. The maximum sign height shall not exceed six feet for free-standing signs.
 - 4. The sign should be located so as to not be readable from the public right-of-way.

§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) or any non-exempt sign exceeding six square feet in area, or higher than eight feet above grade at the sign, regardless of value.

(B) *Fees.*

(1) Per Appendix A, Fees, Town Code Chapter 153 Zoning Regulations.

(2) The sign permit fees established in division (B)(1) above shall be double in the event that the erection, relocation, construction, installation or substantial reconstruction of any sign is begun prior to the issuance of a sign permit.

(C) *Sign permit application.* Each application for a sign permit shall be made at the Town Hall on the appropriate form(s) and shall contain at a minimum the following information:

(1) Assessor's parcel number identifying the property;

(2) Street address, if any, legal description of the property, and dimensions thereof. In the case of a metes and bounds parcel (a parcel that is not part of a recorded subdivision), a copy of the recorded legal description must be submitted with the application;

(3) ~~Copy to be placed on the sign(s)~~ (4) Nature of the proposed use of the sign and premises;

(5) Type of sign and materials used, methods of support, freestanding or other;

(6) Estimated true value of sign and associated structural supports;

(7) Dimensions of sign panel as well as bottom and top heights above grade;

(8) Type, placement and strength of illumination, if any;

(9) Number and orientations of faces of sign (aerial-view sketch, if necessary, to depict faces and orientation);

(10) A (signed) plot plan showing the following:

(a) Shape and dimensions of lot boundaries, adjacent street right-of-way, driveway, buildings (existing and proposed);

(b) North designation; and

(c) Location of sign (s) on property (indicate type).

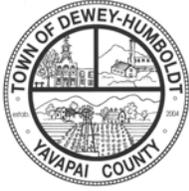
- (11) A (signed) elevation view, with dimensions and approximate copy ad design, of the sign(s) faces;
- (12) Such other information as the Zoning Administrator may require for the purpose of determining whether the application complies with the subchapter requirements;
- (13) Name, address and phone number of property owner and agent, if any; and
- (14) Signature of applicant or agent.

(D) *Non-Conforming*. Legal nonconforming signs existing prior to the effective date of this subchapter, shall be permitted to continue subject to general provisions regarding the removal of dangerous or abandoned signs and off-premises signs of this code, regarding obsolescence and abandonment. Continuation shall include the right to repaint or change the message or copy on the sign, provided the size and height is not increased and provided the sign is not converted from on-premises to off-premises use. Changes of ownership and/or business name shall not in and of itself alter the right of continued use of a sign. {see § 153.127 (L)}

(E) *Signs not requiring permits*. Signs not requiring permits by virtue of their height and size must nevertheless comply with all other requirements and restrictions of this code.

(F) *Temporary sign permits*. Signs with a limited duration of use, such as those provided in §§ 153.129, 153.130, and 153.133 shall obtain a temporary sign permit. The requirements and criteria for such signs are as follows:

- (1) A temporary sign permit is specifically required for community special event banners and signs, signs advertising the forthcoming construction of a building, exceptions granted administratively for grand openings, and one-time events.
- (2) Temporary sign permits shall be issued for no more than one year. An extension of a temporary sign permit shall be made the subject of an application for a use permit.
- (3) Temporary signs shall conform to all other requirements of this code.
- (4) The fee for a temporary sign permit shall be the same as a permanent sign permit, except as otherwise noted.



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MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION

July 5, 2012 6:00 p.m. Town Council Meeting Chambers

Agenda Item # 8.1 Possible Medical Marijuana Cultivation Facility.

To: Planning & Zoning Advisory Commission
From: Warren Colvin, Community Development Coordinator

Date Submitted: July 2, 2012

Agenda Item: 8.1 Possible Medical Marijuana Cultivation Facility. Discussion only.

Recommendation: Review Sections 153.205 -153.208 Title XV of Town of Dewey-Humboldt Codes and Ordinances.

Summary: Preliminary inquiry for potential Medical Marijuana Cultivation Facility located at 3546 St. Route 69. Zoning of property is C3, Building size is 10,000 sq. ft. Use is allowed in this zoning but must obtain a Use Permit as outlined in Sections 153.091 and 153.022 of D-H Town Codes and Ordinances.

Staff has a few concerns:

- Compliance with Section 153.207 (K) for odors
 - (K) Any type of medical marijuana facility shall not emit dust, fumes, vapors or odors into the environment.
- What kind of chemicals, fertilizer, pesticides are used and how will they be disposed of?

Attachments: Town Code 153.205 Medical Marijuana

(3) All off-street parking areas and premises entries of the sex oriented business shall be in compliance with §§ 153.150 through 153.153.

(B) It shall be the duty of the owner and/or operator to ensure that the viewing room(s), as defined in this subchapter, remain(s) unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

(C) No viewing room may be occupied by more than one person at any one time.

(D) The application shall be sworn to be true and correct by the applicant.

(Ord. § 606(F), passed 9-4-2008)

§ 153.196 REGULATIONS PERTAINING TO BUSINESSES WITHOUT VIEWING ROOMS.

A zoning clearance shall be required to ensure that adult bookstores, adult novelty stores, adult video stores, adult motels, adult motion picture theaters, adult theaters, nude model studios and sexual encounter establishments without viewing rooms that have been defined as sex oriented businesses, as defined in this subchapter, are in compliance with the use district, location and separation distance requirements.

(Ord. § 606(G), passed 9-4-2008)

§ 153.197 ADVERTISING REGULATIONS.

(A) As established in §§ 153.125 through 153.138: "No person shall exhibit, post or display a sign or wall, any statement, symbol or picture of an obscene nature."

(B) No depiction of specified sexual activities or specified anatomical areas shall be visible from the exterior of the premises.

(Ord. § 606(H), passed 9-4-2008)

§ 153.198 HOURS OF OPERATION.

It shall be unlawful to operate, permit or cause to be operated a sex oriented business, as defined in this subchapter, excluding an adult motel, between the hours of 1:00 a.m. and 8:00 a.m. on Monday through Saturday, or between the hours of 1:00 a.m. and 12:00 p.m. noon on Sunday.

(Ord. § 606(I), passed 9-4-2008) Penalty, see § 153.999

MEDICAL MARIJUANA

§ 153.205 PURPOSE.

It is the purpose and intent of this subchapter (as enabled by A.R.S. Title 36, Chapter 28, Arizona Medical Marijuana Act) to regulate the sale and cultivation of medical marijuana to promote the health, safety, morals and general welfare of the citizens of the town and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of medical marijuana related businesses within the town, thereby reducing or eliminating adverse and secondary effects from such businesses. It is neither the intent nor effect of this subchapter to restrict or deny access to distributors and cultivators or medical marijuana to their intended market. Neither is it the intent nor the effect of this subchapter to condone or legitimize the production or distribution of medical marijuana.

(Ord. 11-83, passed 4-19-2011)

§ 153.206 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EDIBLE FOOD PRODUCT. A substance, beverage, or ingredient used or intended for use or for sale in whole or in part for human consumption.

§ 153.193 MEASUREMENT OF DISTANCE.

For the purpose of measuring separation distances in this subchapter:

(A) The distance between any two sex oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of each business.

(B) The distance between any sex oriented business and any religious institution, school, YMCA, YWCA, Boys Club, Girls Club or similar existing youth organization, public park, public building, or any properties zoned for residential use, or used for residential purposes, shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where the sex oriented business is conducted, to the nearest property line of the premises of a religious institution, school, YMCA, YWCA, Boys Club, Girls Club or similar existing youth organization, public park, public building, or any properties zoned for residential use or used for residential purposes.
(Ord. § 606(D), passed 9-4-2008)

§ 153.194 REGULATIONS GOVERNING EXISTING SEX ORIENTED BUSINESSES.

(A) Any sex oriented business lawfully operating on June 2, 1999 that is in violation of this subchapter shall be deemed a nonconforming use. Nonconforming uses shall be governed by § 153.016. If two or more sex oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sex oriented business which was first established and continually operating at the particular location is the conforming use, and the later established business is nonconforming.

(B) A sex oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a religious institution, school, YMCA, YWCA, Boys Club, Girls Club or similar existing youth organization, public park,

public building, residential zoning district, or residential use within 500 feet of the sex oriented business.
(Ord. § 606(E), passed 9-4-2008)

§ 153.195 REGULATIONS PERTAINING TO EXHIBITION OF SEXUALLY EXPLICIT FILMS, VIDEOS OR ADULT LIVE ENTERTAINMENT IN VIEWING ROOMS.

A person who operates or causes to be operated a sex oriented business, other than an adult motel/hotel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette or other video reproduction, or adult live entertainment which depicts specified sexual activities or specified anatomical areas as defined in this subchapter, shall comply with the following requirements:

(A) Upon application for a building permit or zoning clearance, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required. However, each diagram should be oriented to the north or to some designated street and should be drawn to a designated scale with marked dimensions sufficient to show the various internal dimension of all areas of the interior of the premises to an accuracy of plus or minus six inches.

(1) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access and an illumination of not less than five foot-candles as measured at the floor level.

(2) It shall be the duty of the owners and/or operator, and it shall also be the duty of any agents and employees present on the premises, to ensure that the illumination described above is maintained at all times that any patron is present on the premises.

INFUSION or **INFUSE**. The act or process of mixing, blending, combining, or otherwise admixing medical marijuana or the active ingredients of medical marijuana into an edible food product.

INFUSION FOOD ESTABLISHMENT. A food processing or other food establishment of any type or size, not operated by a medical marijuana dispensary and not located at a medical marijuana facility or a medical marijuana cultivation site, but which is permitted under Arizona state law to contract with and does provide to a medical marijuana dispensary edible food products infused with medical marijuana.

MEDICAL MARIJUANA. All parts of any plant of the genus cannabis whether growing or not, and the seeds of such plant, used to treat or alleviate a debilitating medical condition or the symptoms associated with the debilitating medical condition of a person who is registered with and identified by the Arizona State Department of Health Services as a registered qualifying patient.

MEDICAL MARIJUANA CULTIVATION SITE. The physical location in which medical marijuana is grown, cultivated, packaged or stored, or from which medical marijuana is delivered, transferred, transported, or supplied to another medical marijuana facility.

MEDICAL MARIJUANA DISPENSARY. A not-for-profit entity registered with and approved to operate by the Arizona State Department of Health Services that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells, or dispenses medical marijuana or related supplies and educational materials to cardholders, as that term is defined in A.R.S. § 36-2801.

MEDICAL MARIJUANA FACILITY. The physical location from which medical marijuana is dispensed, cultivated, stored and/or infused.

RELATED SUPPLIES. Any equipment, product, or material of any kind that is primarily

intended or designed for the purpose of assisting a person who is registered with and identified by the Arizona State Department of Health Services as a registered, qualifying patient in smoking or otherwise consuming medical marijuana.

(Ord. 11-83, passed 4-19-2011)

§ 153.207 ESTABLISHMENT AND LOCATION.

The establishment of any medical marijuana dispensary, infusion food establishment or cultivation business shall be permitted only in C-3 (Commercial and Minor Industrial), M1, (Industrial; General Limited), and M2 (Industrial; Heavy) Zoning Districts and shall be subject to the Arizona Administrative Code, Title 9, Health Services, Chapter 17 Department of Health Services, Medical Marijuana Program and the approval of a use permit as described in § 153.091 and the following performance standards.

(A) The physical location of any medical marijuana facility shall not be closer than 1,000 feet of a public or private school, bona fide childcare facility or church existing before the date of application to establish a medical marijuana facility. The distance shall be measured in a straight line building to property line without regard to intervening structures or objects.

(B) The physical location of any medical marijuana dispensary, infusion food establishment or cultivation facility shall not be closer than 250 feet of a residentially zoned property existing before the date of application to establish a dispensary, cultivation or infusion food facility. The distance shall be measured in a straight line building to property line without regard to intervening structures or objects.

(C) The distance between any two medical marijuana facilities shall not be closer than 1,000 feet. The distance shall be measured in a straight line building to building without regard to intervening structures or objects.

(D) The maximum aggregate floor area of a medical marijuana dispensary shall be no larger than 2,500 square feet.

(E) The maximum aggregate floor area of a medical marijuana dispensary that includes a cultivation site or an infusion food establishment shall be no larger than 4,000 square feet.

(F) The maximum aggregate floor area of a medical marijuana cultivation facility inclusive of or without an infusion food establishment is 10,000 square feet.

(G) The exterior of the building shall be lighted from dusk until dawn in compliance with "dark sky" regulations except that lighting at all exterior doors shall measure five foot-candles per square foot on the ground ten feet away from the building.

(H) Maintain an eight-foot tall chain-link fence around the facility and parking area to remain closed and secured during hours of non-operation.

(I) No drive-through service shall be permitted.

(J) Shall not provide off-site delivery of medical marijuana except that a medical marijuana cultivation facility may transport medical marijuana to medical marijuana dispensaries and between dispensaries and/or infusion food establishments per Arizona Health Services R9-17-317.

(K) Any type of medical marijuana facility shall not emit dust, fumes, vapors or odors into the environment.

(L) Any type of medical marijuana facility shall not have outdoor seating areas except for the use of employees only when located in a secure area.

(M) No signs advertising, or any other advertising matter used in connection with any medical marijuana facility shall be of an offensive

nature and shall in no way be contrary to town code. (Ord. 11-83, passed 4-19-2011) Penalty, see § 153.999

§ 153.208 HOURS OF OPERATION.

Unless specified otherwise through the use permit process medical marijuana dispensaries shall only operate between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday. Dispensaries may only receive product during daylight hours. Medical marijuana cultivation facilities may operate round the clock as needed, however product may only be shipped during daylight hours.

(Ord. 11-83, passed 4-19-2011) Penalty, see § 153.999

DESIGN AND DEVELOPMENT STANDARDS

§ 153.215 INTRODUCTION AND PURPOSE.

(A) The Town Vision 2028 states: "*People live in Dewey-Humboldt because they like a slower pace, more elbow room, and a more rural character.*" The purpose of the Design and Development Standards subchapter of the zoning regulations is to pursue the town's vision, encouraging its "sense of place" to be maintained during growth and development.

(B) The intent of this subchapter is to encourage building designs that are compatible with other buildings, historic buildings and older areas of the town, and which appeal to the small-town, country-living environment. It is also the intent of this subchapter to mitigate impact of non-compatible adjacent uses through screening, outside lighting control and other regulatory considerations.

(C) In order to preserve the small town, rural identity of the town, new non-residential construction

should address pedestrian orientation for usage and access as well as vehicular access; buildings need to be placed so as to visually contain the State Routes 69 and 169 corridors rather than expand the highway widths; parking should not dominate the frontage areas; and the aesthetics of building architectural styles and details must be considered significant factors.

(D) This subchapter addresses site/building orientation, parking setbacks and screening and building design and architectural styles, and makes