

**THE PLANNING & ZONING ADVISORY COMMISSION
FOR THE TOWN OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE
Thursday, September 6, 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, 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. **Notification of Resignation of Commissioner Andy Peters.**
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 August 9, 2012 Planning & Zoning Commission Meeting.
7. **Discussion Agenda – New Business.** Discussion and Possible Action.
 - 7.1. **Presentation by Steve Mauk, Yavapai County Development Services Director and Richard Parker, Prescott Valley Community Development Director.** A presentation on what is Planning and Zoning Commission's role as related to Zoning Codes.
 - 7.2. **Open Meeting Law and Emailing – Review of Attorney General Opinion I05-004.** For discussion and possible direction whether to submit a short list of questions to Ombudsman for clarification on Open Meeting Laws.
8. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which

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Page was not concluded, was postponed, or was tabled during a prior meeting.

21 **8.1. Review and compare Commissioner Clark's revised Sign Code versus the last version of the Sign Code.**

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 and Joint Session with P&Z: Tuesday, September 11, 2012 at 2:00 p.m.

Next Town Council Meeting: Tuesday, September 18, 2012 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, October 4, 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.

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
AUGUST 9, 2012, 6:00 P.M.**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, AUGUST 9, 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 6:04PM.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Made.
3. **Roll Call.** Commissioners 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. **Announcement of Glenn Allen's resignation from the Commission.** Chair Bowman informed the Commission that Glenn Allen submitted his resignation so there is now a vacancy on the Planning & Zoning Commission. He encouraged the other Commissioners to seek volunteers to join.
6. **Consent Agenda.**
 - 6.1. **Minutes.** Minutes from the July 5, 2012 Meeting. Commissioner Scarbrough made a motion to approve the July 5, 2012 minutes as presented, seconded by Commissioner Berry. The motion passed unanimously.
7. **Discussion Agenda – Unfinished Business.**
 - 7.1. **Comparative Sign Codes, under 10k population in Arizona.** Commissioner Clark volunteered to take the sign code, the version most recently revised by P&Z, and edit, revise, simplify it to make it easier reading, then submit it to the Commissioners for review at the September 6th P&Z meeting. Chair Bowman noted that Steve Mauk - Yavapai County, and Richard Parker - Prescott Valley, will be attending the September 6th P&Z meeting and will be speaking about sign codes. There was discussion on the joint P&Z/Town Council meeting which was moved to September 11, 2012 at 2PM; how to enforce the sign code until revised; non-conforming sign permit; current violations and process. Warren Colvin, Community Development Coordinator, stated he would speak with Town Manager Kimball for direction on handling sign code violations. There was discussion on larger signage for office complexes, commercial and industrial centers. The consensus of the Commissioners was to get the sign code revised as soon as practical.

Mark McBrady spoke on Open Meeting Law in regards to working on and revising the sign code; avoid situations where an outcome could be pre-determined.

Jerry Brady spoke on the importance of a 30-day public comment period for the purpose of receiving feedback from the public on the sign code.

8. Discussion Agenda – New Business.

8.1.HB 2500 – Campaign Signs. Mr. Colvin stated House Bill 2500 passed and political signs can be placed in public rights-of-way 60 days prior to an election. He clarified the date, noting the 60-day timeframe is based on the actual day of the election.

8.2.Amending Town Code Section 153.137 – Office Complexes, Commercial and Industrial Centers, to allow for larger signage. Commissioner Clark suggested including verbiage in the sign code to address this topic. The consensus of the Commissioners was to allow for larger signage and to wait to make any changes until the next meeting.

9. Public Hearing Agenda. None.

10.Commissioners’ Forum. Commissioner Berry suggested two future agenda items: establish some sort of historical imprint in regards to upper Main Street to set forth parameters for receiving/placing items; discussion on the legality of the Town’s General Plan.

11.Comments from the Public.

Mark McBrady spoke on considering the appropriateness of the sign to the size of the building; suggested the Town take an inventory of signs currently posted in Town; benefit of being able to see projects to scale before building commences.

Jerry Brady spoke on State Route 69 as a National Defense Highway, evacuation and emergency ingress/egress route and cannot have street cuts closer than three miles without exemptions; Dewey-Humboldt Historical Society in process of attaining 501c3 status; updating the Town’s General Plan.

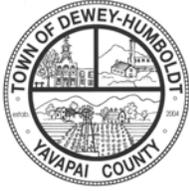
12.Town Planner’s Report. Mr. Colvin stated the Mortimer’s Corn Festival special event permit has been approved with conditions. He stated ADOT had concerns with traffic control and flow; traffic must be directed from Mortimer’s property.

13.Adjourn. The meeting was adjourned at 7:40PM.

Robert Bowman, Chairman

ATTEST:

Mandi Garfield, Administrative Assistant



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

MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION

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

Agenda Item #7.1. Presentation by Steve Mauk and Richard Parker

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

Date Submitted: August 22, 2012

Agenda Item: Presentation by Steve Mauk, Yavapai County Development Services Director and Richard Parker, Prescott Valley Community Development Director.

Recommendation: Informational only with Q&A from Commission on presentation. (No Public Comment)

Summary: Steve Mauk, Yavapai County Development Services Director and Richard Parker, Prescott Valley Community Development Director are giving a presentation on what is Planning and Zoning Commission's role as related to Zoning Codes. Speakers have asked to have no Public Comment in order to stay on point with the Commission.

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TOWN OF DEWEY-HUMBOLDT
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PLANNING AND ZONING COMMISSION REGULAR MEETING
September 6, 2012 – 6:00 Town Council Meeting Chambers

Agenda Item # 7.2.

To: Planning and Zoning Commissioners
From: Judy Morgan, Town Clerk

Date submitted: August 21, 2012 (agenda item requested by Chairman Bowman)

Agenda Item 8.2.: Open Meeting Law and Emailing – Review of Attorney General Opinion I05-004. For discussion and possible direction whether to submit a short list of questions to Ombudsman for clarification on Open Meeting Laws.

Recommended action: Review or possibly submit a short list of questions (not to exceed 5) for the Arizona Ombudsman's office to answer. Decide collectively the Commissions top priority questions related to Open Meeting Law for response from the Arizona Ombudsman's office.

Summary: Recently it has come to the attention of staff that there is some confusion regarding Open Meeting Law (A.R.S. § 38-431). I attempted to arrange training on Open Meeting Law but was told Kathryn Marquoit, Assistant Ombudsman for Public Access, and the trainer on OML, was not available to do so until early 2013. An email went out recommending commissioners watch the You-Tube video of OML training until such time as in-house training can be arranged, http://www.youtube.com/watch?v=ox9pm_b_D0w&feature=plcp as well as reviewing the FAQs on the Ombudsman's Open Meetings website. <http://www.azleg.gov/ombudsman/faq.asp>

Additional questions were raised regarding emailing to other members of a public body and how that might violate the Open Meeting Law. Upon review of the ombudsman's website regarding OML, a reference to an Attorney General opinion (I05-004) was discovered, which directly clarifies this issue. The link to this information (<http://www.azag.gov/opinions/2005/I05-004.pdf>) was added to the Town's website under Government/Departments/Town Clerk, and was emailed out to all public bodies of Dewey-Humboldt.

Chairman Bowman requested an agenda item be placed for this meeting to review that opinion.

Staff is offering to forward a short list of questions, compiled by the Commission, to the ombudsman's office if the Commission is looking for more clarification in this matter. I would recommend keeping the list to the top few, not to exceed 5, questions. Staff will bring back the response to the Commission once it is received.

Attachment: Attorney General Opinion I05-004 RE: OML and E-mail to and from Members of a Public Body

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL

ATTORNEY GENERAL OPINION by TERRY GODDARD ATTORNEY GENERAL July 25, 2005	No. 105-004 (R05-010) Re: Open Meeting Law Requirements and E-mail to and from Members of a Public Body
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To: Donald M. Peters, Esq.
Miller, LaSota & Peters
722 East Osborn Road, Suite 100
Phoenix, Arizona 85014

Pursuant to Arizona Revised Statutes (“A.R.S.”) §15-253(B), you submitted for review your opinion to the president of the Washington Elementary School District (“District”) Governing Board (“Board”) regarding electronic mail (“e-mail”) communications to and from members of the Board and Arizona’s Open Meeting Law (“OML”).

This Opinion revises your analysis to set forth some parameters regarding e-mail to and from members of a public body and is intended to provide guidance to public bodies throughout the State that are subject to the OML. *See* Ariz. Att’y Gen. Op. 198-006 at 2, n.2.

Question Presented

What are the circumstances under which the OML permits e-mail to and from members of a public body?

Summary Answer

Board members must ensure that the board's business is conducted at public meetings and may not use e-mail to circumvent the OML requirements. When members of the public body are parties to an exchange of e-mail communications that involve discussions, deliberations or taking legal action by a quorum of the public body concerning a matter that may foreseeably come before the public body for action, the communications constitute a meeting through technological devices under the OML. While some one-way communications from one board member to enough members to constitute a quorum would not violate the OML, an e-mail by a member of a public body to other members of the public body that proposes legal action would constitute a violation of the OML.

Analysis

The OML is intended to open the conduct of government business to public scrutiny and prevent public bodies from making decisions in secret. *See Karol v. Bd. of Educ. Trs.*, 122 Ariz. 95, 97, 593 P.2d 649, 651 (1979). “[A]ny person or entity charged with the interpretation [of the OML] shall construe any provision [of the OML] in favor of open and public meetings.” A.R.S. § 38-431.09. In addition, devices used to circumvent the OML and its purposes violate the OML and will subject the members of

the public body and others to sanctions.¹ See e.g. Ariz. Att’y. Gen. Ops. I99-022, n. 7; I75-7. These principles guide the analysis of the use of e-mails by members of a public body. E-mail communications to or from members of the public body are analyzed like any other form of communication, written or verbal, in person or through technological means.

A. An Exchange of E-mails Can Constitute a Meeting.

1. A Meeting Can Occur Through Serial Communications between a Quorum of the Members of the Public Body.

All meetings of public bodies must comply with the OML.² The OML defines a “meeting” as:

the gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action.

A.R.S. § 38-431(4).

The OML does not specifically address whether all members of the body must participate simultaneously to constitute a “gathering” or meeting. However, the requirement that the OML be construed in favor of open and public meetings leads to the conclusion that simultaneous interaction is not required for a “meeting” or “gathering”

¹ A.R.S. § 38-431-.07 (A) provides for penalties for violating the OML against not only members of the public body, but also against “[a person] who knowingly aids, agrees to aid or attempts to aid another person in violating [the OML].”

² A “public body” subject to the OML includes:

the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivisions. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, such public body.

A.R.S. § 38-431(6).

within the OML. “Public officials may not circumvent public discussion by splintering the quorum and having separate or serial discussions. . . . Splintering the quorum can be done by meeting in person, by telephone, electronically, or through other means to discuss a topic that is or may be presented to the public body for a decision.” *Arizona Agency Handbook* § 7.5.2. (Ariz. Att’y Gen. 2001) Thus, even if communications on a particular subject between members of a public body do not take place at the same time or place, the communications can nonetheless constitute a “meeting.” *See Del Papa v. Board of Regents*, 114 Nev. 388, 393, 956 P. 2d 770, 774 (1998) (rejecting the argument that a meeting did not occur because the board members were not together at the same time and place)³; *Roberts v. City of Palmdale*, 20 Cal. Rptr. 2d 330, 337, 853 P. 2d 496, 503 (1993) (“[A] concerted plan to engage in collective deliberation on public business through a series of letters or telephone calls passing from one member of the governing body to the next would violate the open meeting requirement.”)⁴

2. Discussion, Proposals and Deliberations Among a Quorum of a Public Body Must Occur at a Public Meeting.

A “meeting” includes four types of activities by a quorum of the members of the public body: discussing legal action, proposing legal action, taking legal action, and deliberating “with respect to such action[s].” A.R.S. § 38-431(4). Three of these activities necessarily involve more than a one-way exchange between a quorum of members of a public body.

³ Like the OML, Nevada’s open meeting law defines a “meeting” as a gathering of a quorum of members of the public body. Nev. Rev. Stat. 241.015(2).

⁴ This Office declines to follow *Beck v. Shelton*, 267 Va. 482, 491, 593 S.E.2d 195, 199 (2004) because of differences between Arizona’s law and Virginia’s. In *Beck*, the court concluded that “the term [‘assemble’] inherently entails the quality of simultaneity.” Further, the court observed that “[w]hile such simultaneity may be present when e-mail technology is used in a ‘chat room’ or as ‘instant messaging,’ it is not present

For example, the ordinary meaning of the word “discuss” suggests that a discussion of possible legal action requires more than a one-way communication. *See Webster’s II New College Dictionary* 385 (1994) (defining “discuss” as “to speak together about.”) Likewise, the term “deliberations” requires some collective activity. *See Ariz. Att’y Gen. Op. I97-012, citing Sacramento Newspaper Guild v. Sacramento Bd. of Supervisors*, 69 Cal. Rptr. 480, 485 (App. 1968) (reversed on other grounds). “Deliberations” and “discussions” involve an exchange between members of the public body, which denotes more than unilateral activity. *See Ariz. Att’y Gen. Op. I75-8; Webster’s* at 390 (“exchange” means “to take or give up for another”; “to give up one thing for another”; “to provide in return for something of equal value.”) Finally, “taking legal action” in the context of the OML requires a “collective decision, commitment or promise” by a majority of the members of a public body. A.R.S. § 38-431(3); *Ariz. Att’y Gen. Op. I75-7*.

Unlike discussions and deliberations, the word “propose” does not imply or require collective action. Webster’s defines “propose” as “to put forward for consideration, discussion, or adoption.” *Webster’s II New College Dictionary* at 944. A single board member may “propose” legal action by recommending a course of action for the board to consider. For example, the statement, “Councilperson Smith was admitted to the hospital last night” is not a proposal, but “We should install a crosswalk at First and Main” is a proposal. Thus, an e-mail from a board member to enough other members to constitute a quorum that *proposes* legal action would be a meeting within the OML, even

when e-mail is used as the functional equivalent of letter communication by ordinary mail, courier, or facsimile transmission.” *Id.*, 267 Va. at 490, 593 S.E. 2d at 199.

if there is only a one-way communication, and no other board members reply to the e-mail.⁵

3. An Exchange of Facts, as Well as Opinions, Among a Quorum of Members of a Public Body Constitutes a Meeting within the OML, if it is Reasonably Foreseeable that the Topic May Come Before the Public Body for Action in the Future.

Arizona's OML does not distinguish between communication of facts or opinions. An exchange of facts, as well as opinion, may constitute deliberations under the OML. *See* Ariz. Att'y Gen. Ops. I97-012, I79-4; I75-8.⁶ The term "deliberations" as used in A.R.S. § 38-431 means "any exchange of facts that relate to a matter which foreseeably might require some final action . . ." Ariz. Att'y Gen. Op. I75-78; *see also Sacramento Newspaper Guild*, 69 Cal. Rptr. at 485 (deliberation connotes not only collective discussion, but also the collective acquisition and exchange of facts preliminary to the final decision).

Of course, the OML applies only to an exchange of facts or opinions if it is foreseeable that the topic may come before the public body for action. *See Valencia v. Cata*, 126 Ariz. 555, 556-57, 617 P.2d 63, 64-5 (App. 1980); Ariz. Att'y Gen. Op. 75-8. The scope of what may foreseeably come before the public body for action is determined

⁵ It might be argued that because the definition of meeting refers to a gathering of a quorum at which *they* discuss, propose or take legal action, the definition only applies to proposals made by a quorum or circumstances in which more than one person actually makes a proposal. That interpretation, however, is inconsistent with the ordinary meaning of the word "propose" and with the process for proposing legal action for consideration by public bodies. It is also contrary to the directive that the OML be construed broadly to achieve its purposes.

⁶ Unlike Arizona, some states permit exchanges of information among a quorum of a public body outside of public meetings. *See* Fla. AGO 2001-20, 2001 WL 276605 (Fla. A.G.) ("[C]ommunication of information, when it does not result in the exchange of council members' comments or responses on subjects requiring council action, does not constitute a meeting subject to [Florida's sunshine law]). As in many other states, Florida's open meeting law is known as its "sunshine law."

by the statutes or ordinances that establish the powers and duties of the body. *See* Ariz. Att'y Gen. Op. 100-009.

4. Applying OML Principles to E-mail.

Few reported decisions discuss when the use of e-mail violates a state's open meeting law. In *Wood v. Battle Ground School District*, 107 Wash. App. 550, 564, 27 P. 3d 1208, 1217 (2001), the Washington Court of Appeals held that the exchange of e-mail messages may constitute a meeting within Washington's Open Public Meetings Act. While the court held that "the mere use or passive receipt of e-mail does not automatically constitute a 'meeting'," it concluded that the plaintiff established a *prima facie* case of "meeting" by e-mails because the members of the school board exchanged e-mails about a matter, copying at least a quorum and sometimes all of the other members. The court said, "[T]he active exchange of information and opinions in these e-mails, as opposed to the mere passive receipt of information, suggests a collective intent to deliberate and/or to discuss Board business." 107 Wash. App. at 566, 27 P. 3d at 1218.

Although the Washington Open Public Meetings Act is not identical to the OML, like the OML, it broadly defines "meeting" and "action," and includes the directive that the law be liberally construed in favor of open and public meetings. 107 Wash. App. at 562, 27 P. 3d at 1216. The holding of the court in *Wood* and its attendant analysis are, therefore, persuasive.

The available case law and Arizona's statutory language indicate that a one-way communication by one board member to other members that form a quorum, with no further exchanges between members, is not a *per se* violation of the OML. Additional facts and circumstances must be evaluated to determine if the communication is being

used to circumvent the OML. A communication that proposes legal action to a quorum of the board would, however, violate the OML, even if there is no exchange among the members concerning the proposal. In addition, passive receipt of information from a member of the staff, with nothing more, does not violate the OML. *See Roberts*, 20 Cal. Rptr. 2d at 337, 853 P. 2d at 503 (receipt of a legal opinion by members of a public body does not result in a meeting.); *Frazer v. Dixon Unified Sch. Dist.*, 18 Cal. App. 4th 781, 797, 22 Cal. Rptr. 2d 641, 657 (1993) (passive receipt by board members of information from school district staff is not a violation of the open meeting law).⁷

There are risks whenever board members send e-mails to a quorum of other board members. Even if the first e-mail does not violate the open meeting law, if enough board members to constitute a quorum respond to the e-mail, there may be a violation of the OML. In addition, a quorum of the members might independently e-mail other board members on the same subject, without knowing that fellow board members are also doing so. This exchange of e-mails might result in discussion or deliberations by a quorum that could violate the OML. Because of these potential problems, I strongly recommend that board members communicate with a quorum about board business at open public meetings, not through e-mails.

B. Hypotheticals Illustrating the Use of E-mail.

The analysis of the OML and e-mail is theoretically no different than analyzing other types of communications. To provide additional guidance, this Opinion will address

⁷ This office has also opined that, in the context of a Call to the Public, passive receipt of information does not constitute a meeting. Ariz. Att’y Gen. Op. 199-006.

OML applications to specific factual scenarios.⁸

- a. E-mail discussions between less than a quorum of the members that are forwarded to a quorum by a board member or at the direction of a board member would violate the OML.
- b. If a staff member or a member of the public e-mails a quorum of members of the public body, and there are no further e-mails among board members, there is no OML violation.
- c. Board member A on a five-member board may not e-mail board members B and C on a particular subject within the scope of the board's responsibilities and include what other board members D and E have previously communicated to board member A. This e-mail would be part of a chain of improper serial communications between a quorum on a subject for potential legal action.
- d. A board member may e-mail staff and a quorum of the board proposing that a matter be placed on a future agenda. Proposing that the board have the opportunity to consider a subject at a future public meeting, without more, does not propose legal action, and, therefore, would not violate the OML.
- e. An e-mail from the superintendent of the school district to a quorum of the board members would not violate the OML. However, if board members reply to the superintendent, they must not send copies to enough other members to constitute a quorum. Similarly, the superintendent must not forward replies to the other board members.
- f. One board member on a three-member board may e-mail a unilateral communication to another board member concerning facts or opinions relating to board business, but board members may not respond to the e-mail because an exchange between two members would be a discussion by a quorum.
- g. A board member may copy other board members on an e-mailed response to a constituent inquiry without violating the OML because this unilateral communication would not constitute discussions, deliberations or taking legal action by a quorum of the board members.
- h. An e-mail request by a board member to staff for specific information does not violate the OML, even if the other board members are copied on the e-mail. The superintendent may reply to all without violating the OML as long as that response does not communicate opinions of other board members. However, if board members reply in a communication that includes a quorum, that would constitute a discussion or deliberation and therefore violate the OML.

⁸ These hypotheticals assume that the e-mails are not sent by board members or at a board member's direction with the purpose of circumventing the OML and that any unilateral communications do not propose legal action.

- i. A board member may use e-mail to send an article, report or other factual information to the other board members or to the superintendent or staff member with a request to include this type of document in the board's agenda packet. The agenda packet may be distributed to board members via e-mail. Board members may not discuss the factual information with a quorum of the board through e-mail.

C. Measures to Help Ensure that the Public Body Conducts Its Business in Public.

Although it is not legally required, I recommend that any e-mail include a notice advising board members of potential OML consequences of responding to the e-mail. Possible language for a notice for e-mails from the superintendent or staff is as follows:

To ensure compliance with the Open Meeting Law, recipients of this message should not forward it to other members of the public body. Members of the public body may reply to this message, but they should not send a copy of the reply to other members.

Language for e-mails from board members could be the following:

To ensure compliance with the Open Meeting Law, recipients of this message should not forward it to other board members and board members should not reply to this message.

Although the OML does not require the above notice, such notification may serve as a helpful reminder to board members that they should not discuss or deliberate through e-mail.

It is also important to remember that e-mail among board members implicates the public records law, as well as the OML. E-mails that board members or staff generate pertaining to the business of the public body are public records. *See Star Publ'g Co. v. Pima County Attorney's Office*, 181 Ariz. 432, 891 P.2d 899 (App. 1994); *see also Arizona Agency Handbook* § 6.2.1.1 (Ariz. Att'y Gen. 2001). Therefore, the e-mails must be preserved according to a records retention program and generally be made available

for public inspection. A.R.S. §§ 39-121, 41-1436. Although the OML focuses on e-mails involving a quorum of the members of the public body, the public records law applies to any e-mail communication between board members or board members and staff. Public bodies might consider maintaining a file that is available for public inspection and contains any e-mails sent to and from board members. Ready access to this type of information helps ensure compliance with the legislative mandates favoring open government.

I encourage all public bodies to educate board members and staff concerning the parameters of the OML and the public records law to ensure compliance with these laws. E-mail is a useful technological tool, but it must be used in a manner that follows the OML's mandate that all public bodies propose legal action, discuss, deliberate, and make decisions in public.

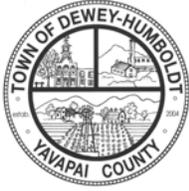
Conclusion

E-mail communications among a quorum of the board are subject to the same restrictions that apply to all other forms of communications among a quorum of the board. E-mails exchanged among a quorum of a board that involve discussions, deliberations or taking legal action on matters that may reasonably be expected to come before the board constitute a meeting through technological means. While some unilateral e-mail communications from a board member to a quorum would not violate the OML, a board member may not propose legal action in an e-mail. Finally, a quorum of the board cannot use e-mail as a device to circumvent the requirements in the OML.

Terry Goddard
Attorney General

450529

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

MEETING OF THE TOWN PLANNING & ZONING ADVISORY COMMISSION

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

Agenda Item # 8.1. Review and compare new Sign Code rewrite-vs- Sign Code previously submitted to Town Council.

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

Date Submitted: August 22, 2012 (Requested by Commissioner Clark)

Agenda Item: Review and Compare new Sign Code rewrite-vs- Sign Code previously submitted to Town Council.

Recommendation: Discuss any additions or deletions to new Sign Code rewrite.

Summary: Review and discuss any additions or deletions to new proposed Sign Code by Commissioner Clark and prepare for joint meeting with Town Council on September 11, 2012.

Attachments: New Sign Code as submitted by Commissioner Clark. Previously submitted Sign Code submitted to Town Council

DEWEY-HUMBOLDT SIGN CODE ROUGH DRAFT BY CLAIRE CLARK DATED August 19, 2012
§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.

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.

FLAG: Any fabric or banner containing distinctive colors, patterns, or symbols used as a symbol of a government, whether state, federal or local.

EMBLEM: A symbol representing any government, whether state, federal or local.

POSTER: A temporary bill or placard for advertising community events.

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.

PAD and PUD: (Need definition)

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, 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, 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

(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.

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, 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, 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, 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.

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 *Night 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.
- ??? Is this what we want? Does this work? (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 boarder 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.*
- (N) ANY SIGN TYPE THAT IS NOT INCLUDED IN THIS SIGN CODE SHALL BE BROUGHT BEFORE THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION FOR REVIEW.**
- (O) THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION RESERVES THE RIGHT TO BRING BEFORE IT THE OWNER OF ANY SIGN, (NEW, PERMITTED OR EXISTING) THAT PROVES TO BE A CAUSE FOR CONCERN FOR THE TOWN OR FOR ANY MEMBER OF THE PLANNING AND ZONING COMMISSION. THE COMMISSION RESERVES THE RIGHT TO ACT ON THE STATUS OF ANY SUCH SIGN.**

**CLAIRE CLARK EDITTED TABLES
§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
All Political Signs shall comply with State of Arizona House Bill 2500				
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	16 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)	Wall or ground-mounted standard	No Limit. Install 60 days prior to election- Remove w/in 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. Install 60 days prior to election-	32 Sq. Ft. Max.	

Descriptions & Districts	Type	Number Permitted	Area & Height	Permit Required?
		Remove w/in 15 days of last day of vote casting		

§153.129 SPECIAL PURPOSE SIGNS

Descriptions & Districts	Type	Number Permitted	Area & Height	Lighting Allowed?	Permit Required?
Directory or Informational Signs Permitted in all zoning districts.	Wall or Ground-mounted standard which can be double-sided.	1 per sign for each building entrance and exit from a parking area.	Max. 32 sq. ft. Max. 20 ft. high	Yes – Refer to Dewey-Humboldt Night Sky Code for restrictions	Y

§153.129 SPECIAL PURPOSE SIGNS (CONT'D)

Descriptions & Districts	Type	Number Permitted	Area & Height	Lighting Allowed?	Permit Required?
Property signs for all properties except those abutting highways Permitted in all zoning districts Unlighted Shall not impede traffic and shall not be located in any public ROW	Wall or Freestanding	1 each – on each street frontage.	Max. 18 sq. ft. Max. 8 ft. high	No	N To be removed w/in 30 days of sale or rental.
Property Signs for Properties abutting Highways Only permitted adjacent to ROW at least 150 feet wide. Permitted in all zoning districts Unlighted	Wall or Freestanding	1 sign per ROW frontage	32 sq. ft. and 8 ft. in height Property to be at least 2 acres.	No	Y To be removed w/in 30 days of sale.

§153.129 SPECIAL PURPOSE SIGNS (CONT'D)

Descriptions & Districts	Type	Number Permitted	Area & Height	Lighting Allowed?	Permit Required?
Construction Signs Permitted in all zoning districts. Unlighted	Unspecified	1 each for each construction site.	Max. 24 sq. ft. Max. 8 ft. high	No	Y
Subdivision Signs	Freestanding	Up to 5 signs	100 sq. ft. aggregate total. 12 ft. in height maximum	Yes – Refer to Dewey-Humboldt Night Sky Code for restrictions	Y 2-year duration. Requires a Use Permit thereafter.

§153.130 OFF-PREMISE SIGNS

Descriptions & Districts	Type	Number Permitted	Area & Height	Lighting Allowed?	Permit Required?
Off-Premise Signs	Ground-mounted, not to be constructed on more than three supports.	Must be min. of 200 ft. of a residential zoning district.	Max. 160 sq. ft. max. Max. 20 ft. in height max.	Yes, lighting shall be either internal or by indirect source per Dewey Night Sky Code	Y
Temporary Off-Premise Signs for Community Events, Festivals & Similar Public	Banners or other temporary means of advertising.	Signs may be placed within or across a public ROW with the Town's authorization	Max. 48 sq. ft. Max. 8 ft. high	No	Y

§153.131 SIGN REGULATIONS FOR USE DISTRICTS

Descriptions & Districts	Type	Number Permitted	Area & Height	Lighting Allowed?	Permit Required?
Residential	Name Plate (a)	1	Max. 10 4 sq. ft. Max. 8 ft. in height	Yes - Refer to Dewey-Humboldt	N

				Night Sky Code for restrictions	
Multi-family (for more than four units – for less than four units see residential above)	Wall or Freestanding	1 per street frontage	Max. 16 sq. ft. Max. 10 ft. in height	Yes - Refer to Dewey-Humboldt Night Sky Code for restrictions	Y
Subdivision	Monument	2	Max. 120 sq. ft. each , Max. 6 ft. in height	Yes - Refer to Dewey-Humboldt Night Sky Code for restrictions	Y
Commercial, Education, Religious, Industrial	Wall or Freestanding which can be dbl. sided	2 total - 1 wall & 1 freestanding- 3 total allowed if more than 5 acres of frontage on two roads then 2 freestanding signs will be allowed	Wall signs: Max. 100 sq. ft. No height restriction Freestanding signs: Max. 80 sq. ft. Max. 10 ft. high	Yes - Refer to Dewey-Humboldt Night Sky Code for restrictions	Y
Shopping Center Signs (for more than 3 stores joined together)	Freestanding	1 on each road frontage	Max. 150 Sq. ft. Max. 20 ft. high	Yes - Refer to Dewey-Humboldt Night Sky Code for restrictions	Y

§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	

Applicable Foot Notes:

- (a) A name plate sign identifying the occupant, occupant’s profession or title and the address of the dwelling.
- (b) Attached signs shall be on the occupants building only.
- (c) Awning signs shall only be allowed on the ground floor of a building.
- (d) 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.

§ 153.136 SIGN REGULATIONS, MOBILE HOME, TRAVEL TRAILER AND RECREATIONAL VEHICLE PARKS.

(A) Signs placed or maintained within any mobile home park are subject to all the regulations set forth under § 153.131(A)(1).

(1) Permanent mobile home park entrance signs shall comply with the regulations set forth under § 153.131(A)(3) (subdivision signs).

(2) Signs identifying travel trailer parks and recreational vehicle parks are subject to all the regulations set forth under § 153.132 for light commercial districts (RS, C1) or under § 153.133 for medium commercial districts (C2), depending on the zone in which the park is placed.

(Ord. § 601(J), 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) 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) Nature of the proposed use of the sign and premises;

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

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

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

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

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

(9) 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).

(10) A (signed) elevation view, with dimensions and approximate copy ad design, of the sign(s) faces;

(11) Such other information as the Zoning Administrator may require for the purpose of determining whether the application complies with the subchapter requirements;

(12) Name, address and phone number of property owner and agent, if any; and

(13) 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.

FOR REFERENCE SEE DEWEY-HUMBOLDT NIGHT SKY CODE FOLLOWING:



TOWN OF DEWEY-HUMBOLDT
P.O. BOX 69
HUMBOLDT, AZ 86329
Phone 928-632-7362 ▪ Fax 928-632-7365

The Town of Dewey-Humboldt has taken a pro-active role in the preservation of the night-sky through our Planning and Zoning Ordinance (08-44) Section 603 (Light Pollution Control).

In part: All light fixtures, including security lighting, shall be **aimed or shielded** so that the direct illumination shall be confined to the property boundaries of the source. Particular care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road.

Motion sensing lighting fixtures shall be properly adjusted, to turn off when detected motion ceases. Motion sensing lights can be turned to “constant ON” for the purposes of illuminating yard areas for private recreational activities so long as they are turned to their automatic setting at the conclusion of the activity.

Installation of new mercury vapor light fixtures has been prohibited since May of 1985.

Landscaping up-lighting may be acceptable, but must be approved by the Development Services Director.

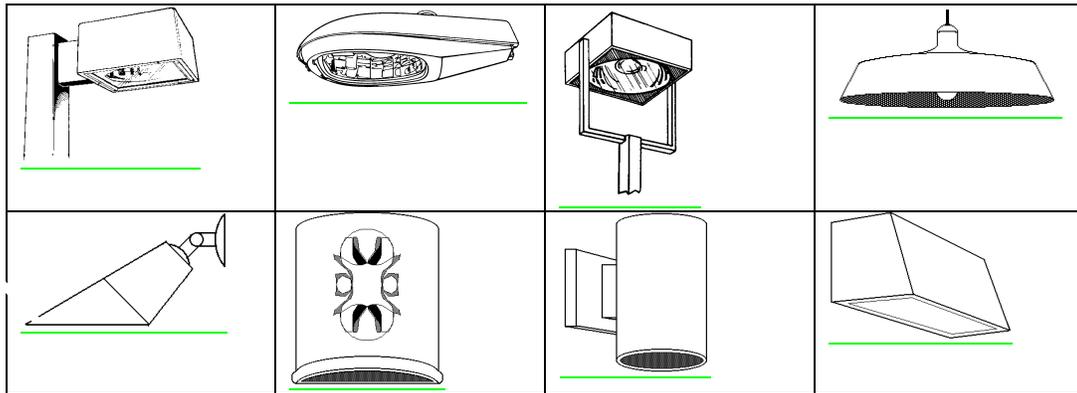
Applicant is to provide manufacturer’s cut-sheet/catalog information detailing fixture shielding and lumen output of bulbs to be installed, and where required, a drawing/illustration of the proposed shielded fixture upon application for a building permit requiring exterior lighting.

Lighting amount:	< ½ acre	7,500 Lumens
	½ to 1 acre	10,000 Lumens
	1 and greater	20,000 Lumens

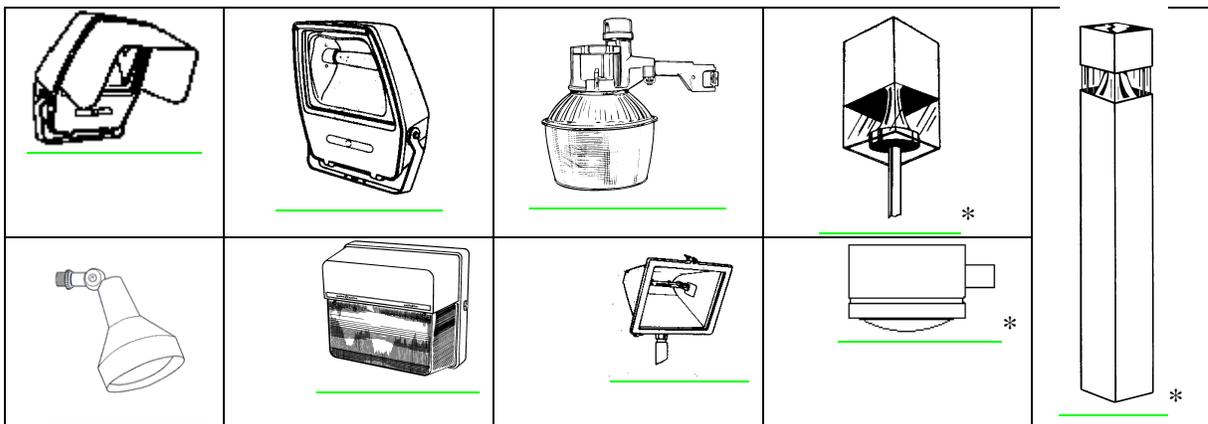
Note: Lumen is the unit used to measure the actual amount of visible light, which is produced by a lamp. Typical generic incandescent bulbs (W=Watt and L=Lumen)

60W = 840L, 75W = 1,125L, 100W = 1600L, 150W = 2,780L, 300W = 4,620L

Below are examples of fixtures that are Fully Shielded (Note: To be fully shielded these fixtures must be closed on top and mounted such that the bottom opening is horizontal).



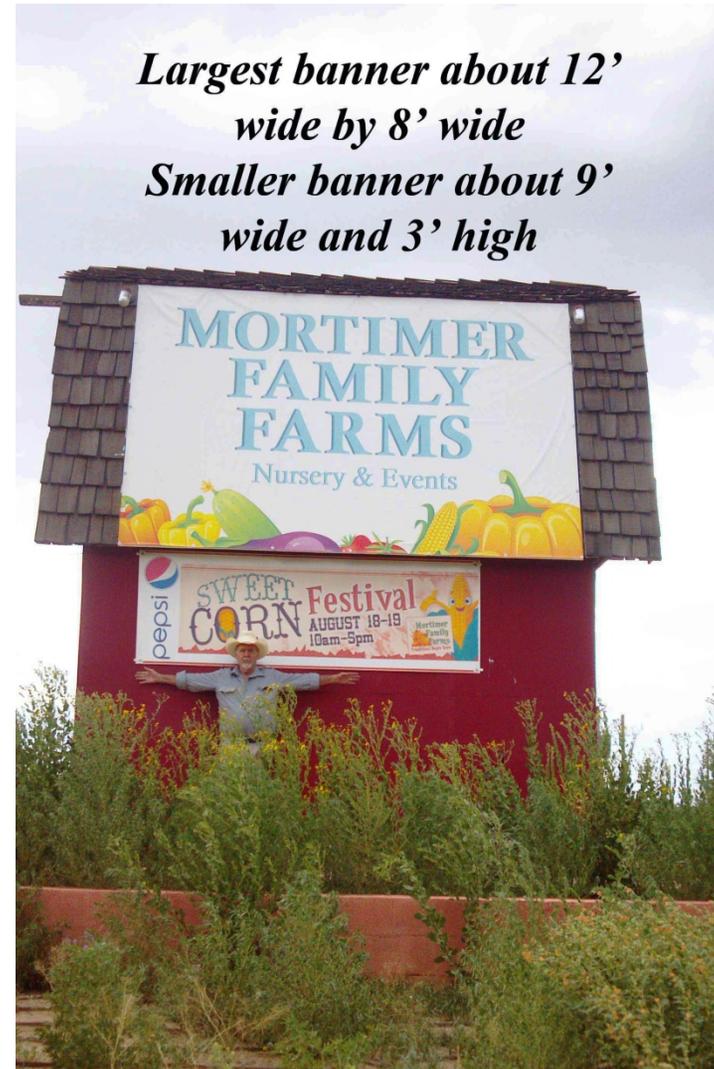
Examples of fixtures that are NOT Fully Shielded:



*Note: even though the lamp in these fixtures is shielded from direct view when viewed from the side or above, reflective surfaces within the fixture and or lens covers *are* directly visible from the side.

If you should have questions please call 632-7362 for clarification. For commercial applications or further details you may research Town Code, Chapter 153, Zoning Regulations on the Town's website at www.dhaz.gov.

PHOTOS TAKEN FOR RESEARCH, AND REFERENCE FOR THE PLANNING AND ZONING COMMISSION AND POSSIBLY,
FOR USE AS EXAMPLES IN THE SIGN CODE



B A N N E R S

*Banner:
2' x 6'*



*Banner
30" x 8'???*

BANNERS



*2 banners - 4' wide
by 2' high each*

BANNERS

BILLBOARD APPROX.

8' X 15'???



BILLBOARD

30' wide by approx. 8' high

Back Street
Farmers Market & Bazaar
Produce • Crafts • Gifts • Food • Family Fun

TURN HERE Saturday & Sunday 8AM - 5PM
www.backstreetmarket.com

★ AMERICAN ★

BILLBOARD



CENTER SIGNS



CENTER SIGN



FREESTANDING SIGN



FREESTANDING SIGNS



INFORMATIONAL SIGN??
18" x 24" - 6' HIGH
On private property



FREESTANDING SIGN

INFORMATIONAL SIGN



***Monument Sign
10' wide by 9' high***



***MONUMENT SIGN FOR SUBDIVISION
28' WIDE BY 8' HIGH***

*Monument Sign
4'-6" x 10'-0": high*



*OFF-PREMISES SIGN
8' WIDE BY 3' TALL*



REAL ESTATE SIGNS



REALTY SIGN
8'-6" X 4'
7' TALL



SANDWICH BOARDS



WALL MOUNTED



WALL MOUNTED WITH BANNERS TEMPORARILY ATTACHED

Wall mounted: 5' wide by 3' tall



Wall Mounted 16' x 6'



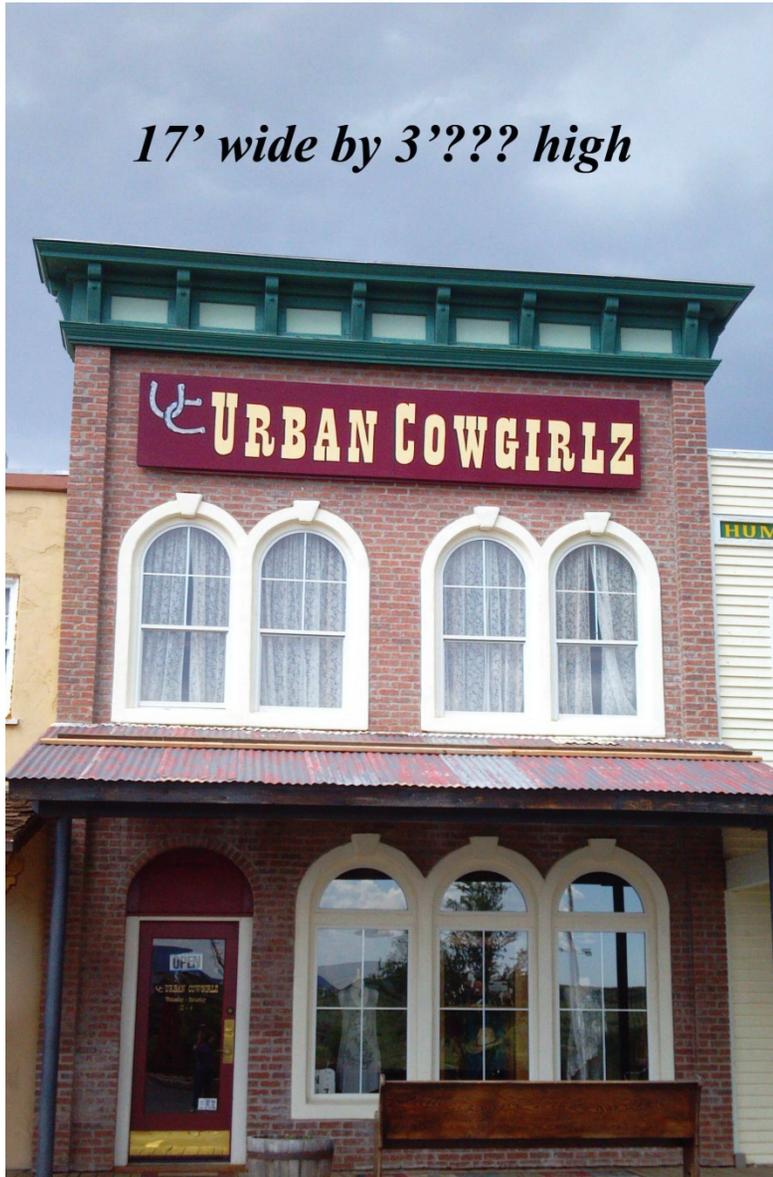
155 sq. ft.



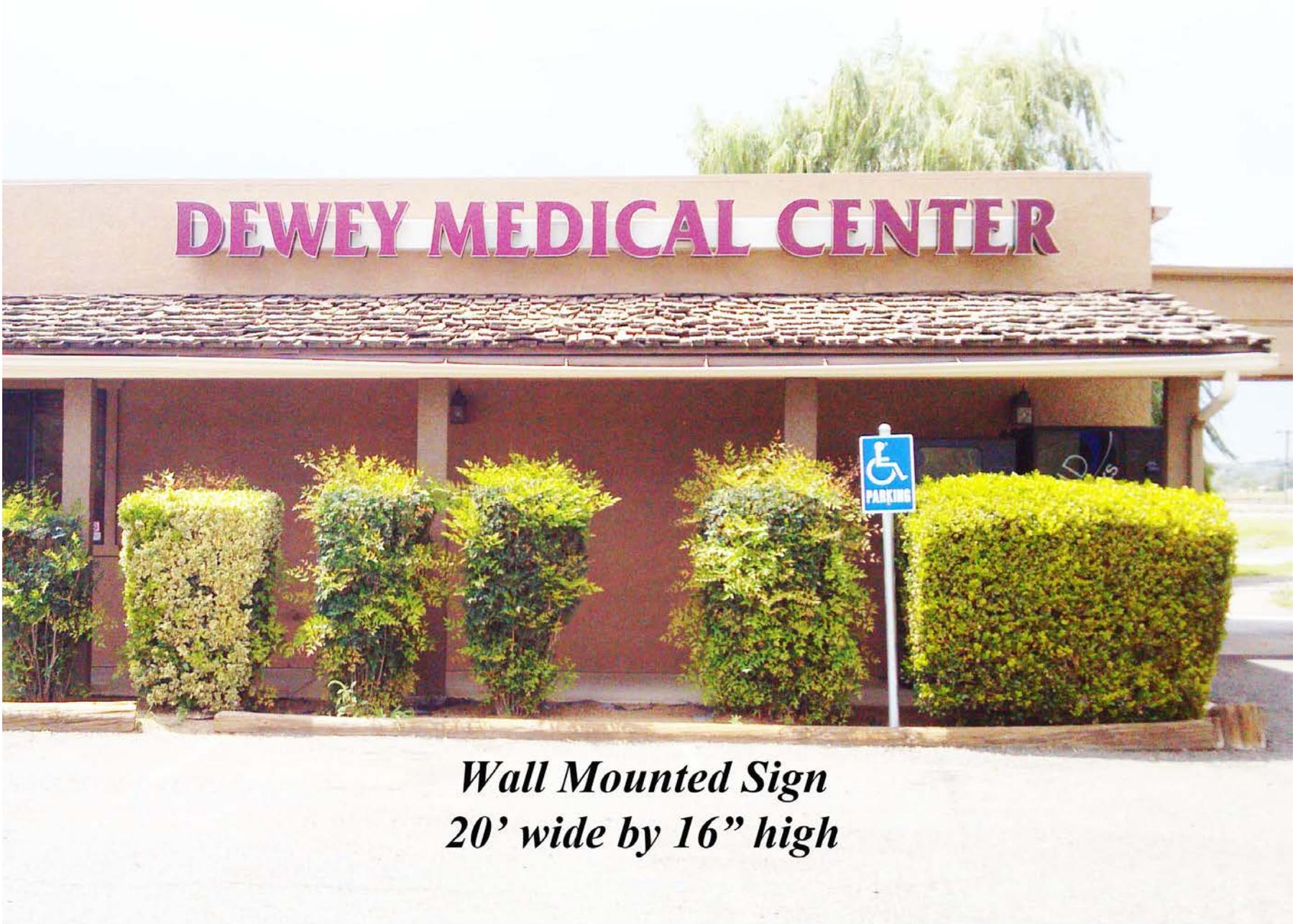




17' wide by 3'??? high



WALL MOUNTED



*Wall Mounted Sign
20' wide by 16" high*

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.

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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.

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POSTER: A temporary bill or placard for advertising community events.

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 eight-foot top height and contain a maximum of two supports with a maximum 12-inch diameter each (see accompanying diagram Figure 13).

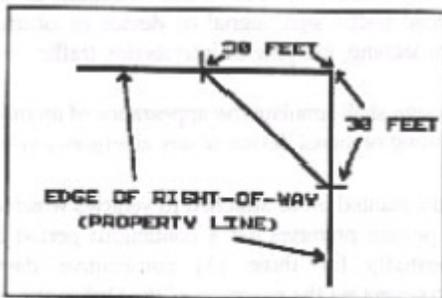


Figure 13

- (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 boarder 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	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. The allowed aggregate sign area less the combined areas of the freestanding and portable signs.	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>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?
<p>C3, M1, M2, Commercial & Industrial</p>	<p>Wall (c,d,e,f,h,)</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 less than 60 sq. ft. or more than 160 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 except if located at interstate freeway interchanges where the height may not exceed 30 feet.</p>	<p>Y</p>
	<p>Window (i,j)</p>	<p>Varies with number of windows</p>	<p></p>	<p>N</p>
	<p>Off-Premise</p>	<p>Varies</p>	<p>Max. Area + 160 sq. ft. Max. Height = 20 feet. (See. §153.130)</p>	<p>Y</p>
	<p></p>	<p>1 per entrance to community from highway. May be placed within or across ROW with authorization</p>	<p>Banners or other temporary means of advertising for purposes of identifying community events etc.</p>	<p>Y No Fee</p>

§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	

§ 153.136 SIGN REGULATIONS, MOBILE HOME, TRAVEL TRAILER AND RECREATIONAL VEHICLE PARKS.

(A) Signs placed or maintained within any mobile home park are subject to all the regulations set forth under § [153.131](#)(A)(1).

(1) Permanent mobile home park entrance signs shall comply with the regulations set forth under § [153.131](#)(A)(3) (subdivision signs).

(2) Signs identifying travel trailer parks and recreational vehicle parks are subject to all the regulations set forth under § [153.132](#) for light commercial districts (RS, C1) or under § [153.133](#) for medium commercial districts (C2), depending on the zone in which the park is placed.

(Ord. § 601(J), passed 9-4-2008)

§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) Awning signs shall only be allowed on the ground floor of a building.
- (j) A Comprehensive Sign Plan Permit shall be required for signs on upper level stories of buildings exceeding two stories.
- (k) 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.
- (l) 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) Nature of the proposed use of the sign and premises;

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

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

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

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

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

(9) 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).

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