

**THE PLANNING & ZONING ADVISORY COMMISSION  
FOR THE TOWN OF DEWEY-HUMBOLDT  
REGULAR MEETING NOTICE  
Thursday, September 7, 2017 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.** Chair Victor Hambrick, Vice Chair Jeff Siereveld, Commissioners Lori Crofutt, Rich Schauwecker, Karen Brooks
4. **Informational Reports.** Individual members of the Commission and public may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the Commission and public of such events, actions or activities. The Commission will take no discussion, consideration, or action on any such item except that an individual member of the Commission may request an item be placed on a future agenda.
5. **Planner's Update on current events and activities.** No discussion, deliberation or legal action can occur.
  - 5.1. **Community Planner's Report.**
  - 5.2. **Resignation of Penney Hubbard from Commission.**
6. **Consent Agenda.** All matters listed under the Consent Agenda are considered to be routine by the Commission and will be enacted by one motion. Any item may be removed from the Consent Agenda for separate consideration at a Commissioner's request. If a citizen desires separate consideration of an item, he or she should approach a Commissioner prior to the meeting and ask that the Commissioner request that the item be removed.
  - 6.1. **Minutes.** Minutes from the July 6, 2017, Planning & Zoning Regular Meeting.
7. **Discussion Agenda –New Business.** Discussion and Possible Action on matters not previously presented to the Commission.
8. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

## 8.1 Discussion and possible action on departure of Commissioner Luiz Chavez.

### 9. Public Hearing Agenda.

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**9.1 MGPA-17-001 Request for a Minor Amendment to the General Plan to change the Land Use Designation of Assessor's Parcel Numbers 402-002-003R, 402-02-003T, 402-02-003V and 402-02-003W from Low Density Residential to Community Core.**  
Possible approval, rejection, or modification.

25

**9.2 ZDC-17-001 Request for a Zoning District Change to change the Zoning District designation of Assessor's Parcel Numbers 402-002-003R, 402-02-003T, 402-02-003V and 402-02-003W from R1L-70 to C-2.** Possible approval, rejection or modification.

35

**9.3 ZTC-17-001 Request to amend the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations by repealing Subchapter Sign Code, and by adopting by reference the "Town of Dewey-Humboldt Sign Code, dated September 19, 2017".**  
Possible approval, rejection or modification.

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

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**10. 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. A 3-minute time limit may be imposed on individuals within this total. The audience is asked to please be courteous and silent while others are speaking.

### **11. Adjourn.**

#### **For Your Information:**

Next Town Council Work Session: Tuesday September 12, 2017 at 2:00 p.m.

Next Town Council Meeting: Tuesday, September 19, 2017 at 6:30 p.m.

Next Planning & Zoning Commission Meeting: Thursday, October 5, 2017 at 6:00 p.m.

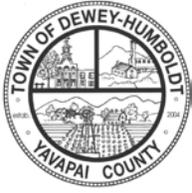
If you would like to receive Town Council agendas via email, please sign up at [AgendaList@dhaz.gov](mailto:AgendaList@dhaz.gov) and type Subscribe in the subject line, or call 928-632-7362 and speak with Julie Gibson, Town Clerk.

#### **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 31st day of August, 2017, 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**  
**P.O. BOX 69**  
**HUMBOLDT, AZ 86329**  
**Phone 928-632-8643 • Fax 928-632-7365**

## MEMO

Date: August 31, 2017

To: Planning & Zoning Commission

From: Steven Brown, Community Planner

Re: Staff Report P & Z Meeting of September 7, 2017

### 5.1 Resignation of Penney Hubbard from Commission

On July 27, 2017 the Town received the resignation of Penney Hubbard from the Planning and Zoning Commission. Ms. Hubbard has accepted an employment position that takes her away from Dewey-Humboldt.

- 8.1 The Commission has asked to have a possible action item on their agenda to allow them to vote on a recommendation to the Council on the membership of Luiz Chavez.

### 9. Public Hearing #: Public Hearing Agenda.

#### 9.1 ITEM #: MGPA-17-001

**Request:** Request for a Minor Amendment to the General Plan to change the Land Use Designation of Assessor's Parcel Numbers 402-002-003R, 402-02-003T, 402-02-003V and 402-02-003W from Low Density Residential to Community Core. Public Hearing Notice was published in the Prescott Courier (a newspaper of general circulation in the Dewey-Humboldt area), on the 19<sup>th</sup> day of August, 2017, was sent by first class mail to all of the property owners within 300 feet of the subject parcels, and was posted on the regular public posting sites in the Town of Dewey-Humboldt, all at least 15 days prior to the scheduled hearing, in compliance with ARS 9-462.04.

#### **Background:**

The applicants have operated Cherry Creek Ranch Event Center since purchasing the property in 2013. Cherry Creek was first granted a Use Permit from Yavapai County on June 9, 1997, under a series of stipulations. One of the stipulations called for the review of the Use Permit every five (5) years. During the most recent 2017 review of the Use Permit, staff discovered that many of the uses that have become part of the offerings at Cherry Creek Ranch, are expressly prohibited in the R1L-70 zoning district where the Event Center is situated.

- Public Recitals, concerts or dances
- Intoxicating Beveridge sale on site (although a Series 7 Liquor License has apparently been issued and renewed since 1997.
- General retail sales and service or other uses that cater to the general public.

As a result of this coming to light, the applicants have determined to seek a re-zoning from the existing R1L-70 district to a C-2 district that would allow the potentially problematic uses that have apparently become the staple of the Event Center.

**Major or Minor Amendment:**

The General Plan includes the Cherry Creek Ranch property within the Low Density Residential Land Use Designation with a target density of one (1) dwelling per 70,000 sq. ft. (almost two acres).

Therefore in order to consider a re-zoning from the R1L-70 district to a C-2 district, the applicants must first obtain a **Minor General Plan Amendment** to a General Commercial Land Use Designation.

*Criteria defining Minor Amendments:*

- *All proposed changes that are not classified as Major Amendments shall be considered a Minor Amendment, e.g., minor text changes and map adjustments or corrections that do not impact the land use balance of the General Plan.*

*Criteria defining Major Amendments:*

- *Any change that increases the density or intensity of a single parcel of land that is **greater than thirty (30) acres in size.***
- *Any change where there is an observed cumulative impact that increases the density and/or intensity of an area comprised of multiple parcels of land that exceed thirty (30) acres in total size.*
- *Any change to an arterial or collector street depicted on the General Plan Circulation map (other than minor shifting or realignment to accommodate site conditions).*
- *Any text amendment that substantially alters the intent of the General Plan.*

At 18.29 acres, this proposal is well below the threshold of 30 acres, no other parcels are being considered in this change, and no changes are proposed to arterial or collector streets and does not propose to alter the intent of the General Plan. Therefore this request falls within the criteria for a Minor General Plan Amendment.

**Location:**

Cherry Creek Ranch is located on the southwest corner of Foothill Rd. and State Route 169. Foothill Rd. is designated in the Town of Dewey-Humboldt Circulation Plan as an Existing Public Collector, and also as a Potential Alternative Connector Corridor which experiences average daily traffic volumes in the range of 700 - 1500. State Route 169 is a major arterial for the region experiencing high traffic volumes averaging daily trips in the range of 9,000-9500.

**Assessment:**

There is a C2-4 zoning district running for nearly ¼ mile on either side of State Route 169 from the Prescott Valley Town boundary to within approximately 100 feet of the applicant's property. It seems to suggest that the intent of the Town as realized by their zoning, is that property fronting along the State Routes are appropriate for commercial development. Additionally, sound planning would dictate that the intersection of a major arterial and a Public Collector could be an appropriate location for the development of a commercial node. Commercial

developers, certainly would find this location attractive, and the Town may want to keep this in mind, during the upcoming update of the General Plan.

**Consistency with General Plan:**

The 2009 General Plan Circulation Element provides Roadway Designations in three (3) main classifications.

- Arterial Streets – designed to handle large volumes of traffic. At present, only SR 69 and SR 169 are classified as arterial streets. Typically arterial streets have right-of-way widths of at least 100 feet.
- Collector Streets – with typical rights-of-way of at least 60 feet, act as a network of feeder roadways which funnel traffic from narrower residential street to arterial streets and highways.
- Local Streets – are roadways set in neighborhoods. They are meant to serve low volumes in these smaller geographic areas.

This property fronts on both the SR 69 arterial street, and the Foothill Dr. Major Collector, positioning it well to take advantage of the high traffic volumes that are attractive to commercial interests, and where wide rights-of-way allow for improvements that can be provided to facilitate smooth traffic flow.

**Comments Received:**

**Opposed – 1 (see attached)**

**Favoring - 0**

**Recommendation:**

Staff, following review of this proposal, recommends that the Planning and Zoning Commission recommend to the Town Council, approval of the Minor General Plan Amendment.

**9.2 ITEM #: ZDC-17-001**

**Request:** Request for a Zoning District Change to change the Zoning District designation of Assessor’s Parcel Numbers 402-002-003R, 402-02-003T, 402-02-003V and 402-02-003W from R1L-70 to C-2. Public Hearing Notice was published in the Prescott Courier (a newspaper of general circulation in the Dewey-Humboldt area), on the 19<sup>th</sup> day of August, 2017, was sent by first class mail to all of the property owners within 300 feet of the subject parcels, and was posted on the regular public posting sites in the Town of Dewey-Humboldt, all at least 15 days prior to the scheduled hearing, in compliance with ARS 9-462.04.

**Background:**

The applicants have operated Cherry Creek Ranch Event Center since purchasing the property in 2013. Cherry Creek was first granted a Use Permit from Yavapai County on June 9, 1997, under a series of stipulations. One of the stipulations called for the review of the Use Permit every five (5) years. During the most recent 2017 review of the Use Permit, staff discovered that many of the uses that have become part of the offerings at Cherry Creek Ranch, are expressly prohibited in the R1L-70 zoning district where the Event Center is situated.

- Public Recitals, concerts or dances

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As a result of this coming to light, the applicants have determined to seek a re-zoning from the existing R1L-70 district to a C-2 district that would allow the potentially problematic uses that have apparently become the staple of the Event Center.

**Location:**

Cherry Creek Ranch is located on the southwest corner of Foothill Rd. and State Route 169. Foothill Rd. is designated in the Town of Dewey-Humboldt Circulation Plan as an Existing Public Collector, and also as a Potential Alternative Connector Corridor which experiences average daily traffic volumes in the range of 700 - 1500. State Route 169 is a major arterial for the region experiencing high traffic volumes averaging daily trips in the range of 9,000-9500.

**Assessment:**

There is a C2-4 zoning district running for nearly ¼ mile on either side of State Route 169 from the Prescott Valley Town boundary to within approximately 100 feet of the applicant’s property. It seems to suggest that the intent of the Town as realized by their zoning, is that property fronting along the State Routes are appropriate for commercial development. Additionally, sound planning would dictate that the intersection of a major arterial and a Public Collector could be an appropriate location for the development of a commercial node. Commercial developers, certainly would find this location attractive, and the Town may want to keep this in mind, during the upcoming update of the General Plan.

**Comments Received:**

**Opposed – 1 (see attached)**

**Favoring - 0**

**Recommendation:**

Staff, following review of this proposal, recommends that the Planning and Zoning Commission recommend to the Town Council, approval of the Zoning Change if the Minor General Plan Amendment has previously passed.

**9.3 ITEM #: ZTC-17-001**

**Request:** To amend the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations by repealing Subchapter Sign Code, and by adopting by reference the “Town of Dewey-Humboldt Sign Code, dated September 19, 2017”. Public Hearing Notice was published in the Prescott Courier (a newspaper of general circulation in the Dewey-Humboldt area), on the 19<sup>th</sup> day of August, 2017, was sent by first class mail to all of the property owners within 300 feet of the subject parcels, and was posted on the regular public posting sites in the Town of Dewey-Humboldt, all at least 15 days prior to the scheduled hearing, in compliance with ARS 9-462.04.

**Background:**

Revisions to the Chapter 153.125 of the Town of Dewey-Humboldt Town Code were needed due to the legal issues raised by the US Supreme Court decision in *Reed v. Gilbert*. Our attorneys sent revisions to the Town on April 29, 2016. In April 2017, the attorneys were advised by the Town Manager that the Town wanted to hold off on final completion since there was some controversy and discussion among cities and towns as to whether the *Reed v. Gilbert* decision applied to commercial signs and the Town Manager did not want Dewey-Humboldt to be the first town in Arizona to amend its code. In mid-July of this year, the Town Manager and attorneys spoke again about finishing the Sign Code revisions and set the schedule for approval.

Attached is a copy of a Supreme Court Summary for your information and to serve as further background on how we got to this point and proposed amendments.

**Comments Received:**

**Opposed - 0**

**Favoring - 0**

**Recommendation:**

Staff, following review of this proposal, recommends that the Planning and Zoning Commission recommend to the Town Council, approval of the amendment to the Sign Code.

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**TOWN OF DEWEY-HUMBOLDT  
PLANNING AND ZONING ADVISORY COMMISSION  
REGULAR MEETING MINUTES  
JULY 6, 2017**

**A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, JULY 6, 2017 AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA, CHAIR VICTOR HAMBRICK PRESIDED**

1. **Call to Order.** The meeting was called to order at 6:00 p.m. by Chair Victor Hambrick.
2. **Opening Ceremonies.**
  - 2.1. **Pledge of Allegiance.** Commissioner Schauwecker led the pledge.
3. **Roll Call.** Commissioners: Karen Brooks, Penney Hubbard, Rich Schauwecker; Chair Victor Hambrick were present. Commissioner Lori Crofutt and Vice Chair Jeff Siereveld were absent.
4. **Informational Reports.** Individual members of the Commission and public may provide brief summaries of current events and activities.

Commissioner Hubbard thanked the firefighters and volunteers for their hard work on the Goodwin Fire. She congratulated Julie Gibson on her appointment to the position of Town Clerk.

Commissioner Schauwecker recognized Steven Brown, Community Planner, for his diligence and work on the Firewise Committee and believes that this involvement had a positive effect in the prevention of some homes burning through the awareness lent by the Firewise committee.

5. **Planner's Update on current events and activities.** No discussion, deliberation or legal action can occur.

**5.1. Community Planner's Report**

Steven Brown, Community Planner (CP), reported that efforts to provide emergency access out of the Blue Hills area, has picked up steam, unfortunately, due to the Goodwin Fire. Bureau of Land Management (BLM) is very excited to help D-H accomplish the connector road in the Blue Hills area. CP Brown noted there is meeting scheduled on July 11, 2017, of all the fire management teams, BLM and State Forestry, to come together and see what is needed to accomplish this project. There are a couple private easements to gain access as part of the overall connector. Letters have gone out to property owners to invite them to come in and talk with the Town to see what is possible. BLM has seen how important this issue is, as they were in the area trying to fight fires, and saw the situation firsthand. CP Brown clarified that the meeting is at 8:30 a.m. on July 11, 2017, it is not a Firewise Meeting, Town Hall is providing a space for those teams to come together and discuss this project.

6. **Consent Agenda.**

**6.1. Minutes.** Minutes from the June 8, 2017 Planning & Zoning Regular Meeting. Commissioner Schauwecker approved the minutes with the correction of the signature line name, seconded by Karen Brooks. The motion passed unanimously.

7. **Discussion Agenda –New Business.** Discussion and Possible Action on matters not previously presented to the Commission.

Commissioner Schauwecker asked to bring forth new business regarding the resignation of a commission member.

CP Brown spoke of the Town Clerk bringing to his attention that this would need to be an agenda item as it is new business. There was Commission discussion regarding the member's purported intention to resign and their past attendance record. CP Brown pointed out that this was still a non-agenda item that was being discussed. Chair Hambrick noted that it could be placed on the next agenda. CP Brown explained his thought process of not acting on the resignation, as historically there has been a tough time recruiting members for the Commission. CP Brown stated that he would pursue clarification as to this member's resignation and bring back information to the Commission.

### **7.1. Letter from Citizen regarding the General Plan**

CP Brown addressed the letter received. The Commission acknowledged that they were able to review the letter. CP Brown noted that the individual who wrote the letter was very involved with the original plan inception, which could be part of the sentiment. CP Brown said that Council has already voted that they do want to update the General Plan and Council will review this letter at their August 1, 2017, meeting.

Chair Hambrick asked for other Commission comments. There was none.

8. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

None.

### **9. Public Hearing Agenda.**

- 9.1. **Z-17-170089 Revision of Plat, Lot 55, Blue Hills Farm, Assessor's Parcel Number (APN) 402-03-204.** Possible approval, rejection or modification of the Revision of Plat Application.

Chair Hambrick requested CP Brown to present the basis of the hearing.

CP Brown spoke of the Town receiving an application on a parcel split in a platted subdivision. This requires approval of Council and this track has to be taken. This is on the July 28, 2017, Town Council Meeting Agenda as well. This is basically a 4+-acre parcel that they are splitting in half and it does meet the zoning requirements. CP Brown said Staff has no issue with this request and it can be approved.

Chair Hambrick asked when the plat was originally recorded. CP Brown answered probably around 1975. Chair Hambrick asked if this was originally a regular 40-acre subdivision. CP Brown said it was platted other than one of those 40-acre things, which aren't really subdivisions, they were divisions of land, but they have run into problems with those types, but this is a subdivision that has dedicated town roads. It was done in the County, rather than by the state. CP Brown again spoke of not having issue with this request.

Commissioner Brooks noted that the parcel is bounded on two sides by roads, so there did not appear to be an ingress/egress issue. Has there been problems with percolation for water? CP Brown noted they would have to demonstrate to the County regarding water issues.

The owner of the property, Thomas Mallette, approached the lectern, at CP Brown's request, and spoke of a perc test having been conducted, it is producing water in a satisfactory manner, and was approved by the County.

CP Brown pointed out the property's surrounding roads are town-owned.

Chair Hambrick opened the hearing for Public Comment. There was none.

Chair Hambrick asked if there was further commission discussion. There was none.

Chair Hubbard made a motion to approve the split, seconded by Commissioner Schauwecker. The motion was approved unanimously. The Commission recommends that Town Council approve this parcel split.

Chair Hambrick closed the Public Hearing at 6:20 p.m.

**10. Public Comment.** None.

**11. Adjourn.** The meeting was adjourned at 6:21 p.m.

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Chair Victor Hambrick

ATTEST:

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Julie Gibson, Town Clerk

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## Town of Dewey-Humboldt

P.O. Box 69 / 2735 South Highway 69, Suite 10, Humboldt Station, Humboldt, AZ 86329

### **PUBLIC HEARING NOTICE**

#### **PLANNING AND ZONING ADVISORY COMMISSION AND TOWN COUNCIL**

Pursuant to A.R.S. §§ 39-204 and 9-462.04, NOTICE IS HEREBY GIVEN OF the following public hearings in the Town of Dewey-Humboldt, Arizona:

**TOWN OF DEWEY-HUMBOLDT PLANNING AND ZONING ADVISORY COMMISSION  
ON September 7, 2017, 6:00 PM**

**AND**

**TOWN OF DEWEY-HUMBOLDT TOWN COUNCIL ON SEPTEMBER 19, 2017, 6:30 PM**

Both hearings will be conducted at Dewey-Humboldt Town Hall  
2735 South Highway 69, Suite 10, Humboldt, AZ 86329

#### **Public Hearing Item:**

**ITEM #: MGPA-17-001**

**Request:** Request for a Minor Amendment to the General Plan to change the Land Use Designation of Assessor's Parcel Numbers 402-02-003R, 402-02-003T, 402-02-003V and 402-02-003W from Low Density Residential land use designation to Community Core land use designation. The property is generally located at the southwest corner of East State Route 169 and South Foothill Drive. The effect of the General Plan Amendment will be to change the permitted zoning classifications from low-density residential to a mix of residential and commercial.

**Applicant:** John Hughes

The project file may be viewed by the public Monday through Friday from 8:00 a.m. to 6:00 p.m. at the Town of Dewey-Humboldt Town Hall, located at 2735 South Highway 69, Dewey-Humboldt, AZ. Written comments may be sent to Town of Dewey-Humboldt, Community Development Department, P.O. Box 69, Dewey-Humboldt, AZ 86329. Written comments may also be submitted at the Public Hearing.

Any interested person may appear and be heard at the public hearings.

Property owners may submit letters in support or opposition of a Public Hearing Item by directing written correspondence to the Town of Dewey-Humboldt, PO Box 69, Humboldt, Arizona 86329. For more information, contact Dewey-Humboldt Town Clerk, Julie Gibson, at (928) 632-7362/ Fax 928-632-7365.

RECEIVED

AUG 09 2017

TOWN OF DEWEY-HUMBOLDT
DEVELOPMENT APPLICATION

Dewey-Humboldt
PROJECT DESCRIPTION:

General Plan Amendment - Minor 2-17-170148

- General Plan Amendment - Major
General Plan Amendment - Minor
Pre-Application
Community Master Plan
Major Use / Site Plan
Preliminary plat
Commercial Design Review
Annexation
Zoning Clearance
Conditional Use Permit
Abandonment
Rezone
Land split (3 parcels max)
Lot Combine
Variance
Area Plan / Amendment
Final Plat / Amendment
Land Use District
Other

LEGAL DESCRIPTION:

Property Address: 938 S Foothill Dr. Dewey AZ 86327
Number of Lots / Units Proposed: 4 Parcels
Assessor's Parcel Number: 402-02-003T, V, R, W Parcel Size (Acres): 18.29
Existing Land Use District: Low Density Residential Proposed Land Use District: Commercial
Plat Name: Block: Lot: Tract:

DESCRIBE UTILITIES AVAILABLE TO PROPERTY:

- Water Well
Gas Propane
Sewer Septic
Phone
Electric
Cable

Describe Public Access to Property:

FEES

Base Fees: \$3743.00 Other Fees: Subtotal: Total: \$3743.00

\*APPLICANT / CONTACT INFORMATION:
Name:
Address:
Phone:
Email:
OWNER INFORMATION:
Name: CAROL & JOHN HUGHES
Address: P.O. Box 1828
Phone: 928 848-8717
Email: CherryCreekRanchAZ@gmail.com

Signature of owner or representative

\*If application is being submitted by someone other than the owner of the property under consideration, a letter of authorization or other corresponding information must be provided.



**TOWN OF DEWEY-HUMBOLDT**  
**Plot Plan Sketch and Affidavit**

I certify that I am authorized by the property owner to make this application, that all information provided for this application is correct and that this plot plan, as part of the permit, indicates all structures (including fences, walls, and pads), correct property and building dimensions; setback distances; legal access and easements; road cuts; walls and/or any water course (including washes, drainage ditches etc.) on or within 50', 100' and 200' respectively of the property. We agree to conform to all applicable laws of this jurisdiction.

*CA*

Signature

*8-9-17*

Date

Orientation of Plot Plan

Dimension & Lettering ↑				
Dimension & Lettering ↔				

Document #

Sec

Twn

Rng

A P N

*SEE ATTACHED*  
  
*EXHIBIT A*

**RECEIVED**

AUG 09 2017

**Dewey-Humboldt**

Zoning:

Stories:

Height:

Slope: %

FY:

RY:

BY:

IY:

LC:

Lot Area

Lot %

Density  
Used:

Scale:

North  
Arrow

MUST BE DRAWN TO SCALE PER CHECKLIST. An additional 8 1/2" x 11" sheet may be used to provide an area map for a parcel which exceeds 2 acres or dimensions of 300 feet.

# EXHIBIT A

## RECEIVED

1 Inch = 145 feet

Pct 2

AUG 09 2017

### Dewey-Humboldt

402-02-003N

800-10-029X

561.36

597.81

615.22

186.59

402-02-003T

78.45

315.86

42.51

800-27-002U

370.58

154.88

278.09

402-02-003W

259.39

402-02-003V

574.05

227.19

84.31

351.08

36.40

115.42

85.32

402-02-003R

262.69

262.74

96.74

95.86

154.10

154.69

402-02-003G

271.70

402-02-003E

324.90

258.44

487.83

402-02-422H

407.73

402-02-422K



402-02-422J

402-02-422J



402-01-394E  
402-02-422R

**RECEIVED**

AUG 09 2017

**Town of Dewey-Humboldt**

**Directions to Site**

**Dewey-Humboldt**

Instructions: An actual detailed line map is needed, not written instructions, adding any significant buildings, land marks, main highway, street names, and north arrows. If the map is not adequate it could cause a delay in issuing your permit.

Assessor's Parcel Number 402-02-003T Address 938 S. Foothill Dr.  
003V  
003R DEWEY AZ-86327  
003W



SITE PLAN: The site plan shall consist of an accurate, reproducible drawing at a scale of 1"=100' or less, showing the site and all land within 150' of the site. If multiple sheets are used, each shall be labeled and the preparer identified. Along with the reproducible copies, each applicant shall submit a digital copy of the site plan, which has been developed using the Tribe's survey control file, in Nad 83, State Plane Coordinates at sea level. Each site plan shall depict the following:

- A. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
- B. Existing topographic elevation at two-foot intervals, proposed grades and direction of drainage flows.
- C. Location and type of significant existing vegetation.
- D. Location and elevations of existing watercourses and water bodies, including natural and man-made surface drainage ways, floodplains and wetlands.
- E. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building and typical elevation views of proposed structures, indicating fenestration, surface materials and colors.
- F. Proposed location of accessory structures, buildings and uses, including but not limited to all flagpoles, lightpoles, bulkheads, docks storage sheds, transformers, air conditioners, smoke stacks, generators and similar equipment, and the method of screening where applicable.
- G. Location of existing roads, rights-of-way and easements of record and abutting streets.
- H. Location and dimensions of existing and proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations should be separately depicted with an elevation view.
- I. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
- J. Location, size and characteristics of all loading and unloading areas.
- K. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.

- L. Location of water supply lines and/or wells, including fire hydrants and shut off valves, and the location and design of storm sewers, retention or detention ponds, waste water lines, cleanout locations, connection points and treatment systems, including septic systems if applicable.
- M. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, and telephone.
- N. Proposed location, dimensions and details of common open spaces and common facilities such as community buildings or swimming pools if applicable.
- O. Location, size and specifications of all signs and advertising features with cross-sections.
- P. Exterior lighting locations with area of illumination illustrated as well as type of fixtures and shielding to be used.
- Q. Location and specifications for all fences, walls, and other screening features with cross-sections.
- R. Location and specifications for all proposed perimeter and internal landscaping and other buffering features. For each new landscape material the proposed size at the time of planting and maturity must be indicated. All vegetation to be retained on the site must also be indicated.
- S. Location, size and specifications for screening for all trash receptacles and other solid waste disposal facilities.
- T. Location and specifications for any existing or proposed above or below ground storage facilities or tanks for any chemicals, salts, <sup>NOX</sup> flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
- U. Identification of any significant site amenities or unique natural features.
- V. Identification of any significant views onto or from the site to or from adjoining areas.
- ✓ W. North arrow, scale and date of original submittal and last revision.

RECEIVED FROM: JOHN AND CARIE HUGHES  
P.O. Box 1828; Dewey, AZ 86327

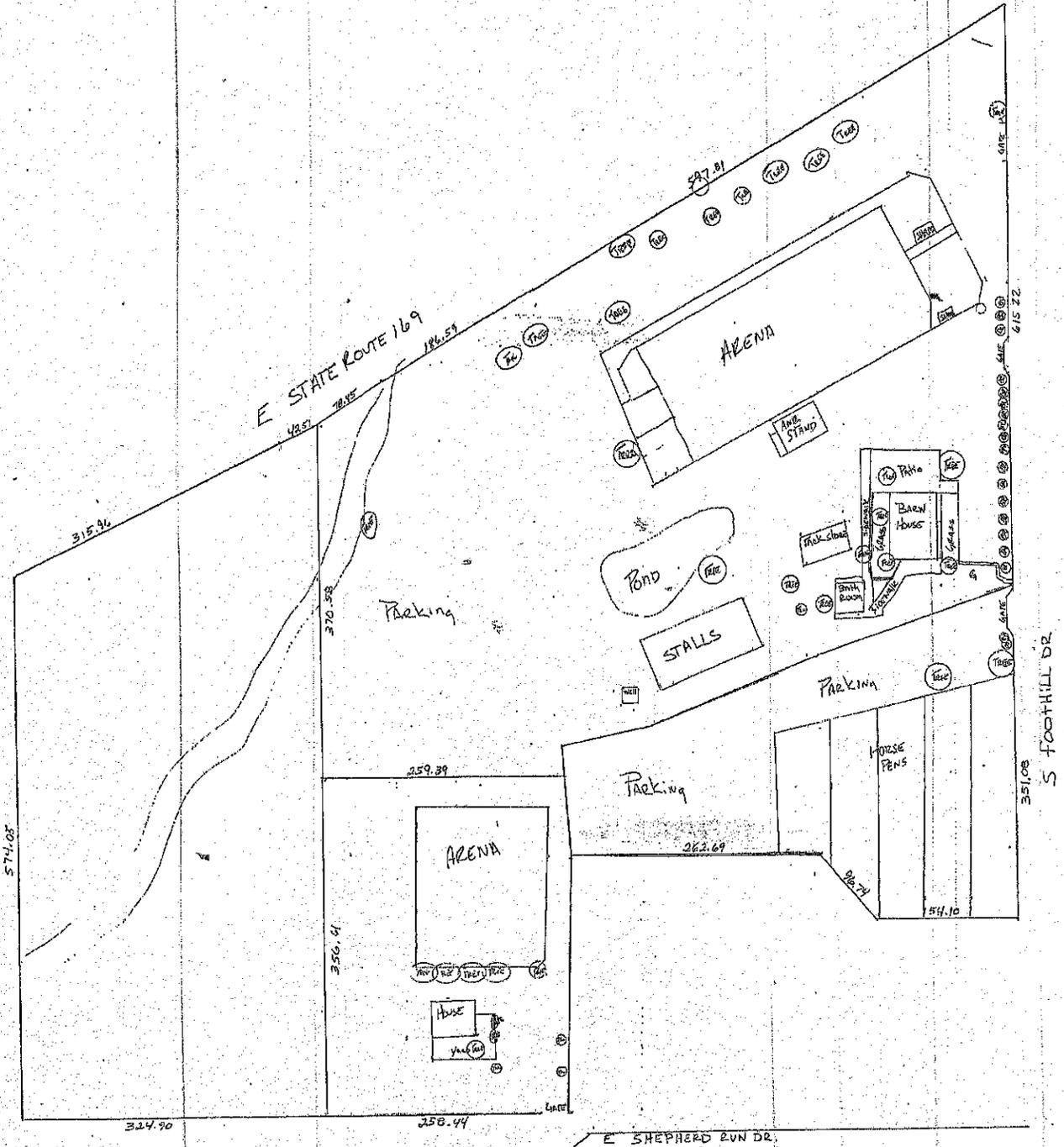
Linked to Permit#: Z-17-170148

For: General Plan Amendment - Minor / P.O. Box 1828; Dewey,

DESCRIPTION	ACCOUNT #	AMOUNT
PLANNING/ZONING	(PZ) 101003403	3743.00
TOTAL PAID:		3743.00

PAID BY CHECK #: R280698

2-17-170148  
 2-17-170149  
 RECEIVED  
 AUG 19 2017  
 Denver-Humboldt



# CHESTER

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995 S. Foothill Drive, Dewey, Arizona 86327 (602) 321-8897 [lchester2@cox.net](mailto:lchester2@cox.net)

August 26, 2017

Mr. Steven Brown, AICP  
Town of Dewey-Humboldt  
Community Development Department  
P. O. Box 69  
Dewey-Humboldt, AZ 86329

**Subject: Public Hearing Item # MGPA-17-001**

This letter is written in opposition of the request to amend the land use designation for Parcel Numbers 402-02-003R, 402-02-003T, 402-02-003V and 402-02-003W. We reside at 995 S. Foothill Drive.

The opposition rests on two premises. First and foremost, this is a total conflict of interest for the overall good of the community. Five years ago, we were going to purchase these parcels and utilize the special use permits to engage in "General Store" activities. We submitted a request to extend the special use permit to include General Store activities as well as a request to rezone if General Store activities could not align with the current zoning. WE WERE DECLINED. (See enclosed document) This was five years ago. Fast forward to 2017, Mr. John Hughes is now on the City Council and is being considered to rezone to C2 Commercial. Carri Hughes is a local Real Estate agent. Five years ago, we could not even get the city to consider such a rezoning. This is a total conflict of interest on behalf of the city of Dewey-Humboldt and The Hughes.

The second premise is based on the fact that proper notification has not been provided to the community. We are certain that if adequate notification to all of Dewey-Humboldt residences within a 10-mile range had received notification of this request and hearing, you would receive an overwhelming opposition to this effort. It is our understanding that the notification letter sent out went to a very limited audience, which included residences within a 1-mile range who are located "on" Foothill Drive and those properties that border these parcels.

The community also should have been informed of the overall impact this change will bring to the community once these parcels are rezoned. It's called full disclosure. Mr. Hughes can sell these parcels utilizing Carri Hughes (Spouse) as agent to major developers, who in turn can develop these parcels into high density developments, both residential and commercial. The residences of Dewey-Humboldt should be adequately informed on the long-term effects this rezoning, if approved, could have on the community as we know it today. If approved, this is not going to end up being a small country store that fits the look and lifestyle of the Dewey-

Humboldt community. The intent is to establish an Industrial Diesel Shop on the property and sell off the remaining parcels to commercial developers.

We will be attending the hearing on September 7<sup>th</sup>, as well as the City Council meeting on September 19<sup>th</sup> and look forward to opposing this proposed change submitted by Mr. John Hughes, owner and residence; as well as City Council Member who has decision making power on this proposal. Again, major conflict of interest. The question begging to be asked is "what has changed to warrant this consideration that the council would not consider five years ago.?" Answer...Election.

Sincerely,



William Chester



Leslie Chester

cc: Arizona State Attorney General's Office  
Jeffrey McKee, Attorney at Law

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## Town of Dewey-Humboldt

P.O. Box 69 / 2735 South Highway 69, Suite 10, Humboldt Station, Humboldt, AZ 86329

### **PUBLIC HEARING NOTICE**

#### **PLANNING AND ZONING ADVISORY COMMISSION AND TOWN COUNCIL**

Pursuant to A.R.S. §§ 39-204 and 9-462.04, NOTICE IS HEREBY GIVEN OF The following public hearings in the Town of Dewey-Humboldt, Arizona:

**TOWN OF DEWEY-HUMBOLDT PLANNING AND ZONING ADVISORY COMMISSION  
ON September 7, 2017, 6:00 PM**

**AND**

**TOWN OF DEWEY-HUMBOLDT TOWN COUNCIL ON SEPTEMBER 19, 2017, 6:30 PM**

Both hearings will be conducted at Dewey-Humboldt Town Hall  
2735 South Highway 69, Suite 10, Humboldt, AZ 86329

**Public Hearing Item:**

**ITEM #: ZDC-17-001**

**Request:** Request for a Zoning District Change to change the Zoning District designation of Assessor's Parcel Numbers 402-02-003R, 402-02-003T, 402-02-003V and 402-02-003W from R1L-70 (Residential; Single Family – Low Density; 70,000 acre minimum lot size) zoning district to C-2 (Commercial; General Sales and Services) zoning district. The property, consisting of approximately 18.29 acres is generally located at the southwest corner of East State Route 169 and South Foothill Drive. The effect of the rezoning will be to change the use of the property from residential to Commercial; General Sales and Services. The property has been operated in the past as the Cherry Creek Ranch Event Center and is proposed to continue in that use.

**Applicant:** John Hughes

The project file may be viewed by the public Monday through Friday from 8:00 am to 6:00 pm. at the Town of Dewey-Humboldt Town Hall located at 2735 South Highway 69, Dewey-Humboldt, AZ. Written comments may be sent to Town of Dewey-Humboldt, Community Development Department, P.O. Box 69, Dewey-Humboldt, AZ 86329. Written comments may also be submitted at the public hearing.

Any interested person may appear and be heard at the public hearings. Property owners may submit letters in support or opposition of a Public Hearing Item by directing written correspondence to the Town of Dewey-Humboldt, PO Box 69, Humboldt, Arizona 86329. For more information, contact Dewey-Humboldt Town Clerk, Julie Gibson, at (928) 632-73628562/ Fax 928-632-7365.

AUG 09 2017

Dewey-Humboldt

TOWN OF DEWEY-HUMBOLDT DEVELOPMENT APPLICATION

PROJECT DESCRIPTION:

Rezoning map change to Commercial

2-17-170149

- General Plan Amendment - Major, General Plan Amendment - Minor, Pre-Application, Community Master Plan, Major Use / Site Plan, Preliminary plat, Commercial Design Review, Annexation, Zoning Clearance, Conditional Use Permit, Abandonment, Rezone, Land split (3 parcels max), Lot Combine, Variance, Area Plan / Amendment, Final Plat / Amendment, Land Use District, Other

LEGAL DESCRIPTION:

Property Address: 938 S. Foothill Dr. Dewey AZ 86327
Number of Lots / Units Proposed: 4 Parcels
Assessor's Parcel Number: 402-02-003T, V, R, W Parcel Size (Acres): 18.29
Existing Land Use District: R/L-70 Proposed Land Use District: C2
Plat Name: Block: Lot: Tract:

DESCRIBE UTILITIES AVAILABLE TO PROPERTY:

- Water Well, Gas Propane, Sewer Septic, Phone, Electric, Cable

Describe Public Access to Property:

FEES

Base Fees: \$1900.00 Other Fees: Subtotal: Total: \$1900.00 - 8/17/17

Table with 2 columns: \*APPLICANT / CONTACT INFORMATION and OWNER INFORMATION. Includes names, addresses, and phone numbers for Carie and John Hughes.

Signature of owner or representative

\*If application is being submitted by someone other than the owner of the property under consideration, a letter of authorization or other corresponding information must be provided.



**TOWN OF DEWEY-HUMBOLDT**  
**Plot Plan Sketch and Affidavit**

I certify that I am authorized by the property owner to make this application, that all information provided for this application is correct and that this plot plan, as part of the permit, indicates all structures (including fences, walls, and pads), correct property and building dimensions; setback distances; legal access and easements; road cuts; walls and/or any water course (including washes, drainage ditches etc.) on or within 50'; 100' and 200' respectively of the property. We agree to conform to all applicable laws of this jurisdiction.

Signature CA

Date 8-9-17

**Orientation of Plot Plan**

Dimension & Lettering ↕				
Dimension & Lettering ↔				

Document #

Sec

Twn

Rng

A P N

**RECEIVED**

AUG 09 2017

SEE ATTACHED

Dewey-Humboldt

EXHIBIT B

Zoning:

Stories:

Height:

Slope: %

FY:

RY:

EY:

IY:

LC:

Lot Area

Lot %

Density Used:

Scale:

North Arrow

MUST BE DRAWN TO SCALE PER CHECKLIST. An additional 8 1/2" x 11" sheet may be used to provide an area map for a parcel which exceeds 2 acres or dimensions of 300 feet.

# Exhibit B

1 inch = 145 feet

Pol 2

**RECEIVED**

AUG 09 2017

**Dewey-Humboldt**

402-02-003N

800-10-029X

402-02-003T

800-27-002U

402-02-003W

402-02-003V

402-02-003R

402-02-003E

402-02-003G

402-02-422H

402-02-422K

402-02-422J

402-02-422L

402-01-394E  
402-02-422R



YAVAPAI COUNTY ASSUMES NO RESPONSIBILITY FOR ANY ERRORS, OMISSIONS AND/OR INACCURACIES IN THIS MAPPING PRODUCT. THIS PRODUCT IS FOR INFORMATIONAL PURPOSES AND MAY NOT HAVE BEEN PREPARED FOR OR BE SUITABLE FOR LEGAL, ENGINEERING OR SURVEYING PURPOSES. USERS OF THIS INFORMATION SHOULD REVIEW OR CONSULT THE PRIMARY DATA AND INFORMATION SOURCES TO ASCERTAIN THE USABILITY OF THE INFORMATION.

**RECEIVED**

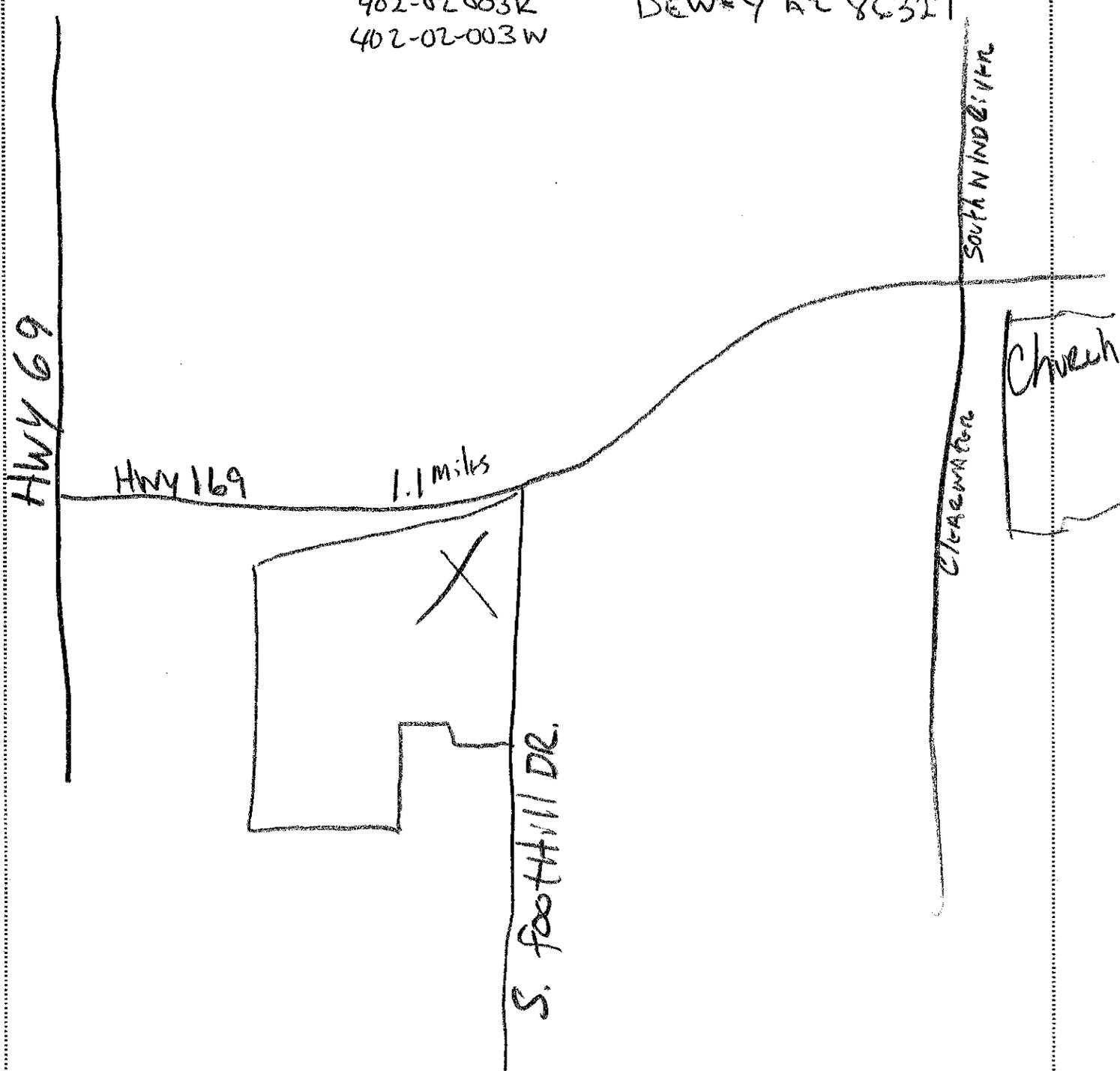
AUG 09 2017

**Town of Dewey-Humboldt  
Dewey-Humboldt**

**Directions to Site**

Instructions: An actual detailed line map is needed, not written instructions, adding any significant buildings, land marks, main highway, street names, and north arrows. If the map is not adequate it could cause a delay in issuing your permit.

Assessor's Parcel Number 402-02-003T Address 938 S. Foothill Dr.  
402-02-003V DEWEY AL 86327  
402-02-003R  
402-02-003W



SITE PLAN: The site plan shall consist of an accurate, reproducible drawing at a scale of 1"=100' or less, showing the site and all land within 150' of the site. If multiple sheets are used, each shall be labeled and the preparer identified. Along with the reproducible copies, each applicant shall submit a digital copy of the site plan, which has been developed using the Tribe's survey control file, in Nad 83, State Plane Coordinates at sea level. Each site plan shall depict the following:

- A. Location of proposed and/or existing property lines, dimensions, legal descriptions, setback lines and monument locations.
- B. Existing topographic elevation at two-foot intervals, proposed grades and direction of drainage flows.
- C. Location and type of significant existing vegetation.
- D. Location and elevations of existing watercourses and water bodies, including natural and man-made surface drainage ways, floodplains and wetlands.
- E. Location of existing and proposed buildings and intended uses thereof, as well as the length, width, and height of each building and typical elevation views of proposed structures, indicating fenestration, surface materials and colors.
- F. Proposed location of accessory structures, buildings and uses, including but not limited to all flagpoles, lightpoles, bulkheads, docks storage sheds, transformers, air conditioners, smoke stacks, generators and similar equipment, and the method of screening where applicable.
- G. Location of existing roads, rights-of-way and easements of record and abutting streets.
- H. Location and dimensions of existing and proposed streets, drives, curb cuts, and access easements, as well as acceleration, deceleration and passing lanes (if any) serving the development. Details of entryway and sign locations should be separately depicted with an elevation view.
- I. Location, design, and dimensions of existing and/or proposed curbing, barrier free access, carports, parking areas (including indication of all spaces and method of surfacing), fire lanes and all lighting thereof.
- J. Location, size and characteristics of all loading and unloading areas.
- K. Location and design of all sidewalks, walkways, bicycle paths and areas for public use.

- L. Location of water supply lines and/or wells, including fire hydrants and shut off valves, and the location and design of storm sewers, retention or detention ponds, waste water lines, cleanout locations, connection points and treatment systems, including septic systems if applicable.
- M. Location of all other utilities on the site including but not limited to natural gas, electric, cable TV, and telephone.
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- O. Location, size and specifications of all signs and advertising features with cross-sections.
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- U. Identification of any significant site amenities or unique natural features.
- V. Identification of any significant views onto or from the site to or from adjoining areas.
- W. North arrow, scale and date of original submittal and last revision.

RECEIVED FROM: JOHN AND CARIE HUGHES  
P.O. Box 1828; Dewey, AZ 86327

Linked to Permit#: Z-17-170149

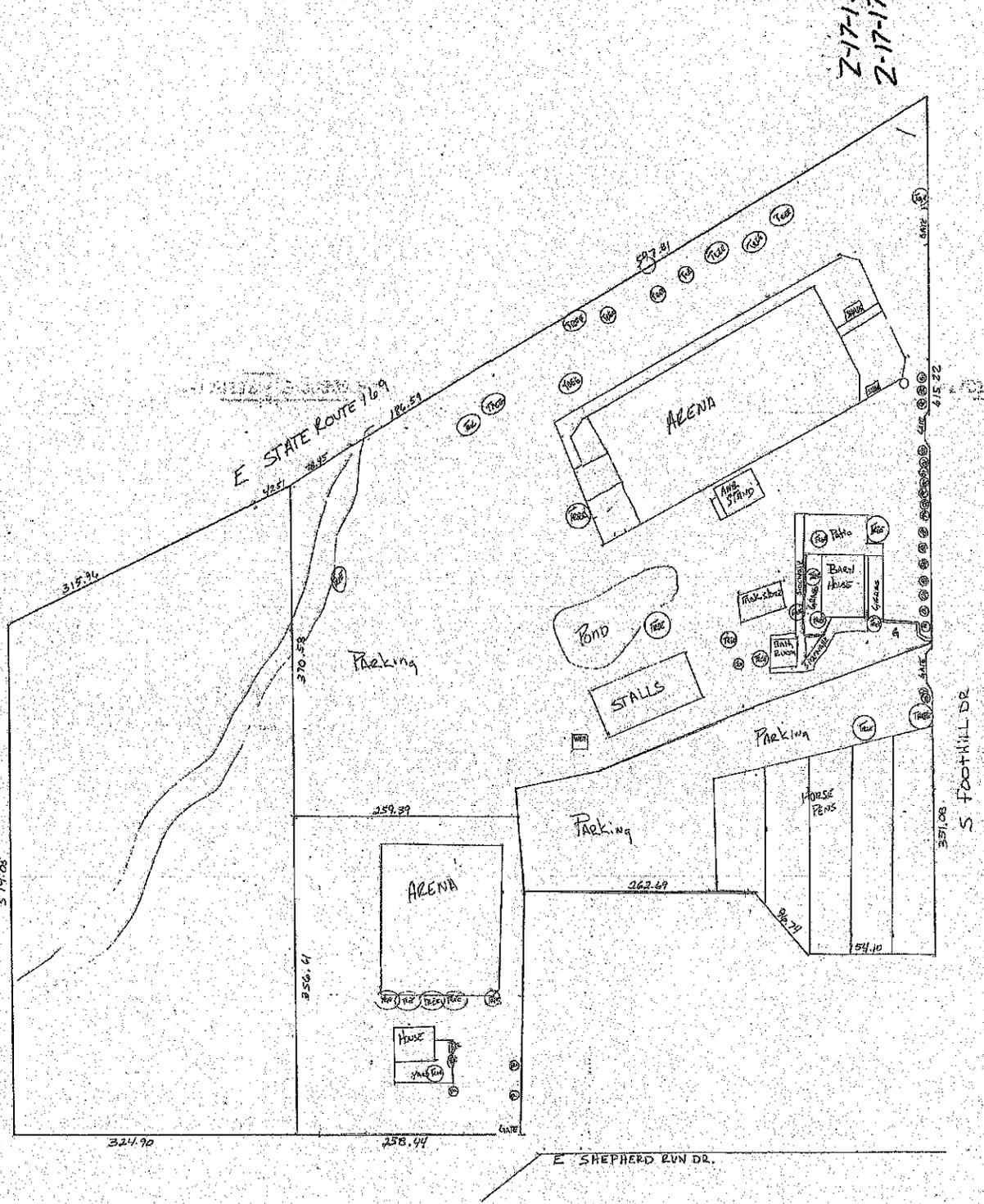
For: Rezoning map change to Commercial / P.O. Box 1828;

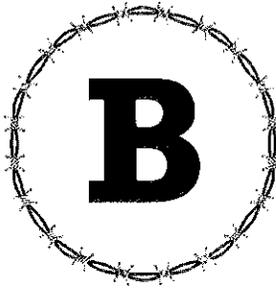
DESCRIPTION	ACCOUNT #	AMOUNT
PLANNING/ZONING	(PZ) 101003403	1900.00
TOTAL PAID:		1900.00

PAID BY CHECK #: R280697

Total  
Fee \$13  
\$1,914.50  
| Due  
\$14.50

2-17-170148  
2-17-170149  
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AUG 18 2007  
Dewey-Harshbarger





To whom it may concern,

my wife and I are owners of 855 South Foothill Drive, Dewey, Arizona. We recently received notice of a public hearing ITEM # ZDC-17-001 regarding a zone change by applicant JOHN HUGHES.

We are totally against any zone change. making a change from RESIDENTIAL, SINGLE FAMILY - LOW DENSITY TO COMMERCIAL would be a mistake and totally change our quiet country living which attracted us in the first place. I am certain other home owners in the area will feel the same.

Thank you, in advance, for your kind consideration to this matter.

Yours truly,

  
DAN BERGMAN

  
GAYLE BERGMAN



## Town of Dewey-Humboldt

P.O. Box 69 / 2735 South Highway 69, Suite 10, Humboldt Station, Humboldt, AZ 86329

### **PUBLIC HEARING NOTICE**

#### **PLANNING AND ZONING ADVISORY COMMISSION AND TOWN COUNCIL**

Pursuant to A.R.S. §§ 39-204 and 9-462.04, NOTICE IS HEREBY GIVEN OF the following public hearings in the Town of Dewey-Humboldt, Arizona:

**TOWN OF DEWEY-HUMBOLDT PLANNING AND ZONING ADVISORY COMMISSION  
ON SEPTEMBER 7, 2017, 6:00 PM**

**AND**

**TOWN OF DEWEY-HUMBOLDT TOWN COUNCIL ON SEPTEMBER 19, 2017, 6:30 PM**

Both hearings will be conducted at Dewey-Humboldt Town Hall  
2735 South Highway 69, Suite 10, Humboldt, AZ 86329

**Public Hearing Item:**

**ITEM #: ZTC 17-001**

**Request: Adoption of the Town of Dewey-Humboldt Sign Code, dated September 19, 2017**

Amending the Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations by repealing Subchapter Sign Code, and by adopting by reference the "Town of Dewey-Humboldt Sign Code, dated September 19, 2017" consisting of the following sections: §153.125 Purpose, §153.126 Definitions, §153.127 Permits Required, §153.128 General Regulations, §153.129 Sign Regulations for Use Districts, and §153.130 Sign Regulations, Mobile Home, Travel Trailer and Recreational Vehicle Parks related to changing the way the Town regulates signs to comply with the U.S. Supreme Court decision in the matter of *Reed v. Gilbert*. The new Sign Code deletes content-based sign definitions, including logo, religious symbols, commemorative sign, construction sign, directional sign, directory sign, identification sign, informational sign, property sign, and subdivision sign; revising other definitions to remove content-based criteria; setting forth permitting requirements and application and approval processes; exempting government signs, posters, flags, sandwich boards, window signs, and wall, window or ground-mounted signs from permitting requirements; setting forth reasonable regulations for the size, type, materials, and placement of permanent and temporary signs based upon the zoning district in which the sign will be located; and prohibiting signs in the Town rights-of-way. The effect of the amendment will be to regulate the size, material, type, location, and height of signs within the Town based on the location of the sign, not on its message and to require permits to be obtained for most types of signs.

**Applicant:** Town of Dewey-Humboldt

The project file may be viewed by the public Monday through Friday from 8:00 a.m. to 6:00 p.m. at the Town of Dewey-Humboldt Town Hall, located at 2735 South Highway 69, Dewey-Humboldt, AZ. Written

comments may be sent to Town of Dewey-Humboldt, Community Development Department, P.O. Box 69, Dewey-Humboldt, AZ 86329. Written comments may also be submitted at the public hearing.

Any interested person may appear and be heard at the public hearings. Property owners may submit letters in support or opposition of a Public Hearing Item by directing written correspondence to the Town of Dewey-Humboldt, PO Box 69, Humboldt, Arizona 86329. For more information, contact Dewey-Humboldt Town Clerk, Julie Gibson, at (928) 632-7362/ Fax 928-632-7365.

## Town of Dewey-Humboldt Sign Code Amendments

September 19, 2017

### § 153.125 Purpose.

(A) The purpose of the Sign Code is:

1. ~~¶~~To provide freedom and flexibility for the design, construction and maintenance of signs in harmony with the values and character of this country community;

2. ~~¶~~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~~

3. ~~¶~~To insure that the constitutionally guaranteed right of free speech is protected;  
AND

4. TO REGULATE SIGNS IN A MANNER THAT DOES NOT FAVOR COMMERCIAL SPEECH OVER NONCOMMERCIAL SPEECH AND DOES NOT REGULATE PROTECTED SPEECH BY MESSAGE OR CONTENT.

(B) ~~The following~~THIS subchapter shall be known and cited as the Town of Dewey-Humboldt Sign Code.

### § 153.126 Definitions.

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

**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.

**BILLBOARD.** An off-premise sign that is free-standing and ground-mounted.

**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.

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

**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.

**FRONTAGE.** The length of the property line of a premises along a public right-of-way.

**GROUND LEVEL.** The average ground elevation within ten feet measured horizontally to the sign base.

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

~~**PAD.** Planned Area Development as defined in § [153.048](#).~~

~~**POSTER.** A temporary bill or placard for advertising community events.~~

~~**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.~~

**SANDWICH BOARD.** A temporary sign which is of the A-frame type that sits on the ground.

**SIGN.** Any DEVICE OR STRUCTURE WHICH DRAWS ATTENTION TO AN OBJECT, PRODUCT, PLACE, ACTIVITY, OPINION, PERSON, ORGANIZATION OR BUSINESS. ~~identification, description, illustration, symbol or device which is affixed directly or indirectly upon a building, vehicle, structure or land and which conveys information identifying or directing attention to or advertising a product, place, activity, person, institution or business.~~

**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, INCLUDING OFFICIAL NOTICES.

~~**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 on 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) purpose and not advertising a product or service, other than an identification sign.~~

**SIGN, NONCONFORMING.** Any sign which DOES NOT CONFORM TO THE REGULATIONS FOR SIGNS FOR THE DISTRICT IN WHICH IT IS LOCATED ~~is not allowed under this Code~~ but which when first constructed was lawfully permitted, constructed and installed OR WAS LAWFULLY INSTALLED IN ANOTHER POLITICAL JURISDICTION PRIOR TO ANNEXATION TO THE TOWN.

**SIGN, NUMBER OF FACES ON.**

- (1) *Single-faced.* If a sign has copy on one side only.
- (2) *Double-faced.* 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 permanent sign PROVIDING INFORMATION OR DIRECTING ATTENTION TO ~~advertising~~ a business, place, activity, goods, services, entertainment or product which is not conducted, sold or offered on the property on which the sign is located or which does not pertain to the property upon which the sign is located.

**SIGN, ON-PREMISES.** A sign ~~advertising~~ PROVIDING INFORMATION OR DIRECTING ATTENTION TO a business, place, activity, goods, services or products on the same property on which the sign is located.

**SIGN, PERMANENT.** A sign constructed of durable materials, attached to the ground or a building and intended to remain in use for six months or more.

**SIGN, POLITICAL.** A temporary sign ~~announcing or supporting or opposing political candidates or issues connected with any national, state or local election~~ REGULATED PURSUANT TO ARIZONA REVISED STATUTES § 16-1019.

**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 less than six months.

**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 PAINTED ON OR ADHERED TO THE INTERIOR OR EXTERIOR OF A GLASS WINDOW OR DOOR AND IS VISIBLE FROM THE EXTERIOR OF THE GLASS WINDOW OR DOOR.

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

**§ 153.127 ~~General Provisions~~ PERMITS REQUIRED.**

(A) **PERMIT REQUIRED.** EXCEPT AS PROVIDED FOR EXEMPT SIGNS, IT SHALL BE UNLAWFUL FOR ANY PERSON TO CONSTRUCT, INSTALL, ATTACH, PLACE, PAINT, ALTER, RELOCATE, OR OTHERWISE MAINTAIN ANY SIGN IN THE TOWN WITHOUT FIRST OBTAINING A SIGN PERMIT IN ACCORDANCE WITH THIS SIGN CODE.

(B) **REQUIREMENT OF CONFORMITY.** SIGNS SHALL NOT BE INSTALLED, PLACED, OR MAINTAINED IN THE TOWN EXCEPT IN CONFORMANCE WITH THIS SIGN CODE. IF PROVISIONS OF THIS SIGN CODE CONFLICT WITH ANY OTHER TOWN CODE, THE MORE RESTRICTIVE REQUIREMENT(S) SHALL APPLY. SIGNS MAINTAINED CONTRARY TO THE PROVISIONS OF THIS SIGN CODE ARE DECLARED TO BE NUISANCES AND MAY BE ABATED AS PROVIDED BY LAW.

(C) **FEES.** SIGN PERMIT FEES SHALL BE AS ADOPTED BY THE TOWN COUNCIL BY RESOLUTION.

(E) **SIGN PERMIT APPLICATION.** APPLICATION FOR A SIGN PERMIT SHALL BE MADE TO THE COMMUNITY DEVELOPMENT DEPARTMENT ON FORMS PROVIDED BY THE TOWN AND SHALL INCLUDE 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. IF THE PARCEL IS NOT LOCATED WITHIN A RECORDED SUBDIVISION, A METES AND BOUNDS LEGAL DESCRIPTION SHALL BE SUBMITTED WITH THE APPLICATION;
- (3) ZONING DESIGNATION OF THE PROPERTY ON WHICH THE SIGN WILL BE LOCATED;
- (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 FINAL PLOT PLAN SHOWING THE FOLLOWING:
  - a. SHAPE AND DIMENSIONS OF LOT BOUNDARIES, ADJACENT STREET RIGHT- OF-WAY, DRIVEWAYS, BUILDINGS (EXISTING AND PROPOSED);
  - b. NORTH DESIGNATION; AND
  - c. LOCATION OF SIGN(S) ON PROPERTY (INDICATE TYPE).
- (10) A FINAL 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 SIGN CODE REQUIREMENTS;
- (12) NAME, ADDRESS AND TELEPHONE NUMBER OF PROPERTY OWNER AND AGENT, IF ANY; AND
- (13) SIGNATURE OF APPLICANT OR AGENT.

(F) SIGNS NOT REQUIRING PERMITS. EXEMPT SIGNS NOT REQUIRING PERMITS SHALL COMPLY WITH ALL OTHER REQUIREMENTS AND RESTRICTIONS OF THIS CODE.

(G) TEMPORARY SIGN PERMITS. SIGNS WITH A LIMITED DURATION OF USE, SUCH AS THOSE PROVIDED IN §§ 153.130, SHALL OBTAIN A TEMPORARY SIGN PERMIT. THE REQUIREMENTS AND CRITERIA FOR SUCH SIGNS ARE AS FOLLOWS:

(1) TEMPORARY SIGN PERMITS SHALL BE ISSUED FOR NO MORE THAN SIX MONTHS. AN EXTENSION OF A TEMPORARY SIGN PERMIT MAY BE OBTAINED PURSUANT TO THE GRANTING OF A USE PERMIT.

(2) TEMPORARY SIGNS SHALL CONFORM TO ALL OTHER REQUIREMENTS OF THIS CODE.

(H) SIGN PERMIT REVIEW; TIME FRAMES.

(1) WITHIN TEN BUSINESS DAYS OF SUBMISSION OF AN APPLICATION FOR A SIGN PERMIT, STAFF SHALL REVIEW THE APPLICATION FOR COMPLETENESS. IF THE APPLICATION IS NOT COMPLETE, THE APPLICANT WILL BE NOTIFIED OF THE DEFICIENCY VIA EMAIL, TELEPHONE, OR FIRST CLASS MAIL.

(2) WITHIN THIRTY BUSINESS DAYS OF RECEIPT OF A COMPLETE APPLICATION, TOWN STAFF SHALL REVIEW THE APPLICATION FOR COMPLIANCE WITH THE REGULATIONS SET FORTH IN THIS CODE AND IN THE TOWN CODE, AS APPLICABLE, AND SHALL ISSUE THE PERMIT OR NOTIFY THE APPLICANT OF DEFICIENCIES AND THE NEED FOR CORRECTIONS.

(3) FOR A COMPREHENSIVE SIGN PLAN, THE REVIEW OF THE COMPLETE APPLICATION FOR COMPLIANCE WITH THE TOWN REGULATIONS SHALL BE EXTENDED TO FORTY-FIVE DAYS FROM THE DATE OF SUBMISSION, OR AS MAY BE OTHERWISE AGREED UPON BY THE TOWN AND THE APPLICANT.

(I) EXEMPT SIGNS.

THE FOLLOWING TYPES OF SIGNS ARE EXEMPT FROM PERMITTING REQUIREMENTS BUT SHALL BE SUBJECT TO THE REGULATIONS SET FORTH BELOW. NO MORE THAN TWO EXEMPT SIGNS SHALL BE ALLOWED PER BUSINESS OR RESIDENTIAL LOT:

<i>DISTRICTS</i>	<i>TYPE</i>	<i>NUMBER PERMITTED</i>	<i>MAXIMUM AREA AND HEIGHT</i>
ALL DISTRICTS	GOVERNMENT SIGNS	NO LIMIT	NO LIMIT
ALL DISTRICTS	POSTERS	NO LIMIT	§ 153.128(J)
ALL DISTRICTS	FLAGS	NO LIMIT	NO LIMIT
ALL DISTRICTS	SANDWICH BOARDS	2 PER FRONTAGE	10 SQ. FT.
COMMERCIAL DISTRICTS	WINDOW SIGNS	NO LIMIT	NO LIMIT
RESIDENTIAL DISTRICTS	WALL, WINDOW, OR GROUND-MOUNTED	NO LIMIT	16 SQ. FT.

**§ 153.128 ~~Exempt Signs~~ 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.
- (B) Lighted beacons, searchlights or similar lights, are prohibited (see Light Pollution, § [153.150](#) through [153.153](#)).
- (C) ~~NO SIGNS ARE PERMITTED IN THE PUBLIC RIGHT-OF-WAY, INCLUDING PUBLIC ROADWAY EASEMENTS. No sign may encroach on or overhang an adjacent property, public right of way, utility right of way or easement unless an encroachment permit or license has been issued and approved by the town.~~
- (D) No sign shall be attached to a utility pole, light standard, bridge or other fixture in the public right-of-way.
- (E) No sign shall be painted directly on or affixed to any natural object in its natural location.
- (F) No sign shall exceed 30 feet in height.
- (G) No sign shall be ~~PLACED~~ ~~located as to~~ IN A LOCATION THAT obstructS or interfereS with any official traffic signs and/or devices or ~~in such a manner as to~~ obstructS a driver's view of ~~any~~ oncoming, merging or intersecting traffic.
- (H) No sign shall display any statement, symbol or picture of an obscene nature.
- (I) Signs may be painted directly onto vertical structural surfaces.

(J) Signs that are not allowed in a residential zone shall not be placed closer than WITHIN 20 LINEAR feet of any residentially zoned lot/PROPERTY.

(K) New signs exceeding eight square feet in area or exceeding eight feet in height shall follow the permitting requirements specified in § ~~153.138~~153.127. ~~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.~~

(L) All freestanding signs ~~will~~SHALL comply with § ~~153.076~~ (i.e., MAINTAIN A one foot setback for each foot in OF SIGN 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 the 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 or designee, shall require correction within 30 days of official notification. IN ADDITION TO THE PENALTIES PROVIDED PURSUANT TO THE ZONING CODE, THE TOWN MAY PURSUE ADDITIONAL REMEDIES IN SUPERIOR COURT FOR FAILURE TO CORRECT VIOLATIONS OF THE SIGN CODE, ~~or the town may remove the sign in accordance with A.R.S. § 9-462.02(C).~~

~~(O) An informational sign shall not be included in the permitted sum of the sign area of identification wall signs, provided the sign is not larger than necessary to serve the intended instructional purpose, and the sign is not in a location, nor includes design characteristics that constitute or serve the purposes of an identification sign.~~

(OP) Sandwich board signs shall be displayed only during times when the business being advertised is open for business.

(PQ) *Noneonforming.* Legal nonconforming signs existing prior to the effective date of this subchapter OR AMENDMENTS THERETO, 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. If a nonconforming sign becomes a hazard to public safety, it shall be removed, in compliance with state law and this Code.

**~~§ 153.128 Exempt Signs.~~**

—The following types of signs are exempt from permitting requirements, but shall be subject to the limitations and requirements set forth below. No more than two exempt signs shall be allowed per business.

<i>Descriptions &amp; Districts</i>	<i>Type</i>	<i>Number Permitted</i>	<i>Area &amp; Height</i>	<i>Permit Required?</i>
Official notices authorized by a court, public body or public safety official		No limit	No limit	No
Directory or informational signs authorized by federal, state, county or municipal government	Wall or ground-mounted standard	No limit	No limit	No
Commemorative signs	Wall or monument	No limit	§ <a href="#">153.127(J)</a>	No
Emblems and posters		No limit	§ <a href="#">153.127(J)</a>	No
Religious symbols		No limit	No limit	No
Flags		No limit	No limit	No
Sandwich boards		2 per frontage	10 sq. ft.	No
Signs located within structures in commercial zoned district	Window signs	No limit	No limit	No
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.	No
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.	No

Descriptions &	Type	Number Permitted	Area	Permit
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Districts			& Height	Required?
Political signs, commercial/industrial (not 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.	32 sq. ft. max.	No
Political signs, commercial/industrial (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.	32 sq. ft. max.	

**§ 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 light pollution, § <a href="#">153.150</a> for restrictions	Yes
Property signs for all properties except those abutting highways Permitted in all zoning districts. 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	No

Shall be removed within 30 days of sale or rental.					
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Descriptions & Districts	Type	Number Permitted	Area & Height	Lighting Allowed?	Permit Required?
Property signs for properties abutting highways Only permitted adjacent to row at least 150 feet wide. Permitted in all zoning districts. Unlighted Shall be removed within 30 days of sale.	Wall or freestanding	1 sign per row frontage	32 sq. ft. and 8 ft. in height Property to be at least 2 acres	No	Yes
Construction signs Permitted in all zoning districts. Unlighted	Unspecified	1 each for each construction site	Max. 24 sq. ft. Max. 8 ft. high	No	Yes
Subdivision signs 2 year duration, requires a use permit thereafter.	Freestanding	Up to 5 signs	100 sq. ft. aggregate total 12 ft. in height maximum	Yes—refer to light pollution, 153.150 for restrictions	Yes

**~~§ 153.130 Off-Premises Signs.~~**

Descriptions & Districts	Type	Number Permitted	Area & Height	Lighting Allowed?	Permit Required?
<p>Off-premises signs</p> <p>Shall not be closer than 200 feet from a residential zoned district boundary.</p>	Wall signs	Max. 1 off-premises wall sign per parcel	Max. . of 200 sq. ft. in area and max. 20 ft. in height	<p>May be illuminated internally or by external source in compliance with §§ <del>153.150</del> <del>153.153</del> (Light Pollution control)</p>	Yes
	Billboards <sup>2</sup>	Shall be located at least 1,500 feet from another billboard located on the same side of the highway.	<p>Shall be located:</p> <p>1. Only in commercial or industrial zoning districts (C) and (M); and</p> <p>2. Only on parcels contiguous to state highway right-of-way; and</p> <p>3. At least 500 feet from the beginning or ending of pavement widening at the exit from or entrance to any portion of the highway.</p>	<p>Shall be illuminated only in compliance with §§ <del>153.150</del> <del>153.153</del> (light pollution control).</p> <p>Shall not be intermittent, flashing, scintillating, animated or of varying intensity.</p> <p>If located in the same line of vision as a traffic control signal, no red, green or yellow illumination shall be used.</p> <p>Lighting source for</p>	

			<p>Billboards located within 660 feet of the edge of a state highway or interstate right-of-way shall obtain ADOT approval prior to applying for a town sign permit.</p> <p>Max. 300 sq. ft. on each face with a maximum 25 vertical face of 25 ft. and a max. 60 horizontal face of 60 ft.</p> <p>Max: 30 ft. high measured from grade (including all supporting structures)</p>	billboard signs shall be so oriented or shieldEDing so that it is not visible from the highway right-of-way or from any residential use district.	
<p>Temporary off-premises signs for community events, festivals and similar public gatherings of a not for profit nature. Permitted only in C2, C3, M1</p>	<p>Banners or other temporary means of advertising</p>		<p>Max: .48 sq. ft.</p> <p>Max: .8 ft. high</p>	No	Yes

and M2					
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**§ 153.131129 Sign Regulations for Use Districts.**

- (A) Attached ON-PREMISES signs shall be on the occupant’s building only.
- (B) Awning signs shall only be allowed on the ground floor of a building.

Descriptions & Districts	Type	Number Permitted	SETBACKS/LOCATION	Area & Height	Lighting Allowed?	Permit Required?
ALL DISTRICTS	OFF-PREMISE WALL SIGNS	1 PER PARCEL	MINIMUM 200 FEET FROM A RESIDENTIAL ZONED DISTRICT BOUNDARY.	MAXIMUM AREA: 200 SQ. FT. MAXIMUM HEIGHT: 20 FT. FROM GROUND WHERE LOCATED.	MAY BE ILLUMINATED INTERNALLY OR BY EXTERNAL SOURCE. SEE §§ 153.150 – 153.153	
COMMERCIAL (C) AND INDUSTRIAL (M) DISTRICTS	OFF-PREMISES BILLBOARDS*		1. MINIMUM 1,500 FEET FROM ANOTHER BILLBOARD LOCATED ON THE SAME SIDE OF THE HIGHWAY; AND  2. ONLY ON PARCELS CONTIGUOUS TO STATE HIGHWAY RIGHT-OF-WAY; AND  3. MINIMUM 500 FT. FROM BEGINNING OR END OF PAVEMENT	MAXIMUM 300 SQ. FT. PER FACE WITH A MAXIMUM 25 FT. VERTICAL FACE AND 60 FT. HORIZONTAL FACE.  MAXIMUM HEIGHT: 30 FT. MEASURED FROM GRADE (INCLUDING ALL SUPPORTING STRUCTURES)	MAY BE ILLUMINATED. SEE §§ 153.150 – 153.153.  SHALL NOT BE INTERMITTENT, FLASHING, SCINTILLATING, ANIMATED OR OF VARYING INTENSITY.  IF LOCATED IN THE SAME LINE OF	

			WIDENING AT THE EXIT FROM OR ENTRANCE TO ANY PORTION OF THE HIGHWAY.		VISION AS A TRAFFIC CONTROL SIGNAL, NO RED, GREEN OR YELLOW ILLUMINATION SHALL BE USED.  LIGHTING SOURCE SHALL BE SO ORIENTED OR SHIELDED SO THAT IT IS NOT VISIBLE FROM THE HIGHWAY RIGHT-OF-WAY OR FROM ANY RESIDENTIAL USE DISTRICT.	
C2, C3, M1 AND M2 DISTRICTS	TEMPORARY OFF-PREMISES SIGNS.			MAXIMUM AREA: 48 SQ. FT.  MAXIMUM HEIGHT: 8 FT.	NO	YES
Residential AND MULTIFAMILY OF LESS THAN 4 UNITS	<del>Name plate</del> <sup>(4)</sup> <del>Historical marker</del>	1		MaxIMUM AREA: ± 15 sq. ft. MaxIMUM HEIGHT: 16 ft. <del>in clear</del>	Yes.—refer to light pollution, SEE §§153.150 – 153.153. <del>for restrictions</del>	No

				height		
Multi-family (for - more than 4 units -for less than 4 units see residential above)	Wall or freestanding	1 per street frontage		MaxIMUM AREA:- 16 sq. ft. MaxIMUM HEIGHT:- 10 ft. in height	Yes.—refer to light pollution, SEE §§ 153.150 - 153.153 for restrictions	Yes
Subdivision RESIDENTIAL DISTRICTS	Monument	2		MaxIMUM AREA:- 120 sq. ft. MaxIMUM HEIGHT: -6 ft. in height	Yes. -refer to light pollution, SEE §§ 153.150 - 153.153 for restrictions	Yes
Commercial , education, religious, industrial DISTRICTS	Wall or freestanding, which can MAY be double-sided	On property less than 5 acres: 4 total; 3 wall and 1 freestanding.  On property 5 acres or more: 3 total and if frontage on two roads, 2 freestanding signs are allowed		Wall signs: MaxIMUM AREA:- 100 sq. ft. No height restriction  Freestanding signs: MaxIMUM AREA:- 80 sq. ft. MaxIMUM HEIGHT:- 10 ft. high	Yes. refer to light pollution, SEE §§ 153.150 – 153.153 for restrictions	Yes
	Temporary Banners	3 PER each road frontage		MaxIMUM AREA:- 64 sq. ft.	NO	YES
Commercial	Wall or	1 per		MaxIMUM	Yes – refer	Yes

complexes (for more than 3 commercial use occupants joined together) <sup>(2)</sup>	Freestanding	business on each road frontage		AREA:- 150 sq. ft. MaxIMUM HEIGHT:- 30 ft. high	<del>to light pollution,</del> SEE §§153.150 – 153.153. <del>for restrictions</del>	
	Temporary Banners	3 per business on each road frontage		MaxIMUM AREA:- 64 sq. ft.	NO	YES
PAD				Must submit PER APPROVED comprehensive sign plan	Yes	YES
<p>(1) <del>A name plate sign identifying the occupant, occupant's profession or title and the address of the dwelling.</del></p> <p>(2) <del>Menu boards for drive thru restaurants:</del></p> <p>— (a) <del>One pre order and one order board is allowed per business. The signs may be free standing or wall mounted.</del></p> <p>— (b) <del>The maximum aggregate area for a menu board shall not exceed 45 square feet.</del></p> <p>— (c) <del>The maximum sign height shall not exceed six feet for free standing signs.</del></p> <p>— (d) <del>The sign should be located so as to not be readable from the public right of way.</del></p>						

~~§ 153.132 [RESERVED].~~

~~§ 153.133 [RESERVED].~~

~~§ 153.134 [RESERVED].~~

~~§ 153.135 [RESERVED].~~

~~§ 153.136-130 Sign Regulations, Mobile Home, Travel Trailer and Recreational Vehicle Parks.~~

(A) Signs placed or maintained AT THE ENTRANCE TO OR within any mobile home park are subject to all the regulations set forth under § ~~153.131~~129 FOR RESIDENTIAL AND MULTI-FAMILY ZONING DISTRICTS.

(B) ~~Permanent mobile home park entrance signs shall comply with the regulations set forth under §.153.131 FOR SUBDIVISIONS.~~

~~(C) Signs PLACED OR MAINTAINED AT THE ENTRANCE TO OR WITHIN identifying travel trailer parks and recreational vehicle parks are subject to all the regulations set forth under § [153.131](#) FOR THE ZONING DISTRICT WITHIN WHICH THEY ARE LOCATED.~~

~~§ 153.137 [Reserved].~~

~~§ 153.138 Sign Permits.~~

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

~~—(B) Fees.~~

~~—(1) The fees shall be as set forth in and amended from time to time, [Chapter 153, Appendix A](#), Fees.~~

~~—(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, driveways, 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) Signs not requiring permits. Signs not requiring permits as set forth in §§ [153.128](#) through [153.131](#) shall comply with all other requirements and restrictions of this code.~~

~~—(E) *Temporary sign permits.* Signs with a limited duration of use, such as those provided in §§ [153.130](#) and [153.131](#), 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 six months. An extension of a temporary sign permit may be obtained pursuant to the granting of 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.~~

**Town of Dewey-Humboldt Sign Code**

**September 19, 2017**

***SIGN CODE***

**§ 153.125 Purpose.**

(A) The purpose of the Sign Code is:

1. To provide freedom and flexibility for the design, construction and maintenance of signs in harmony with the values and character of this country community;
  2. 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;
  3. To insure that the constitutionally guaranteed right of free speech is protected;
- AND
4. To regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message or content.

(B) This subchapter shall be known and cited as the Town of Dewey-Humboldt Sign Code.

**§ 153.126 Definitions.**

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

***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.

***BILLBOARD.*** An off-premise sign that is free-standing and ground-mounted.

***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.

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

**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.

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

**GROUND LEVEL.** The average ground elevation within ten feet measured horizontally to the sign base.

**POSTER.** A temporary bill or placard.

**SANDWICH BOARD.** A temporary sign which is of the A-frame type that sits on the ground.

**SIGN.** Any device or structure which draws attention to an object, product, place, activity, opinion, person, organization or business.

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

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

**SIGN, GOVERNMENT.** A sign erected and maintained pursuant to and in discharge of any governmental function or required by a law or ordinance or governmental regulations, including official notices.

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

**SIGN, NONCONFORMING.** Any sign which does not conform to the regulations for signs for the district in which it is located but which when first constructed was lawfully permitted, constructed and installed or was lawfully installed in another political jurisdiction prior to annexation to the town.

**SIGN, NUMBER OF FACES ON.**

(1) *Single-faced.* If a sign has copy on one side only.

(2) *Double-faced.* 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 permanent sign providing information or directing attention to a business, place, activity, goods, services, entertainment or product which is not conducted, sold

or offered on the property on which the sign is located or which does not pertain to the property upon which the sign is located.

***SIGN, ON-PREMISES.*** A sign providing information or directing attention to a business, place, activity, goods, services or products on the same property on which the sign is located.

***SIGN, PERMANENT.*** A sign constructed of durable materials, attached to the ground or a building and intended to remain in use for six months or more.

***SIGN, POLITICAL.*** A temporary sign regulated pursuant to Arizona Revised Statutes § 16-1019.

***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.

***SIGN, TEMPORARY.*** A sign intended to remain in use for less than six months.

***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 painted on or adhered to the interior or exterior of a glass window or door and is visible from the exterior of the glass window or door.

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

### **§ 153.127 Permits Required.**

(A) **Permit Required.** Except as provided for exempt signs, it shall be unlawful for any person to construct, install, attach, place, paint, alter, relocate, or otherwise maintain any sign in the town without first obtaining a sign permit in accordance with this sign code.

(B) **Requirement of Conformity.** Signs shall not be installed, placed, or maintained in the town except in conformance with this Sign Code. If provisions of this Sign Code conflict with any other town code, the more restrictive requirement(s) shall apply. Signs maintained contrary to the provisions of this Sign Code are declared to be nuisances and may be abated as provided by law.

(C) **Fees.** Sign permit fees shall be as adopted by the town council by resolution.

(E) **Sign Permit Application.** Application for a sign permit shall be made to the Community Development Department on forms provided by the town and shall include 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. If the parcel is not located within a recorded subdivision, a metes and bounds legal description shall be submitted with the application;
- (3) Zoning designation of the property on which the sign will be located;
- (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 final plot plan showing the following:
  - a. Shape and dimensions of lot boundaries, adjacent street right- of-way, driveways, buildings (existing and proposed);
  - b. North designation; and
  - c. Location of sign(s) on property (indicate type).
- (10) A final 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 Sign Code requirements;
- (12) Name, address and telephone number of property owner and agent, if any; and
- (13) Signature of applicant or agent.

(F) Signs Not Requiring Permits. Exempt signs not requiring permits shall comply with all other requirements and restrictions of this code.

(G) Temporary Sign Permits. Signs with a limited duration of use shall obtain a temporary sign permit. The requirements and criteria for such signs are as follows:

(1) Temporary sign permits shall be issued for no more than six months. An extension of a temporary sign permit may be obtained pursuant to the granting of a use permit.

(2) Temporary signs shall conform to all other requirements of this code.

(H) Sign Permit Review; Time Frames.

(1) Within ten business days of submission of an application for a sign permit, town staff shall review the application for completeness. If the application is not complete, the applicant will be notified of the deficiency via email, telephone, or first class mail.

(2) Within thirty business days of receipt of a complete application, town staff shall review the application for compliance with the regulations set forth in this code and in the town code, as applicable, and shall issue the permit or notify the applicant of deficiencies and the need for corrections.

(3) For a comprehensive sign plan, the review of the complete application for compliance with town regulations shall be extended to forty-five days from the date of submission, or as may be otherwise agreed upon by the town and the applicant.

(I) Exempt Signs.

The following types of signs are exempt from permitting requirements but shall be subject to the regulations set forth below. No more than two exempt signs shall be allowed per business or residential lot:

<i>Districts</i>	<i>Type</i>	<i>Number Permitted</i>	<i>Maximum Area and Height</i>
All districts	Government signs	No limit	No limit
All districts	Posters	No limit	§ 153.128(J)
All districts	Flags	No limit	No limit
All districts	Sandwich boards	2 per frontage	10 sq. ft.
Commercial districts	Window signs	No limit	No limit
Residential districts	Wall, window, or ground-mounted	No limit.	16 sq. ft.

**§ 153.128 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.
- (B) Lighted beacons, searchlights or similar lights, are prohibited (see Light Pollution, § 153.150 through 153.153).
- (C) No signs are permitted in the public right-of-way, including public roadway easements.
- (D) No sign shall be attached to a utility pole, light standard, bridge or other fixture in the public right-of-way.
- (E) No sign shall be painted directly on or affixed to any natural object in its natural location.
- (F) No sign shall exceed 30 feet in height.
- (G) No sign shall be placed in a location that obstructs or interferes with any official traffic signs and/or devices or obstructs a driver's view of oncoming, merging or intersecting traffic.
- (H) No sign shall display any statement, symbol or picture of an obscene nature.
- (I) Signs may be painted directly onto vertical structural surfaces.
- (J) Signs that are not allowed in a residential zone shall not be placed within 20 linear feet of any residentially zoned property.
- (K) New signs exceeding eight square feet in area or exceeding eight feet in height shall follow the permitting requirements specified in § 153.127.
- (L) All freestanding signs shall maintain a one foot setback for each foot of sign height.
- (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 the 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 or designee, shall require correction within 30 days of official notification. In addition to the penalties provided pursuant to the Zoning Code, the Town may pursue additional remedies in Superior Court for failure to correct violations of the Sign Code.

(O) Sandwich board signs shall be displayed only during times when the business being advertised is open for business.

(P) Legal nonconforming signs existing prior to the effective date of this subchapter or amendments thereto, 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. If a nonconforming sign becomes a hazard to public safety, it shall be removed, in compliance with state law and this Code.

**§ 153.129 Sign Regulations for Use Districts.**

(A) Attached on-premises signs shall be on the occupant’s building only.

(B) Awning signs shall only be allowed on the ground floor of a building.

<i>Districts</i>	<i>Type</i>	<i>Number Permitted</i>	<i>Setbacks/ Location</i>	<i>Area &amp; Height</i>	<i>Lighting</i>	<i>Permit</i>
All districts	Off-premise Wall signs	1 per parcel	Minimum 200 feet from a residential zoned district boundary.	Maximum area: 200 sq. ft. Maximum height: 20 ft. from ground where located.	May be illuminated internally or by external source. See §§ 153.150 – 153.153	
Commercial (C) and Industrial (M) districts.	Off-premises Billboards*		1. Minimum 1,500 feet from another billboard located on the same side of the highway; and  2. Only on parcels contiguous to state highway right-of-way; and  3. Minimum 500 ft. from beginning or end of	Maximum 300 sq. ft. per face with a maximum 25 ft. vertical face and 60 ft. horizontal face.  Maximum height: 30 ft.	May be illuminated. See §§ 153.150 – 153.153.  Shall not be intermittent, flashing, scintillating, animated or of varying intensity.  If located in	

			pavement widening at the exit from or entrance to any portion of the highway.	measured from grade (including all supporting structures)	the same line of vision as a traffic control signal, no red, green or yellow illumination shall be used.  Lighting source shall be so oriented or shielded so that it is not visible from the highway right-of-way or from any residential use district.	
C2, C3, M1 and M2 districts	Temporary off-premises signs.			Maximum area: 48 sq. ft.  Maximum height: 8 ft.	No	Yes
Residential and Multi-Family of less than 4 units		1		Maximum area: 15 sq. ft. Maximum height: 16 ft.	Yes. See §§153.150 – 153.153.	No
Multi-family - more than 4 units	Wall or freestanding	1 per street frontage		Maximum area: 16 sq. ft. Maximum height: 10 ft.	Yes. See §§ 153.150 - 153.153	Yes
Residential districts	Monument signs	2		Maximum area: 120	Yes. See §§ 153.150 -	Yes

				sq. ft. Maximum height: 6 ft.	153.153	
Commercial, industrial districts	Wall or freestand- ing, which may be double- sided	On property less than 5 acres: 4 total - 3 wall and 1 freestand- ing.  On property 5 acres or more: 3 total and if frontage on two roads, 2 freestand- ing.		Wall signs: Maximum area: 100 sq. ft. No height restriction  Freestand- ing signs: Maximum area: 80 sq. ft. Maximum height: 10 ft.	Yes. See §§ 153.150 - 153.153	Yes
	Temporary Banners	3 per business on each road frontage		Maximum area: 64 sq. ft.	No	Yes
Commercial complexes (for more than 3 commercial use occupants jointed together)	Wall or Freestand- ing	1 per business on each road frontage		Maximum area: 150 sq. ft. Maximum height: 30 ft.	Yes. See §§153.150 – 153.153.	Yes
	Temporary Banners	3 per business on each road frontage		Maximum area: 64 sq. ft.	No	Yes
PAD				Per approved comprehen	Yes	Yes

				sive sign plan		
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\* Billboards located within 660 feet of the edge of a state highway or interstate right-of-way shall obtain Arizona Department of Transportation approval prior to applying for a town sign permit.

**§ 153.130 Sign Regulations, Mobile Home, Travel Trailer and Recreational Vehicle Parks.**

(A) Signs placed or maintained at the entrance to or within any mobile home park are subject to all the regulations set forth under § 153.129 for residential and multi-family zoning districts.

(B) Signs placed or maintained at the entrance to or within travel trailer parks and recreational vehicle parks are subject to all the regulations set forth under § 153.129 for the zoning district within which they are located.

***Reed v. Town of Gilbert, U.S. Supreme Court, 576 U.S. \_\_\_\_ (2015), June 18, 2015***

The Town of Gilbert, Arizona adopted a Sign Code that requires a permit for the display of outdoor signs, except for those signs that fall under one of the exempted categories. Petitioners, Good News Community Church (“Church”) and Pastor Clyde Reed posted temporary signs on Saturday mornings bearing the Church name and the time and location of the next service and removed the signs midday the next day. Gilbert categorized these signs as “Temporary Directional Signs” and cited the Church for exceeding the time limits for displaying the signs and for failing to include an event date on the signs. The Church did not dispute these violations but filed a complaint in U.S. District Court that Gilbert was abridging their freedom of speech.

The District Court denied their motion for a preliminary injunction and the Ninth Circuit affirmed, concluding that the Gilbert’s code was content -neutral (the regulation applies to all speech regardless of the viewpoint and subject matter) and Gilbert was able to satisfy the intermediate scrutiny for content-neutral regulation.

On June 18, 2015, the U.S. Supreme Court reversed the Ninth Circuit’s decision and found that Gilbert’s sign code is “facially content-based” meaning that on its face Gilbert regulates speech based on the subject matter because Gilbert used the content of the sign to determine whether the sign was Temporary Directional, Ideological or Political<sup>1</sup> among other categories. Essentially, the Court found that the Church’s sign was regulated according to the message it was conveying.

The Court dismissed Gilbert’s argument that because its regulation was not based on any disagreement with the message conveyed on the Church’s sign that regulation of the sign was not content-based. The Court stated that it was irrelevant whether Gilbert agreed or disagreed with the content of the sign when regulating it, finding that a “benign motive” was not relevant when examining whether the regulation is content-based.

Additionally, the Court disagreed with Gilbert’s assertion that the sign regulation was content-neutral because all temporary directional signs were treated similarly, regardless of the particular viewpoint. The Court asserted that the regulation singles out specific subject matter for differential treatment, even if it does not target viewpoints within the subject matter. In Gilbert, an Ideological Sign can be up to 20 square feet and have no placement or time restrictions; a Political Sign can be up to 32 square feet and may only be displayed during an election season; and a Temporary Directional Sign, such as the Church’s sign, is limited to six square feet and could only be displayed no more than 12 hours before the qualifying event and 1 hour after. The Court found that the more favorable treatment to some signs rather than other types of signs, based on the content, was an example of content-based discrimination.

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<sup>1</sup> Temporary Directional Signs: conveys a message directing the public to a qualifying event; Political Signs: influences the outcome of an election; Ideological Signs: communicates a message or idea and doesn’t fit within another category.

Lastly, the Court dismissed the argument that the regulation was speaker or event based and therefore was not content-based and reiterated that speech regulation is content-based if the law applies to a particular speech because of the topic discussed or the idea or message expressed.

The Court found that Gilbert's regulation failed the strict scrutiny test because it could not provide evidence that its regulation furthered a compelling governmental interest and is narrowly tailored to that interest. Gilbert's assertions that the regulation is necessary for aesthetic appeal and for traffic safety were not sufficient to warrant content-based regulation because Gilbert's Sign Code allowed unlimited display of larger Ideological Signs and was unable to demonstrate that Temporary Directional Signs posed a greater threat to safety than any other signs.

The Court reversed the judgment of the Ninth Circuit Court of Appeals.

### Additional Considerations

Justice Alito's concurring opinion indicates that government can regulate signs in a manner that would not be content-based and provided the following examples of content-neutral regulation:

- Size of signs;
- Location of signs such as free standing signs or those attached to buildings;
- Lighted and unlighted signs;
- Fixed messages and electronic signs with messages that change;
- Distinguishing placement of signs on private and public property;
- Distinguishing on-premises and off-premises signs;
- Restricting the total number of signs allowed per roadway;
- Imposing time restrictions on signs advertising a one-time event (Kagan's concurring opinion disputes that this is content-neutral); and
- Signs erected by private actors and government entities.

In Kagan's concurring opinion, she indicates that many illuminated signs, certain safety-related signs and historic site markers may be in jeopardy if the regulation is focused on a specific subject matter (content-based) and there is not a compelling governmental interest under strict scrutiny. Justice Kagan states that communities may have to repeal the sign exemptions or remove all sign restrictions.

**ORDINANCE No. 17-138**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, DECLARING THAT CERTAIN DOCUMENT ENTITLED “TOWN OF DEWEY-HUMBOLDT, ARIZONA SIGN CODE, DATED SEPTEMBER 19, 2017” TO BE A PUBLIC RECORD; ADOPTING THE “TOWN OF DEWEY-HUMBOLDT, ARIZONA SIGN CODE, DATED SEPTEMBER 19, 2017” BY REFERENCE; AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE XV LAND USAGE, CHAPTER 153 ZONING REGULATIONS BY REPEALING THE PROVISIONS OF SUBCHAPTER SIGN CODE AND REPLACING IT WITH THE PROVISIONS SET FORTH IN THE “TOWN OF DEWEY-HUMBOLDT, ARIZONA SIGN CODE, DATED SEPTEMBER 19, 2017”, CONSISTING OF SUBCHAPTER SIGNS AND INCLUDING THE FOLLOWING SECTIONS: § 153.125 PURPOSE, § 153.126 DEFINITIONS, § 153.127 PERMITS REQUIRED, § 153.128 GENERAL PROVISIONS, § 153.129 SIGN REGULATIONS FOR USE DISTRICTS, AND 153.130 SIGN REGULATIONS, MOBILE HOME, TRAVEL TRAILER AND RECREATIONAL VEHICLES ALL RELATED TO UPDATING THE TOWN’S SIGN CODE TO REMOVE CONTENT-BASED REGULATIONS IN LIGHT OF THE SUPREME COURT DECISION *REED V. TOWN OF GILBERT* AND PROVIDING REASONABLE REGULATIONS OF SIGNS WITHIN THE TOWN; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING PENALTIES.**

**Whereas**, signs are an important means of communication, providing a means for entities to identify their locations, for businesses to advertise their products, and for individuals to express their opinions on public issues; and

**Whereas**, unregulated, signs may be disorienting to drivers creating serious traffic issue or may proliferate creating clutter, safety issues and long-term negative effects on the visual environment and economic development of the Town; and

**Whereas**, in *Reed v. Town of Gilbert*, the United States Supreme Court found that distinctions between certain types of signs are content-based if a person must read a sign to know whether a sign regulation applies; and

**Whereas**, several of the provisions of the current sign regulations in the Town of Dewey-Humboldt may be deemed content-based and unconstitutional pursuant to *Reed v. Town of Gilbert*;

**Now, Therefore**, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, as follows:

Section 1. In General.

1. That certain document entitled "Town of Dewey-Humboldt, Arizona Sign Code, dated September 19, 2017" is hereby declared to be a public record and three paper copies or one paper copy and one electronic copy are to be maintained in compliance with A.R.S. § 44-7041, and filed in the office of the Town Clerk and kept available for public use and inspection.

2. The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations, Subchapter Sign Code is hereby repealed.

3. The Town of Dewey-Humboldt, Arizona Code of Ordinances, Title XV Land Usage, Chapter 153 Zoning Regulations, is hereby amended adopting by reference the "Town of Dewey-Humboldt, Arizona Sign Code, dated September 19, 2017" consisting of the following sections: § 153.125 Purpose, § 153.126 Definitions, § 153.127 Permits Required, § 153.128 General Provisions, § 153.129 Sign Regulations for Use Districts, and 153.130 Sign Regulations, Mobile Home, Travel Trailer and Recreational Vehicle Parks, which document is hereby adopted and incorporated by reference.

Section II. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance as amended is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section III. Repeal of Conflicting Ordinance

All other code provisions, ordinances, or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed as of the effective date hereof.

Section IV. Penalties

Any person found responsible for violating any provision of this Ordinance shall be subject to the civil sanctions and habitual offender provisions set forth in Section 10.99 of the Dewey-Humboldt Code of Ordinances.

**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this \_\_\_\_ day of September 2017, by the following vote:

AYES: \_\_\_\_\_

NAYES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

EXCUSED: \_\_\_\_\_ ABSTAINED: \_\_\_\_\_

APPROVED this \_\_\_\_ day of September, 2017.

\_\_\_\_\_  
Terry Nolan, Mayor

ATTEST:

\_\_\_\_\_  
Julie Gibson, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Gust Rosenfeld, PLC, Town Attorneys  
BY: Susan D. Goodwin

I, JULIE GIBSON, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 17-138 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE \_\_\_\_ DAY OF SEPTEMBER 2017, WAS POSTED IN THREE PLACES ON THE \_\_\_\_\_ DAY OF SEPTEMBER 2017.

\_\_\_\_\_  
Julie Gibson, Town Clerk