



GOLDWATER INSTITUTE'S
GUIDEPOSTS FOR AMENDING
CITY SIGN CODES

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City officials across the country are wondering: *is my city code unconstitutional?* That's a good question to ask because *Reed v. Town of Gilbert* has changed the game.¹ In that 2015 decision, the United States Supreme Court made it clear that restricting signs based on their content violates the right to free speech guaranteed by the First Amendment. Unfortu-

nately, a quick look around the state shows that Arizona municipalities have either failed to revise their sign codes in accordance with *Reed*, or have failed to do so properly.

The purpose of this policy report is to provide Arizona cities and towns with a guide to revising their sign codes in ways that both respect the constitutional rights of Arizonans and avoid the possibility of costly litigation.

REED AND HOW THE COURTS NOW LOOK AT SIGN CODES

Reed involved an ordinance in Gilbert, Arizona, that, like other municipalities in the state, regulated outdoor signs in different ways “based on the type of information they convey.”² Gilbert’s code prohibited outdoor signs without a permit but exempted 23 categories of signs from this requirement, including signs that were labeled as “Ideological Signs,” “Political Signs,” and—specifically at issue in the *Reed* case—“Temporary Directional Signs Relating to a Qualifying Event.” In other words, Gilbert’s code effectively singled out signs displayed by a church that advertised the time and location of their Sunday services and imposed stricter restrictions on them than on other signs.³ Because the code imposed “more stringent restrictions” on temporary directional signs than on other types of signs, citizens challenging the constitutionality of the restrictions argued that they were content-based regulations of speech that could not survive the “strict scrutiny” test applied in free speech cases.

Strict scrutiny is the most stringent standard of judicial review, and courts use it when determining whether a law violates freedom of speech, freedom of religion, or other “fundamental” constitutional rights. The strict scrutiny test presumes strongly in favor of the citizen. Under this test, the government may not curtail a constitutional right any more than is necessary to serve an important government goal, and it must provide overwhelming evidence that the restriction directly serves that goal, without going further and interfering with people’s rights unnecessarily. For Gilbert’s sign code to satisfy strict

scrutiny, therefore, the town would have had to prove that its differential treatment of signs “furthers a compelling interest and is narrowly tailored to achieve that interest.”⁴

The Supreme Court determined that Gilbert’s sign code did not satisfy strict scrutiny because it was under-inclusive, meaning that the ordinance did not go far enough to actually advance the purposes the town claimed to be seeking. The town said its code was meant to protect the aesthetic look of Gilbert and to promote traffic safety—but the 23 exemptions in the ordinance contradicted those purposes, since signs for ideological or political purposes presented as much of a traffic hazard and harmed the aesthetics of the town just as much as signs promoting Sunday church services. The Supreme Court also rejected the theory, previously adopted by the Ninth Circuit and some other courts, that cities may treat different types of communication differently, as long as they do not do so out of hostility toward the message. Even without such hostile intent, any differential treatment of speech based on the message or the topic discussed, is forbidden in all but the rarest cases: “Content-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.”⁵ Thus the town of Gilbert’s differential treatment of signs based upon the messages they conveyed failed the strict scrutiny test.⁶



Reed came only four years after the Supreme Court's decision in *Sorrell v. IMS Health Services*,⁷ which struck down a Vermont law prohibiting the distribution of certain medical information for "marketing" purposes. The law allowed the information to be distributed, but not for people or companies engaged in advertising or selling medicine. The Court found this unconstitutional on the grounds that it limited speech "based on the content of speech and the identity of the speaker." A "great deal of vital expression," the justices noted, "results from an economic motive." Any restriction on expression that is "directed at certain content" or that is "aimed at particular speakers" violates the First Amendment.⁸

In January 2016, the Fourth Circuit Court of Appeals clarified in the wake of the *Reed* decision that efforts to regulate commercial speech differently from other types of speech must survive the stringent test of strict scrutiny. In *Central Radio Company v. City of Norfolk*,⁹ that court struck down Norfolk, Virginia's former sign code,¹⁰ which restricted the display of flags and emblems except for government or religious flags and emblems. The code also "exempted 'works of art' that 'in no way identif[ied] or specifically relate[d] to a product or service,'" but prohibited "art that referenced a product or service."¹¹ The case came about because the owners of a radio repair shop threatened with eminent domain decided to emblazon their building with a sign criticizing the local government for attempting to take their property; the city then cited them for violating the sign code.¹²

In striking down Norfolk's code, the Fourth Circuit relied in part on the distinction it made between art that conveys a commercial message and art that conveys a noncommercial message.¹³ The court found that the rules were not content-neutral, and found no compelling justification for restricting certain types of speech while allowing others. Even restrictions that distinguish between commercial and noncommercial messages were subject to the same stringent test applied in the *Reed*

case.¹⁴ Thus although Norfolk, like Gilbert, argued that the restriction was justified by aesthetic and traffic-safety interests, the court concluded that these interests were insufficient to justify restricting speech. "Although interests in aesthetics and traffic safety may be *substantial* government goals," the Fourth Circuit wrote, "neither we nor the Supreme Court have ever held that they constitute *compelling* government interests."¹⁵

Reed makes clear that city sign ordinances must treat signs alike, without regard to the messages they convey. A city may limit the sizes, colors, locations, and appearances of signs but may not allow one kind of sign while banning another, or permit large signs carrying political messages while requiring smaller signs for religious or commercial messages. Nor may a city impose identity- or motive-based restrictions on speech. Just as it may not ban a sign because of its message or its viewpoint, so it may not restrict signs based on the identity of the person speaking or that speaker's motive.¹⁶ A sign ordinance, therefore, that prohibits the display of artwork when used for commercial purposes but permits it for noncommercial purposes, or that allows the display of a political or religious flag but requires a permit for any other kind of flag, is likely unconstitutional.



ARIZONA'S CONSTITUTION AND STATUTES OFFER EVEN MORE PROTECTION FOR FREE EXPRESSION

Federal constitutional rules are highly protective of free expression, but the Arizona Constitution and Arizona state law provide additional protections for free speech. These state law protections secure individual freedom—and limit local governments' power to restrict speech—even more than the U.S. Constitution does.¹⁷

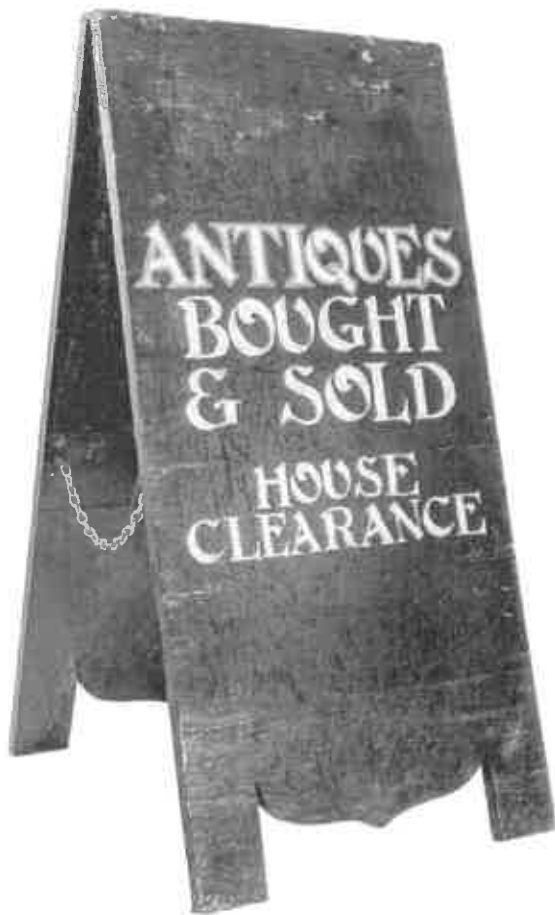
As Arizona municipalities continue to revise their sign codes in light of *Reed*, they should take the opportunity to incorporate changes in state law, as well.¹⁸

Section 16-1019 of the Arizona Revised Statutes prohibits municipalities and counties from removing any political sign “in a public right-of-way that is owned or controlled by that jurisdiction” so long as that sign is “not placed in a location that is hazardous to public safety,

obstructs clear vision in the area or interferes with the requirements of the Americans with Disabilities Act.”¹⁹ Because this law distinguishes political speech from other forms of speech, Arizona Attorney General Mark Brnovich was recently asked whether it was constitutional in light of *Reed*. His official opinion was yes, on the grounds that this law establishes a content-based *permission* rather than a content-based burden: “Nothing in Section 16-1019 restricts speech or compels the regulation of signs,” the opinion declares. “Instead, it establishes the limits—under Arizona law—of what local governments may do as they limit or regulate signs.”²⁰ But Section 16-1019 mandates that political signs be allowed in public rights-of-way, and given *Reed*'s prohibition on content-based distinctions in regulations of expression, local governments must treat all other signs in the same manner as political signs. This means that the same permission given to political signs must be given to all other signs. Municipalities should allow, at *all* times, *all* signs that meet the physical qualifications of Section 16-1019.²¹

Another statute, Section 9-499.13(a), requires local governments to “allow the posting, display and use of sign walkers.” A “sign walker” is someone “who wears, holds or balances a sign,” typically for advertising on streets.²² When municipalities create sign ordinances, the law lets them impose “reasonable time, place and manner regulations relating to sign walkers,” but those regulations “may not restrict a sign walker from using a public sidewalk, walkway or pedestrian thoroughfare.”²³ As the Arizona Court of Appeals has held, this law “prohibits outright bans on sign walkers and requires that rules regulating conduct on public thoroughfares be uniform as between sign walkers and all other individuals.”²⁴ Most municipalities have complied with this law and have not imposed bans on sign walkers, but many sign codes around the state currently require sign walkers conveying *commercial* messages to obtain permits. *Reed* makes clear that this is unconstitutional. Imposing a permit requirement





on people holding signs, which differentiates between them based on the content of the signs they hold, is a content-based restriction and cannot satisfy the demanding “strict scrutiny” standard. Such permit requirements should be taken off the books.

Indeed, municipalities must be careful to ensure that any sort of permitting process for signs is neutral with respect to the content of the sign, the subject or viewpoint expressed, the identity of the speaker, and the speaker’s motive. Even a content-neutral permit requirement applying to *all* signs may be unconstitutional if it qualifies as a “prior restraint” on speech. A prior restraint is a requirement for government preapproval before speaking, and prior restraints have traditionally been considered almost *per se* violations of the First Amendment.²⁵ If a permit scheme is stated in subjective or ambiguous terms, provides no definite timeline for the approval or denial of the permit, or fails to provide citizens with

adequate judicial review in the event that the permit is denied, the permit requirement is likely to be deemed an unconstitutional prior restraint on speech.²⁶ To be sure that there’s no constitutional violation, municipalities should avoid requiring permits for sign displays at all. A permitting process should be unnecessary anyway if a city has a clear, uncomplicated sign code that individuals and businesses can easily understand and follow.²⁷

The Arizona Court of Appeals ruled in 2014 that Phoenix officials had acted unconstitutionally when they removed signs promoting handgun training services displayed on city bus stops.²⁸ Because the bus stops were government-owned property, the city had more authority to determine what sorts of advertisements were displayed than would be the case if the signs had been placed on private property. Nevertheless, the court held that the city’s rules were too vague, particularly the requirement that signs be “adequately displayed.” Since it was unclear what qualified as “adequate,” the court found that city officials had “unbounded discretion...to determine whether a commercial advertisement is proposed and adequately displayed.”²⁹ This was unconstitutional because it was too subjective and ambiguous.

CASE STUDY: REAL ESTATE SIGNS

Many Arizona cities have sign codes that distinguish between commercial signs and noncommercial signs, and impose restrictions on one category but not the other. These are unconstitutional under the *Reed* and *Sorrell* decisions. Consider one example: real estate signs in rights-of-way.

If a city prohibits real estate signs but allows other types of signs—such as political, ideological, or directional signs—in rights-of-way, the city has violated the First Amendment and Article II section 6 of the Arizona Constitution, as well as the Equal Protection guarantees of the

federal Fourteenth Amendment, and Article II section 13 of the state Constitution. In practice, such a city code would forbid a commercial real estate owner from communicating to the public that commercial spaces are available for rent in that shopping center—but it would allow the owner to advertise other goods or services, or to display other noncommercial messages—in that same right-of-way. This is unconstitutionally discriminatory. A lopsided sign code that allows the shopping center’s owner to convey noncommercial information—displaying a political or religious sign, for instance—but does not allow the owner to disseminate commercial information, such as the fact that spaces are available for rent, would deprive the property owner of the equal protection of the laws *and* infringe upon the owner’s free speech rights.

A city cannot impose an across-the-board prohibition on signs in rights-of-way either. So long as a city allows, or is required by state law to allow, some signs in rights-of-way, the city cannot choose *which* signs it will permit and which it will prohibit in any manner that relates to the content of the message, the viewpoint expressed, or the identity or motive of the speaker.³⁰ A city can restrict signs for content-neutral reasons, such as size and shape, but *all* restrictions on signs in rights-of-way should be content neutral, as well as

neutral between commercial and noncommercial speakers, and between commercial advertisements on one hand and political, religious, or public service ads on the other. For example, if a municipality requires people to get permits before displaying real estate signs, it must require the same permit for other categories of signs of the same size and shape. A content-neutral permitting process, if carefully designed to respect the expressive rights of citizens, can satisfy constitutional standards. But as we noted previously, sign permitting should not be necessary at all. For example, cities may require all lighted signs or all electronic signs with rotating messages to obtain a permit. But they may not require a permit for all lighted *real estate* signs or electronic signs with rotating *commercial* messages.³¹

CONCLUSION

In light of *Reed* and changes in state law, local sign codes around the state must be revised. Doing so need not be difficult, so long as the guidelines set out in this report are followed. Following these guidelines will not only protect free speech, but will also lead to simpler sign codes that are easier to follow and enforce, and protect taxpayers from costly and time-consuming lawsuits. ■

IN SUMMARY:

- If a sign code requires enforcement officers to read a sign to determine whether it violates the code, the code is probably content based and violates the First Amendment.
- Commercial messages cannot be treated differently than other types of messages.
- Signs must be allowed in public rights-of-way.

- Sign walkers cannot be restricted from holding up signs on public sidewalks.
- Sign codes must be easy to understand, with (a) clear standards that do not allow enforcement officials to pick when to enforce the restriction, (b) a definite time limit within which a permit will be granted or denied, and (c) an oppor-

tunity for meaningful judicial review in the event the permit application is denied. Cities should avoid permit requirements whenever possible.

- If a municipality determines that removing or allowing a particular sign is integral to traffic safety, it must provide clear evidence that justifies its determination.

APPENDIX

A.R.S. § 9-499.13. Sign walkers; regulation; exception; definition

- A.** From and after December 31, 2008, notwithstanding the authority to regulate signs pursuant to § 9-462.01, and as a matter of statewide concern, all municipalities shall allow the posting, display and use of sign walkers. Except as provided by subsection B of this section, municipalities may adopt reasonable time, place and manner regulations relating to sign walkers.
- B.** A municipality that adopts reasonable time, place and manner regulations relating to sign walkers may not restrict a sign walker from using a public sidewalk, walkway or pedestrian thoroughfare.
- C.** This section may be enforced in a private civil action and relief, including an injunction, may be awarded against a municipality. The court shall award reasonable attorney fees to a party that prevails in an action against a municipality for a violation of this section.
- D.** For the purposes of this section, “sign walker” means a person who wears, holds or balances a sign.

A.R.S. § 16-1019. Political signs; printed materials; tampering; classification

- A.** It is a class 2 misdemeanor for any person to knowingly remove, alter, deface or cover any political sign of any candidate for public office or knowingly remove, alter or deface any political mailers, handouts, flyers or other printed materials of a candidate that are delivered by hand to a residence for the period commencing forty-five days before a primary election and ending seven days after the general election.
- B.** This section does not apply to the removal, alteration, defacing or covering of a political sign or other printed materials by the candidate or the authorized agent of the candidate in support of whose election the sign or materials were placed, by the owner or authorized agent of the owner of private property on which such signs or printed materials are placed with or without permission of the owner or placed in violation of state law or county, city or town ordinance or regulation.
- C.** Notwithstanding any other statute, ordinance or regulation, a city, town or county of this state shall not remove, alter, deface or cover any political sign if the following conditions are met:
 - 1.** The sign is placed in a public right-of-way that is owned or controlled by that jurisdiction.
 - 2.** The sign supports or opposes a candidate for public office or it supports or opposes a ballot measure.
 - 3.** The sign is not placed in a location that is hazardous to public safety, obstructs clear vision in the area or interferes with the requirements of the Americans with Disabilities Act.

APPENDIX

- 4.** The sign has a maximum area of sixteen square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two square feet if the sign is located in any other area.
 - 5.** The sign contains the name and telephone number or website address of the candidate or campaign committee contact person.
- D.** If the city, town or county deems that the placement of a political sign constitutes an emergency, the jurisdiction may immediately relocate the sign. The jurisdiction shall notify the candidate or campaign committee that placed the sign within twenty-four hours after the relocation. If a sign is placed in violation of subsection C and the placement is not deemed to constitute an emergency, the city, town or county may notify the candidate or campaign committee that placed the sign of the violation. If the sign remains in violation at least twenty-four hours after the jurisdiction notified the candidate or campaign committee, the jurisdiction may remove the sign. The jurisdiction shall contact the candidate or campaign committee contact and shall retain the sign for at least ten business days to allow the candidate or campaign committee to retrieve the sign without penalty.
- E.** A city, town or county employee acting within the scope of the employee's employment is not liable for an injury caused by the failure to remove a sign pursuant to subsection D unless the employee intended to cause injury or was grossly negligent.
- F.** Subsection C does not apply to commercial tourism, commercial resort and hotel sign free zones as those zones are designated by municipalities. The total area of those zones shall not be larger than three square miles, and each zone shall be identified as a specific contiguous area where, by resolution of the municipal governing body, the municipality has determined that based on a predominance of commercial tourism, resort and hotel uses within the zone the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourists. Not more than two zones may be identified within a municipality.
- G.** A city, town or county may prohibit the installation of a sign on any structure owned by the jurisdiction.
- H.** Subsection C applies only during the period commencing sixty days before a primary election and ending fifteen days after the general election, except that for a sign for a candidate in a primary election who does not advance to the general election, the period ends fifteen days after the primary election.
- I.** This section does not apply to state highways or routes, or overpasses over those state highways or routes.

ENDNOTES

¹ 135 S. Ct. 2218 (2015).

² *Id.* at 2224.

³ *Id.* at 2225.

⁴ *Id.* at 2231 (Internal quotations and citations omitted).

⁵ *Reed*, 135 S. Ct. at 2226-27.

⁶ *Id.* at 2231-32. In its analysis, the Supreme Court rejected three theories the Ninth Circuit Court of Appeals had offered to explain why the sign code was content-neutral. First, the lower court reasoned that the code was content-neutral because its restrictions on temporary directional signs were not based on animus toward the message. But the Supreme Court ruled that a "law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive." *Id.* at 2228. Next, the lower court reasoned that the code was content neutral because it did not censor or favor any particular *viewpoint*. *Id.* at 2229. But, said the Supreme Court, "it is well established that '[t]he First Amendment's hostility to content-based regulation extends not only to restrictions on particular viewpoints, but also to prohibition of public discussion of an entire topic.'" *Id.* at 2230. A prohibition on speech is still unconstitutional even if it applies to speakers on both sides of an argument. Because Gilbert treated both ideological and political signs more favorably than temporary directional signs, it did not matter that signs within each category were treated identically. Finally, the lower court reasoned that the code was content-neutral because its distinctions were based on "the content-neutral elements of who is speaking through the sign and whether and when an event is occurring." *Id.* (citation and internal quotations omitted). But the Supreme Court

clarified that even *speaker*-based distinctions are not "automatically" rendered content-neutral because such restrictions "are all too often simply a means to control content." *Id.* (citation and internal quotations omitted). In fact, this is precisely why the Court has "insisted that 'laws favoring some speakers over others demand strict scrutiny when the [...] preference reflects a content preference.'" *Id.* Furthermore, "[a] regulation that targets a sign because it conveys an idea about a specific event is no less content based than a regulation that targets a sign because it conveys some other idea." *Id.* at 2231.

⁷ 131 S. Ct. 2653 (2011).

⁸ *Id.* at 2665.

⁹ 2016 WL 360775 (4th Cir. January 29, 2016).

¹⁰ The city revised its code in light of *Reed* while the lawsuit was pending.

¹¹ *Id.* at *5.

¹² *Id.* at *2.

¹³ *Id.* at *5. It should never be forgotten that much of what is today considered great art is the result of commercial motives. Many of the classic paintings of Alphonse Mucha, Maxfield Parrish, and Norman Rockwell, for example, were designed as commercial advertisements. Even such classic characters as Rudolph the Red-Nosed Reindeer, and the modern version of Santa Claus were invented for advertising campaigns.

¹⁴ The Fourth Circuit also struck down an anti-robocall statute under the First Amendment because it was not content neutral. *Cahaly v. Larosa*, 796 F.3d 399, 405 (4th Cir. 2015). The anti-robocall statute problematically applied to calls with a commercial or political message but did not apply to calls made for any other purpose. *Id.*

ENDNOTES

- ¹⁵ *Id.* at *6 (emphasis added; citation and quotations omitted).
- ¹⁶ *Sorrell*, 131 S. Ct. at 2665.
- ¹⁷ See, e.g., *Coleman v. City of Mesa*, 230 Ariz. 352, 361 (2011); *State v. Stummer*, 219 Ariz. 137, 143 (2008); *Mtn. States Tel. & Tel. Co. v. Ariz. Corp. Comm'n*, 160 Ariz. 350, 354-55 (1989).
- ¹⁸ All municipalities have to comply with state statutes related to sign regulations, charter cities included. See *City of Scottsdale v. State*, 237 Ariz. 467 (Ct. App. 2015) (rejecting city's claim that charter city authority was not preempted by state law permitting sign walkers on all public sidewalks).
- ¹⁹ A.R.S. §§ 16-1019, 16-1019(c)(1), (3).
- ²⁰ Ariz. Op. Att'y Gen. No. I15-011 (December 2, 2015).
- ²¹ Under A.R.S. § 16-1019(c)(4), a political sign must be permitted in a public right-of-way if it "has a maximum area of sixteen square feet, if the sign is located in an area zoned for residential use, or a maximum area of thirty-two square feet if the sign is located in any other area." A.R.S. § 16-1019(f) permits a municipality to create two separate "tourist" zones, each no larger than three square miles, where political signs may be banned in public right-of-ways. Should a municipality decide to implement one of these no-speech zones, it must do so in a content-neutral manner and forbid all signs regardless of content.
- ²² A.R.S. § 9-499.13(d).
- ²³ *Id.* at (b).
- ²⁴ *City of Scottsdale v. State*, 237 Ariz. 467, 472 (Ct. App. 2015).
- ²⁵ *New York Times Co. v. United States*, 403 U.S. 713 (1971).
- ²⁶ *Freedman v. Maryland*, 380 U.S. 51, 58-59 (1965).
- ²⁷ An example of this would be providing a clear definition of the term "right-of-way" in the code. Many city codes fail to define this term adequately. An example of a clear definition for right-of-way is "a strip of publicly or privately owned land occupied by or planned for a street, utilities, landscaping, sidewalks, trails, and similar facilities." An example of an unclear definition of a right-of-way is "an easement, a privilege to pass over the land of another, whereby the holder of the easement acquires only a reasonable and usual enjoyment of the property, and the owner of the land retains the benefits and privileges of ownership consistent with the easement."
- ²⁸ *Korwin v. Cotton*, 234 Ariz. 549 (Ct. App. 2014).
- ²⁹ *Id.* at 558.
- ³⁰ Obscene signs may be prohibited, as obscenity is categorically beyond the protections of the First Amendment. *Roth v. United States*, 354 U.S. 476, 492-93 (1957). And, again, cities may prohibit signs under reasonable time, place, and manner restrictions that are content neutral and designed to protect public safety—for example, forbidding signwalkers from carrying signs with flashing lights that might distract drivers—or in those rare cases in which a prohibition satisfies the demanding test of strict scrutiny.
- ³¹ *Reed*, 135 S.Ct. at 2233-2234 (Alito, J., concurring).



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Chapter 18.110

SIGN REGULATIONS

Sections:

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- 18.110.020 Interpretation of Chapter
- 18.110.030 Definitions
- 18.110.040 Requirement of Conformity
- 18.110.050 Nonconforming and Abandoned Signs
- 18.110.060 Enforcement
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- 18.110.100 Identification
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18.110.010 Findings and Purpose.

Signs can obstruct view, distract motorists, obstruct pedestrian and/or vehicular traffic flow, create a safety hazard, create aesthetic blight and visual clutter, and pose other problems that legitimately call for regulation. The purpose of this chapter is to regulate the size, color, illumination, movement, materials, location, height and condition of signs displayed for exterior observation, in order to allow and promote sign communication in such a manner that:

- A. Preserves and protects the public health, safety and welfare within the Town of Huachuca City.
- B. Encourages development of private property in harmony with the desired character of the Town while providing due regard for the public and private interests involved.

- C. Protects and improves the aesthetic beauty of the Town's built environment by eliminating aesthetic blight and reducing visual clutter.
- D. Promotes the effectiveness of signs by preventing their over-concentration, improper placement, and excessive size.
- E. Protects the general public from damage and injury which may be caused by the faulty and uncontrolled construction of signs within the Town of Huachuca City.
- F. Protects pedestrians and motorists of the Town of Huachuca City from damage or injury caused, or partially attributable to the distraction and obstructions which are hereby declared to be caused, by improperly situated signs.
- G. Enhances the flow of traffic and convenience, ease and enjoyment of travel within the Town of Huachuca City.

18.110.020 Interpretation of Chapter.

- A. Where there is a conflict between the provisions of this chapter and provisions of other regulations of the Town of Huachuca City, the provisions of this chapter shall apply.
- B. The provisions of this chapter shall apply to the erection, construction, alteration, location, and maintenance of all signs within the Town of Huachuca City except as specified in Section 18.110.050.
- C. Any sign permitted by this chapter may contain a non-commercial message in lieu of any other message.
- D. Any provision of this Sign Code that imposes a limitation on freedom of speech shall be construed in a manner that is viewpoint neutral and treats expressive speech either the same as or less restrictive than commercial speech. Any provision of this Sign Code that is found to be an unconstitutional limitation on freedom of speech by any court shall be severed from this Sign Code in a manner that preserves the Sign Code and protects freedom of speech.

18.110.030 Definitions.

Balloon, common party: A common party balloon is a bag made of thin rubber or other light material that when fully inflated does not exceed three (3) feet in diameter. Common party balloons are typically inflated with air or gas that is lighter than air and tethered with a string or thin rope.

Balloon, fixed: A fixed balloon is any lighter-than-air or gas-filled balloon that is greater than three (3) feet in diameter when fully inflated and is attached by a tether to a fixed place and elevated to a height that is greater than fourteen (14) feet to attract attention to the business or property.

Banner: A temporary sign of fabric, plastic, paper or other flexible substrate on which copy or graphics may be displayed. Detached banners are not attached to a building and are secured to a freestanding temporary support structure, uprights, stakes or poles. Vertical banners are those that are affixed to a permanent structure such as a light pole located within a permitted outside display area. For vertical banners that are mounted in-ground or on top of the ground see the definition for feather signs.

Billboard: A permanent sign portraying information not related to an event, business, commodity, product, service, or entertainment occurring on the premises upon which the sign is located.

Building Code: Chapter 15 Buildings and Construction Regulations of the Town Code.

Building Envelope: The exterior area located within twenty (20) feet of the front of a building. Said area is typically designed for pedestrian use and may include features such as a sidewalk or colonnade parallel to the building front, the primary business entrance, signs, sidewalk furniture and planters.

Business frontage: For single tenant buildings the business frontage is the lineal distance of the building measured along a straight line parallel to the street. Where said building is not parallel to the street, the business frontage shall be measured along the exterior front wall of the building. For an individual business located within a multi-tenant building, the business frontage shall be the length of the space occupied by said business measured in a straight line along the exterior front wall of the building, except for an individual business with minimal exterior frontage occupying the interior corner space of an "L" shaped multi-tenant building, in which case the business frontage may be determined by the length of the space occupied by the individual business measured in a straight line parallel to the nearest street.

Fascia: A parapet-type wall used as part of the fascia of a flat-roofed building and projecting not more than six (6) feet from the building face. Such a wall shall enclose at least three (3) sides of the project flat roof and return to a parapet wall or the building.

Ground level: The finished grade of existing sidewalk; or where there is no sidewalk, the street centerline elevation shall be the established ground level.

Halo: See definition for internal indirect lighting.

Indirect lighting: A source of external illumination located a distance away from the sign, which lights the sign, but which is itself not visible to persons viewing the sign from any normal viewing position.

Internal indirect lighting: A source of illumination entirely within the sign visible at night by means of lighting the background upon which the freestanding character is mounted. The character itself shall be opaque, and thus will be silhouetted against the background. The source of the illumination shall not be visible.

Institutional: See definition for quasi-public.

Maintenance: The replacing or repairing a part or portion of a sign made unusable by ordinary wear or tear, not exceeding fifty (50) percent of the sign's value, as determined by a licensed sign contractor.

Model home cluster: A group of two (2) or more model homes (including the parking area) located next to each other, or on opposite sides of the same street that share a common sales office.

Non-commercial message: A message that does not propose a commercial transaction.

Parapet wall: An exterior wall of a building extending above the roof line.

Panel: The portion of a freestanding monument sign that is reserved for use by a single business, organization or other entity located in a commercial or industrial center. Panels can be replaced without replacing or modifying the entire freestanding sign structure.

Public right-of-way: Any highway, street, road, lane, thoroughfare, avenue, boulevard, path, alley or other right-of-way that is maintained for public use and is publicly accessible. Public right-of-way does not include access easements on private property or any privately-owned street, road, driveway, path or other similar passageway that may be connected to a public right-of-way. Public right-of-way typically includes sidewalks and landscaping on both sides of a street.

Quasi-public: Essentially public (as in services rendered) although under private or non-profit ownership or control. Quasi-public and institutional uses include educational institutions, medical institutions, religious institutions, fraternal organizations, civic organizations, and other similar uses.

Reverse pan channel: A three-dimensional letter or other sign component with opaque face and side walls and an open or translucent back that faces the wall on which it is mounted, concurrently blocking view of the light source within and allowing the wall behind to be illuminated, creating a halo effect around the letters or sign components.

Roof line: The height of the main roof structure but not to include cupolas, pylons, projections or other minor raised portions of the roof.

Seasonal decorations: Temporary decorations displayed around a holiday.

Sign: Any visual communication which is used to attract the attention of the public, when the display is visible beyond the boundaries of the property.

Sign, abandoned: A sign structure that is vacant, unoccupied, devoid of any message, or a sign that displays a message pertaining to a time, event, or purpose that no longer applies.

Sign, accessory: Category of signs which direct attention to a business, profession or activity conducted on the premises on which the sign is located, including:

1. **Bulletin board:** A wall or ground sign announcing activities of a permitted educational, governmental or recreation area.
2. **Contractor sign:** A wall or ground sign designating the name of persons or firms engaged in construction or repair on the premises.
3. **Developer sign:** A wall or ground sign designating the use which will occupy the premises at some future date.
4. **Home occupation sign:** A wall sign identifying a permitted home occupation on the premises

5. **Identification sign:** A wall or ground sign identifying the property address numbers, post box numbers, names of occupants of premises or other identification of premises, but not having commercial connotations.
6. **Name plate sign:** A wall or ground sign identifying the name and address of the occupant of the premises
7. **Real estate sign:** A wall or ground sign advertising the premises for lease, rent or sale.
8. **Subdivision development sign:** A wall or ground sign advertising the sale of properties in a subdivision.
9. **Utility sign:** A wall or ground sign listing parking regulations or marking the entrance or exit to a parking lot or other permitted accessory use.

Sign, A-frame: A type of temporary sign that is portable, self-supporting, and consists of a structure that resembles an "A" shape.

Sign, air-activated: Air-activated signs are temporary signs which include common party balloons, inflatable figures, balloon sculpture/arches, air-dancers, wind-driven spinners, pennants, streamers, and other figures or graphics that are filled with air or a gas that is lighter than air, or move with natural or artificially generated air flow, all of which are typically used in conjunction with a special event or activity.

Sign, awning: A permanent sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

Sign, cabinet: A permanent sign that is internally illuminated in which a removable sign face, usually with translucent sign graphics, is enclosed on all edges by a cabinet, and the source of illumination is not visible. A cabinet sign may be multi-faced.

Sign, change panel: A permanent sign designed to permit immediate change of copy.

Sign, digital: A permanent sign with an electrically activated changeable sign face whose variable message and/or graphic presentation capability can be electronically programmed by computer from a remote location. Digital signs may also be known as Electronic Message Displays (EMD's).

"Sign, Electronic Message Display (EMD)": An electronic or electronically controlled message board, capable of displaying words, symbols, figures or images, where scrolling or moving copy changes are shown on the same message board, or any sign that changes the text of its copy electronically or by electronic control. A nit is a unit of visible-light intensity, commonly used to specify the brightness of an LED, cathode ray tube or liquid crystal display computer display. One (1) nit is equivalent to one (1) candela per square meter. Such signs shall include the following modes of operation:

1. **Dissolve:** Signs where static messages are changed by means of varying light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.

2. **Fade:** Signs where static messages are changed by means of varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.
3. **Scrolling:** Signs where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.
4. **Static:** Signs which include no animation or effects simulating animation.
5. **Travel:** Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.

Sign face: The entire display surface area of a sign upon, against or through which copy, symbol or similar component is placed.

Sign, feather: A type of temporary sign made of flexible material that is plain or includes copy and/or graphics and is supported by a vertical pole that is anchored in or on the ground. Such signs may also be referred to by other names such as feather flag, feather banner, teardrop flag, shark fin flag, blade flag, or bow sign.

Sign, freestanding monument: A permanent sign that is supported by one (1) or more uprights, poles, a base or other similar structural foundation that is braced in or upon the ground, is detached from any other structure or building, and is typically between six (6) feet to ten (10) feet in height.

Sign, ground: Any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure.

Sign, illegal: Illegal signs include any sign except the following:

1. A sign allowed by this chapter and not requiring a permit.
2. A sign allowed by this chapter with a permit and carrying a valid permit.
3. A sign not allowed by this chapter, but which has been legalized by PAD zoning or variance and proper permit.
4. A sign allowed by this chapter subject to a use permit, provided the use permit has been granted and a proper permit is in force.
5. A nonconforming sign as defined by this chapter.

Sign, non-accessory: Category of signs which direct attention to a business, commodity, service, entertainment, or other activity, not exclusively related to the premises to which the sign is located, including:

1. **Billboard:** A permanent sign portraying information not related to an event, business, commodity, product, service, or entertainment occurring on the premises upon which the sign is located.
2. **Directional:** A sign directing or informing the public to the location of publicly owned facilities, historical or scenic points of interest, educational, charitable or religious institutions and hospitals.

3. **Logo:** A small sign permitted and sponsored by the Arizona Department of Transportation under the provisions of the right-of-way encroachment laws to advertise specific motorist services.

Sign, nonconforming: Any permanent sign which is not permitted by this chapter, but which, when first constructed, was legally permitted by the City or the political subdivision then having jurisdiction and regulation over construction of signs.

Sign, permanent: Any sign constructed and intended to be of an enduring and lasting condition, remaining unchanged in character, condition (beyond normal wear) and position.

Sign, pole: A sign that is mounted on a freestanding pole so that the bottom edge of the sign is eight feet or more above.

Sign, political: A sign supporting the candidacy of any candidate for office or urging action on any other matter on the ballot of primary, general or special elections.

Sign, portable: Any freestanding sign that is not permanently affixed to the ground, a structure or a building, but does not include soda, newspaper or snack machines.

Sign, projecting: Any permanent sign attached to a building or other structure in such a manner that its face is not parallel to the wall and is extending in whole or in part beyond the building line (e.g., hanging or projecting blade signs).

Sign, roof: A sign which extends above the walls and is supported by the roof of the building.

Sign, T-frame: A type of temporary sign that is portable, self-supporting, and consists of an upright component that is attached to a flat base, which resembles an upside-down "T".

Sign, Temporary: Any sign, banner, pennant, or valance constructed of cloth, canvas, plastic, light fabric, cardboard, wallboard, plywood or other like materials, with or without frames, and that appears to be intended or is determined by the Zoning Administrator to be displayed for a limited time of 30 days or less, unless otherwise stated.

Sign, temporary frame: Any sign not permanently embedded in the ground or not permanently affixed to a building or structure, which is not intended to be a long term permanent sign. Temporary signs include signs affixed to the ground by a temporary anchoring system such as, but not limited to, stakes or ballast, or footing for large temporary freestanding signs.

Sign, temporary freestanding: A temporary sign that is made of a rigid and durable material that will withstand the elements, is supported by one (1) or more posts, uprights or poles and is braced in or upon the ground. Each temporary freestanding signs may be single-faced, double-faced, or V-shaped with an interior angle that is forty-five (45) degrees or less as provided for in Section 18.110.150A3.

Sign, V-shaped: Signs erected upon common or separate structures which present a V-shape appearance and having an exterior angle between faces of not more than forty-five (45) degrees with a distance between faces of such signs at their closest point not exceeding two (2) feet.

Sign, vehicle: Any sign mounted or painted upon or otherwise erected on a trailer, truck, automobile or other vehicle.

Sign, wall: Any sign which is attached, fastened, connected or supported in whole or in part by a building or structure other than a freestanding sign structure which is supported wholly by the ground. Wall signs include wall-mounted signs, projecting signs, awning signs and window-mounted signs. A window-mounted sign is not a window sign as defined herein.

Sign, window: Any sign, painted on or adhered to the interior or exterior of a glass door or window or placed inside a glass door or window and is visible from the exterior of the window.

Sign, yard: A type of temporary sign that is typically less than six (6) square feet in area and is supported by one or more stakes or metal wires inserted into the ground. The sign face is typically made of a semirigid material such as corrugated plastic, sheet metal, foam board, cardboard or placard. Yard signs may also be referred to by other names including lawn signs, road signs, bandit signs, or placard signs.

Zoning Administrator: The person appointed and responsible for the enforcement of the Sign Code, or said person's designee.

18.110.040 Requirement of conformity.

Unless specifically exempted herein, no sign shall be erected, installed, enlarged or maintained without first obtaining a permit from the Town as herein provided. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or structure in the Town, or cause or permit the same to be done contrary to or in violation of any of the provisions of this chapter. All signs maintained contrary to the provisions of this chapter are declared to be nuisances, and such nuisances may be abated as provided by law.

18.110.050 Nonconforming and abandoned signs.

- A. Any nonconforming sign, as defined in this chapter may be continued in use and reasonable repair and maintenance made to same.
- B. Any nonconforming sign shall not be altered, repaired, or restored to such an extent that the cost of such alteration, repair or restoration exceeds fifty (50) percent of the sign's value, as determined by a licensed sign contractor, unless said sign is brought into conformance with the current provisions of this Code.
- C. Any nonconforming sign that is damaged or vandalized must be restored in a like manner within ninety (90) days or it shall be required to be removed or replaced with a new sign that is in conformance with the current provisions of this Code at the owner's expense.
- D. Any sign (including nonconforming) that has been abandoned for more than ninety (90) days shall be required to be removed or replaced with a new sign in conformance with the current provisions of this Code at the owner's expense.

- E. A permit may be required for alterations or repairs to nonconforming signs that do not exceed fifty (50) percent of the sign's value depending on the scope of work (e.g. an electrical permit shall be required for signs that are illuminated electrically). Alterations or repairs to nonconforming signs that exceed fifty (50) percent of the sign's value shall require the sign to be brought into conformance with the current provisions of this Code and shall require a permit as provided for in Section 18-110-80.

18.110.60 Enforcement.

- A. The Zoning Administrator or designee is hereby authorized and directed to enforce all provisions of this chapter in conformance with the regulations and procedures specified herein and Section 18.155 of this Chapter.
- B. Each day a violation of any provision of this chapter or the failure to perform any act or duty required by this chapter continues shall constitute a separate violation or offense.
- C. The Town shall process violations of this chapter against a responsible person or entity. When two (2) or more persons have liability to the Town or are responsible for a violation of this chapter, their responsibility shall be joint and several.
- D. *Permit Revocation.* The Zoning Administrator shall have the authority to revoke any permit which has been granted when it has been determined that the sign authorized by the permit has been constructed or is being maintained in violation of the permit.
 - 1. Notice of the Zoning Administrator's decision to revoke a sign permit shall be served on the holder of the permit by:
 - a. Delivering a copy of the notice to the holder of the permit, mail return receipt requested, to the last-known post office address of the holder of the permit; and
 - b. Leaving a copy of the notice with any person in charge of the premises and a copy mailed to the property owner; or
 - c. In the event no such person can be found on the premises, by affixing a copy of the notice in a conspicuous position at or near the entrance to the premises.
 - 2. The holder of the permit may appeal the decision of the Zoning Administrator to the Board of Adjustment. This appeal must be made within thirty (30) days from the date when the notice was served.
 - 3. If no appeal has been filed by the end of the thirty-day appeal period, then the permit is revoked and the sign is deemed illegal. The Zoning Administrator shall then initiate the procedure for the removal of the illegal sign.
- E. *Removal of Signs.* The Zoning Administrator is hereby authorized to require the removal of any illegal sign as defined by this chapter.

1. Before bringing action to require the removal of any illegal sign, except as noted hereafter, the Zoning Administrator shall give written notice to the owner of the sign or the owner of the premises on which the sign is located. The notice shall state the reasons for removal, listing the deficiencies or defects in the sign with reasonable definiteness, and the violations charged. The notice shall include what repairs if any will make such an installation conform to the requirements of this chapter. The notice shall specify that the sign must be removed or made to conform with the provisions of this chapter within the time period listed below. Service of the notice shall be by any of the following methods:
 - a. Delivery in person to the owner, occupant, manager or agent of the premises where the violation has occurred, or to the person responsible for the violation;
 - b. Posting on or about the entrance of the premises where the violation occurred;
 - c. By first class mail, postage prepaid, addressed to the owner, occupant, agent, manager or responsible person at the last known address. Service by mail is deemed complete upon deposit in the U.S. mail;
 - d. By Certified mail;
 - e. By publication; or
 - f. By serving the owner, occupant, manager, agent, or responsible person in the same manner as provided by the Arizona Rules of Civil Procedure.
2. The Zoning Administrator shall not be required to give written notice before removing or bringing action to require the removal of any illegal yard sign or illegal temporary sign attached to any public facility such as government signs and supporting poles, utility poles, street lights, light poles, and trees on public property.
3. The period of notice for permanent sign as defined by this chapter shall be thirty (30) days. The period of notice for temporary signs as defined by this chapter shall be three (3) working days.
4. The re-erection of any sign or substantially similar sign on the same premises after a removal notice has been issued shall be deemed a continuance of the original violation.
5. If the owner or lessee of the premises where the sign is located has not complied with this chapter by the end of the notice period, the Zoning Administrator may pursue enforcement as authorized by this chapter.

F. *Emergency Removal or Repair.* The Zoning Administrator is hereby authorized to cause the immediate removal or repair of any sign or signs found to be unsafe, defective, or a traffic hazard to the extent that it creates an immediate and emergency hazard to persons or property.

1. Actual notice to the property owner or lessee shall not be required. The Zoning Administrator shall make a reasonable effort to notify the property owner or lessee that the defective and unsafe sign must be removed or repaired immediately.

2. All actual costs incurred by the Zoning Administrator in the removal or repair of said sign shall be paid by the owner of the sign or the owner of the premises where the sign is located. Action for recovery may be brought by the Town Attorney upon proper certification to him/her by the Zoning Administrator

18.110.070 Required Signs

Every building, including single-family homes or group of buildings must be identified by a street address number.

18.110.080 Permit Requirements and Procedures

No sign shall hereafter be erected, re-erected, constructed or altered except as provided by this chapter. A separate permit shall be required for a sign or signs for each business entity, and/or separate permit shall be required for each group of sign panels on a single supporting structure. Said permits may include structural, electrical or other plan review as determined by Chapter 15 Buildings and Construction.

A. Examples of when a sign permit is required are as follows:

1. A newly constructed sign that may consist of footings, pole, frame, cabinet, electric, illumination and a sign face.
2. Any repairs or renovations to a sign that changes the height, area, location or original sign face.
3. Any repairs or renovations or painting to a sign that exceeds \$200.

B. Exceptions. A sign permit shall not be required for the following signs; however, such signs shall be subject to any and all applicable provisions of the Town Code, including this chapter:

1. Signs required under Section 18.110.070.
2. Any sign less than seven (7) square feet in area not otherwise prohibited or required to obtain a permit by this chapter.
3. Signs not visible from the public right-of-way or which are not visible from one property to another, except when said signs require a permit as provided by this chapter.
4. Vehicle signs as provided for in Section 18.110.140F
5. Window signs as provided for in Section 18.110.240
6. Temporary signs specifically identified in Section 18.110.260 as not requiring a permit.
7. Seasonal decorations.
8. Normal repair, maintenance or painting to a sign that does not exceed \$200.
9. Signs changing a business name or wording over a sign face does not require a permit; however, if the sign face change is located on a currently legal non-conforming sign, the face change shall not expand the non-conformity.

10. Government signs: Nothing contained herein shall prevent the erection, construction, and maintenance of official signs of the State of Arizona and the Town of Huachuca City, or other competent public authorities, or the posting of notices required by law.
11. Signs protected by state statutes: Nothing contained herein shall prevent the erection, construction, and maintenance of signs authorized and/or protected by Arizona Revised Statutes.

C. Permit Application and Expiration.

1. Applicants may apply for a sign permit by completing and submitting a permit application provided by the Building Inspection Department together with required plans and/or details identified by said application. All plans submitted with the application shall show complete details, to include size, materials, method of support or attachments, name and address of the persons or firm designing said sign and plot plan showing location of sign on the premises. The Town Building Official must approve a sign application before any sign is constructed, reconstructed, altered, repaired, used or changed. An applicant may appeal a permit denial to the Board of Adjustment within thirty (30) days from the date of denial in accordance with the appeal procedure set forth in Chapter 15 Buildings and Construction of the Town Code.
2. If actual work is not commenced under any permit issued under the provisions of this section within one (1) year from the date of such permit, such permit shall become null and void.

D. Permit Fees. Before issuing any sign permit required by this chapter, the Town shall collect a fee in accordance with the schedule adopted by Council.

18.110.90 Inspections.

All signs for which a permit is required shall be subject to the following inspections:

- A. Footing inspection on all freestanding signs exceeding fifty (50) square feet in area and/or exceeding thirty (30) inches in height.
- B. All signs containing electrical wiring shall be subject to the adopted Electrical Code of the Town and the electrical components shall bear the label of an approved testing agency.
- C. Inspection of all braces, anchors, supports and connections, including wall signs.

18.110.100 Identification.

All permanent signs regulated by this chapter shall be marked with the maker's name and the person or firm erecting such sign, the date of installation, and the permit number. This identification shall be permanently attached to the exterior surface of the sign in a location where the information will be readily visible, legible, and accessible after installation of the sign.

18.110.110 Maintenance.

All signs shall be maintained in good order and repair at all times so that they constitute no danger or hazard to public safety or create an aesthetic blight.

18.110.120 Construction Requirements.

All signs shall be designed and constructed in conformance with the Huachuca City adopted Building Codes. In the event there is a conflict between the provisions of this chapter and those in the Building Code, the more restrictive provision shall apply.

18.110.130 Design and Integration.

All new or retrofit permanent signs shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials, and landscape elements of the project.

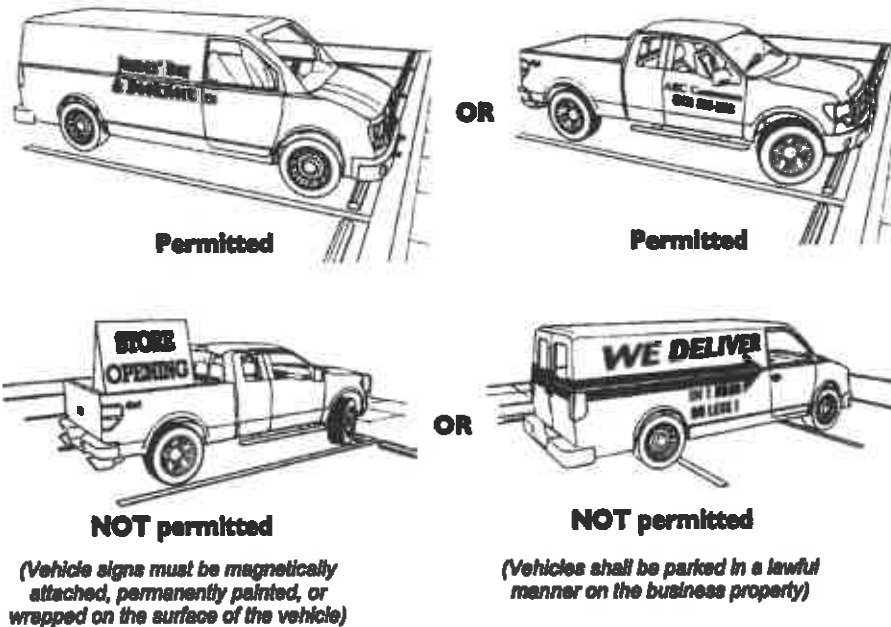
- A. The means of integrating freestanding monument signs with the architecture of the building shall be achieved through replication of architectural embellishments, colors, building materials, texture, and other elements found in the building design. As an example, a cabinet sign mounted atop a masonry base or other fixture shall not be considered as integrated with the architecture of the building. Instead, where a cabinet sign is proposed as a component of a freestanding sign, such cabinet shall be bordered or backgrounded by the architectural materials and embellishments found within the building design.
- B. Integration shall also include the use of sign graphics that are consistent in terms of lettering style, colors, and method of attachment as used for wall-mounted signage found on the building.
- C. Each unused panel on a freestanding monument sign shall have an integrated or decorative cover until said panel is utilized.
- D. When freestanding, the sign shall not exceed height standards set forth in Section 18.110.210.
- E. When mounted on a building, the sign shall be located on or below the fascia or parapet wall within the limits of the tenant's occupied space.
- F. Raceways shall be mounted behind the letters only, architecturally integrated and painted to match the building.
- G. In no case shall any sign be secured with wires such as guy wires or strips of wood which are visible and not on an integral part of the sign.
- H. Signs shall be designed in coordination with landscape plans, planting materials, storm water retention requirements, and utility pedestals, so as not to create problems with sign visibility or prompt the removal of required landscape materials.
- I. In no case shall any wall sign exceed eighty (80) percent of the height of the sign band or wall to which the sign is attached, and no such sign shall exceed eighty (80) percent of the length of the leased frontage or eighty (80) percent of the length of the sign band or wall to which the sign is attached. Sign band refers to the specific area on a building or tenant space where signs may be installed.

18.110.140 Location Restrictions for all Signs

All signs, whether permanent or temporary, must conform to the following location restrictions.

- A. Clearance from fire escapes, exits or standpipes. No sign or structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any standpipe, or any ingress or egress from any door, window, fire escape or any other exit required by Building Code or Fire Department regulations.
- B. Vehicular and pedestrian traffic safety. No sign shall obstruct traffic by obstructing the vision of motorists as determined by the Police Chief. No detached sign shall be located adjacent to driveways which would result in a traffic hazard. No sign shall obstruct minimum pedestrian clearance required by Americans with Disabilities Act or as required by this chapter whichever is greater.
- C. Signs on public property. No person, firm or corporation shall erect or cause to be erected any sign which projects over any public sidewalk, street, alley or public place except for as hereinafter provided for by these regulations.
- D. Signs on natural features. No sign shall be erected or painted upon or attached to any tree, rock, or other natural feature.
- E. Signs of utility structures. No sign shall be attached to any fence post or utility pole. Hazardous warning or identification signs may be attached to utility structures.
- F. Signs on vehicles. The intent of these regulations is to prohibit the use of vehicle signs as permanent freestanding signs to protect the aesthetic qualities of the Town's built environment and promote the effectiveness of permitted signs as provided for in Section 18.110.010. No sign shall be erected or attached to any vehicle except for signs that are magnetically attached to or permanently painted or wrapped on the surface of a vehicle. The primary use of such vehicles shall be in the operation of the business, e.g. transporting goods or providing services, and not in displaying a sign. Vehicles shall be operable and properly licensed. When not in use, the vehicle shall be parked in a lawful manner on the business property so as not to be visible from the public right-of-way, or if this is not possible, as far from the public right-of-way as possible. Please refer to **Figure 110-D**.

Figure 110-D



G. Signs in public right-of-way. The Town of Huachuca City finds that a proliferation of signs in the public right-of-way creates aesthetic blight and visual clutter, which obstructs views, distracts the traveling public and threatens the public health, safety and welfare. The intent herein is to allow a limited number of signs in the public right-of-way to maintain safe visibility and protect the aesthetic beauty of the Town's built environment. As such, no sign shall be erected or maintained in the public right-of-way except for:

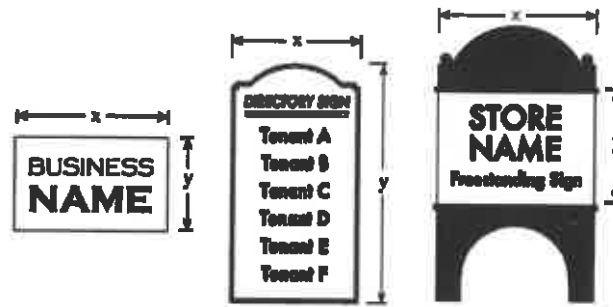
1. Temporary signs expressly provided for in Section 18.110.260.
2. Official signs posted by the State of Arizona, the Town of Huachuca City, or other public authorities.
3. The posting of notices required by law.
4. Signs protected by Arizona Revised Statutes.

18.110.150 Sign Area and Height Calculations.

A. Sign area is calculated as follows:

1. Signs with backgrounds. Signs with copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured or constructed as a background for sign copy, shall be calculated as that area contained within the smallest rectangle that encloses both the sign copy and the background, not including the supporting structure or architectural embellishments, as shown in Figure 150-A1.

Figure 150-A1



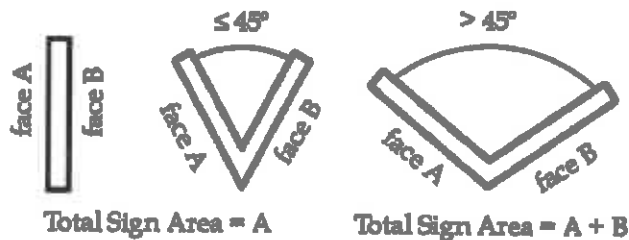
2. Signs with individual letters or graphics. The area for signs consisting only of individual letters, numerals, symbols, or other similar components shall be calculated as the area of a single rectangle that encompasses all sign components, as shown in Figure 150-A2.

Figure 150-A2



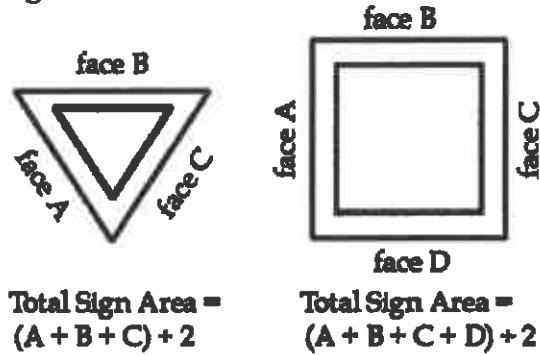
3. Two-face signs. Where a sign is double-faced, or V-shaped and the interior angle between the two (2) sign faces is forty-five (45) degrees or less, only the larger single face shall be used to determine sign area. If the angle between the two (2) sign faces is greater than forty-five (45) degrees, the sign area is the sum of the areas of the two sign faces, as shown in Figure 150-A3.

Figure 150-A3



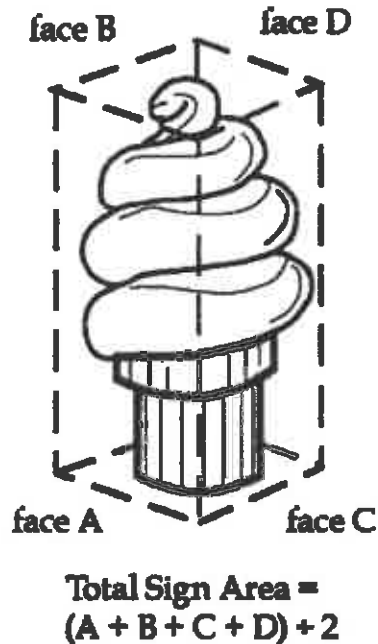
4. Three – or four-face signs. The sign area for three- or four-face signs shall be calculated as fifty (50) percent of the sum of the areas of all sign faces, as shown in Figure 150-A4.

Figure 150-A4



5. Spherical, free-form, sculptural or other non-planar signs. The area for non-planar signs shall be calculated as fifty (50) percent of the sum of the areas using only the four (4) vertical sides of the smallest four-sided polyhedron that will encompass the sign structure, as shown in Figure 150-A5.

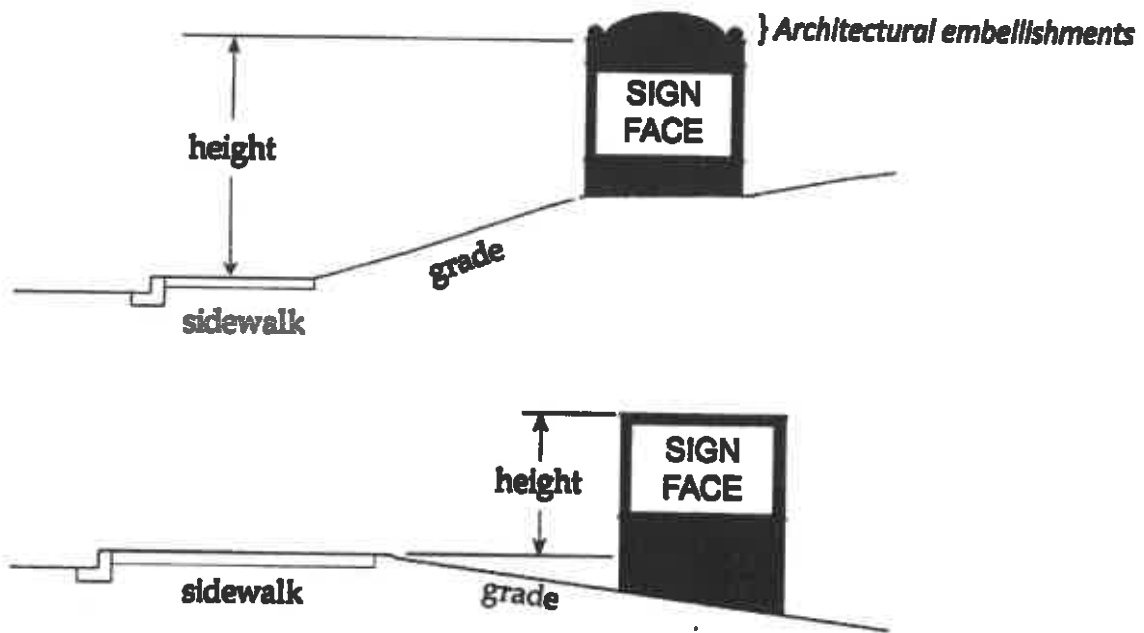
Figure 150-A5



B. Sign height shall be measured as follows:

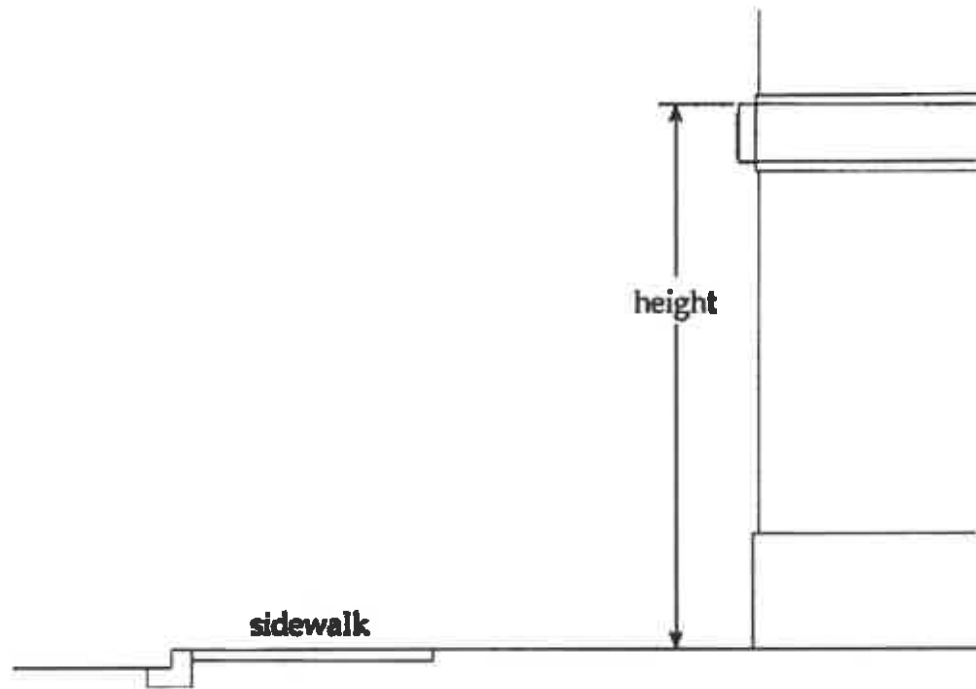
1. Freestanding Monument Signs. Sign height is measured as the vertical distance from ground level (finished grade of existing sidewalk, or where there is no sidewalk, the street centerline), to the top of the freestanding sign, not including architectural embellishments, as shown in Figure 150-B1.

Figure 150-B1



2. Wall Signs. The maximum height of wall, projecting, awning, fascia, mansard, parapet, window-mounted, or other building mounted signs is the vertical distance measured from the first-floor elevation to the top of the sign or sign structure as shown in Figure 150-B2.

Figure 150-B2



3. Temporary signs. The maximum height for all temporary signs is measured from the sidewalk to the highest point of any portion of the sign.

18.110.160 Prohibited Signs.

A. The following signs are prohibited in all zoning classifications:

1. Signs that pose a traffic hazard due to their position, size, shape, movement, coloring, or manner of illumination which may be confused as a traffic control device or which hide from view any traffic sign or signal; obstruct the view of motor vehicle operators entering the public right-of-way; or create an unsafe distraction or obstruction for motor vehicle operators.
2. Signs that outline a building by means of neon lighting, incandescent lighting or other exposed artificial lighting.
3. Fixed balloons.
4. Signs that contain or consist of exposed incandescent bulbs exceeding forty (40) watts each, or neon or similar tube type of illumination exceeding thirty (30) milliamps.
5. Signs which are abandoned for a period of ninety (90) days or greater.
6. Signs that have flashing, blinking, fluttering or rotating lights, lasers, or other illuminating devices which exhibit movement, except digital signs as provided for in Section 18.110.250 or when approved for Town sponsored public events.
7. Signs that produce odor or audible sound.

8. Signs that contain mechanical movement or movement controlled by any other means, except for air activated signs as provided for in Section 18.110.260C.
9. Signs that are painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for those required by law.
10. Signs that are installed or displayed without the property owner's approval.
11. Billboards.

18.110.170 Permanent signs in Single Family Residential Zoning Districts

- A. Individual Single-Family Lots: Signs may be displayed subject to the following standards:
 1. A single-family residence is allowed one (1) sign only, not to exceed five (5) feet in height or two (2) square feet in area, if it is freestanding. Said sign shall not be illuminated, except by indirect lighting. No permit shall be required.
 2. A residential lot which has been granted a Home-Occupation business license as provided for in Section 18.100.210 of this code. A sign permit shall be required to ensure conformance with the requirements of the code.
- B. Single family subdivisions. Subdivisions name signs may be displayed subject to the following standards:
 1. Signs shall be attached to a perimeter wall or a decorative masonry wall in a landscaped setting not to exceed six (4) feet in height.
 2. The location of said signs shall be limited to the entrances of single family subdivisions.
 3. Signs shall not be illuminated, except by indirect lighting or halo lighting.
 4. Each sign shall not exceed thirty-two (32) square feet in area.
 5. Subject to Planning and Zoning Commission approval as part of the overall subdivision plat, to include an acceptable agreement describing who shall be responsible for maintenance of the sign, wall and landscaping.
 6. A sign permit shall be required.
- C. Flags are permitted as provided for in Section 18.110.230.

18.110.180 Permanent Signs in Multiple Family Residential Zoning Districts

- A. The total permanent sign area allowed, including wall signs and freestanding signs, is one (1) square foot for each dwelling unit. However, in no instance shall this total sign area exceed sixty (60) square feet, with no more than thirty-two (32) square feet fronting on any one (1) street.
- B. For other permitted buildings, the sign area permitted shall not exceed thirty-two (32) square feet.
- C. Signs shall not be illuminated, except by indirect lighting or halo lighting.
- D. A sign permit shall be required.
- E. Flags are permitted as provided for in Section 18.110.230.

18.110.190 Permanent Signs in Mobile Home/RV Parks

Signs in manufactured home parks and recreational vehicle parks are the same as provided for multiple-family residential.

18.110.200 Permanent Signs in Quasi-Public Uses

This section includes all quasi-public uses, institutional uses, churches, fraternal organizations and civic organizations.

- A. The total amount of permanent sign area allowed, including wall signs and freestanding signs, is thirty-six (36) square feet.
- B. One-half (½) of the freestanding sign area may be a change panel or digital sign.
- C. Permanent signs shall require a sign permit.
- D. Flags are permitted as provided for in Section 18.110.230.

18.110.210 Permanent Signs in B/C General Business Zoning Districts

- A. Single-User Site. Buildings shall be permitted one (1) wall sign and one (1) freestanding sign per lot or parcel. All signs shall require a sign permit and shall comply with the following standards:
 - 1. Wall Sign not to exceed two (2) square feet of sign area for each linear foot of building frontage or two (2) square feet per each five (5) linear feet of property lot frontage. Awning or canopy signs shall be included in the total wall signage and the gross surface area shall not exceed 50 percent of the gross surface area of the largest face of the awning or canopy to which the sign is affixed. Said signs shall be wall or window mounted, on or under an architectural projection, and shall not project more than two (2) feet from the building or structure to which it is attached.
 - 2. Freestanding Monument Sign not to exceed thirty-two (32) square feet for each side of the sign. The maximum height shall be ten (10) feet high, measured from the grade of the street.
- B. Shopping Centers and other Multi-User Commercial Centers. Sign criteria shall be established as part of a Preliminary Development Plan approved by the Planning and Zoning Commission or building/sign plan review process. A sign permit shall be required for all signs provided for herein.
 - 1. Wall Signs not to exceed two (2) square feet of sign area for each linear foot of building frontage or two (2) square feet per each five (5) linear feet of property lot frontage. Awning or canopy signs shall be included in the total wall signage and the gross surface area shall not exceed 50 percent of the gross surface area of the largest face of the awning or canopy to which the sign is affixed. Said signs shall be wall or window mounted, on or under an architectural projection, and shall not project more than two (2) feet from the building or structure to which it is attached.

2. Freestanding Monument Sign

- a. One (1) freestanding sign per arterial street, not to exceed one (1) square foot of sign face area for each linear foot of business frontage. One (1) additional sign may be erected to each additional three hundred (300) feet of frontage along an arterial street. Said signs shall not be less than three hundred (300) feet apart, except that the Zoning Administrator may allow a minor deviation from said separation upon finding that such a reduction is necessary to accommodate a special circumstance that is not self-imposed by the property owner or applicant. Said reduction shall not exceed thirty (30) feet. In no instance shall a freestanding monument sign be located closer than fifty (50) feet from the property line of a residential development.
- b. Maximum sign height shall not exceed ten (10) feet measured from the grade of the street.

18.110.220 Permanent Signs in C-2/C-3 Industrial Districts

A. Wall Signs not to exceed two (2) square feet of sign area for each linear foot of business frontage. Said signs shall be wall- or window-mounted, on or under an architectural projection. The sign shall not project more than two (2) feet from the building, or structure to which it is attached. No wall sign shall exceed two hundred fifty (250) square feet in area.

B. Freestanding Monument Signs:

1. One (1) freestanding sign for each developed area or parcel not to exceed one and one-half (1½) square feet of sign area for each linear foot of business frontage. Where the developed parcel under single ownership has an excess of three hundred (300) feet of street frontage, one (1) additional detached bonus sign may be erected for each additional three hundred (300) feet of street frontage, not to exceed two (2) detached signs per block. The Zoning Administrator may allow a minor deviation from the three hundred (300) feet separation upon finding that such a reduction is necessary to accommodate a special circumstance that is not self-imposed by the property owner or applicant. Said reduction shall not exceed thirty (30) feet. In no instance, shall a freestanding monument sign be located closer than fifty (50) feet from the property line of a residential development.
2. Freestanding signs for shopping centers and other multi-user sites shall conform to the standards set forth in B/C Commercial Zoning District in Section 18.110.210B.
3. In no event shall the total combined area of all freestanding signs exceed four hundred fifty (450) square feet.
4. Maximum sign height shall not exceed ten (10) feet measured from the grade of the street.

C. Wall signs and freestanding monument signs shall require a sign permit.

D. Window signs are permitted as provided for in Section 18-110-240.

E. Flags are permitted as provided for in Section 18.110.230.

18.110.230 Flags

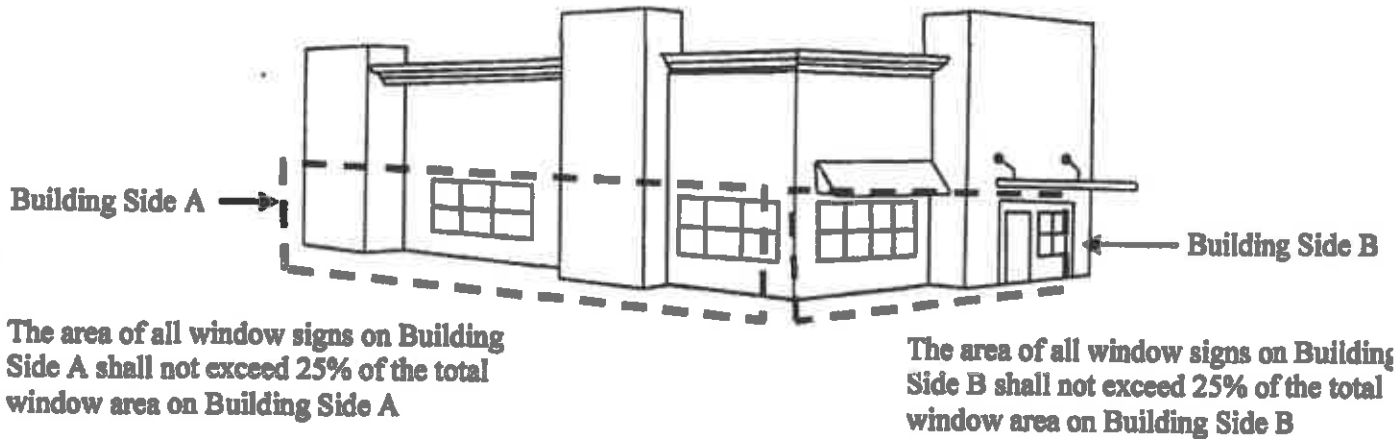
Flag poles and flags shall comply with the following standards:

- A. No more than three (3) flag poles shall be installed on each single family residential lot, multifamily development, model home cluster, commercial development, shopping center, or other multiuser site. Said flag poles may be wall-mounted or permanently installed in the ground.
- B. Permanently installed in-ground flag poles shall require permit approval to ensure they are structurally sound and comply with the standards provided herein. A permit shall not be required for wall-mounted flag poles. A separate permit shall not be required to display flags.
- C. The minimum setback for permanently installed in-ground flag poles shall equal one-half ($\frac{1}{2}$) the setback required for a principal building as set forth by the zoning district in which it is located.
- D. Flag pole height.
 - 1. Permanently installed in-ground flag poles and wall-mounted flag poles in single family residential districts shall not exceed twenty-five (25) feet in height, or shall not be higher than the highest point of the principal building's roof, whichever is lower.
 - 2. Permanently installed in-ground flag poles and wall-mounted flag poles in multiple family districts and model home clusters shall not exceed fifty (50) feet in height or shall not be higher than the highest point of the nearest principal building's roof on the premises, whichever is lower.
 - 3. Permanently installed in-ground flag poles and wall-mounted flag poles in nonresidential districts shall not exceed one hundred (100) feet in height.
- E. In any district, the length of each flag, which is the longer side of a flag that is perpendicular to the flag pole, shall not exceed one-third ($\frac{1}{3}$) of the maximum height allowed for in-ground flag poles.

18.110.240 Window Signs

Window signs may be painted on or otherwise displayed from the surface of any window, showcase or other similar facility. The area of such signs shall not exceed twenty-five (25) percent of the total window area on any one side of a building as illustrated in Figure 240. The area of said sign shall not be included in the total allowed sign area.

Figure 240



18.110.250 Digital Signs

Digital Signs, also known as Electronic Message Displays (EMD's) shall comply with the following criteria.

- A. Limited to property located within the B/C General Business/Commercial, C-2 and C-3 Industrial Zoning Districts only.
- B. Limited to free-standing signs (no wall mounted EMD's allowed). The maximum height for such EMD's is ten (10) feet measured from the grade of the street. The total sign area shall not exceed 32 square feet per sign face.
- C. One 2-sided free-standing EMD sign is permitted per lot; however, if a lot has more than one access to the property, additional 2-sided free-standing EMD signs (limited to one per access) may be allowed by the Planning and Zoning Commission as a conditional use upon application and compliance with additional requirements as the Commission deems appropriate.
- D. Display only static messages (text and images) that remain constant in illumination intensity and do not have animation, flashing, scrolling, blinking or any other movement or the appearance or optical illusion of movement.
- E. The transition between messages shall be instantaneous.
- F. The minimum length to display a message shall be 15 seconds.
- G. The maximum lamination level from sunset to sunrise shall not exceed 200 nits. For signs adjacent to residential zoning districts that shine directly onto residences, the maximum lamination level shall not exceed 100 nits.
- H. Signs shall be equipped with photo cell sensors that are factory locked to dim the sign to an appropriate light level during daylight hours. The photo cell sensors shall also dim the sign at night to the required nit level as stated in this section. An affidavit from the manufacturer attesting to the brightness level shall be submitted with the sign permit application.
- I. The electronic message center portion of the sign shall be turned off when the business activities cease on the property.

- J. Be designed to either freeze the display in one static position, display a full blank screen or turn off in the event of a malfunction.
- K. Obtain a sign permit.

18.110.260 Temporary signs.

The Town of Huachuca City finds that the proliferation of temporary signs is a distraction to the traveling public and creates aesthetic blight and visual clutter that threatens the public's health, safety and welfare. The Town also recognizes a legitimate need for temporary signs for a wide variety of functions or special occasions. The purpose of these regulations is to allow temporary signs in such a manner that limits the distractions to the traveling public and eliminates or reduces aesthetic blight and visual clutter caused by temporary signs.

A. General Regulations for all temporary signs.

1. Temporary signs shall be allowed only in compliance with the provisions of this section.
2. Temporary signs shall not be attached to any public facility such as government signs and supporting poles, utility poles, street lights, light poles, and trees on public property.
3. Temporary signs shall not obstruct view or paths in a manner that creates a hazard for pedestrian or vehicular traffic.
4. Temporary signs shall be of sufficient weight, made of durable material and be properly secured to withstand wind gusts, storms and other natural elements.
5. No temporary signs shall be mounted on a building roof.
6. No temporary signs shall emit sound or odor except for seasonal decorations.
7. No temporary signs shall have animated or moving parts, except for seasonal decorations and air-activated signs as provided for in Section 18.110.260C.
8. No temporary signs shall imitate traffic control signs, or obscure actual municipal or other public traffic control signs or devices.
9. No temporary signs shall be placed upon private property without the property owner's approval.
10. No temporary signs located in single family residential zones shall be illuminated, except for seasonal decorations.
11. Search lights, strobe lights, intermittent or flashing illumination, holographic projections, laser light displays, beacons and other similar temporary signs or effects shall be prohibited.
12. The Zoning Administrator may remove or cause to be removed any temporary sign erected, displayed upon, or projecting into public property that is not expressly allowed by this section or protected by state statute, or which presents a critical safety hazard requiring immediate action.
13. Exceptions to general regulations for all temporary signs provided herein and specific temporary sign types as provided for in Section 18.110.260 may be permitted when approved as part of a Town sponsored public event or special event permit as provided for in Section 18.110.260H2

B. General Regulations for A-frame or T-Frame Signs

1. **Area and Height:** The area of any single sign shall not exceed twelve (12) square feet in area nor exceed four (4) feet in height.
2. **Location, number of signs and duration:**
 - a. Each business or nonresidential use located in a commercial or industrial district may place one (1) sign within the building envelope and shall maintain a minimum five (5) foot clearance to allow unobstructed pedestrian use of the privately-owned pedestrian pathway located therein. Said sign shall be displayed only during business hours. Notwithstanding the foregoing, an unlimited number of signs may be displayed when said signs are located within a permitted outside display area.
 - b. Each business or nonresidential use which occupies a building that fronts onto and abuts the edge of the public right-of-way may place one (1) sign on the public sidewalk within the building envelope. The placement of said sign shall maintain a minimum five (5) foot clearance to allow unobstructed pedestrian use of the public sidewalk. Said sign shall be displayed only during business hours.
 - c. Each single-family lot or model home may place one (1) sign anywhere on the property, and each single-family lot or model home cluster may place one (1) additional sign at each turning movement beginning at the subject property and extending for a maximum of one (1) mile distance from said property up to a maximum of ten (10) signs. Said signs shall be placed away from the street and no closer than five (5) feet from the curb behind the public sidewalk or no closer than five (5) feet from the edge of pavement when there is no public sidewalk. Said signs shall be displayed only on days when the property is open to the public (e.g. garage/yard sale, open house, and model home business hours).
 - d. Each multiple family development, mobile home park, or mobile home subdivision may place one (1) sign within the building envelope of the building containing the office. Said sign shall maintain a minimum five (5) foot clearance to allow unobstructed pedestrian use of the privately-owned pedestrian path located therein. Said sign shall be displayed only during office hours.
 - e. Each quasi-public or institutional use not located in a commercial or industrial district may place one (1) sign within the building envelope and shall maintain a minimum five (5) foot clearance to allow unobstructed pedestrian use of the privately-owned pedestrian pathway located therein. One (1) additional sign may be placed at each turning movement beginning at the property and extending for a maximum of one (1) mile distance from said property up to a maximum of ten (10) signs. Said signs shall be placed away from the street and no closer than five (5) feet from the curb behind the public sidewalk or no closer than five (5) feet from the edge of pavement when there is no public sidewalk. Said signs shall be displayed only when said property is open to the public.

C. General Regulations for Air-Activated Signs

1. **Area and Height:** Signs shall not exceed fourteen (14) feet in height.
2. **Location:**
 - a. Signs shall be set back a minimum of five (5) feet from the public right-of-way or a distance that is equal to the height of the sign, whichever is greater.
 - b. Air-activated signs shall only be allowed on nonresidential properties, except for seasonal decorations on residential properties, which do not require a permit.
3. **Number of Signs:** No more than two (2) air-activated signs may be displayed concurrently. For the purpose of calculating the number of signs, segments of multiple pennants hung on the same premises shall collectively be considered one (1) sign and segments of streamers hung on the same premises shall collectively be considered one (1) sign.
4. **Duration:** Each multiple family development, business or nonresidential use shall be allotted no more than thirty (30) cumulative days within each six (6) month period in a calendar year to display air-activated signs, banners, or feather signs. One (1) day shall be counted as being exhausted from the total allotment for each day that one or any combination of the aforementioned signs is displayed.
5. **Other Requirements**
 - a. Signs shall be fastened to the ground or a structure so that it cannot shift more than three (3) feet horizontally under any condition.
 - b. Signs shall require compliance with applicable building codes.

D. General Regulations for Banners

1. **Area and Height**
 - a. Banners shall not exceed the square footage of installed and/or permitted wall signs as provided for in Sections 18.110.170-220.
 - b. Notwithstanding the foregoing, each vertical banner shall not exceed twelve (12) square feet in area.
 - c. Banners attached to buildings and vertical banners affixed to a structure located within a permitted outside display area shall not project above the roof line or exceed a height of twenty-five (25) feet from finished grade to the top of the banner, whichever is lower. Said banners shall maintain a minimum clearance of seven (7) feet above finished grade when placed upon an area open for common or general use of the public.
 - d. Detached banners in residential areas shall not exceed a height of eight (8) feet measured from finished grade to the top of the banner.

2. Location:
 - a. Banners shall not be attached to single family homes.
 - b. Detached banners shall not be displayed in single family residential areas except when located at neighborhood entrances.
 - c. Detached banners shall be setback a minimum of five (5) feet from the public right-of-way and driveways. Said setback shall not apply to banners affixed to a temporary construction fence.
 - d. Vertical banners shall only be displayed in permitted outside display areas.
3. Number of signs:
 - a. Each multiple family development, business or nonresidential use may display no more than one (1) banner, which may be attached to a building or detached. Notwithstanding the foregoing, an unlimited number of vertical banners may be displayed when affixed to structures that are located within a permitted outside display area.
 - b. Each single-family neighborhood may display no more than one (1) detached banner per neighborhood entrance.
4. Duration:
 - a. Each multiple family development, business or nonresidential use shall be allotted no more than thirty (30) cumulative days within each six (6) month period in a calendar year to display air-activated signs, banners, or feather signs. One (1) day shall be counted as being exhausted from the total allotment for each day that one or any combination of the aforementioned signs is displayed, except that the display of vertical banners located in permitted outside display areas and banners that are displayed during construction of a site or during a City funded or designated construction project that is located adjacent to the business or nonresidential use erecting said sign shall not be counted toward said allotment.
 - b. Detached banners located at neighborhood entrances shall be displayed only on days when a neighborhood event is open to the public (e.g. neighborhood yard sale, neighborhood cleanup).
5. Other Requirements:
 - a. Detached banners shall be secured to a freestanding temporary support structure, uprights, stakes or poles that are sufficiently anchored to withstand wind pressure.
 - b. Banners shall not be tethered to or otherwise affixed to trees or any other landscaping.
 - c. Any banner that is partially torn, loose or otherwise unsecured shall be deemed unsafe and shall be immediately replaced, refastened, removed or replaced.

- d. Banners shall not be affixed to or displayed over a freestanding monument sign.

E. Temporary Freestanding Signs (7 – 80 square feet).

1. Number of Signs:

- a. Each parcel may display one (1) midsize temporary freestanding sign, except when it is a corner lot, in which case two (2) such signs may be used, one (1) sign per street front. Parcels with an excess of three hundred (300) feet of street frontage may display one (1) additional sign along each street front for each additional three hundred (300) feet of said street front. Said signs shall not be less than three hundred (300) linear feet apart, except signs posted on different parcels may be less than three hundred (300) linear feet apart from each other. The Zoning Administrator may allow a minor reduction from said separation of signs displayed on the same parcel upon finding that such a reduction is necessary to accommodate a special circumstance that is not self-imposed by the property owner or applicant. Said reduction shall not exceed thirty (30) feet.
- b. Notwithstanding the foregoing, an unlimited number of the following signs may be displayed, which shall not be counted towards the number of signs permitted herein:
 - i. Signs or notices required or posted by government.
 - ii. Signs leading to or displayed within a model home cluster which are not visible from an arterial or collector street.

2. Area, Height, Location and Materials:

- a. The sign face of said signs shall not exceed sixteen (80) square feet in area.
- b. Signs displayed on nonresidential developments shall not exceed a height of ten (10) feet.
- c. Signs displayed on residential properties shall not exceed a height of six (6) feet.
- d. Signs located in the public right-of-way shall not be closer than ten (10) feet measured from the sign post to the curb or edge of pavement where there is no curb. The sign face of said sign may encroach no more than two (2) feet into said ten (10) feet setback.
- e. No setback shall be required for signs displayed on private property.
- f. In no event shall any portion of the sign be closer than one (1) foot to a public or private sidewalk.
- g. All signs shall be made of a rigid and durable material that will withstand the elements.
- h. No sign shall be installed in the public right-of-way without first determining that no underground facilities will be encountered as required by Arizona Revised Statutes sections 40-360.22 et seq., also known as the Arizona Blue Stake Law.

3. Approval Process and Duration: No permits shall be required. Duration of such signs can exceed the 30-day limitation, but shall not exceed a timeframe of 2 years.

F. Yard Signs (less than 7 square feet).

1. Number of Signs and Location:

- a. Each single-family lot, model home cluster, and quasi-public or institutional use not located in a commercial or industrial district may place one (1) sign anywhere on the subject property, one (1) additional sign at each turning movement beginning at the subject property and extending for a maximum of one (1) mile distance from said property up to a maximum of ten (10) signs. Said signs shall be placed away from the street and no closer than five (5) feet from the curb behind the public sidewalk or no closer than five (5) feet from the edge of pavement when there is no public sidewalk. Said signs shall be displayed only on days when the property is open to the public (e.g. garage/yard sale, open house, and model home business hours).
- b. Notwithstanding the foregoing, signs or notices required or posted by a government agency shall not be counted towards the number of signs permitted herein.
- c. No sign shall be installed in the public right-of-way without first determining that no underground facilities will be encountered as required by Arizona Revised Statutes sections 40-360.22 et seq., also known as the Arizona Blue Stake Law.

2. Area and Height: Yard signs shall be less than seven (7) square feet in area and shall not exceed four (4) feet in height.
3. Approval Process: No permit shall be required to display yard signs.

Chapter 18.115

MANUFACTURED HOME PARKS

18.115.010 Intent.

The intent of these regulations is to encourage development of well-planned manufactured home parks that offer spaces for rent, sale or lease, and to provide adequate regulations to preserve the residential character of the development and to prohibit incompatible land uses. All parks must also comply with the applicable subdivision regulations outlined in Chapter 17.

18.118.020 Location.

All manufactured home parks shall be located within a R-4 zoning district or may be located within a B/C zoning district by conditional use permit approved by Planning and Zoning Commission and shall be consistent with the current Huachuca City General Development Plan. Access roads to the park shall be paved.

18.118.030 Approvals Required.

- A. The manufactured home park must first obtain subdivision approval from the Planning and Zoning Commission prior to any development. The necessary architectural site plans and subdivision plats must be submitted and meet the requirements outlined in this Chapter, as well as the requirements outlined in Chapter 17 of this code for Subdivisions. The landscaping, screening and lighting plans shall also be included with the overall manufactured home park subdivision plan for Planning and Zoning Commission approval. Necessary permits and inspections shall be obtained for the development.
- B. Once park has been developed, the installation of each individual manufactured home within this park is required to meet the requirements of this Chapter and be approved by the Building Official and any other applicable Agencies. Necessary permits and inspections shall be obtained for each installation.
- C. The operation of the manufactured home park requires a business license issued by the Town Clerk.

18.118.040 Permitted Uses:

The following uses are permitted within the manufactured home park on the individual spaces:

- A. One manufactured home on each approved space for living purposes only. No dwelling units of conventional construction shall be permitted on any space for living purposes. Additional requirements as follows:
 1. New installs within the park shall bear the United States Department of Housing and Urban Development (HUD) identification plate and be no older than 10 years at the time of installation.
 2. All manufactured homes shall be installed with an anchoring system approved by the Building Official.

3. All manufactured homes shall be skirted in a uniform manner with materials that will harmonize with the design and materials used on the manufactured home, as approved by the Building Official. Pressurized wood panels and corrugated steel skirting is prohibited.
- B. Accessory uses are permitted on an individual manufactured home space, provided they meet the required setbacks outlined below. Approved accessory uses include: carport, garage, ramada, deck, covered porch and storage building. Any accessory use not listed must be approved by the Zoning Administrator. Additional requirements for accessory uses are as follows:
1. Accessory structures shall be architecturally compatible with the manufactured home.
 2. The maximum height of any structure shall not exceed 15 feet on a manufactured home space.
 3. No accessory building shall be erected within the minimum required front yard setbacks.
 4. A garage or carport shall be set back from the side and rear lot lines a distance not less than 3 feet, except for a corner lot, where the street side setback shall be the same as for the manufactured home.
 5. All storage buildings shall be a maximum area of 150 square feet. They shall not encroach into the required park setbacks and shall be subject to firewall requirements outlined in the applicable Building Codes.
 6. Accessory structures shall be firmly attached to the ground, unless deemed unnecessary by the Building Official.

18.118.050 Park Accessory Uses

The following uses are permitted for the overall manufactured home park:

- A. **Manager's Office and/or Residence.** May be of conventional construction. The minimum yard setback requirements shall be the same as those for homes in a R-4 Zoning district. If the Park office is located within the residence, no Home Based Business License will be required.
- B. **Social and Recreational Center.** Building may be of conventional construction and used for activities such as for birthday parties, family gatherings, dancing, games, meetings, banquets, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity. If outside events are to be held in the building, such as craft shows or trade shows, the event must be approved by the Park management and Town of Huachuca City.
- C. **Outdoor Recreation Facilities:** For the exclusive use of the residents of the manufactured home park and their guests, such as a swimming pool, bbq areas, parks, playgrounds, tennis courts, shuffleboard courts and similar recreational uses.
- D. **Common Use Laundry Facilities, Maintenance Buildings and Security Guard Buildings:** May be of conventional construction.

18.118.060 Conditional Uses:

The following uses may be permitted as a conditional use for the overall manufactured home park. Requires Planning and Zoning Commission approval.

- A. **Model Manufactured Home Sales:** Provided they do not occupy more than 5 percent of the total spaces in the manufactured home park. Each manufactured home shall have the same setback and spacing required for other manufactured homes. There shall be no exterior displays or advertising other than one non-illuminated sign, not to exceed 6-square feet for each model and not over 6 feet in height.
- B. **Boat and/or Trailer Storage Area:** Provided it is in a completely enclosed area or surrounded by not less than a 6-foot high solid fence or wall and is for the sole use of the residents of the park. All boats and trailers shall be currently and properly insured, titled, licensed or registered.
- C. **Other uses not listed in this section may be approved as a conditional use on a case-by-case basis by the Planning and Zoning Commission.**

18.118.070 Park Development Standards

- A. **Minimum Park Size:** Two (2) acres
- B. **Maximum Density:** Ten manufactured homes per acre
- C. **Minimum Exterior Park setbacks:** 20 feet from all street frontages, measured from the right-of-way line, and 10 feet from all other sides.
- D. **Screening:** The outer perimeter of the park shall be screened with a minimum of a six (6) foot high decorative masonry wall.
- E. **Outer Perimeter Landscaping:** The setback area between the right-of-way and the wall shall be a combination of landscape and hardscape. No off-street parking facilities or recreational facilities for common use shall be located within any required landscaped area. Area to be maintained to the satisfaction of the Zoning Administrator.
- F. **Minimum Individual Space Size:** 4,000 square feet
- G. **Minimum Individual Space Setbacks –** No manufactured home shall be located closer than 20 feet to another or closer than 25 feet to the exterior boundary of the park or any park building and storage/service area.
- H. **Any open space created by the required 25-foot setback from the exterior boundary shall be maintained as a landscape/hardscape buffer area which can be used for recreation, water retention, etc.**
- I. **Minimum Yard Setbacks:**
 - 1. **Front Yard –** 10 feet from the access street.
 - 2. **Rear Yard –** 10 feet from space line
 - 3. **Side Yard –** 10 feet from space line
- J. **An area of at least 250 square feet for each rental space shall be provided and improved for recreation, laundry and service purposes. common recreation area shall be provided in the manufactured home park. Minimum common recreation area per park space shall be 250 square feet.**

- K. No boat, camper, recreational vehicle or trailer, as defined within this Chapter, shall be permitted to be stored on a rental space. The park may provide such a parking area for the sole use of Park residents in a separate minimum six (6) foot fenced area (obscured), as specified in this Chapter.
- L. Access to all manufactured home spaces shall be from the interior of the park.
- M. Private streets within the manufactured home park shall be a minimum paved width of 24 feet.
- N. At least two improved parking spaces per manufactured home space shall be provided. In addition, at least one additional guest space shall be provided in a common area for each five manufactured home spaces, clearly marked by a Guest Parking sign.
- O. All utility lines shall be placed underground within the park. Each space shall be provided with water, sanitary sewer and electric lines. Telephone, cable tv and gas lines, if installed, shall also be installed underground. Fire hydrants shall be installed as required by the town code.
- P. All parks shall have street lighting along private and public streets for the safety of pedestrians and in accordance with guidelines outlined elsewhere in this Chapter.
- Q. All parks shall have a minimum of two vehicular entrances. One entrance may be kept closed to the general public, but is required for emergency ingress and egress.

Chapter 18.120

RECREATIONAL VEHICLE PARKS

Sections:

- 18.120.010 Intent.
- 18.120.020 Location.
- 18.120.030 Permitted uses.
- 18.120.040 Accessory uses.
- 18.120.050 Conditional uses.
- 18.120.060 Prohibited uses.
- 18.120.070 Site development standards.

18.120.010 Intent.

The intent of this regulation is to encourage development of well-planned recreational vehicle parks for short-term occupancy, as opposed to semi-permanent or permanent occupancy in a manufactured home park, and to provide minimum standards for these parks. All parks must also comply with the subdivision regulations outlined in Chapter 17.

18.120.020 Location.

All recreational vehicle parks shall be located in B/C zoning districts and shall comply with the current Huachuca City general development plan. Recreational vehicle parks shall abut a major arterial or collector street.

18.120.030 Permitted uses.

The following uses are permitted within the recreational vehicle parks:

- A. One recreational vehicle per space
- B. One park model recreational vehicle per space. All park models shall be installed with an anchoring system and skirted in a uniform manner with materials that will harmonize with the design and materials used on the model, as approved by the Building Official. Pressurized wood panels and corrugated steel skirting is prohibited
- C. Two accessory uses per recreational vehicle space.

18.120.040 Accessory uses.

- A. The following uses are permitted for the benefit of the recreational vehicle park residents: Manager's Office and/or Residence. May be of conventional construction. The minimum yard setback requirements shall be the same as those for homes in a R-4 Zoning district. If the Park office is located within the residence, no Home Based Business License will be required.
 - 1. Social and Recreational Center. Building may be of conventional construction and used for activities such as for birthday parties, family gatherings, dancing, games, meetings, banquets, movie viewing, and similar entertainment uses which are intended and used primarily as a resident amenity.
 - 2. Outdoor Recreational Facilities. For the exclusive use of the residents of the recreational vehicle park and their guests, such as a swimming pool, BBQ, areas, parks, playgrounds, tennis courts, shuffleboard courts and similar recreational uses.
 - 3. Common Use Laundry Facilities, Maintenance Buildings and Security Guard Buildings. May be of conventional construction.

- B. The following accessory uses are permitted on individual recreational vehicle parks spaces, provided they meet the required setbacks outlined below: carports, ramadas, covered patios, and storage rooms. Any accessory use not listed must be approved by the Zoning Administrator. Accessory buildings shall not be used as sleeping quarters. Additional requirements for accessory uses on individual spaces are as follows:
1. Accessory structures shall be architecturally compatible with the park model and shall meet required setbacks.
 2. When a carport is attached to the park model, it may be erected within five feet of the space line, but must be retained as an open shelter.
 3. Detached storage buildings are permitted on each recreational vehicle space, but shall be located in the rear of the space. They shall not encroach into the required park setbacks and shall be subject to firewall requirements outlined in the applicable Building Codes.
 4. The maximum height of any structure on a recreational vehicle space shall not exceed 15 feet.
 5. No accessory structure shall be erected within the minimum front yard setbacks.
 6. All accessory structures shall be firmly attached to the ground, unless deemed unnecessary by the Building Official.

18.120.050 Conditional uses.

The following uses may be permitted as a conditional use for the overall recreational vehicle park. Requires Planning and Zoning Commission approval.

- A. A boat, auto, RV, or trailer storage area, provided it is in a completely enclosed area or surrounded by not less than a six-foot high solid fence or wall and is for the sole use of the residents of the park. All stored items shall be currently and properly insured, titled, licensed or registered as required.
- B. Recreational uses intended primarily for the occupants of the park.
- C. Model sales area, provided not more than five spaces are devoted to this use. The planning and zoning commission may permit an additional sales area where the park occupies more than 20 acres.
- D. Convenience store.
- E. Propane station.
- F. Vehicle wash area.
- G. Other conditional uses approved by the Planning and Zoning Commission that would primarily serve the residents of the park.
- H. Dump stations.

18.120.060 Prohibited uses.

- A. Truck campers that are removed from the truck shall not be permitted to be stored on an individual recreational vehicle space. The park may provide a parking area for the sole use of Park residents in a separate minimum six (6) foot fenced area (obscured), as specified in this Chapter.
- B. Any retail business not for the exclusive use of the park residents.

18.120.070 Site development standards.

- A. Minimum park size: three acres.
- B. Maximum Density: 15 spaces per acre. The area occupied by the manager's units, recreational and social center complexes may not be included in the area computation.

- C. Minimum park setback: 20 feet from all street frontages measured from the right-of-way line and 10 feet on all other sides. The street setback areas shall be landscaped and screened with a minimum six-foot-high decorative masonry wall. The setback area between the right-of-way and the wall shall be a combination of landscape and hardscape. No off-street parking facilities or recreational facilities for common use shall be located within any required landscaped area. Area to be maintained to the satisfaction of the Zoning Administrator. The landscape and screening plan shall be approved by the planning and zoning commission.
- D. Park Standards.
1. Minimum space size: 1,500 square feet for recreational vehicles and 2,400 square feet for park models.
 2. Minimum common recreation area per unit: 150 square feet.
 3. Minimum width per space: 30 feet for each RV, 40 feet for park models.
 4. Minimum depth per space: 50 feet for each RV, 60 feet for park models.
- C. A common recreation area shall be provided in recreational vehicle parks. Plans for the common recreation areas shall be submitted for approval to the planning and zoning commission.
- D. Access to all spaces shall be from the interior of the park.
- E. Private streets within the recreational vehicle park shall be a minimum paved width of 24 feet.
- F. At least one parking space per rental unit space, and at least two parking spaces per sales space shall be provided. In addition, at least one additional guest parking space shall be provided for each 10 rental spaces.
- I. All structures not located on a recreational vehicle space shall not exceed 30 feet in height from grade to the highest point on the structure.
- J. All utility lines shall be placed underground within the park. Each space shall be provided with water, sanitary sewer, and electric lines. Telephone lines, cable TV lines, and gas lines, if installed, will also be underground. Fire hydrants shall be installed as required by the Town Code.
- K. All parks shall have street lighting along private and public streets for the safety of pedestrians and in accordance with guidelines outlined elsewhere in this Chapter.
- L. All parks shall have a minimum of two vehicular entrances. One entrance may be kept closed to the general public, but is required to meet public safety standards for emergency ingress and egress.

MANUFACTURED HOMES OUTSIDE PARKS

18.35.040 Use Regulations (R-1 Zone)

~~Only manufactured homes bearing the United States Department of Housing and Urban Development identification plate will be permitted to be installed within the town, except any mobile home or manufactured home presently existing and used as a residence within the town provided it complies with the current applicable building codes.~~

Manufactured homes and mobile homes are not allowed to be installed within this zone. Any already existing manufactured home or mobile home within this zone is allowed to remain, provided it is occupied as a residence and in good repair.

18.40.020 Use Regulations (R-2 Zone)

~~All uses permitted by the regulations or approved by the planning and zoning commission shall conform to the requirements in Table One. Only manufactured homes bearing the United States Department of Housing and Urban Development identification plate will be permitted to be installed within the town, except any mobile home or manufactured home presently existing and used as a residence within the town, provided it complies with the current applicable building codes.~~

Manufactured homes and mobile homes are not allowed to be installed within this zone. Any already existing manufactured home or mobile home within this zone is allowed to remain, provided it is occupied as a residence and in good repair.

18.45.010 Uses Permitted (R-3 Zone)

- A. Any use permitted in the R-1 and R-2 zones.
- B. Multiple dwellings which consist of three family units or more.
- C. Boarding or rooming house for any number of guests, but not for transients.
- D. Local alcoholism reception center.
- E. Hospital, clinic, dispensary or sanatorium for treatment of human beings only.
- F. ~~By conditional permit of the board of adjustment.~~
- F. By conditional use permit from Planning and Zoning Commission

18.50.010 Uses Permitted (R-4 Zone)

The following uses are permitted in a R-4 zone:

A. Any use permitted in the R-2 and R-3 zones with the exception of the use permitted in Section 18.45.010(E).

B. ~~Tourist park or e~~Condominiums or high density apartments.

C. Manufactured home park in accordance with ~~Title 12, Trailers and Mobile Homes.~~ regulations outlined in Chapter 18-115 Manufactured Home Parks

~~D. By conditional permit of the board of adjustment.~~

D. By conditional use permit from the Planning and Zoning Commission