

**NOTICE OF REGULAR MEETING
HUACHUCA CITY PLANNING & ZONING COMMISSION**

**April 5, 2017 at 7:00 pm
Town Hall Council Chambers
500 N. Gonzales Blvd. - Huachuca City, AZ 85616**

AGENDA

- A. Call to Order and Pledge of Allegiance**
- B. Roll Call**
- C. Approve the Minutes of March 1, 2017 Regular Planning and Zoning Meeting**
- D. Zoning Administrator Report**
- E. Call to the Public [3 min. limit] Agenda Items Only**
P&Z Commission may make and open call to the public during a public meeting. Individual P&Z Commissioners may respond to criticism made by those who have addressed the Commission, they may ask staff to review a matter or they may ask that the matter be put on a future agenda. Commissioners shall not discuss or take legal action on matters raised during an open call to the public unless the matters have been properly noticed on the agenda for discussion and legal action A.R.S. 39-731.01 (G). In order to speak during Call to the Public, please specify what you wish to discuss when completing the call to the Public form but can be scheduled under future unfinished business.
- F. Unfinished Business**
 - 1. Discussion and/or Action [Chair]: General Plan status update
 - 2. Discussion and/or Action [Chair]: Sign Code update
- G. New Business**
 - 1. Discussion and/or Action [Chair]: Ordinances for "Court Ordered Restitution in Enforcement Cases"
- H. Current Events, Commissioner Comments or Announcements:**
Pursuant to A.R.S. 38-431.02 (K), the Commissioners will not propose, discuss, deliberate or take legal action at the meeting on any matter brought up under this line, unless the specific matter is already properly noticed on the agenda for legal action.
- I. Call to the Public [3 min. limit] Issues within the auspices of the Huachuca City P&Z Commission**

J. Adjournment

TOWN CLERK'S NOTE:
POSTED BY: *[Signature]* DATE: *4-3-2017*
TOWN HALL BULLETIN BOARD, TOWN HALL LIBRARY, U.S. POST OFFICE 1:30 AM

Title 2 of the Americans with Disabilities Act (ADA) prohibits the discrimination on the basis of disability in its public meetings. Individuals with disabilities who need a reasonable accommodation to attend or communicate at a town meeting, or who require this information in alternate format, may contact the Town at 456-1354 (TTY 456-1353) to make their needs known. Requests should be made as early as possible so there is sufficient time to respond.

Chapter 18.110
SIGN REGULATIONS

Sections:

18.110.010	Intent.
18.110.020	Definitions.
18.110.030	General.
18.110.040	Measurement of signs.
18.110.050	Residential districts .
18.110.060	Business.
18.110.070	General sign regulations for all business/ industrial districts.
18.110.080	B/C General Business districts.
18.110.090	General notes.
18.110.100	Industrial Districts .
18.110.110	Exemptions and special use.
18.110.115	Temporary Signs
18.110.120	Prohibited and nonconforming signs.
18.110.125	Nonconforming Signs
18.110.130	Sign permits, fees, and removal.

18.110.010 Intent.

Signs are herein regulated in the interests of promoting traffic safety, safeguarding the public **health and safety**, facilitating police and fire protection, **enhancing the community appearance** and protecting the character of the **zoning** district in which they are located **and the Town as a whole**. These regulations are designed to promote the effectiveness of signs, and to prevent their over-concentration, improper placement, and excessive height, bulk and area. In general, it is intended that signs in commercial areas be of such design to facilitate recognition of the wares and services provided. The degree of restriction decreases from R-1 to C-3. (Ord. 06-10, 2006; prior code § 17-23-1)

18.110.020 Definitions.

“Sign” means any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but excluding any flag, badge or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

“Sign, accessory” means a basic 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” means a wall or ground sign announcing activities of a permitted educational, governmental or recreation area.
2. “Contractors’ sign” means a wall or ground sign designating the name of persons or firms engaged in construction or repair on the premises.
3. “Developers’ sign” means a wall or ground sign designating the use which will occupy the premises at some future date.
4. “Home occupation sign” means a wall sign identifying a permitted home occupation on the premises.
5. “Identification sign” means a wall, ground or roof sign identifying the permitted principal use(s), ~~but which bears no advertising or message other than the name, year established, street number and kind of business or activity conducted on the premises.~~ **property numbers, post box numbers, names of occupants of premises, or other identification of premises, but not having commercial connotations.**
6. “Name plate sign” means a wall or ground sign identifying the name and address of the occupant of the premises.
7. “Real estate sign” means a wall or ground sign advertising the premises for lease, rent or sale.

8. "Subdivision development sign" means a wall or ground sign advertising the sale of properties in a subdivision.
9. "Utility sign" means a wall or ground sign listing parking regulations or marking the entrance or exit to a parking lot or other permitted accessory use.

"Sign, awning" means any sign painted on or attached to an awning.

"Sign, Electronic Message Display (EMD)" means 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, ground" means any sign, other than a pole sign, placed upon or supported by the ground independent of any other structure.

"Sign, nonaccessory" means a basic category of signs which direct attention to a business, commodity, service, entertainment, or other activity or thing, not exclusively related to the premises on which the sign is located. Three special categories of nonaccessory signs are:

1. "Billboard" means a large nonaccessory sign typically owned and erected by a sign company and located on major arterial streets and highways. **Not allowed in any district located within the Town.**
2. "Directional" means a sign directing or informing the public as to the location of publicly owned facilities; historical or scenic points of interest; educational, charitable or religious institutions; hospitals or sanitariums; and major business districts.
3. "Logo" means a small nonaccessory sign permitted and sponsored by the Arizona Department of Transportation under the provisions of the right-of-way encroachment laws to advertise specific motorists' services bypassed by the interstate highway.

"Sign, pole" means 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" means 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" means 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" means a sign which is attached to a building or structure and extends beyond the wall of the building or line of the structure more than 12 inches.

"Sign, roof" means a sign which extends above the walls and is supported by the roof of a building.

“Sign, temporary” means a sign that is displayed no longer than 30 days.

“Sign, vehicle” means a vehicle not currently licensed for highway travel will be considered the same as a ground sign when any sign advertising a business is painted on, displayed on or attached to the vehicle.

“Sign, wall” means a flat sign placed against or attached to an exterior front, side or rear wall of a building, including signs placed parallel to and extending not more than 12 inches horizontally out from the wall of a building.

“Sign, window” means a sign painted on or attached to the window glass or other signs mounted on the inside of the window. (Ord. 06-10, 2006; prior code § 17-23-2)

18.110.030 General.

- A. This section pertains to all signs in all districts.
- B. Unless otherwise noted, all signs ~~will~~ shall be constructed and maintained in accordance with the ~~Uniform Sign Code, the Uniform Building Code~~ latest editions of the International Building Code and the National Electric Code as adopted by town council.
- C. No part of any sign shall be erected within or project over any part of a public street, alley, sidewalk, or other public right-of-way, except as hereinafter provided for by these regulations.
- D. Every sign and its supporting structure shall be designed and constructed to withstand a wind load of not less than ~~30-pounds-per-square-foot-of-area~~ 110 mph.
- E. No sign shall be erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape.
- F. No sign shall be erected or maintained at or near any intersection of streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of its position, shape, color, or illumination, it may interfere with, obstruct the view of, or be confused with an authorized traffic sign, signal or device, or with any device mounted on a police or fire protection vehicle; or which makes use of the words “STOP,” “DANGER,” or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
- G. No sign shall be erected or painted upon or attached to any tree, rock or other natural feature, or to any fence post or utility pole. Hazardous warning or identification signs may be attached to utility structures.
- H. Every illuminated sign shall be so placed as to prevent any glare or reflection from being cast on any adjoining residential district, or any beam or ray of light from being directed at any portion of a public street or highway in such a manner as to create a distraction or visual hazard.
- I. The regulations in this chapter shall not apply to tablets of metals, stone, or other incombustible material when built into or attached to the walls of a building or structure.
- J. Directional signs, as herein defined, may be permitted in any district subject to the following requirements:
 1. Such signs shall be located along a state or federal highway or an arterial street not more than one-quarter of a mile (1,320 feet) from the intersection of ~~turnoff-ramp-or~~ roadway providing direct access from said state or federal highway or arterial street to the facility, institution or business district to which the public is being directed.
 2. Such signs shall be permitted only upon approval by the building official of the size, design and precise location of each individual sign, and written approval of the land owner.
- K. Other sign regulations notwithstanding, these regulations shall not be construed to prohibit or restrict the erection and lighting of Christmas displays during the Christmas season.
- L. The building official may, upon receipt of application and proof of need, approve an extension of removal time for subdivision development, ~~business,~~ and contractors’ signs; provided, that such extension shall not exceed one year beyond the removal date otherwise required by these regulations.
- M. Town-sponsored gatepost signs marking entrances to the town or signs to its parts shall be permitted as required.
- N. Banners, nongovernmental flag, and pennants and other devices set in motion by the wind shall be limited to one square foot of banner, flag, pennant or other devices set in motion by the wind per 100 square feet of lot. No single banner, nongovernmental flag, pennant, or other device set in motion by the wind may exceed 50 square feet. Larger than 50-square-foot single banners, flags, pennants, or other devices in motion by the wind may be allowed if the applicant obtains an approved comprehensive sign plan from the planning and zoning commission.

- O. Flashing, intermittent, rotating, animated, beacon or similar illuminated and audible signs/devices are not permitted except as provided under **Section 18.110.110. This does not include electronic message displays (EMD).**
- P. Permits are required for all signs except those specifically exempted ~~under the sign permit section~~ **within this Chapter.**
- Q. Signage authorizations are not transferable either in whole or in part from one building frontage or business to another.
- R. On buildings having more than one street frontage, the maximum allowable square footage of on-site signs is permitted for each street frontage. (Ord. 06-10, 2006; prior code § 17-23-3)

18.110.040 Measurement of signs.

- A. The area of signs composed of ~~a letter or individual letters~~ **individual, fabricated, or painted letters mounted directly on a building façade or building projections of permanent construction**, without an integral background, shall be computed by measuring the sum of the squared-off area of individual letters.
- B. For all other types of signs, the measurement used to calculate the size of the sign shall be the entire area within a single continuous perimeter enclosing the extreme limits of the sign; provided, however, that such perimeter shall not ~~unless~~ **include** any structural elements located outside the limits of the sign and not forming an integral part of the display.
- C. The area of double-faced signs shall be calculated only on one side if the square footage of each side is the same, the message is the same, and the basis of the sign does not exceed a 30-degree angle of separation between the two sides.
- D. The total square footage of all face surfaces of a spherical or multi-faced sign shall be computed by measuring the sum of the squared-off area of individual letters of all face surfaces and any portion of the face surface that is an integral part of the display. **The total square footage of all face surfaces shall not exceed twice the allowable square footage of a single-faced sign.** (Ord. 06-10, 2006; prior code § 17-23-4)

18.110.050 Residential Districts (R-1, R-2, R-3, R-4, VLDR, LDR, MDR, HDR)

- A. Signs as hereinafter provided may be erected in residential districts.
- B. Real Estate Signs. **Temporary** nonilluminated wall or ground signs advertising the premises for lease, rent or sale are ~~permitted~~ **allowed** as follows: For properties one acre and less, no such sign shall exceed six square feet in area and is limited to one sign per property. For properties greater than one acre, but less than 40 acres, one sign is permitted for each street frontage and no such sign shall exceed 32 square feet in area. ~~For properties in excess of 40 acres, one sign is permitted for each street frontage and no such sign shall exceed 32 feet in area.~~ For properties in excess of 40 acres, one sign is permitted for each street frontage and no such sign shall exceed 64 square feet in area. In all cases, **the sign must be located on the site being advertised and no sign shall be placed closer than 10 feet to the property line.** Such signs shall be removed ~~with~~ **within 10 20** days, subsequent to the leasing, rental or sale of the property. **Offsite real estate signs, such as "open house" signs are allowed provided permission is obtained from the property owner and the sign is located outside of a public right-of-way. Apartment complexes, mobile home parks and rv parks shall not have offsite real estate signs.** No permit is required for real estate signs.
- C. **Subdivision** Development Signs. ~~Three~~ **One temporary** nonilluminated signs, ~~none of which~~ **not to** exceeds 64 square feet in area and eight feet in height for a development less than 20 acres or 96 square feet in area and 12 feet in height for a development greater than 20 acres, ~~are permitted~~ **is allowed**; provided, that such signs shall be located no less than 100 feet to any adjoining residential private property; and further provided, that all such signs shall be removed from the premises when 90 percent of the lots or properties in the development property have been sold. **No permit is required for subdivision development signs.**
- D. Subdivision Name Signs. Permanent nonilluminated ground signs containing only the name of the subdivision; one such sign **allowed** on each side of any entrance to a subdivision; subject to the approval of ~~design, size and location~~ by the **planning and zoning** commission **as a part of the overall subdivision plat. The total sign area of each sign shall be 32 square feet and the maximum height shall be 4 feet high. Signs shall be located on private property and not project over any portion of a street, sidewalk, or other public right-of-way and cannot conflict with any clear vision area. The Town shall**

receive a copy of an acceptable agreement describing who is responsible for sign maintenance prior to issuance of a sign permit.

- E. Utility Signs. One illuminated or nonilluminated sign at each entrance or exit to a subdivision, **apartment complex**, mobile home park, or RV park, not to exceed two square feet in area per sign.
- F. Rooftop, projecting, and commercial nonaccessory signs are prohibited in all residential districts.
- G. Contractors' Sign. ~~One Temporary~~ nonilluminated sign, not exceeding six square feet in area per contractor or subcontractor listed, nor exceeding 32 square feet in aggregate area, ~~provided, however, that each such sign shall be removed from the premises within 20 days subsequent to completion of such construction or repair. In all cases, the signs must be located on the site being constructed or repaired and no ground sign shall be placed closer than 10 feet to the property line. If a temporary construction fence is installed to enclose the property, contractor signs may be attached to the fence. All contractor signs shall be removed from the premises within 20 days subsequent to completion of such construction or repair. No permit is required for contractor's signs.~~
- H. Home occupation signs. ~~One nonilluminated wall sign allowed and~~ shall not exceed two square feet.
- I. Apartment Complexes, Mobile Home and Recreational Vehicle Parks. ~~One nonilluminated sign per street frontage, not exceeding 32 square feet each, is permitted allowed.~~
- J. Bulletin boards may be illuminated and shall not exceed ~~32~~ 16 square feet, ~~but are only allowed onsite of an apartment complex and mobile home or r.v. park.~~
- K. ~~Ground Sign. No ground sign shall be placed nearer than two feet to any building or other sign; no ground sign shall exceed six feet in height above grade; no part of any ground sign shall extend nearer a street line than one-half the minimum required setback for the property on which it is located. (Ord. 06-10, 2006; prior code § 17-23-5)~~

18.110.060 Business.

- A. For the purpose of this chapter, Highway 90 is established as the primary business corridor of Huachuca City.
- B. For the purposes of this chapter, a building frontage must be at least 20 feet wide. (Ord. 06-10, 2006; prior code § 17-23-5)

18.110.070 General sign regulations for all business/~~industrial~~ districts.

- A. ~~An identification sign is permitted when multiple businesses operated from a single location. One such identification sign is permitted allowed for each street frontage. The intent of this provision is to provide a list of separate licensed businesses operating from a single building or business center. Three square feet of signage is permitted for each individual business and The maximum area of this signage is three square feet and is not counted against the total signage authorization for each business. Identification signs described above may be ground wall or projecting type sign; however, ground signs shall not exceed 20 feet in height above grade.~~
- B. Window signs, whether permanent or temporary, are permitted **allowed** and do not count against the total signage authorization.
- C. Portable signs that do not pose a safety hazard, as determined by the building ~~inspector~~ **official**, are permitted **allowed**; provided, that:
 - 1. Only one portable sign per building frontage is allowed.
 - 2. Sign is no larger than two feet wide and three feet high.
 - 3. Sign is attached to the ground or building to restrict movement.
 - 4. In areas where a public sidewalk abuts the building frontage, the portable sign must be located tight against the building.
 - 5. **A-frame signs are prohibited except for special event signs.**
- D. Wall Signs. No portion of a wall sign may extend above the top of the wall.
- E. Ground and Pole Signs. Ground signs are limited to a maximum height of 20 feet above grade and pole signs are limited to a maximum height of 30 feet above ~~grade, except as provided in Section 18.110.110.~~
- F. Roof signs are permitted **allowed**, provided they do not extend above the highest peak of the roof. Buildings with flat roofs are therefore not permitted **allowed** roof signs.
- G. Projecting Signs. No portion of a projecting sign may extend above the highest point of a building ~~frontage wall.~~

Comment [-J1]: Need to make sure these sign heights are consistent throughout code

Comment [-J2]: Should roof signs be limited to Industrial Zonings?

- H. One nonaccessory sign for each business, except home occupations, may be ~~permitted~~ **allowed for a period up to one year** upon approval by the planning and zoning commission. ~~Billboards are excluded, as they are not allowed within the Town.~~ Additionally, the following conditions must be met:
1. Nonaccessory signs can be located no closer than 100 feet to each other.
 2. Written authorization from the landowner is provided.
 3. Nonaccessory signs shall be limited to a maximum of 20 square feet.
 4. Nonaccessory signs are not deducted from the total signage authorization.
- I. Artistic Murals. See Section 18.110.110.
- J. Real Estate Signs. **Temporary** nonilluminated wall or ground signs advertising the premises for lease, rent or sale are ~~permitted~~ **allowed**; provided, that no such sign shall exceed 16 square feet in area, nor shall any such sign be placed closer than 10 feet to ~~any adjoining lot or closer than 20 feet to any street corner~~ **the property line**. Real estate signs are limited to one sign per each lot or parcel. ~~Such signs shall be removed from the premises within 20 days subsequent to the leasing, rental, or sale of the property. No permit is required for real estate signs.~~
- ~~K. Developers' Signs. One nonilluminated sign advertising the use that will occupy the premises not to exceed 32 square feet in area is permitted. Signs shall not be placed closer than 10 feet to an adjoining lot or closer than 20 feet to the property line. Such signs shall be removed from the premises within 20 days subsequent to the occupancy of the premises.~~
- L. ~~Contractors' Construction Project Signs. For major projects under construction, one temporary nonilluminated sign is allowed, not exceeding 20 32 square feet in area. per contractor or subcontractor listed is permitted ; provided, that each sign shall be removed from the premises within 20 days subsequent to completion of such construction or repair. The message shall be limited to the identification of the architect, engineer, contractor, and other individuals or firms involved with the construction and the name of the building, the intended purpose, and expected completion date. The sign shall be placed at the construction site. Upon submittal of a completed site plan or subdivision application, signs may be placed at the construction site until the project is completed. Signs placed at the site prior to the submittal of the completed application will be limited to six months and will be allowed three 6 month extensions. Signs showing deterioration shall be removed or replaced. (Ord. 06-10, 2006; prior code § 17-23-6)~~ **Contractors' Construction Project Signs. For major projects under construction, one temporary nonilluminated sign is allowed, not exceeding 32 square feet in area. per contractor or subcontractor listed is permitted ; provided, that each sign shall be removed from the premises within 20 days subsequent to completion of such construction or repair. The message shall be limited to the identification of the architect, engineer, contractor, and other individuals or firms involved with the construction and the name of the building, the intended purpose, and expected completion date. The sign shall be placed at the construction site. Upon submittal of a completed site plan or subdivision application, signs may be placed at the construction site until the project is completed. Signs placed at the site prior to the submittal of the completed application will be limited to six months and will be allowed three 6 month extensions. Signs showing deterioration shall be removed or replaced. (Ord. 06-10, 2006; prior code § 17-23-6)**
- M. **Electronic Message Boards (EMD's)**
1. ~~Limited to property located within the B/C General Business/Commercial, C-2 and C-3 Industrial Zoning Districts only.~~
 2. ~~Limited to free-standing signs (no wall mounted EMD's allowed). The maximum height for such EMD's is 30 feet measured from the grade of the street. The total sign area shall not exceed 32 square feet per sign face.~~
 3. ~~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.~~
 4. ~~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.~~
 5. ~~The transition between messages shall be instantaneous.~~
 6. ~~The minimum length to display a message shall be 15 seconds.~~
 7. ~~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.~~
 8. ~~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.~~
 9. ~~The electronic message center portion of the sign shall be turned off when the business activities cease on the property.~~

Comment [-J3]: This is covered by the Construction Project Sign

Comment [-J4]: Need to be consistent with heights throughout code. Should the heights be 10' or 20'?

10. 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.
11. Obtain a sign permit.

18.110.080 B/C General Business districts.

- ~~A. One or more wall, roof, ground, pole or projecting signs are permitted for each building frontage; however, no ground sign shall exceed 50 square feet.~~
- ~~B. All businesses having a building frontage are authorized 75 square feet of signage. Additional signage authorization may be permitted based upon building frontage, property frontage and location within the B-2 districts as shown below:
 12. For businesses located in the downtown general business district two square feet of signage is permitted for each one linear foot of building frontage or two square feet of signage is permitted for each five linear feet of property frontage, not to exceed an aggregate of 150 square feet.
 13. For businesses not located in the downtown general business district additional signage is permitted based on the higher traffic speeds encountered in those areas. Signage in these B-2 areas is permitted as follows: two and one-half square feet of signage for each one linear foot of building frontage or two and one-half square feet of signage for each five linear feet of property frontage, not to exceed an aggregate of 200 square feet of signage.~~
- ~~C. Multiple, separately licensed businesses sharing a building frontage must also share the signage authorization.~~
- ~~D. All businesses with frontages on the Arizona Department of Transportation (ADOT) rights-of-way must also be aware of state laws governing signage. An extract of ADOT sign permits regulations is at the figure below. (Ord. 06-10, 2006; prior code § 17-23-7)~~

Comment [-J5]: Replaced with new business sign guidelines

A. Single Business Building

1. Freestanding Sign

- a. Area: The total sign area shall be 32 square feet for each side of the sign.
- b. Height: The maximum height shall be 20 feet high measured from the grade of the street.
- c. Location: Signs shall be located on private property and not project over any portion of a street, sidewalk, or other public right-of-way and cannot conflict with any clear vision area.
- d. Number: Limited to one multi-faced freestanding sign identifying the business, designating the principal goods or products and facilities or services available on the premises.
- e. Illumination: Internally illuminated signs shall not have white backgrounds. Signs may have external illumination provided the lights are fully shielded and the fixtures are aimed directly at the sign. Vacant sign faces shall have a completely dark or opaque background.
- f. Pole Cover: All new pole sign structures, the sign structure must have pole covers or architectural embellishments that hid or conceal all structural components or braces (such as pipes, angles, irons, cables, internal back framing, bracing, etc.). Exceptions can be made if the uncovered poles are part of the overall site architecture.
- g. Landscaping: All new sign structures associated with a site plan shall be constructed within a landscaped area or island.

Comment [-J6]: Height needs to be consistent throughout code

2. Wall Sign

- a. Area: The total area shall be 2 square feet per linear foot of building frontage or 2 square feet per each 5 linear feet of property lot frontage. In addition, bulletin board signs are allowed, but limited to a total of 15 square feet and they do not count towards the overall allowed wall signage.
- b. Awning or Canopy Signs: The gross surface area of an awning or canopy sign 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. The total area of an awning or canopy sign shall be included in the total wall signage.

B. Multi-Tenant Building

1. Freestanding Sign

- a. **Area:** The total sign area shall be 75 square feet of which at least 15% shall be dedicated to the building or shopping center identification. Changeable directory panels identifying each tenant can be used provided each panel is a minimum of 9 square feet.
 - b. **Height:** The maximum height shall be 20 feet high measured from the grade of the street.
 - c. **Location:** Signs shall be located on private property and not project over any portion of a street, sidewalk, or other public right-of-way and cannot conflict with any clear vision area.
 - d. **Wording:** Limited to identifying the businesses, designating the principle goods or products and facilities or services available on the premises.
 - e. **Illumination:** Internally illuminated signs shall not have white backgrounds. Signs may have external illumination provided the lights are fully shielded and the fixtures are aimed directly at the sign. Vacant tenant identification panels shall have a completely dark or opaque background.
 - f. **Pole Cover:** All new pole sign structures, the sign structure must have pole covers or architectural embellishments that hid or conceal all structural components or braces (such as pipes, angles, irons, cables, internal back framing, bracing, etc.). Exceptions can be made if the uncovered poles are part of the overall site architecture.
 - g. **Landscaping:** All new sign structures associated with a site plan shall be constructed within a landscaped area or island.
2. **Wall Sign**
- c. **Area:** The total area shall be 2 square feet per linear foot of building frontage or 2 square feet per each 5 linear feet of property lot frontage. In addition, bulletin board signs are allowed, but limited to a total of 15 square feet and they do not count towards the overall allowed wall signage.
 - d. **Awning or Canopy Signs:** The gross surface area of an awning or canopy sign 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. The total area of an awning or canopy sign shall be included in the total wall signage.

Comment [-J7]: Height needs to be consistent throughout code

18.110.090 General notes.

- A. ~~A permit is required for all encroaching overhanging signs and awnings. These signs and awnings are permitted in curbed urban sections for on-premises advertising.~~
- B. ~~No advertising signs are allowed on any intersections or rural highway rights-of-way. Signs on frontage roads within highway right-of-way in urban areas are permitted by this standard.~~
- C. ~~Signs with words "Stop," "Slow down," etc., or signs similar in shape or color to official traffic signs are not permitted.~~
- D. ~~Lengths of signs and awnings may vary as shown except where town or county ordinances provide smaller maximums.~~
- E. ~~Illuminated signs attached to a building losing the right-of-way are permitted as shown.~~
- F. ~~An outdoor advertising permit is required for off-premises signs.~~
- G. ~~Ground supported or portable signs shall not be placed within any right-of-way areas. (Ord. 06-10, 2006; prior code § 17-23-8)~~

Comment [-J8]: Covered by other areas of the code

18.110.100 C-2/C-3 Industrial Districts.

- A. Because industrial districts are located at the fringes of the town and increased setbacks of buildings can be anticipated to allow employee parking lots, signage authorizations are **very more** liberal to allow ease of identification of these businesses. **Unless otherwise noted, all signs must meet the requirements outlined in the BC General Business District.**
- B. **Rooftop signs may extend above the roofline, but cannot extend higher than the building height restrictions in the zoning district.**
- C. Projecting signs may extend above the roofline
- D. Pole signs are limited to a height of ~~60~~ **40** feet above grade.
- E. Ground signs are limited to a height of 30 feet above grade
- F. ~~One non-necessary sign per business is permitted. This authorization does not include the leasing of commercial billboards already existing within the town nor does it include billboards along the interstate.~~

Comment [-J9]: Should these signs be allowed in Industrial districts only?

Comment [-J10]: Need to review these heights

Comment [-J11]: Already covered in Section 18-110-070H

- G. All ~~businesses property~~ located in C-2 zones are permitted ~~allowed a maximum of~~ 100 square feet of ~~signage for freestanding signs~~. Additional ~~wall signage may be permitted~~ ~~is allowed~~, based on an ~~authorization of three square feet of signage per one linear foot of building frontage or three square feet of signage per five linear feet of property frontage not to exceed an aggregate of 300 square feet of wall signage~~.
- H. Businesses locating in C-3 zones will be authorized signage similar to that permitted in C-2 districts; however, the actual signage authorization will be determined on a case-by-case basis ~~by planning and zoning commission~~ during the site plan approval phase. (Ord. 06-10, 2006; prior code § 17-23-9)

18.110.110 Exemptions and special use.

A. Flashing, intermittent, rotating, animated, beacon or similar illuminated signs/~~devices~~ shall be considered on a case-by-case basis by the planning and zoning commission to determine if the proposed sign would harmonize with the area to which it is proposed. Consideration will be given to size, location, frequency and brightness of the proposed sign. In no case will such signs be permitted if traffic safety could be jeopardized or a public nuisance be created. The planning and zoning commission may call upon town police, civic leaders, the public, or other elected or appointed officials prior to making their decision.

B. A comprehensive sign plan may be submitted to the planning and zoning commission by the developers of a proposed commercial development which shall include the location, size, height, lighting and orientation of all proposed signs, in addition to any other information deemed necessary. This sign plan may be submitted in conjunction with the required preliminary site plan for the development. If the comprehensive sign plan is found to be acceptable, i.e., if the sign areas and densities shown on the plan are in conformity with the intent of these regulations and if such exceptions result in an improved relationship between the various parts of the plan, exceptions to the provisions of these regulations shall be granted.

C. Murals. In order to encourage and promote a harmonious relationship between buildings and signs, the planning and zoning commission shall be the authority to approve signs which are designed into and are a part of an integrated architectural feature of a building or signs that are integrated into an artistic wall mural. Such signage, if it represents less than 20 percent of the total square footage of the mural, would not be deducted from the signage authorization for that building or business.

D. Sign Theme. The owners of 60 percent or more of the street frontage of properties on both sides of the street in any well-defined area may petition the planning and zoning commission for the establishment of a special sign district for the purpose of creating an integrated special sign theme in the area. The planning and zoning commission shall hold a public hearing on such a request. The commission may then approve signage where the provisions of these regulations would otherwise prohibit such signs.

E. ~~Political signs are exempted from all regulations contained in this chapter for 30 days before any election day. All such signs must be removed 48 hours after any election day.~~ (Ord. 06-10, 2006; prior code § 17-23-10)

Comment [-J12]: Already covered by 18.110.130B12

18.110.115 Temporary Signs.

- A. A temporary sign is any sign, regardless of construction material, which is not permanently mounted and is on display for a limited period of time. A temporary sign can be either a wall or freestanding sign. Free-standing signs must be located 20 feet from the street edge and 10 feet from a driveway. All signs, with the exception of special event signs, must be installed in a location that is not hazardous to public safety, does not obstruct the clear vision area, or interfere with ADA requirements. The signs shall not be placed in the public right-of-way or on public property, unless otherwise noted as allowed.
- B. The following signs require an approved temporary sign permit prior to being displayed:
 - 1. Wall Signs (to include banners). The maximum aggregate sign area shall be 1 ½ square feet for every linear foot of building frontage. The height shall not extend above the roofline or the top of a parapet wall.
 - 2. Ground-Mounted Signs, to include H-frame signs. The maximum sign area shall be 16 square feet per sign face. The maximum heights shall be 6 feet. The number of temporary free-standing ground-mounted signs is limited to one per street frontage. A-frame signs are prohibited except for special event signs.
 - 3. Inflatable or Windblown Signs. Such signs shall not have advertising on them. The maximum sign area shall be 32 square feet. The maximum height shall not exceed the zoning building height limit. There is no limit on the number of such signs.
- C. Temporary Sign Permits. Temporary sign permits shall be approved or disapproved within 7 working days from the date the application is received. Only one type of permit can be used at any one time. Failure to comply with the terms of this temporary sign permit process shall result in revocation of all temporary sign permits for the remainder of the calendar year. Temporary Sign Permit Fee is included in the Fee Chart located at Section 18.159.010. The following are allowed temporary sign permits:
 - 1. Seven-Day Sign Permit. A maximum of ten 7-day permits may be issued per property in a calendar year. The permit may be issued back-to-back or for the duration of a promotion not to exceed ten permit periods.
 - 2. Special Event Sign Permit. The purpose of a special event sign permit is to allow nonprofit organizations and community-oriented functions to advertise their special events by allowing for off-site directional signage to the special event. No fee shall be charged for such signs. Special event sign permits will not be issued to individual businesses. Special event signs are subject to the following guidelines:
 - a. Must be a portable ground-mounted sign
 - b. Signs can be located in the right-of-way for a period up to three consecutive days. Upon request, the Building Official may extend this time period up to five consecutive days. Signs are to be located so as to not conflict with ADA requirements, pedestrian rights-of-way, and clear vision areas.
 - c. A single special event sign permit may be issued annually for an organization's recurring event.
 - d. The sign message is limited to the name of the event, the location, dates and times and directional information.

Comment [-J13]: This is something new that is recommended

Comment [-J14]: What would be a reasonable fee for permit and extensions. Should be nominal.

18.110.120 Prohibited and nonconforming signs.

- A. Signs which are ~~obscene~~, hazardous to traffic, imitative of official government signs, (i.e., STOP, DANGER, CAUTION, etc.) ~~create a public nuisance, or obstruct visibility, or create~~ creating a hazard to the public are prohibited. Approved signs that later become a hazard ~~of a nuisance~~ shall be removed.
- B. Portable signs are prohibited except as ~~specifically permitted in the business section~~ allowed within this chapter.
- C. Signs with moving parts, including banners, or other devices set in motion by the wind or propelled by forced air are prohibited except as permitted in Section 18.110.110-115. Excluded from this definition is a flag of any government or governmental agency.

- D. ~~Sandwich board signs, A-frame signs or other portable and temporary signs except as allowed in Section 18-110-115~~
- E. ~~Signs or portion thereof which obstruct a fire exit, stairway or standpipe; interfere with an exit to any window or any room located above the first floor of any building; obstruct any door or required exit from a building; obstruct or redirect any required light or ventilation.~~
- F. ~~Signs erected in a residential zoning district with information other than allowed under Section 18.110.050 or permitted under Section 18.110.115.~~
- G. ~~Signs on Parked Vehicles. Signs or advertising on parked vehicles or trailers are prohibited unless the vehicles or trailers are primarily used in conducting business and the signs advertise or identify the business and the products or services offered on the premises. This does not apply to signs affixed to vehicles or trailers used as public carriers, businesses, taxis or vehicles when operating during the normal courses of business.~~
- H. ~~Obscene Signs.~~
- I. ~~Billboard Signs are not permitted in~~ allowed within the town limits.

~~D. Nonconforming Signs.~~

- ~~1. Permanent signs, affixed to the ground or a structure, erected prior to the effective date of this chapter, that would be in violation of this chapter, are nonconforming signs that have grandfathered rights. These grandfathered rights become null and void if the sign or the sign structure is altered, removed or destroyed.~~

(Ord. 07-03, 2007; Ord. 06-10, 2006; prior code § 17-23-11)

18.110.125 Nonconforming Signs. Legal permanent signs, affixed to the ground or a structure, erected prior to the effective date of this chapter that would otherwise be in violation of this chapter would be classified as legal nonconforming signs. If the nonconforming sign or sign structure is altered, destroyed, or is removed for any reason, a new sign is required to meet all requirements noted within this chapter.

18.110.130 Sign permits, fees, and removal.

~~A. Building Permits. It shall be unlawful for any person, firm or corporation to erect, re-erect, construct, repair, alter, relocate or maintain within the town of Huachuca City, any sign as defined in these regulations, except as hereinafter provided, without first obtaining a building permit from the building inspector. Building permits shall not be required for:~~

- ~~1. Nameplate signs;~~
- ~~2. Home occupation signs;~~
- ~~3. Real estate, political, contractor, developer signs;~~
- ~~4. Nonilluminated wall signs not exceeding 60 square feet;~~
- ~~5. Repairs or repainting not in excess of \$200.00; and~~
- ~~6. Window signs.~~

A. The Town Building Official must approve a sign permit before any sign is constructed, re-constructed, altered, repaired, used or changed, except for exempt signs listed in Section 18.110.130B. Examples of when a sign permit is required are as follows:

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

Comment [-J15]: Entire Permit Section has been rewritten

4. 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 nonconforming sign, the face change shall not expand the nonconformity.

B. Exempt Signs. The following signs do not require a sign permit, but shall still conform to all other applicable provisions of this Code and shall be permitted in all district in which the use identified or advertised is permitted. All signs shall be located on private property unless otherwise specified.

1. **Bulletin Board Signs:** The sign area shall be a maximum of 16 square feet. If the bulletin board is freestanding, the sign shall be a maximum of 5 feet high.
2. **Construction Project Signs**
3. **Contractor Signs**
4. **Directional Signs**
5. **Garage, Yard, Estate and Moving Sale Signs:** These signs may be located on the premises of the sale or with the permission of the owner of the premises upon which the sign is located and meet the following criteria:
 - a. The maximum size is 4 square feet in area.
 - b. Cannot be placed earlier than two days prior to the sale and shall be removed within five days.
 - c. Must be installed in a location that is not hazardous to public safety, does not obstruct the clear vision area, or interfere with Americans with Disability Act (ADA) requirements. They shall not be placed in the public right-of-way or on public property.
6. **Holiday lighting and displays**
7. **Home Based Business Signs**
8. **Identification Signs**
9. **Memorial or Dedication Signs:** Signs shall include names of buildings, dates of erection when cut into any masonry surface, or constructed of bronze or other noncombustible material. The maximum area is 9 square feet.
10. **Marals as described in this Chapter**
11. **Nameplates:** Professional nameplates shall have a maximum area of 2 square feet.
12. **Political Signs:** Temporary political signs endorsing candidates or issues during any bona fide governmental election are allowed subject to the following requirements:
 - a. Placement no more than 60 days prior to the election day.
 - b. Removal within 15 days following election day or termination of the candidacy.
 - c. Maximum area of 16 square feet for each sign in a residential zoning district and 32 square feet for each sign in a nonresidential zoning district.
 - d. Each candidate, party or issue headquarters may be identified with any legal temporary signage with a maximum aggregate area of 100 square feet.
 - e. May be installed in Town right-of-way in all zoning districts, but must be installed in a location that is not hazardous to public safety, obstructs the clear vision area or interferes with ADA requirements.
 - f. Cannot be installed on any Town-owned structures or property (except in the right-of-way as noted above).
13. **Real Estate Signs**
14. **Subdivision Development Signs**
15. **Traffic and Municipal Signs**

C. Application for a building permit shall be accompanied by, at a minimum, a site plan, construction plans, and written consent of the landowner, if appropriate.

D. Permit Revocable. The building official shall have the authority to revoke any permit which has been granted when he has determined that the sign authorized by the permit has been constructed or is to be maintained in violation of the permit.

E. Liability. The granting of a building permit shall not be deemed to be a permit for or approval of any violation of these regulations. The provisions of these regulations shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm, or corporation erecting or owning any sign, or resulting from the negligence or willful acts of such person, firm or corporation or its agents, employees or workmen, in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor shall issuance of such permit be construed as imposing upon the town or its officers or

Comment [-J16]: Review this sign area

Comment [-J17]: Need to review this height

employees, any responsibility or liability by reasons of the approval of any signs, material or devices under the provisions of these regulations.

F. Sign Permit Fees. The sign permit shall be considered the same as a building permit and the fee shall be determined by the same building permit fee chart as established in Section 15.65.010.

~~1. For nonilluminated wall signs, not exempted above, building permit fee is established at \$15.00.~~

~~2. For nonilluminated ground signs, constructed of wood and not exceeding a height of 20 feet above grade, the building permit fee is established at \$23.50.~~

~~3. For all other signs, the building permit fee shall be as established in the Uniform Building Code.~~

G. Removal of Signs. Any sign which advertises a business no longer conducted or products no longer sold, at the location of the sign, shall be removed by the owner, agent, or person having the beneficial use of the building or property on which such sign is located within 10 days after such business has terminated. The building official is hereby authorized to cause removal of such signs 30 days after written notification is provided to the property owner. All costs associated with such removal will be billed to the property owner(s) or as a lien placed on the property. (Ord. 06-10, 2006; prior code § 17-23-12)



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2017-XX

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 15 “BUILDINGS AND CONSTRUCTION,” CHAPTER 15.80 “VIOLATIONS AND PENALTIES,” SECTION 15.80.010 “NOTICE OF VIOLATIONS,” TO PROVIDE FOR COURT ORDERED RESTITUTION IN BUILDING CODE ENFORCEMENT CASES.

WHEREAS, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the “Code”], and has amended and republished the Code from time to time, as authorized by A.R.S. 9-240 (B) (28); and

WHEREAS, the Code, Title 15 “BUILDINGS AND CONSTRUCTION” establishes the Building Code for the Town, and section 15.80.010 provides the penalties for violating the Building Code; and

WHEREAS, the Town Council has determined that it would be in the best interests of the Town and its residents to amend the Building Code to adopt a provision allowing the court to order restitution be paid to the Town in cases brought for the enforcement of the Town’s Building Code; and

WHEREAS, a public hearing was held on _____, 2017, to receive public comment, pro and con, for adopting a Code amendment for this purpose; and

WHEREAS, as required by the Code, section 2-5-4, this Ordinance was first read at a public meeting of the Town Council on _____, 2017, and at a subsequent meeting on _____, 2017.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Huachuca City, as follows:

SECTION 1. The Code, Title 15 “BUILDINGS AND CONSTRUCTION,” Chapter 15.80 “VIOLATIONS AND PENALTIES,” Section 15.80.010 “Notice of Violations” is amended by adding new subsection (B) (5) to read as follows:

5. In addition to the penalties provided in this section, the court shall impose restitution as part of its sentence to compensate the town for its costs to enforce this Chapter and bring a

building or land into compliance with this Chapter. Restitution shall include all costs of abatement, including inspection fees and prosecution of the case.

SECTION 2. All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

SECTION 3. If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 4. The Town Clerk is hereby directed, pursuant to the Code, sections 2-5-8 and 2-5-9, to post this Ordinance in three or more public places within the Town, and to publish this Ordinance as required by A.R.S. 9-812 and 39-204.

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS _____ DAY OF _____, 2017.

Ken Taylor, Mayor

ATTEST:

Tammy Mitchell, Town Clerk/Administrator

Approved as to Form:

Thomas Benavidez, Town Attorney



Town of Huachuca City

The Sunset City

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ORDINANCE NO. 2017-XX

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, AMENDING THE TOWN CODE TITLE 18 “ZONING,” CHAPTER 18.155 “VIOLATIONS AND PENALTIES,” TO PROVIDE FOR COURT ORDERED RESTITUTION IN ZONING ENFORCEMENT CASES.

WHEREAS, the Town Council of the Town of Huachuca City has adopted by Resolution No. 84-002 a code known as the Town Code of the Town of Huachuca City, Arizona [the “Code”], and has amended and republished the Code from time to time, as authorized by A.R.S. 9-240 (B) (28) and Town Ordinance No. 15-02; and

WHEREAS, pursuant to A.R.S. 9-462.01 (A), the Town is empowered to adopt and amend zoning regulations; and

WHEREAS, the Town Council has determined that it would be in the interest of the health and safety of the Town’s residents and visitors to revise the Town’s zoning regulations to establish a provision for court ordered restitution in zoning enforcement cases; and

WHEREAS, a public hearing was held on _____, 2017, to receive public comment, pro and con, for adopting a Code amendment for this purpose; and

WHEREAS, as required by the Code, section 2.25.040, this Ordinance was first read at a public meeting of the Town Council on _____, 2017, and at a subsequent meeting on _____, 2017.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Huachuca City, as follows:

SECTION 1. The Code, Title 18 “ZONING,” Chapter 18.155 “VIOLATIONS AND PENALTIES,” Section 18.155.010 is amended by adding new subsection (B) (5) to read as follows:

5. In addition to the penalties provided in this section, the court shall impose restitution as part of its sentence to compensate the town for its costs to enforce this Chapter and

bring a building or land into compliance with this Chapter. Restitution shall include all costs of abatement, including inspection fees and prosecution of the case.

SECTION 2. All ordinances, parts of ordinances, resolutions, parts of resolutions, policies, and parts of policies in conflict with the provisions of this Ordinance, or any part hereof, are hereby repealed.

SECTION 6. If any section, subsection or portion of this Ordinance is for any reason held to be invalid or unenforceable by the decision of a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions hereof.

SECTION 7. The Town Clerk is hereby directed, pursuant to the Code, sections 2.25.080 and 2.25.090, to post this Ordinance in three or more public places within the Town, and to publish this Ordinance as required by A.R.S. 9-812 and 39-204 (C)(3).

PASSED AND ADOPTED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF HUACHUCA CITY, COCHISE COUNTY, ARIZONA, THIS ___TH DAY OF _____, 2017.

Kenneth Taylor, Mayor

ATTEST:

Tammy Mitchell, Town Clerk/Administrator

Approved as to Form:

Thomas Benavidez, Town Attorney