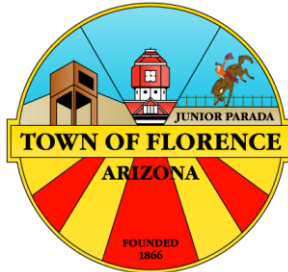


# TOWN OF FLORENCE PLANNING AND ZONING COMMISSION REGULAR MEETING AGENDA

Chairman Gary Pranzo  
Vice-Chair Lonnie Frost  
Commissioner Robert Smidt  
Commissioner Andrew Simmonds  
Commissioner Duane Proulx



Florence Town Hall  
775 N. Main Street  
Florence, AZ 85132  
(520) 868-7575  
[www.florenceaz.gov](http://www.florenceaz.gov)  
Meets 1<sup>st</sup> and 3<sup>rd</sup> Thursdays

**Thursday January 17, 2019**

**6:00 PM**

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Pursuant to A.R.S. § 38-431.02, notice is hereby given to the Town of Florence Planning and Zoning Commission and to the general public that a Regular Meeting of the Florence Planning and Zoning Commission will be held on Thursday, January 17, 2019, at 6:00 p.m., in the Florence Town Council Chambers, located at 775 N. Main Street, Florence, Arizona.

## **1. CALL TO ORDER**

**2. ROLL CALL:** Chairman Pranzo\_\_\_, Vice-Chair Frost \_\_\_\_, Commissioner Smidt\_\_\_, Commissioner Simmonds\_\_\_, Commissioner Proulx.

## **3. PLEDGE OF ALLEGIANCE**

**4. DISCUSSION/APPROVAL/DISAPPROVAL** of the minutes of the regular meetings conducted on January 3, 2019.

## **5. PUBLIC HEARINGS**

- A.** Staff presentation and Public Hearing (as continued from the December 20, 2018 meeting) to solicit input regarding Case PZ-18-34-TA, a proposed text amendment to the Town of Florence Development Code Definitions and Part 7: Parking; Loading and Unloading. Motion to recommend approval or disapproval of Case PZ-18-34-TA to Town Council.
- B.** Staff presentation and Public Hearing (as continued from the December 20, 2018 meeting) to solicit input regarding Case PZ-18-33-TA, a proposed text amendment to the Town of Florence Development Code Definitions and Part 3: Sign Regulations. Motion to recommend approval or disapproval of Case PZ-18-33-TA to Town Council.

## **6. PRESENTATIONS**

### **A. FUTURE AGENDA ITEMS/INFORMATION ONLY**

Staff will inform the Commission of upcoming agenda items.

**7. CALL TO THE PUBLIC/COMMISSION RESPONSE:**

Call to the Public for public comment on issues within the jurisdiction of the Planning and Zoning Commission. Individual Commission members may respond to criticisms made, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Commission shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.

**8. CALL TO THE COMMISSION- CURRENT EVENTS ONLY.**

**9. ADJOURNMENT**

**POSTED ON JANUARY 11, 2019 BY MARIA HERNANDEZ, DEPUTY TOWN CLERK, AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA, AND AT WWW.FLORENCEAZ.GOV.**

**\*\*\* PURSUANT TO TITLE II OF THE AMERICANS WITH DISABILITIES ACT (ADA), THE TOWN OF FLORENCE DOES NOT DISCRIMINATE ON THE BASIS OF DISABILITY REGARDING ADMISSION TO PUBLIC MEETINGS. PERSONS WITH A DISABILITY MAY REQUEST REASONABLE ACCOMMODATIONS BY CONTACTING TOWN OF FLORENCE ADA COORDINATOR, AT (520) 868-7574 OR (520) 868-7502 TDD. REQUESTS SHOULD BE MADE AS EARLY AS POSSIBLE TO ALLOW TIME TO ARRANGE THE ACCOMMODATION.  
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**TOWN OF FLORENCE  
PLANNING AND ZONING COMMISSION**

**REGULAR MEETING MINUTES**

**MINUTES OF THE PLANNING AND ZONING COMMISSION OF THE TOWN OF FLORENCE  
MEETING HELD ON THURSDAY, JANUARY 3, 2019, AT 6:00 P.M., IN THE TOWN COUNCIL  
CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.**

**1. CALL TO ORDER**

Chairman Pranzo called the meeting to order at 6:07 pm

**2. ROLL CALL:**

Chairman Pranzo	Present
Vice-Chair Frost	Present
Commissioner Smidt	Present
Commissioner Simmonds	Present
Commissioner Proulx	Present

Council Liaison Hawkins was absent

**3. PLEDGE OF ALLEGIANCE**

**4. DISCUSSION/APPROVAL/DISAPPROVAL of the minutes of the regular meeting  
conducted on December 20, 2018.**

On a motion by Vice-Chair Frost, seconded by Commissioner Simmonds, and carried by a 5-0 vote to approve the December 20, 2018 Regular Meeting minutes.

**5. NEW BUSINESS**

**A. Design Review for the Florence Hospital Comprehensive Sign Plan (PZ-18-36-DR)**

**Presentation/Approval/Disapproval** – Request by Florence Hospital of a Comprehensive Sign Plan located south of the southeast corner of Hunt Highway and Franklin Road, 4545 North Hunt Highway. Motion to recommend approval/approval with conditions/disapproval of PZ-18-36-DR and to forward the Planning and Zoning Commission’s recommendation to the Town Council for final action.

Mr. Harmer gave a presentation on the Comprehensive Sign package for Florence Hospital. He stated there are parts in the code that allow a Comprehensive Sign package for certain types of developments, especially those in a Planned Unit Development (PUD). The Hospital is within the Merrill Ranch PUD. Mr. Harmer explained that the development code allows the Comprehensive Sign package some deviations from the sign code. He showed the Commission the location of the hospital in Anthem.

Mr. Harmer discussed the Monument Sign. He said the applicants requested a 5' 9" tall, 54.2 sq. ft. free-standing monument sign. The Town Code allows 32 sq. ft., but the Planned Unit Development agreement for Merrill Ranch allows 48 sq. ft. He showed the location of the previous sign to the north of the entrance and stated the new monument sign is now to the South of the entrance. Chairman Pranzo asked if the sign would be outside the right-of-way. Mr. Harmer said it will be outside of the right-of-way and on private property. Chairman Pranzo explained he got the impression from the packet that the sign was in the right-of-way and needed the approval from the Town Engineer. Mr. Harmer stated the sign is outside the right-of-way but still needs the Town Engineer's approval to verify the sign is on private property and outside the sight visibility triangle.

Vice-Chair Frost asked Chairman Pranzo when to entertain questions. Chairman Pranzo said to ask questions when going through the packet. Vice-Chair Frost stated the new monument sign is going into a heavily landscaped area. He asked if there will be visibility. Mr. Harmer said the sign will be visible because a certain amount of landscaping will be removed and placed elsewhere on the property. Mr. Harmer showed the location of the Emergency Directional sign and how it will signal towards the emergency area. He said the sign is 4' 2" tall, 26.8 sq. ft. and over the code but he will explain the rationale later in the meeting.

Mr. Harmer said there are two General Directional signs set on landscape islands in the driving area. They both help point toward the main entrance and the emergency area to help emergency vehicle drivers, visitors and walk in patients. Each sign is 4' tall, 14.7 sq. ft. and are over the maximum requirements in the code.

Mr. Harmer noted there will be three wall signs on the building. He showed the Commission the building with superimposed signs on it. He stated there is a maximum allowable of 200 square feet for total wall signage. The total wall signage exceeds the maximum standards by 87.6 square feet. Mr. Harmer stated the total sign area was 357.1 square feet, and the applicant is asking for a total deviation of 125.1 square feet.

Mr. Harmer explained the unique situation of the hospital. He mentioned that the Development Code standards are generally for offices, standard retail and commercial complexes. He said a hospital is unique because hospitals operate differently from commercial buildings. They provide a unique service, but most codes do not separate hospitals from commercial uses. He believed this occurs because few towns or cities get multiple hospitals. Larger communities such as Phoenix, Glendale or Mesa may have multiple locations, but a small community like Florence will not have more than one or two. Mr. Harmer mentioned that a larger sign helps visitors navigate and access the site in an emergency. He said anyone visiting this site is already in a stressful situation and Staff does not want to add stress with inadequate signage. Staff feels the request complies with Town Code, and the deviations permitted by the Comprehensive Sign program are for the general well-being of the land use. Staff is in favor of this project and recommends approval of the Design Review for PZ-18-36-DR subject to noted conditions.

Mr. Harmer asked for questions and a representative of the Steward hospital was there to take any questions as well. Vice-Chair Frost stated he agreed the stressful situation warrants larger signs.

Chairman Pranzo asked about the recent legislation that dealt with the content of the sign. He asked if the Commission was moving into that area. Mr. Harmer said this is a different issue because that case dealt with signs in the right-of-way. He stated that there is not any violation.

Jacob Golich, the President of Mountain Vista Hospital, stated this is a standard format used throughout the company. He agreed that directional signs should focus on getting people to their destination. He will take the feedback and advise the design company. Mr. Golich stated that they enlarged the signs because the main issue on the East Coast was that people did not know where to go. He said the emergency letters and arrows for the directional sign probably do need to be bigger so there is no delay in care. He noted a report from Boston that discussed a patient who passed away as a result of becoming lost on the way to the Emergency department. He stated this is something he would not want at any of their properties. Mr. Golich agrees that hospitals have different needs and standards than a storefront property.

Chairman Pranzo asked Staff if a change in the letter size requires the applicant to come back to Commission for approval. Mr. Harmer explained that if the basic configuration and layout are the same, then the changes in letter height can be handled at staff level.

Mr. Golich agreed to focus on enlarging the arrows and locations. Mr. Harmer mentioned he dealt with a similar issue. In another community, the allowable signage was too small to be readable at a certain rate of speed. Stanford University and the Urban Land Institute both have documentation on recognizability, size of letters, and things of that nature while moving through a property or on a highway. He noted this is why Staff agrees with the request. Chairman Pranzo does not disagree and said signage at the VA Hospital in Tucson and the Mayo Clinic in Scottsdale are horrible because people cannot figure out where to go. Mr. Golich said some hospitals require more maps and others have electronic print outs that lead to certain units. Chairman Pranzo said if there is empirical data, then the Commission has a baseline to recommend approval.

Commissioner Proulx asked if the sign is big enough. He asked how the company arrived at the square footage and setbacks. Mr. Harmer stated some studies address these types of signs and the speed, color, and size that makes visibility better. He said the Town went through this recently with the Burger King signage. The Board of Adjustments agreed to the lower level for better sight identification. The sign height is just below the horizon, which is the sweet spot for recognizability. He believes this height is the best for this type of situation. Chairman Pranzo asked if the hospital needs any ADOT signage. Mr. Harmer said it is a possibility, but a different subject. He knows there is a program out for State highways that allows these types of signs. Hunt Highway has a County highway designation and it is unknown whether there is an available program. Vice-Chair Frost emphasized the need to make the words bigger on the directional signs, especially in a high stress situation. Mr. Golich said he would take the suggestion back to the marketing team and to the gentleman who put together the sign package. He said no one should have an issue with the change. Commissioner Smidt mentioned the hospital signs should not be held to the same standards as businesses such as True Value.

**On a motion by Commissioner Proulx, seconded by Vice-Chair Frost, and carried by a 5-0 vote to approve with conditions PZ-18-36-DR and to forward the Planning and Zoning Commission's recommendation to the Town Council for final action:**

1. Construction of the monument sign and all other signage for the site shall conform to the exhibits presented to the Planning and Zoning Commission on January 3, 2019 and the Town Council on January 22, 2019 as may be amended by the conditions of approval. The final monument sign location must be approved by the Town Engineer.
2. Project to comply with Anthem at Merrill Ranch PUD and applicable Town Codes, including all applicable planning, building, fire and engineering requirements.
3. All monument signage will be located outside the sight visibility triangle.
4. Any expansion of any exterior signage shall be subject to Design Review approval. All new signage will be addressed in an amended Comprehensive Sign Plan that will be submitted for Planning and Zoning Commission review and approval prior to any new sign permits requests for the project.
5. Design Review approval shall expire one year from the Town Council approval unless project is under permit and construction commences prior to such time.
6. Any additional conditions deemed necessary.

## **6. PRESENTATIONS BY COMMUNITY DEVELOPMENT**

### **A. FUTURE AGENDA ITEMS/INFORMATION ONLY**

Mr. Harmer reminded the Commission that the second public hearing for the Sign Code and Parking Code update is on January 17<sup>th</sup>. He said the Commission can take action on the updates after the hearing. Mr. Harmer mentioned a few more Preliminary Plats for Anthem will be coming back to the Commission for reapproval. The Preliminary Plats expired, and Pulte is looking to renew them for a Final Plat. He has not received the applications but expects them in February or March.

## **7. CALL TO THE PUBLIC/COMMISSION RESPONSE:**

Call to the Public for public comment on issues within the jurisdiction of the Planning and Zoning Commission. Individual Commission members may respond to criticisms made, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Commission shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.

## **8. CALL TO THE COMMISSION-CURRENT EVENTS ONLY**

Chairman Pranzo wished everyone a Happy New Year.

## **9. ADJOURMENT**

**On a motion by Commissioner Smidt, seconded by Commissioner Simmonds, and carried by a 5-0 vote to adjourn the meeting at 6:36 pm.**

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Gary Pranzo, Chairman

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Date



**Planning and Zoning Commission  
Staff Report**

January 17, 2019  
Agenda Item (6A)

**Project Name:** PZ-18-34-TA / Draft Parking Code Text Amendment  
**Prepared By:** Dana Burkhardt  
Planning Consultant  
**Reviewed By:** Larry Harmer  
Community Development Director

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**APPLICANT:**

Town of Florence  
Community Development Department  
224 W. 20<sup>th</sup> Street  
Florence, AZ 85132

**OVERVIEW:**

This agenda item and Public Hearing is continued from the December 20, 2018 Planning and Zoning Commission meeting.

The Town's current parking and loading code has created some challenges to effectively administering the on-site parking requirements. On May 17, 2018, the Planning and Zoning Commission initiated text amendments to the Town's Development Code, including updates to Part 7 Parking; Loading and Unloading. Staff has elicited input from stakeholders, the community at large, and researched best practices from other Arizona communities to update this section of the Development Code. The result of this effort is culminated in the attached draft amendment (Exhibit A).

**BACKGROUND/ANALYSIS:**

Staff finds the existing parking code in need of updates to:

- prescribe adequate number of parking spaces for certain uses
- provide flexibility to accommodate effective alternatives to parking improvements
- establish minimum parking design standards; and
- clean up to clarify the code

Exhibit A, attached, illustrates the proposed modifications to the parking code, as tracked edits. In summary, the proposed modifications are as follows:

- Addition of new defined words
- Updated alphanumeric order for clarity
- Revised purpose statement
- Grant relief when change of use requires a nominal increase in parking
- Consider alternative paving options
- Reinforce maintenance responsibilities for parking areas
- Reduce minimum curb cut widths from 40 feet to 32 feet
- Enhance shared parking and off-site parking opportunities
- Recreational vehicle storage screening
- Increase the maximum allowed parking on a site
- Relief for parking lots of less than 20 spaces
- Additional parking area shade trees required for certain uses
- Updated "Parking Space Allocation Requirements"
- Minimum parking area design standards
- Provision for Electric Vehicle parking

**Historic District Overlay Zoning Designation:**

The Historic District Overlay Zoning Designation does not specify deviations from the Parking Code nor contain requirements to cause an obvious conflict. The district regulations authorize the Historic District Advisory Council (HDAC) and Town Council to consider certain criteria when determining the compatibility of a development proposal with existing development in the immediate vicinity. When the HDAC considers proposals for alternations or new construction within the overlay district, they may request any necessary modifications to parking that would ensure compatibility and to retain the historic character of the area.

**Historic District Preservation Guidelines:**

The Historic District Preservation Guidelines (HDPG) serve as a companion document to the Town of Florence Development Code. The HDPG provides specific standards for parking areas, above and beyond the Development Code provisions for parking areas. For instance, when converting a single-family home into a commercial or multi-family use, the HDPG requires parking to be located in the rear and side yards only.

The HDPG does not conflict with the parking code but provides requirements for parking orientation and aesthetics intended to preserve the historic townsite character. In the unlikely event a conflict occurs between the HDPG provisions and the Development Code parking standards, the HDPG requirements would likely prevail.

**PUBLIC PARTICIPATION:**

Town Staff has complied with all applicable Town requirements and Arizona Revised Statutes regarding public notification and public participation. A notice for the Planning



and Zoning Commission Public Hearing was advertised in the local Town paper, posted at the Town's posting location, and advertised on social media and the Town's website. Meetings and public outreach for these proposed amendments are as follows (\* denotes tentatively scheduled):

May 17, 2018	Planning and Zoning Commission Code Amendment Initiation
June 21, 2018	Planning and Zoning Commission Discussion
Sept. 20, 2018	Planning and Zoning Commission Work Session
Oct. 18, 2018	Planning and Zoning Commission Work Session
Nov. 15, 2018	Planning and Zoning Commission Review/Discussion
Dec.4, 2018	Neighborhood Meeting (5-6:30PM Community Center)
Dec. 20, 2018	Planning and Zoning Commission (public hearing)
Jan. 2, 2019	Historic District Advisory Committee Review/Discussion
Jan. 17, 2019	Planning and Zoning Commission (public hearing cont.)
*Feb.19, 2019	Town Council (public hearing and 1st reading)
*March 4, 2019	2nd Town Council (action)

**STAFF RECOMMENDATION:**

After hearing input from the public, staff recommends the Planning and Zoning Commission close the Public Hearing and motion to recommend the Town Council adopt PZ-18-34 and the associated ordinance with the proposed updates as presented in Exhibit B.

**ATTACHMENTS:**

- Exhibit A – Proposed Parking Code Amendments - Development Code, Part 7. Parking; Parking and Loading, and §150.031 Defined Words
- Exhibit B – Proposed updates to the advertised draft parking code (Exhibit A)

**EXHIBIT A**  
**PROPOSED PARKING CODE AMENDMENTS**  
**Town of Florence Development Code**

(11/26/2018)

The following text in red are proposed additions to the Development Code and text with a strikethrough are proposed for deletion:

**DEFINITIONS**

**§ 150.031 DEFINED WORDS.**

**COMMUNITY DEVELOPMENT DIRECTOR.** Interprets the meaning and intent of the General Plan and the Development Code.

**DRIVEWAY.** That portion of a parcel adjacent to a parking area that is used for ingress to and egress from the parcel.

**ELECTRIC VEHICLE CHARGING STATION.** Equipment that has as its primary purpose to transfer electric energy to a battery or other energy storage device on an electric vehicle.

**ELECTRIC VEHICLE.** A vehicle that operates, either partially or exclusively, on electrical energy from the electrical grid, or an off-grid source, that is stored on board for motive purposes.

**GROSS FLOOR AREA.** The total area of a building calculated by measuring the outside dimensions of all the building's floor levels excluding non-habitable attics and crawl spaces.

**NET FLOOR AREA.** The gross floor area minus hallways and corridors, restrooms, storage rooms, equipment rooms and other non-habitable rooms within a building.

**PARKING AREA.** The total area including parking spaces, parking aisles, required parking landscape areas and walkways, and loading and unloading areas.

**PARKING SPACE.** That portion of the parking area required for the parking of one vehicle that is a permanently surfaced area, enclosed or unenclosed, having an area of not less than 180 square feet which will accommodate a car, minimum width nine feet. Parking as used in this Development Code is to mean off-street parking with access from streets or secondary means or as approved by subdivision plat or site plan.

**USE.** The purpose or activity for which a building, parcel or structure is arranged, designed, occupied or maintained. For the purpose of calculating parking demand for a parcel, more than one use may be allocated to a single parcel.

**Part 7. 150.156 PARKING; LOADING AND UNLOADING**

**I. 150.156 PARKING AREAS. PURPOSE**

~~—Parking areas required herein shall be provided, improved and maintained in accord with the following specifications.~~ The purpose of this section is to minimize congestion on public streets, provide minimum requirements for off-street vehicle parking facilities and to promote the safety and welfare of the public.

**~~150.157 PARKING STANDARDS PERTAINING TO ALL DISTRICTS.~~**

**II. 150.158 GENERAL REQUIREMENTS FOR ALL SPACES. OFF-STREET PARKING.**

- (A) No building permit shall be issued until the applicant has presented satisfactory evidence to the ~~Planning Director~~ **Community Development Director**, or designee, that he or she owns or has otherwise available for his or her use, sufficient property to provide required parking, **required landscaping, and other site improvements required by this code.**
- (B) No additions to or enlargement of an existing building or use shall be permitted unless parking requirements are met for the entire building or use.
- (C) For new buildings, building expansion or conversions, **and changes of use**, plans must show the arrangement of required parking spaces, and indicate sufficient space for turning **and back-up maneuvers, refuse screening**, and adequate ingress and egress by patrons and delivery vehicles to the parking area before a permit is granted. Plans shall be submitted **to scale and fully dimensioned** to the ~~Planning Director~~ **Community Development Director**, or designee, for approval prior to the permit being granted.
- (D) When the use of an existing building, structure, or premises is changed such that the change requires an increase in the total number of required parking spaces for the parcel of greater than ten percent or twenty spaces, whichever is greater, then such additional parking spaces and parking and loading areas shall be provided for the entire building, structure or premises either on the premises or by joint off-site parking agreement. When the use of any existing building, structure or premises is changed such that an increase in parking spaces is less than ten percent of the total required for the site or twenty spaces, whichever is less, then the change of use or intensity is exempt from the requirements of this section related to parking quantities.
- (E) ~~(A) Required~~ All parking and loading spaces, maneuvering areas, driveways and fire lanes shall be paved with asphaltic; concrete ~~or masonry~~; **pavers; cement concrete; penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate; and/or a stabilization method approved by the Town.** Through the site plan and design review process, the Town may permit up to 20 percent of the required parking to be of a pervious surface to reduce heat-island and run-off effects. All parking surfaces must be designed to a sufficient thickness to withstand repeated vehicular traffic **and receive approval from the Town Engineer.**
- (F) ~~(B)~~ All vehicular egress from parking lots to public right-of-way shall be by forward motion only, except in the case of single-family and 2-family residences fronting on a local street or a primary or secondary collector street.

- (G) ~~(C)~~ Tandem arrangement of required parking spaces is prohibited, except as otherwise permitted by this Development Code.
- ~~(D) Permanent use of off-street parking areas for other than the purpose shall constitute a violation of this Development Code. Should the owner or occupants of a building change the use of the building and thus increase the requirement for off-street parking, it shall constitute a violation of this Development Code, until the parking requirements have been complied with.~~
- (H) The use of an off-street parking space for the storage of merchandise, supplies, equipment, vehicles for sale or rent, vehicles used for business identification signage, or for repair of vehicles, is prohibited. The temporary use of on-site parking spaces for the purposes of construction staging may be permitted in conjunction with an active building permit. Minimum required on-site parking spaces shall be maintained for all active uses for the duration of construction.
- (I) All parking areas and landscaping shall be maintained in good condition. Maintenance shall include, but not limited to, fixing potholes, filling cracks, landscaping, and maintaining the appearance of the parking area.
- (J) Construction of required parking areas shall be completed in accordance with this section prior to commencement of the use or occupancy of the parcel, building or structure.

**III. ~~150.159~~ PARKING STANDARDS FOR MULTI-FAMILY, NONRESIDENTIAL, OR MIXED-USES, AND PUDs.**

- (A) ~~Mixed-uses~~ *Uses* computed separately. In case of ~~mixed~~-multiple uses on a site, the total requirements for off-street parking space shall be the sum of the requirements of the various uses computed separately.
- (B) *Maintenance*. It shall be the joint and separate responsibility of the lessee and owner of the principal use, uses or building to maintain in a neat and adequate manner, the parking space, access ways, striping, landscaping and required fences or screening.
- (C) *Parking area improvements*. For multi-family residential, commercial, industrial and PUD districts, the following shall apply:
  - (1) Parking areas shall be screened from street view and residential development by a berm, and/or wall (minimum of three feet in height), with landscaping.
  - (2) Lights illuminating a parking space shall be arranged and ~~screened~~ shielded to reflect light away from adjoining residences and streets. Light standards shall be a maximum height of 24 feet. Refer to Section 150.090 for additional parking area lighting requirements.
  - (3) Except where a wall is required, a minimum six-inch high curb or permanently attached or affixed bumper guard shall be constructed so that no part of a vehicle extends beyond the property line.



Parking Area Improvements

(D) *Access.* Off-street parking space shall be connected with a public street by a paved driveway, which affords safe and reasonably convenient ingress and egress. The minimum width of driveways shall be 40 feet where ~~if ingress and egress are the same~~ **right and left turn egress is proposed. If only a single ingress and egress lane is proposed, the minimum width required shall be 32 feet.** If ingress and egress are by separate drives, then the minimum width of each drive shall be 20 feet.

(E) *Parking space location.* All required parking spaces for non-residential or mixed uses shall be located on the lot upon which the use is located or on an adjacent lot. Required parking spaces for multi-family, commercial or industrial use may be located on an adjacent lot in another district (other than in a single-family residential district).

(F) *Joint use ~~or non-simultaneous use~~ parking for **mixed use or PUD.***

(1) If an applicant for a mixed use PUD **or in any multi-family or Employment/commercial district** can demonstrate through a parking study supplied by the applicant and approved by the ~~Planning Director~~ **Community Development Director** or designee that the peak parking demand for the mixed uses will be less than the sum of the parking spaces required for each use served, a reduction in spaces may be allowed.

(2) The approved joint use parking plan shall specify the typical hours of operation with anticipated periods of greatest parking demand for all uses within the development and shall indicate the number, location and convenience of pedestrian access of all spaces available to serve each use.

(3) The joint use parking plan shall remain on file with the ~~Planning and Zoning Department~~ **Town** for the purpose of monitoring the continued adequacy of available parking.

(4) At the time of joint use parking plan approval, or at any subsequent time when uses, intensities of use or hours of operation may be expanded or otherwise change, or upon findings that the parking facilities are inadequate, the ~~Planning Director~~ **Community Development Director**, or designee, may require additional site area to be provided, and as necessary, improved to supply additional parking facilities.

(5) **Joint use parking plans shall include the necessary perpetual cross-access and shared parking easements as required by the Town and recorded in a form approved by the Town Attorney. Any request for reduction of minimum required parking shall be substantiated by**

calculations based on Urban Land Institute (ULI) standards and in a manner acceptable to the Town.

(6) Off-site parking areas may be approved by the Community Development Director if the parking area is within three hundred feet of the associated business or use as part of a development plan when it can be demonstrated to be of benefit to the public interest.

#### **IV. ~~150.160~~ PARKING STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL USES.**

(A) *Parking space location.* No part of any vehicle parked in the front yard of a single-family or 2-family residence lot shall extend over the public right-of-way or sidewalk, pavement edge or street curb where no sidewalk exists; ~~nor shall any vehicle be parked in a manner to obstruct the sight visibility of a sidewalk or right of way in accordance with the Town's engineering standards. within the area formed by a ten-foot by ten-foot triangle as measured, when the side property line is within five feet of a driveway or an improved parking surface located on an adjacent lot.~~

(B) *Parking space allocation and/or improvement standards.* Requirements and directions for the allocation, and design of parking spaces in all residential districts are described for various land uses in Subsection VI Parking Space Allocation Requirements.

(C) *Recreational Vehicle Storage.* Recreational vehicles, boats, and trailers shall be stored behind a solid six-foot wall with view obscuring gates. They may be located in front of a wall for a period not to exceed 72 hours for the purpose of preparing for travel or prior to storage.

#### **V. ~~150.161~~ PARKING STANDARDS; CALCULATIONS.**

Calculations to determine the required number of parking spaces, and the design of the space shall consider the following:

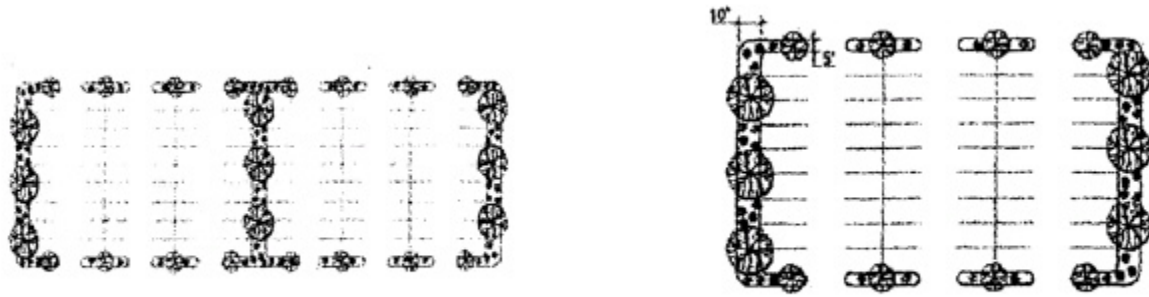
(A) Minimum standards for parking space allocation shall be subject to the requirements of this Development Code.

(B) The maximum number of parking spaces provided shall not exceed the minimum number of spaces ~~required plus~~ **and** an additional 20% of parking spaces, except as otherwise provided in this Development Code, ~~without specific approval by the Community Development Director or designee. Parking spaces exceeding 120% of the minimum required may be approved at the discretion of the Planning and Zoning Commission through the design review process.~~

(C) Parking lots shall be designed with a clear hierarchy of circulation with major access drives providing access from the major street, major circulation drives forming circulation through the parking area and parking aisles whose purpose is to provide access to parking spaces.

(D) ~~An agreement for~~ **R**eciprocal access between adjacent commercial developments is required.

(E) Large parking lots shall be divided into a series of smaller lots of approximately 150 spaces each, using ~~raised~~ landscape island(s) at least ten feet in width, and at least ~~500~~ **380** square feet in total area, located along ~~the sides of~~ the parking areas to ~~separate~~ **break up** large expanses of parking areas. **A hierarchy of drive aisles shall be used to identify the primary on site circulation routes from secondary drive aisles that provide direct access and maneuvering for parking spaces.** Walkways ~~should be considered~~ **may be located within** as a part of these landscape areas. ~~Raised~~ **Landscape strips islands** at least five feet wide and at least 95 square feet in total area, ~~should~~ **shall** be located **between spaces at regular intervals and** on the ends of parking rows, extending the full length of parking spaces.



Large Parking Lots

~~Additional landscape islands should be considered~~ Diamond shaped tree planters shall be provided in the interior of the individual parking areas to provide shade and break up large expanses of parking area. Diamond planters in multi-family, commercial, office, and industrial development shall be uniformly distributed between landscape islands. Such planters shall be a minimum of five feet square in size, oriented in a diagonal fashion, and shall occur at the following minimum frequencies:

<b>Frequency</b>	<b>Type of Development</b>
One (1) island/twelve (12) spaces	Multi-Family Residential
One (1) island and two (2) diamond planters/fifteen (15) spaces	Commercial
One (1) island and two (2) diamond planters/fifteen (15) spaces	Office
One (1) island/twenty (20) spaces	Industrial

Parking lots with more than 20 spaces shall provide an equal number of landscape islands and planters as prescribed above. Refer to §150.138 for additional parking area landscape requirements. As part of design review, town staff shall review parking lot and landscape layouts to determine if they are in keeping with the requirements of this Development Code.

(F) Parking areas may be combined and share the required landscape buffers.

(G) Parking lots shall be separated from the sides of buildings by a raised walkway with a minimum width of six feet.

(H) All commercial, office, multi-family, and manufactured home developments shall provide a minimum six-foot wide sidewalk connection through the parking lot from the public right-of-way, or public sidewalk, where provided, to the building entry or interior sidewalk network.

**150.162 ALTERNATIVE DESIGN STANDARDS.**

(A I) To provide flexibility in design and development of projects, ~~alternative design standards~~ additional parking spaces may be considered through the design review process. ~~are~~

provided. The total number of parking spaces may be increased by 10% above the maximum allowed for each additional 2-1/2% increase in total landscape area, ~~exceeding in addition to the minimum required amount landscape area.~~ However, in no case may the total number of parking spaces be increased by more than 40% above the base maximum allowed.

~~(B)~~ (1) In the case of fractional results in calculating parking requirements, the required number shall be rounded up to the nearest whole number if the fraction is 0.5 or greater.

~~(C)~~ (2) All uses not specifically designated, or similar to a specified use, shall have parking space requirements determined by the ~~Planning Director~~ **Community Development Director, or designee.**

~~(D)~~ In multi-family, commercial and industrial districts, handicapped parking spaces shall be provided at the ratio of three spaces for the first 50 parking spaces provided, and one space for each 20 spaces thereafter.

**VI. 150.163 PARKING SPACE ALLOCATION REQUIREMENTS.**

<i>Use</i>	<i>Minimum Standards</i>
<b><i>Residential</i></b>	
Single residences, duplexes and detached dwellings	2 spaces per dwelling unit
Mobile home	1 space per unit
<b><i>Multiple residence and apartments</i></b>	
Efficiencies and studios	1 space per dwelling unit
One and 2 bedroom unit	1-1/2 spaces per dwelling unit
Two+ bedroom units	2 spaces per dwelling unit
All apartment developments with five or more units shall also provide guest parking and recreational vehicle parking	1 space per 10 dwelling units
Condominium and town homes	2 spaces per unit plus 1 guest space for each additional and 1 recreational vehicle park for each 10 units
Boarding house or similar facility	1 space per each 2 guest rooms plus 2 spaces for the dwelling unit
<b><i>Public assembly and schools</i></b>	
Churches and clubs, lodges and fraternal buildings, assembly halls, funeral homes, community centers, libraries, auditoriums and theaters	1 space for each 75 square foot of indoor floor area used for public assembly
Schools, kindergarten through ninth grade	1 space per 375 square foot indoor floor area
High schools, academies, colleges, universities, trade or vocational schools	1 space per 200 square foot indoor floor area
<b><i>Health care</i></b>	



Medical or dental offices and out-patient	1 space per 150 square foot indoor floor area clinics
Hospitals, nursing and convalescent homes	1 space per 400 square foot indoor floor area
Day nurseries	1 space per 375 square foot indoor floor area, but not less than 5
Retail and other commercial developments	1 space per 300 square foot floor area

<i>Use</i>	<i>Minimum Standards</i>
<b><i>Independent commercial buildings and uses</i></b>	

General offices and/or retail and services	1 space per 300 square foot floor area
General auto repair. Garage, service station, car wash and drive-through lubrication shops	1 space per 300 square foot floor area, including service bays, wash tunnels and retail areas
Hotel and motel	1 space per room or suite or rooms plus 1 space for each 25 rooms for truck trailers and recreational vehicles, the space is to be 10 feet by 75 feet
Restaurant and/or bar	1 space per 50 square foot floor area and outdoor seating area
Outdoor sales and service areas (car lots, plant nurseries, building supplies and the like)	1 space per 375 square foot indoor floor area, of sales and service building, but not less than 4 spaces per use
<b><i>Recreation</i></b>	
Bowling alleys	5 spaces per lane plus ancillary use requirements
Theaters	1 space for every 3 patron seats
Golf course	1 space per 2 practice tees in driving range plus 4 spaces per green plus ancillary use requirements
Miniature golf, amusement parks and water slides	1 space per 500 square foot outside recreation area
Health spas and/or clubs, gyms and tennis, handball, racquetball courts and/or clubs	1 space per 100 square foot indoor floor area, excluding courts, which require 2 spaces per court
Skating rinks and dance halls	1 space per 75 square foot gross floor area used for recreational activities and ancillary use requirements
<b><i>Industrial buildings and uses</i></b>	

Industrial buildings and uses	2 spaces for every 3 employees on the shift with the greatest number of employees
<b><i>Independent industrial buildings and uses</i></b>	
Warehouses	One space per 900 square foot floor area
Manufacturing	One space per 600 square foot floor area

<b>Use</b>	<b>Minimum Required Spaces</b>
Automobile Sales Lot - New or Used	1/200 SF of building plus 1/10 outdoor vehicle display spaces
Bowling Alleys	4/bowling lane + 1/employee on largest shift + 2/billiard table + 1/5 seats in visitor's gallery
Boarding House, Lodge or Similar Facility	1/guest room + 2/dwelling unit
Business or Vocational School	1/150 SF of Gross Floor Area
Child Care or Day Nursery	1/200 Sf of Gross Floor Area
Churches	1/4 fixed seats in main auditorium/sanctuary or 1/30 SF of floor area + 1/250 SF of office and classroom
Commercial / Retail	1/200 SF of Gross Floor Area
Community or Recreation Buildings	1/200 SF of Gross Floor Area
Dwellings	
Single-Family	2/dwelling unit
Duplexes or Detached Dwellings	2/dwelling unit
Townhouse	2/dwelling unit + 1 guest space for every 5 dwelling units
Manufactured Home	2/dwelling unit
Efficiency Units and Studios	1.5/dwelling unit
Multi-Family	2/ 1 and 2-bedroom dwelling units; 2.5/ 3 or more bedrooms + 1 guest space for every 55 dwelling units + 1 recreational vehicle space for every 10 dwelling units
Senior/Assisted Living Facilities	.75/ dwelling unit
Independent Living Facilities	1.25/dwelling unit

Elementary Schools, K-9th Grade	1/staff + 1/3 seats in public assembly
Funeral Homes and Mortuaries	1/3 seats in the viewing room + 1/30 SF of public assembly + 1/funeral service vehicle + 1/employee
Furniture Store	
Up to 10,000 SF	1/200 SF of retail floor area
10,001 SF or Greater	1/350 SF of retail floor area
Golf Course	
Public	1/200 SF of Gross Floor Area + 1/2 practice tees in driving range + 4/each green in play
Private/Semi-Private	1/200 SF of Gross Floor Area + 2/each green in play
Health Spa, Gyms, Tennis, Handball, Racquetball Courts and/or Clubs	1/100 SF of Gross Floor Area + 2/court of play
High Schools	1/each staff + 1/3 students + 1 visitor space for every 10 staff and student space
Hospitals	1/each bed + 1.5/employee during peak shift + 20 for emergency room services
Hotels and Motels	1/guest room or unit + 1/200 SF office + 1/each cleaning staff + 1-10'x75' truck space/15 units
Industrial	
Manufacturing	1/500 SF of Gross Floor Area
Warehouse	1/500 SF of Gross Floor Area
Garage, General Auto Repair, Service Station Car Wash w/o Convenience Store	1/300 SF of Gross Floor Area
Convenience Store with Gas Pumps	1/gas pump + 1/75 SF of Gross Floor Area
Office	
General	1/200 SF of Gross Floor Area
Medical	1/100 SF of Gross Floor Area
Financial Institution	1/200 SF of Gross Floor Area
Outdoor Sales, Plant Nursery, Building Supplies w/ Office	1/300 SF of Gross Floor Area
Restaurant, Cafes, Bars, Taverns	1/50 SF of Net Floor Area including outdoor seating areas (excludes hallways, restrooms, storage) + 100 linear feet of queuing for drive-thru window
Theaters, Auditoriums, and Similar	1/3 fixed seats or 1/400 SF + 1/employee on largest shift

Museums, Art Galleries, and Similar	1/200 SF of Gross Floor Area
Handicapped Space Requirements	
Multi-Family Dwellings, Commercial, Retail, Office, Manufacturing, Warehousing, Recreational Facilities	1/25 spaces of vehicle parking

(A) *Handicapped Parking.* Handicapped parking shall comply with the requirements of the Americans with Disabilities Act, including all regulations adopted pursuant to that act, and to the following:

1. Each public and private parking lot is required to provide a minimum of one van accessible (handicap) parking space, of the minimum required accessible parking spaces as prescribed by the Americans with Disabilities Act.
2. Accessible parking spaces must be the closest spaces to the building's accessible entrance.
3. An accessible aisle must connect directly to the accessible route.
4. Accessible parking spaces and parking aisle must be level with no slope greater than 1:50.
5. All accessible parking spaces shall be designated with an unobscured vertical sign that shows the universal symbol of accessibility and references A.R.S. §28-881 et seq.
6. (D) In multi-family, commercial and industrial districts, handicapped parking spaces shall be provided at the ratio of three spaces for the first 50 parking spaces provided, and one space for each 20 spaces thereafter.

**VII. 150.164 OFF-SITE STREET LOADING REQUIREMENTS.**

(A) *Minimum loading space.* Commercial and industrial uses requiring delivery shall observe minimum loading space accommodation **within this section including required number of berths.**

(B) *Spaces required.* Every hotel, restaurant, department store, freight terminal or railroad yard, hospital or sanitarium, industrial plant, manufacturing establishments, retail establishment, storage warehouse or wholesale establishment and all other structures devoted to similar mercantile or industrial pursuits which has an aggregate gross floor area of ~~10,000~~**15,000** square feet or more, shall provide off-street truck loading or unloading berths in accordance with the following table:

<i>Square Feet of Aggregate Gross Floor Area Required</i>	<i>Required Number of Berths</i>
Building greater than <del>10,000</del> 15,000 square feet up to and including 40,000 square feet	1
40,001 square feet up to 100,000 square feet	2
100,001 square feet up to 160,000 square feet	3
160,001 square feet up to 240,000 square feet	4
240,001 square feet up to 320,000 square feet	5
320,001 square feet up to 400,000 square feet	6
400,001 square feet up to 490,000 square feet	7
Each additional 100,000 square feet	1 additional

(C) Any office building 100,000 square feet or larger shall have at least 1 off-street loading berth.

**~~150.165 STANDARDS FOR OFF-STREET LOADING FACILITIES.~~**

~~All off-street loading facilities shall conform to the following standards:~~

(~~A~~ D) *Dimensions.* Unless otherwise specified in these zoning regulations, berths required shall be at least 45 feet in length and all loading berths shall be at least 12 feet in width and 14 feet in height, exclusive of aisle and maneuvering space.

(~~B~~ E) *Locations.*

(1) The space may occupy all or any part of any required yard space, except front and side yards, and shall not be located closer than 50 feet to any lot in any residential zone unless separated from the zone by a screening wall with a height of eight feet, a 20-foot landscape buffer with at least 50% of the view obscured by evergreen plant material or a combination of the above as approved by the ~~Planning Director~~ **Community Development Director or designee** or the Planning and Zoning Commission.

(2) Sufficient room for turning and maneuvering vehicles shall be provided on the site so that vehicles shall cross a property line only by driving forward. Driving over curbs or pavement rails is prohibited.

(3) Each loading berth shall be accessible from a street or alley or from an aisle or drive connecting with a street or alley, without traversing a residential district.

(4) Off-street loading facilities for a single use shall not be considered as providing required off-street loading facilities for any other use.

(5) If more than one use is located on a site, the number of loading berths provided shall be equal to the sum of the requirements prescribed in this Development Code for each use.

(6) ~~If more than one use is located on a site and~~ **For sites with multiple tenants or uses, the total aggregate floor area of all uses shall be computed together to determine the minimum number of** the gross floor area of each use is less than the minimum for which loading berths are required but the aggregate gross floor area is greater than the minimum for which **loading berths**

are **required**. Off street loading berths shall be provided as if the aggregate gross floor area were used for the use requiring the greatest number of loading berths.

**150.166 IMPROVEMENT STANDARDS.**

(~~A~~ **F**) The loading area, aisles and access drives shall be paved and maintained to provide a durable, dustless surface and shall be so graded and drained to dispose of surface water without damage to private or public properties, streets or alleys.

(~~B~~ **G**) Bumper rails shall be provided at locations where needed for safety or to protect property.

(~~C~~ **H**) The loading area is to be illuminated and lighting shall be deflected away from the abutting residential site so as not to cause glare. **Refer to Section 150.090 for additional lighting requirements.**

**150.167 COMPLIANCE.**

(~~A~~ **I**) Off-street loading facilities shall be located on the same site with the use for which the berths are required.

(~~B~~ **J**) **Proposed changes of use or enlargement of a site or structure shall be required to** ~~At the time of initial occupancy, major alterations or enlargement of a site, or of completion of construction of a structure or of a major alteration or enlargement of a structure, there shall be provided by the owner,~~ **furnish a calculation report of identifying the required number** off-street loading berths **requirements with the Site Plan Design Review application.** ~~The number of loading berths provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to the alteration or enlargement.~~

(~~C~~ **K**) Space allocated to any off-street loading berth shall not be used to satisfy the space requirements for any off-street parking facility.

(~~D~~ **L**) No regular repair work or servicing of vehicles shall be conducted in a loading area.

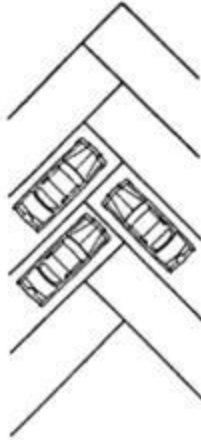
**VIII. DIMENSIONS AND CIRCULATION**

(A) *Parking Spaces.* Each parking space shall contain a rectangular area at least nineteen feet long (including a maximum of an eighteen-inch overhang) and nine feet wide.

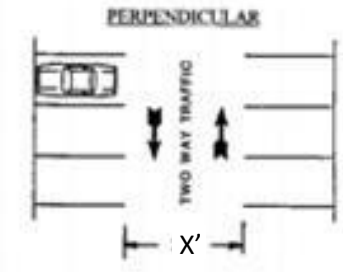
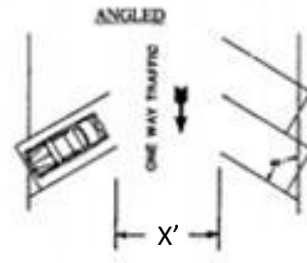
(B) *Parking Aisles.* Parking aisle widths shall conform to the following table, which varies the width requirement according to the angle of parking:

	<b>Parking Angle</b>				
	<b>90°</b>	<b>60°</b>	<b>45°</b>	<b>30°</b>	<b>0°</b>
	<b>Required Aisle Width</b>				
<b>One-Way Traffic</b>	24 ft.	18 ft.	13 ft.	12 ft.	13 ft.
<b>Two-Way Traffic</b>	24 ft.	23 ft.	21 ft.	20 ft.	19 ft.

Interlocking or Herringbone



**Not Permitted Design**



**Permitted Designs**

(C) *Commercial Parking Areas Adjacent to Residential Districts.* Commercial parking areas adjacent to residential districts and not separated by a public street shall have installed and maintained a solid decorative masonry wall six feet in height on the commercial district boundary line. This solid decorative masonry wall shall be reduced to four feet in height when located within the front yard area of the property abutting a residential district.

(D) *Driveways.* Driveways shall be provided only at locations approved by the Town Engineer. Driveways shall not be located less than thirty feet from any street intersection.

(E) *Passenger Drop-Off Points.* Drop-off points separated from street traffic and readily accessible without hazardous maneuvering, shall be provided in conjunction with the following uses: hotels, motels, hospitals and clinics, educational facilities with fifty or more pupils, daycare centers, religious facilities with one hundred or more seats, transit terminals, major recreational facilities, commercial airports, public buildings and offices and financial services.

(F) *Access and Maneuvering for Fire and Refuse Trucks.* Parking lots shall have the necessary dimensions for the on-site maneuvering of refuse vehicles and fire trucks.

## IX. ELECTRIC VEHICLE PARKING

### (A) Application

The Electrical Vehicle parking standards established in this section are intended to promote sustainability and alternative transportation practices.

### (B) Designation of Electric Vehicle parking space

- (1) Parking lots containing 20 or more spaces, serving multiple unit dwellings, may include the installation of conduits to at least five percent of parking spaces in anticipation of a need for Electric Vehicle Charging Stations.
- (2) *Signs or Markings.* Upon designation of a parking space or spaces for the exclusive use of Electric Vehicles (a) Signs or markings shall be placed to give adequate notice

that the parking space or spaces are restricted and to be used only for Electric Vehicles.





# EXHIBIT B

## Proposed Updates to the Advertised Draft Parking Code

(Exhibit A tracked edits are accepted. Proposed text edit additions are shown in red, deleted text with a strikethrough.)

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### 1) 150.156 PARKING; LOADING AND UNLOADING

- I. PURPOSE.
- II. OFF-STREET PARKING.
- III. PARKING STANDARDS FOR MULTIFAMILY, NONRESIDENTIAL, MIXED-USE, AND PUD'S.
- IV. PARKING STANDARDS FOR SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL USES.
- V. PARKING STANDARDS; CALCULATIONS.
- VI. PARKING SPACE ALLOCATION REQUIREMENTS.
- VII. OFF-STREET LOADING REQUIREMENTS.
- VIII. DIMENSIONS AND CIRCULATION.
- IX. ELECTRIC VEHICLE PARKING.

### 2) II. OFF-STREET PARKING

(H) The use of an off-street parking space for the storage of merchandise, supplies, equipment, vehicles for sale or rent, vehicles used for business identification signage, or for repair of vehicles, is prohibited. The temporary use of on-site parking spaces for the purposes of construction staging may be permitted in conjunction with an active building permit. Minimum required on-site parking spaces shall be maintained for all active uses for the duration of construction. A vehicle for sale may be parked in an approved residential parking space for non-commercial purposes, for a period not to exceed 30 days. No more than one vehicle may be advertised for sale on the same residential property during a period of one year.

### 3) IV. PARKING STANDARDS FOR SINGLE FAMILY AND 2-FAMILY RESIDENTIAL USES.

(A) *Parking space location.* All residential parking spaces shall be paved or surfaced in a manner approved by the Town Engineer. Each residential unit shall have a driveway not less than 18 feet in length, as measured from the back of sidewalk. If no sidewalk exists, the driveway length shall be measured from the back of curb. ~~No part of any vehicle parked in the front yard of a single family or 2 family residence lot shall extend over the public right of way or sidewalk, pavement edge or street curb where no sidewalk exists.~~ Nor shall any vehicle shall be parked in a manner to encroach within the right-of-way or obstruct the sight visibility of a sidewalk or right of way in accordance with the Town's engineering standards.

4) **IX. ELECTRIC VEHICLE PARKING**

(B)(1) Parking lots containing 20 or more spaces, serving multiple unit dwellings, or located within 100 feet from a highway or major arterial street ~~may~~ shall include the installation of conduits to at least ~~five~~ one percent of parking spaces in anticipation of a need for Electric Vehicle Charging Stations. Fractional parking space amounts shall be rounded up to the nearest whole number.



**Planning and Zoning Commission  
Staff Report**

January 17, 2019  
Agenda Item (6B)

**Project Name:** PZ-18-33-TA / Draft Sign Code Text Amendment  
**Prepared By:** Dana Burkhardt  
Planning Consultant  
**Reviewed By:** Larry Harmer  
Community Development Director

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**APPLICANT:**

Town of Florence  
Community Development Department  
224 W. 20<sup>th</sup> Street  
Florence, AZ 85132

**OVERVIEW:**

This agenda item and Public Hearing is continued from the December 20, 2018 Planning and Zoning Commission meeting.

In 2015, the Supreme Court of the United States (SCOTUS) made a ruling pertaining to the case of *Reed v. Town of Gilbert* which has implications for local sign ordinances across the country. Based upon the advice of the Town Attorney, text amendments to the Town of Florence Development Code are necessary in order to avoid potential legal challenge. Staff has taken this opportunity to not only address the implications of the SCOTUS decision, but also to organize the Sign Code to read more clearly and make other minor updates.

**BACKGROUND/ANALYSIS:**

The initial draft of this Sign Code update was originally prepared in 2015. At that time, the Draft Sign Code received public review including review and discussion by the Planning and Zoning Commission and the Historic District Advisory Committee (HDAC). Comments to the draft were received and addressed by the planning staff. The Draft Sign Code has remained available for public review on the Town's website since 2016.

Staff has taken the opportunity to reprocess the 2016 Draft Sign Code (Exhibit A), with the luxury of the SCOTUS decision now in hindsight. In the *Reed v. Town of Gilbert* Court case, Gilbert, Arizona, the Court sided with the Good News Community Church and in

doing so, clarified what it means for sign regulations to be “content based”. Because the ordinance at issue in *Reed* provided different size, height, and duration requirements for political signs than it did for signs providing directions to an assembly or other event, the Court concluded it was “content based” and therefore subject to “strict scrutiny”. Unable to discern any compelling government interest in the differing rules adopted by the Town of Gilbert, the Court found the ordinance invalid.

The Court’s ruling in *Reed* means that any sign ordinance with different rules for different categories of signs is “content based,” as long as the categories are defined by the content, topic, or subject matter of the sign’s message. For example, an ordinance that allows “political” signs to be twelve square feet, but limits “temporary directional signs” to six square feet, is content-based. To this end, the Draft Sign Code no longer specifically regulates political signs or other signs that have protections by the state or federal governments, though the Town may continue to enforce the applicable state and federal regulations for such signs.

Subsection 150.098 (L) of the Draft Sign Code provides direction to the Town’s administrators to specifically address the SCOTUS decision. The following summarizes the proposed changes to the existing sign code:

- Addition of new defined words
- Reorganized for clarity
- Address impacts of the *Reed v. Town of Gilbert* Supreme Court decision
- Increased Monument Sign height for commercial uses along transportation corridors
- Allow electric / digital signs (excluding the Historic District)
- Guarantee a minimum of 16 sf of wall signage for any business
- Drive-thru menu boards may be located closer to the street frontage
- Increased maximum allowable sign area for commercial

#### **Historic District Overlay Zoning Designation:**

The Historic District Overlay Zoning Designation does not specify deviations from the Sign Code nor contain any requirements to cause an obvious conflict. The district regulations authorize the HDAC and Town Council to consider certain criteria when determining the compatibility of a development proposal with existing development in the immediate vicinity. When the HDAC considers proposals for signs within the overlay district, they may request any necessary modifications to signage to ensure compatibility and to retain the historic character of the area.

#### **Historic District Preservation Guidelines:**

The Historic District Preservation Guidelines (HDPG) serve as a companion document to the Town of Florence Development Code. The HDPG provides design guidelines for permanent signage above and beyond the Development Code provisions for signs. For instance, the guidelines limit the use of monument signs to buildings that are setback

greater than 15 feet from the property line, with a maximum height of four feet. These guidelines are more restrictive than both the existing and proposed Sign Codes and are applied only to the properties within the Historic District.

The HDPG does not conflict with the Sign Code but provides additional limitations and other requirements for sign placement and aesthetics intended to preserve the historic townsite character. In the unlikely event a conflict occurs between the HDPG provisions and the Sign Code, the HDPG requirements would likely prevail. §150.098 (K) of the Draft Sign Code provides that “Signs within the Historic District shall conform to the Town of Florence Historic District Guidelines, except as allowed by the Historic District Advisory Commission”. This provision grants considerable discretion and latitude to the HDAC in their review of signage.

**PUBLIC PARTICIPATION:**

Town Staff has complied with all applicable Town requirements and Arizona Revised Statutes regarding public notification and public participation. A notice for the Planning and Zoning Commission Public Hearing was advertised in the local Town paper, posted at the Town’s posting location, and advertised on social media and the Town’s website. Meetings and public outreach for these proposed amendments are as follows (\* denotes tentatively scheduled):

2016	Draft Sign Code Boards and Commissions, and Public Review
Oct. 18, 2018	Planning and Zoning Commission Work Session
Nov. 15, 2018	Planning and Zoning Commission Review/Discussion
Dec.4, 2018	Neighborhood Meeting (5-6:30PM Community Center)
Dec. 20, 2018	Planning and Zoning Commission (public hearing)
Jan. 2, 2019	Historic District Advisory Committee Review/Discussion
Jan. 17, 2019	Planning and Zoning Commission (public hearing cont.)
*Feb. 19, 2019	Town Council (public hearing and 1st reading)
*March 4, 2019	2nd Town Council (action)

**STAFF RECOMMENDATION:**

After hearing input from the public, staff recommends the Planning and Zoning Commission close the Public Hearing and motion to recommend the Town Council adopt PZ-18-33 and the associated ordinance.

**ATTACHMENTS:**

Exhibit A – Sign Code Update (Proposed amendment to the Development Code, Part 3. Sign Regulations and §150.031 Defined Words)

# EXHIBIT A

## SIGN CODE UPDATE

(The following text in red is a proposed addition to the Development Code “Definitions” section and text with a strikethrough are proposed for deletion.)

### Definitions

#### 150.031 Defined Words

~~**SIGN.** Any object, device, display or structure (including but not limited to letters, words, numerals, figures, symbols, pictures, outline, character, color, illumination, trademark, logo or any part or combination) used for visual communication which is intended to attract the attention of the public and is visible from the public rights-of-way or other properties.~~  
**Refer to §150.094 for Sign and signage related terms and definitions.**

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(The following text is proposed to repeal and replace the existing Development Code Part 3 Sign Regulations, sections 150.092 to 150.130.)

### Part 3. Sign Regulations

#### Sections

- 150.092 Purpose, Scope and Authority
- 150.093 Applicability
- 150.094 Signage Definitions
- 150.095 Exemptions
- 150.096 Prohibited Commercial Signs
- 150.097 Prohibited Sign Locations
- 150.098 Standards, Limitation and Requirements for All Signs
- 150.099 Signs for Employment/Commercial and Mixed Use Districts
- 150.100 Signs for Residential Districts
- 150.101 Comprehensive Sign Plan Required
- 150.102 Submittal and Permit Requirements
- 150.103 Exceptions; Permits Not Required
- 150.104 Legal Nonconforming Signs
- 150.105 Signs Rendered Nonconforming
- 150.106 Abandoned Signs
- 150.107 Unsafe Signs
- 150.108 Enforcement and Penalties
- 150.109 -130 *Reserved*

### **150.092 Purpose, Scope and Authority**

The purposes of these Sign regulations, hereafter referred to as the "Sign Code", are:

- (A) To encourage the effective use of Signs as a means of communication in the Town.
- (B) To maintain and enhance the aesthetic beauty of the built environment and the Town's ability to attract sources of economic development and growth.
- (C) To improve pedestrian and traffic safety.
- (D) To minimize the possible adverse effect of Signs on nearby public and private property.
- (E) To balance the rights of businesses and individuals to convey messages through Signs against the aesthetics and safety hazards that come from the proliferation of Sign clutter.
- (F) To enable the fair and consistent enforcement of the Sign Code.

### **150.093 Applicability**

- (A) It shall be unlawful to display, erect, place, establish, paint or maintain a nonexempt Sign in the Town except in conformance with the standards, requirements, limitations and procedures of the Sign Code.
- (B) The effect of this Sign Code as more specifically set forth herein, is:
  - (1) To prohibit all Signs except as permitted by the Sign Code.
  - (2) To allow a variety of types of Signs in Employment/Commercial and Mixed Use districts, and a limited variety of Signs in residential districts, subject to content neutral standards requirements and limitations.
  - (3) To allow certain Signs that are appropriately sized and incidental to the principal use of the respective lots on which they are located, subject to the substantive requirements of these regulations, but without a requirement for permits.
  - (4) To establish standards, requirements and limitations and a permit system that honor constitutional rights and requirements.
  - (5) To provide for the enforcement of the provisions of the Sign Code.

### **150.094 Signage Definitions**

For the purpose of the Sign Code, the following definitions shall apply unless the context indicates or requires a different meaning.

**A-FRAME SIGN.** A portable type of promotional business Sign.

**ADJACENT.** Adjacent means abuts, is contiguous to or shares a common boundary.

**ALLOWABLE SIGN AREA.** The total Sign Area permitted for all nonexempt Signs.

**ARTERIAL ROADWAY.** A street designated as an arterial roadway in transportation plans approved by the Town of Florence.

**BANNER.** Any Sign of fabric, plastic or similar material that is mounted to a pole, structure or a building at one or more edges. Banners are used to advertise special events or new business and are not permanently attached.

**BEACON.** Means any light with one or more beams directed into the atmosphere or directed at one or more points not on the same site as the light source; also, any light with one or more beams that rotate or move. Beacons are prohibited except when approved for limited usage with a Special Event Permit.

**BILLBOARD.** A flat surface or board, used outdoors, on which large commercial advertisements or notices are posted. In this Sign Code, Billboards shall be referred to as Off Premise Advertising Signs.

**BLADE SIGN.** A type of projecting Sign mounted on a building facade or storefront pole or attached to a surface perpendicular to the normal flow of traffic.

**BUILDING.** Building is defined in Section 150.031 of the Development Code.

**BUILDING FRONTAGE.** The length of the wall of a completely enclosed permanent building on a site that fronts directly on a public or private street or right-of-way.

**BUILDING GROUND FLOOR AREA.** The area of the ground floor enclosed within the walls of all buildings on the site.

**BUILDING IDENTIFICATION SIGN.** A non-commercial Sign that identifies the street address of the building, as well as other identifying information required for public safety purposes.

**BUILDING MARKER.** A Sign indicating the name of a building and date and incidental information about its construction, which Sign is cut into masonry surface or made of bronze or other permanent material, and affixed to or placed near a building.

**BUILDING SIGN.** Any Sign attached to or painted on any part of a building, as contrasted to Fence, Freestanding or Monument Signs.



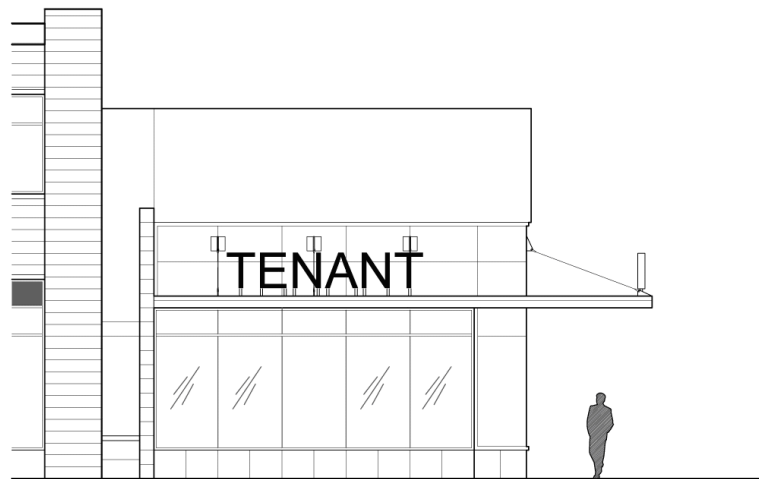
**BUS STOP.** A bench, shelter, kiosk, or pole Sign or similar structure placed by the Town of Florence or the locally endorsed public transportation authority, e.g., Central Arizona Regional Transit, along an established public transportation route to mark an area for members of the general public to wait for and get on or off of public transportation.

**BUSINESS FRONTAGE.** The length of the face or wall of a completely enclosed and permanent building occupied by an individual building occupant and contains a customer entrance. An occupant may have more than one business frontage if it occupies building frontage facing on two or more streets or public areas. If the building faces two or more streets or public areas, only the two main frontages may be used in calculating allowable Sign Area.

**CABINET SIGN.** A building Sign that is an enclosed cabinet with Copy on one or more sides and may enclose an integrated light source that can shine through the sides or face of the Sign.

**CAFE UMBREALLA SIGNS.** Signs or Copy permanently embroidered, screened, dyed, stenciled or painted into the fabric of umbrellas that are set up in sidewalk cafes.

**CANOPY SIGN.** Any Sign that is a part of or is attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A Marquee Sign is not a Canopy Sign.



Canopy Sign Example

**CHANGEABLE COPY SIGN, MANUAL.** A Sign or portion thereof that has a reader board for the display of text information in which each alphanumeric character, graphic or symbol, may be changed or re-arranged manually with characters, letters or illustrations. Furthermore, the changes can occur without altering the face or surface of the Sign.

**CHANNEL LETTERING.** Copy that is individually cut, raised, carved or manufactured.

**CIVIC DISPLAY.** A temporary display of banners, balloons, flags, lights or similar decorations erected on a public street or other public property in connection with a holiday or civic event.

**COLLECTOR ROADWAY.** A street designated as a collector roadway in transportation plans approved by the Town of Florence.

**COMMERCIAL CENTER.** A group of contiguous lots organized into a shopping center, strip mall, business park, office condominium or similar grouping that share mutual access, ingress and egress easements.

**COMMERCIAL MESSAGE.** Any Sign wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity or is otherwise defined as "commercial speech" by the Arizona Supreme Court, the United States District Court for the District of Arizona, the Ninth Circuit Court of Appeals, or the United States Supreme Court for purposes of interpreting the United States Constitution or Arizona Constitution regarding freedom of expression or speech.

**COMMUNITY BUILDING.** A building that is typically owned by a government entity, civic organization or Homeowner's Association that is used for meetings and activities related to the local community.

**COMMUNITY DIRECTORY SIGN.** A Sign, or a group of Signs designed as a single display, that gives information about local community organizations.

**COPY.** Characters, letters, symbols (including logos and trademarks), illustrations and writings.

**CO-TENANCY.** A business that leases or rents space to tenant(s) or business(es) that are housed within their building though they operate as an independent business.

**DIGITAL SIGN.** A Sign or portion thereof that displays electronic, static images, static graphics, text information, or static pictures, with or without information, defined by a small number of matrix elements using combinations of light emitting diodes (LED), fiber optics, light bulbs, liquid crystal display (LCD) or other Illumination devices within the display area. Digital Signs include computer programmable, microprocessor controlled electronic or digital displays. May also be known as an Electronic Message Center.

**DIRECT LIGHTING.** Direct lighting means that the light fixture or bulbs are visible when looking at the light source or Sign.

**DIRECTIONAL SIGN.** A permanent Sign that directs the flow of traffic or pedestrians and may or may not contain a Commercial Message. Directional Signs shall not exceed six square feet in Sign Area and three feet in Height.

**DIRECTORY SIGN.** A Sign, or a group of Signs designed as a single display, which gives information about the location of businesses, buildings or addresses within a residential, office, commercial or industrial complex with no Commercial Message. Directory Signs

located internal to a project and not visible from adjacent roadways shall not count towards on-site signage calculations.

**FENCE SIGN.** A Sign that is mounted or painted on a fence, screen wall, retaining wall, sound wall or similar type of fence or wall structure.

**FLAG.** A piece of fabric varying in shape, color and design usually attached at one edge to a staff, pole or cord which contains a Noncommercial Message as defined herein, unless otherwise permitted in this code.

**FREESTANDING SIGN.** A Sign that is placed on or anchored to the ground or is supported by a Sign Structure that is placed on or anchored to the ground and is independent from any building or other structure. In this Sign Code, A Freestanding Sign may also be known as a Monument Sign, but this definition excludes Billboards or Off Premise Advertising Signs.

**FRONTAGE.** The portion of a site that fronts directly on a public or private street or right of way. See "building frontage," and "site frontage."

**GAS/SERVICE STATION CANOPY SIGN.** A Sign or Signs that are attached to a canopy located at a gas station or service station. These Signs are considered Wall Signs and shall be counted towards the allowable wall signage allowed for a development.

**GATEWAY SIGN.** A freestanding or monument type of Sign near the municipal boundaries of the Town of Florence that introduces or welcomes visitors to the community. In certain cases, this may be incorporated into a business' Freestanding or Monument Sign, in which case such signage would not be counted towards the business' allowable signage.

**GRADE.** Unless otherwise specified, the average of the highest and lowest elevations of the ground at the base of the Sign.

**GROSS FLOOR AREA.** The sum of the square footage of all the floors of a structure or building.

**HALO ILLUMINATION.** A form of internal Illumination where channel lettering is used and the light source is hidden behind and glows around the edges of letters or symbols giving the effect of a light halo.

**HEIGHT.** Unless otherwise specified, the vertical distance from the topmost part of the Sign cabinet or Copy (whichever is higher) to Grade.

**HISTORIC DISTRICT.** Any officially adopted and recognized Historic District located within the Town of Florence.

**HOLIDAY DECORATION.** Any display commonly associated with a nationally recognized holiday.

**HUMAN SIGN.** A Sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service or product. May also be referred to as "Sign Walkers".

**ILLEGAL SIGN.** Any Sign or any type that was erected or put up after the effective date of the currently adopted Sign Code and does not comply with the Sign Code.

**ILLUMINATION.** Illumination refers to the type and location of the light source for the Sign: "All types" of Illumination means any form of light source including indirect, internal, exposed bulb including neon or other tubes of light.

**INFLATABLE SIGN.** A Sign consisting of balloons and/or inflatables made of plastic, rubber, metallic, cloth or other materials, regardless of the size, that is used for the purpose of attracting attention.

**INCIDENTAL SIGN.** A Sign posted on private property by the owner of the property that is generally informational, contains no Commercial Message, and has a purpose secondary to the use of the site on which it is located, such as traffic control Signs, parking or loading control Signs, Signs indicating the location of telephones or emergency equipment and other similar Signs. Official Signs are not incidental Signs.

**INDIRECT ILLUMINATION.** Illumination that is cast on a Sign from a source outside the Sign.

**INTERACTIVE SIGN.** A Digital Sign that changes the Sign message based on a passing vehicle or person. Radar speed Signs or other traffic control Signs are exempted from this definition.

**INTERNAL ILLUMINATION.** Illumination produced by a light source contained within a Sign and not directly visible from outside.

**LIQUID-CRYSTAL DISPLAY (LCD).** A low-power, flat-panel display used in many digital devices to display numbers or images. It is made of liquid containing crystals that are affected by electric current, sandwiched between filtering layers of glass or plastic. LCDs do not produce light of their own; instead, when electric current is passed through the material, the molecules of the "liquid crystal" twist so that they either reflect or transmit light from an external source.

**LIGHT-EMITTING DIODES (LED) LIGHTING.** A type of solid state lighting that utilizes light-emitting diodes (LED) as a source of Illumination rather than electrical filaments or

gas. If the Sign is made up of matrix of bulbs or light source that individually light up to form images, it will be considered a Digital Sign.

**LED SIGN.** A Sign that is lit by use of light-emitting diodes (LED) lighting visible from the outside. If the Sign is made up of matrix of bulbs or light source that individually light up to form images, it will be considered a Digital Sign.

**LOT.** Lot is defined in Section 150.031 of the Development Code.

**LUMINANCE.** The physical measurement of brightness or illumination leaving a surface in a particular direction, or reflected off that surface, and can be thought as measuring the brightness of a surface as seen by the eye. It is measured in candelas per square meters ( $\text{cd}/\text{m}^2$ ) or nits (one nit = one  $\text{cd}/\text{m}^2$ ).

**MARQUEE.** Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designated and constructed to provide protection from the weather. Marquee Signs located on private property shall not extend beyond the property line into adjacent lots and, except in the redevelopment area or with a right-of-way permit, shall not extend into the right-of-way.

**MODES OF OPERATION.** A term referring to the types of visual display, including:

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

**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.

**Flashing sign.** A Sign that uses blinking or intermittent illumination.

**Message sequencing.** Signs where a single thought, idea, concept, message or advertisement for a product or service that is divided into segments and presented over two or more successive display phases of a single dynamic Sign or across two or more individual dynamic Signs.

**Scrolling.** Signs where the message is changed by the apparent vertical movement of the letters or graphic element of the message.

**Static.** Signs that include no animation or effects simulating animation.

**Travel.** Signs where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.

**Video display.** Signs that change its message or background in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text and depicts action or special effect to imitate movement, the presentation of pictorials or graphics displayed in a progression of frames which give the illusion of motion, including moving objects, moving patterns or bands of light or expanding or contracting shapes.

**MONUMENT SIGN.** A Sign that is attached directly to the ground or is supported by a Sign Structure that is placed on or anchored in the ground and is independent from any building or other structure. Within this Sign Code, all Monument Signs will be referred to as "Freestanding Signs".

**MOVING SIGN.** A Sign where the Sign, Sign Structure, or any part of the Sign or Sign Structure physically moves or rotates by mechanical means. For example, a tri-vision Sign is a moving Sign. If the only moving part of a Sign is a clock, the Sign shall not be considered as a moving Sign.

**MURAL.** A painting or other work of art executed directly on a wall or the like that does not contain any Commercial Messages or images.

**NEIGHBORHOOD BULLETIN BOARD.** Any surface outside of a building provided specifically to allow the posting of neighborhood notices.

**NEON.** A type of Illumination that is produced by neon lights or by lamps containing similar gases such as helium, carbon dioxide, argon or krypton usually electrifying glass tubes or bulbs.

**NONCOMMERCIAL MESSAGE.** Any Sign Copy that is not a Commercial Message as defined above, and includes any definition of "noncommercial speech" by the Arizona Supreme Court, the United States District Court for the District of Arizona, the Ninth Circuit Court of Appeals, or the United States Supreme Court for purposes of interpreting the United States Constitution or Arizona constitution regarding freedom of expression or speech.

**NONCONFORMING SIGN.** Any Sign that was lawfully erected prior to the adoption of an ordinance codified in this Sign Code, or amendments thereto, which would not be permitted under the ordinance or amendment. This definition shall include Signs that were erected without a permit and which would require a permit under the current provisions of this Sign Code.

**OFFICIAL SIGN.** Any Sign owned by, or erected by or at the direction of the Town in furtherance of the official duties of the Town or another authorized governmental agency, including, but not limited to, traffic control Signs, Directional Signs, street identification

Signs, warning Signs, parking control Signs, area identification Signs, and Signs prohibiting or controlling access to property.

**OFF-PREMISE ADVERTISING SIGN.** An outdoor advertising Sign that advertises an activity, service or product and that is located on premises other than the premises at which activity or service occurs or product is sold or manufactured.

**ON-PREMISE ADVERTISING SIGN.** An outdoor advertising Sign that advertises an activity, service or product and that is located on premises at which activity or service occurs or product is sold or manufactured. In the case of a shopping center or office complex or similar arrangement of uses, this may also include a reasonably adjacent location within the same center or complex.

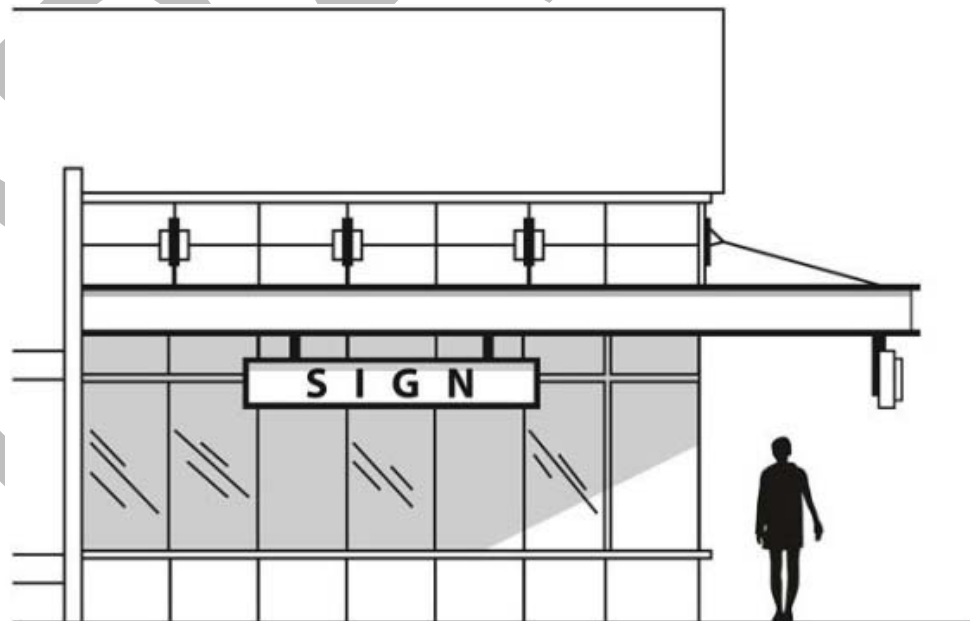
**PARCEL.** See “Lot”.

**PENNANT.** Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**PORTABLE SIGN.** A movable Sign that is not permanently attached to a structure or the ground, and includes: A-frame, portable reader boards and similar Signs. This definition does not include any Signs on trailers, vehicles or Digital Signs.

**PROJECTING/SUSPENDED SIGN.** Any Sign affixed to a building or wall in such a

manner that its face is not parallel to the wall. A Marquee is not considered a projecting Sign. Projecting Signs located on private property shall not extend beyond the property line into adjacent lots and, except in the redevelopment area or with a right-of-way permit, shall not extend into the



Projecting Sign Example

right-of-way. Projecting/suspended Signs shall have an eight-foot minimum clearance between the bottom of the Sign and the sidewalk, or finished grade where no sidewalk exists.

**PROMOTIONAL SIGNS.** Promotional Signs are classified as Temporary Signs that are used to promote a new business, special offers, sales, special events and similar occasions. All Promotional Signs are considered Temporary Signs, but not all Temporary Signs are Promotional Signs.

**PUBLIC TRANSPORTATION.** Any type of local or regional public transportation service that is run by the Town of Florence or a locally endorsed public transportation authority, e.g., Central Arizona Regional Transit.

**PYLON SIGN.** A Freestanding Sign in excess of ten feet in Height that is detached from a building and is supported by one or more structural elements which are architecturally similar to the design of the Sign. A pylon Sign is considered a 'Freestanding Sign.'

**RESIDENTIAL DISTRICTS.** For the purposes of the Sign Code, the following Zoning Districts shall be considered Residential Districts: RA-10, RA-4, R1-R, RRES, R1-18, R1-6, R-2 MFR, MHS and RV. PUD may be Employment/Commercial, Residential or Mixed Use District. The underlying land use shall define the type of District applicable.

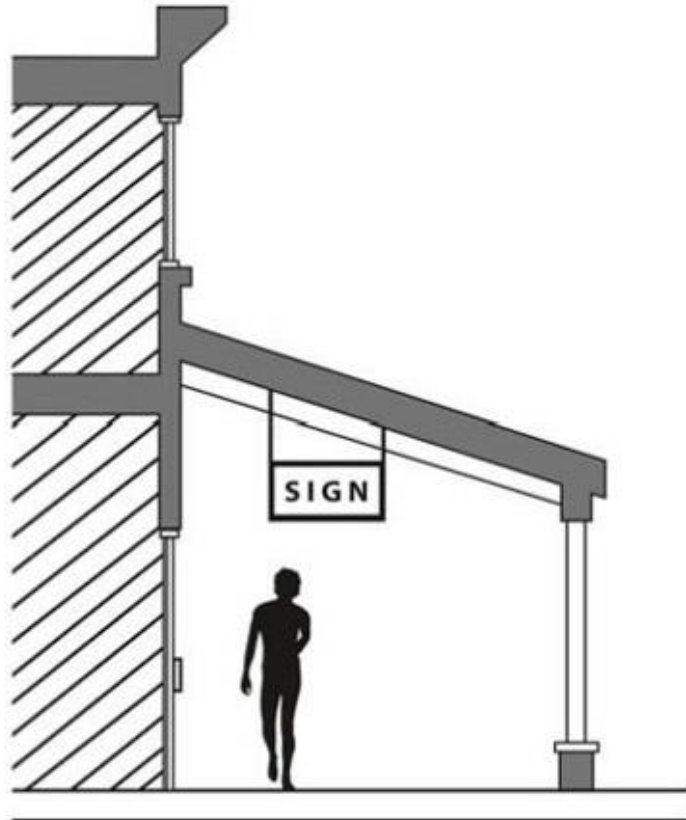
**RESIDENTIAL SIGN.** A Sign located within a Residential District.

**ROOF.** A horizontal or sloping surface of a building which serves as a cover for the building or its entry, portico or other appurtenances. This definition shall include any part of a building which resembles a roof in form or function.



**ROOF SIGN.** A Sign painted on, supported by or attached to the roof or roof structure of a building. This definition shall not include a Sign attached flat against the wall of a penthouse; painted flat on the roof and only visible from the air; attached to a mansard roof or parapet as long as the Sign does not project above the roofline and there is no other viable location on the building.

**SHINGLE SIGN.** A Sign suspended from, and located entirely under a covered porch, covered walkway or an awning and is anchored or rigidly hung to prevent the Sign from swinging due to wind movement. Shingle Signs shall have an eight foot minimum clearance between the bottom of the Sign and the sidewalk, or finished grade where no sidewalk exists.



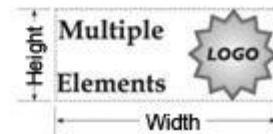
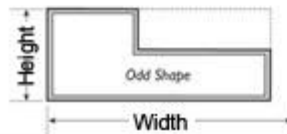
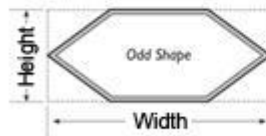
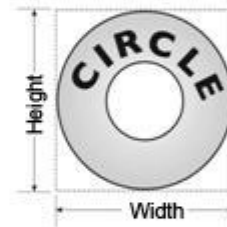
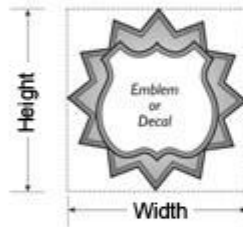
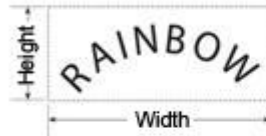
Shingle Sign Example

**SIGN.** Any visual communication, including appurtenances, which is used to attract the attention of the public, when the display is visible beyond the boundaries of the property.

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**SIGN AREA.** The entire area within a continuous perimeter, enclosing the extreme limits of Sign display, including any frame or border. Curved, spherical or any other shaped Sign face shall be computed on the basis of actual surface area. The Copy of Signs composed of individual letters, numerals or other devices shall be the sum of the area of the smallest rectangle or other geometric figure encompassing all of the letters or devices.

Sign Area = Width x Height



**SIGN HEIGHT.** The Height of the Sign measured from the finished Grade located directly beneath the highest part of the Sign. Where an adjacent roadway sits notably higher than the adjacent Grade for the Sign location, the Height of the Sign may be measured from the elevation of the centerline of the nearest travel lane of the street or highway to which the Sign is oriented rather than from Grade.

**SIGN STRUCTURE.** A structure designed to support one or more Signs in place.

**SITE.** Site means (i) a lot or parcel owned by a person or entity, unless the lot or parcel is part of a combination or commercial center as defined herein; or (ii) a combination of lots or parcels that are contiguous, are owned in fee as a matter of record by the same person or entity, have the same zoning classification, and are designated by the owner to be a site for purposes of this Sign Code; (iii) a Commercial Center as defined above; or (iv) a Bus Stop if the property on which the Bus Stop is located is leased or licensed to the Town or locally endorsed regional transportation authority.

**SITE FRONTAGE.** The linear dimension of a site abutting on public or private street right-of-way.

**STACKED SIGN.** Two or more Signs affixed to the same Sign Structure that vary in Height from the ground.

**SUBDIVISION.** Subdivision is defined in Section 150.030 of the Development Code.

**SUSPENDED SIGN.** A Sign supported from, and below, a building soffit or permanent canopy. Also see "Projecting/Suspended Sign".

**TEMPORARY SIGN.** Any Sign that is used only temporarily, is located on-site or off-site of the business/entity being advertised and is not permanently mounted to a structure or ground.

**TIME AND TEMPERATURE SIGN.** A Sign or portion of a Sign which displays only the current time and/or temperature and carries no other Copy. A time and temperature Sign shall not be considered a flashing or animated Sign and shall not exceed fifteen square feet in Sign Area.

**TRI-VISION SIGN.** A Sign composed in whole or in part of a series of vertical or horizontal slats or cylinders that are capable of being rotated at intervals so that partial rotation of the group of slats or cylinders produces a different image and when properly functioning allows on a single Sign Structure the display at any given time one of two or more images.

**V-TYPE SIGN.** Two or three Signs in the shape of the letter "v" or of a triangle, when viewed from above, and supported by integral structures with their faces oriented in different directions.

**WALL SIGN.** A Sign that is attached parallel to, and within six inches of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall or roof of any building or structure, which is supported by such wall or building, and which displays only one Sign surface. Included in this definition is a Sign attached to the wall of a penthouse or other vertical structure on the top of a roof.

**WINDOW SIGN.** Any Sign that is placed upon the exterior or interior window panes of glass and is visible from the exterior of the window. Does not include Signs that are not attached to the interior of the window and viewable from the outside of the window.

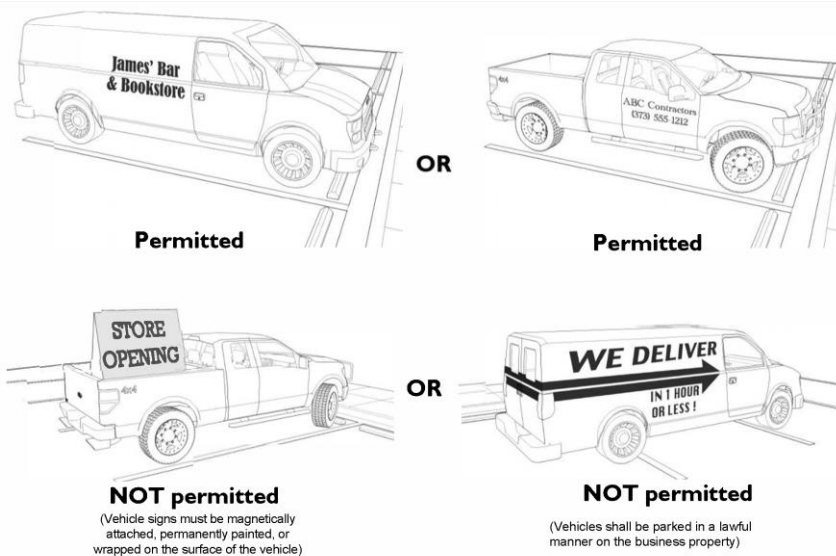
### **150.095 Exemptions**

Unless specifically provided otherwise, the following types of Signs and displays are not subject to the provisions of this Sign Code and are not counted in any aggregate area or number of Sign computations:

- (A) Official Signs.
- (B) Holiday decorations that (i) do not include a Commercial Message and (ii) not installed earlier than 30 days before the holiday and (iii) are removed within 30 days after the holiday.

- (C) Incidental Signs whose size is not greater than the larger of (i) two square feet or (ii) as specified for the particular type of Sign in the most current Manual on Uniform Traffic Control devices published by the United States Department of Transportation.
- (D) Handicap parking Signs.
- (E) Signs posted on or near easements held by public utilities warning or informing the public about the easements or location of public utilities.
- (F) Building identification Signs.
- (G) Nameplates appearing on residences or mailboxes.
- (H) Civic displays.
- (I) The American Flag and the State of Arizona flags on ground mounted flagpoles not exceeding twenty feet in Height and displayed in compliance with Federal law.
- (J) Signs that are located within a building or structure and are not visible from a public street, sidewalk or alley.
- (K) Building Markers that do not exceed four square feet in size.
- (L) Any temporary on-site or off-site Signs not in excess of sixteen square feet in Sign Area and no more than four feet in Height that are used within 72 hours of the advertised special event, promotion or sale, including but not limited to realtor Signs, garage sale Signs, open house Signs and other similar Signs.
- (M) Signs or Copy permanently embroidered, screened, dyed, stenciled or painted into the fabric of umbrellas that are set up in sidewalk cafes.
- (N) Signs painted on or integral to vending machines, fuel dispensing pumps or fuel storage tanks.
- (O) Signs painted on the flat surface of the roof and only visible from the air.
- (P) Murals.
- (Q) Signs on public transportation or on/at Bus Stops.
- (R) Any Sign located in such a manner that the Sign is not readily visible, including any Sign Illumination, from any adjacent public right-of-way.
- (S) Gateway Signs.

(T) Vehicle wraps or other painted or adhesive-type signage on vehicles that are properly registered, licensed and being operated in accordance with applicable Town of Florence regulations.



(U) Human Signs.

(V) All Signs that are specifically regulated by the United States of America and/or the State of Arizona, including but not limited to, political Signs.

### 150.096 Prohibited Commercial Signs

The following types of Signs are prohibited within the Town:

- (A) Signs not specifically permitted in or which violate any provision in this Sign Code.
- (B) Signs attached to (i) Official Signs and their Sign Structures, (ii) trees or poles or standards that are used for a purpose other than Sign Structures, or (iii) utility structures.
- (C) Roof Signs.
- (D) Fence Signs.
- (E) Any display or Sign that imitates or resembles an official traffic signal, Sign device or other official warning Signs.
- (F) Interactive Signs.
- (G) Inflatable Signs, unless permitted in conjunction with a temporary use or special event.
- (H) Signs on cellular towers, water towers or other equipment except for standard and customary manufacturer logos, unless otherwise permitted in the Development Code.

### **150.097 Prohibited Sign Locations**

- (A) General. Notwithstanding any provision in or right established in this Sign Code, no Sign shall be permitted in any of the following locations.
  - (1) Drains, ditches, flood channels. Except for Official Signs, no Sign shall be placed in any ditch, storm drain facility or flood channel, except for Signs displayed by a utility regarding any easements or dangers that lie within the drain, ditch or flood channel.
  - (2) Signs in the public right-of-way or on public property, except as follows:
    - (a) Official Signs.
    - (b) Building Markers and address Signs.
    - (c) Cafe umbrella Signs.
    - (d) Bus Stop Signs.
    - (e) Signs expressly permitted by the Federal Government and/or the Government of Arizona.
    - (f) Any Signs expressly allowed by this Sign Code.

### **150.098 Standards, Limitation and Requirements for All Signs**

- (A) No Sign shall be placed on any lot without the written permission of the owner of the lot.
- (B) No Sign may resemble, simulate or conflict with the proper functioning of any Official Sign, or use yellow or red blinking or intermittent lights resembling danger or warning signals.
- (C) Signs that produce odor, sound, smoke, flame or other emissions are prohibited.
- (D) No obstruction or interference. No Sign shall:
  - (1) Obstruct or impair access to a public sidewalk, public or private street or driveway, traffic control Sign, Bus Stop, fire hydrant, or any other type of street furniture;
  - (2) Block the light and ventilation of any residence on any adjoining property which is zoned for residential use; or
  - (3) Mislead or confuse users of the roadway.

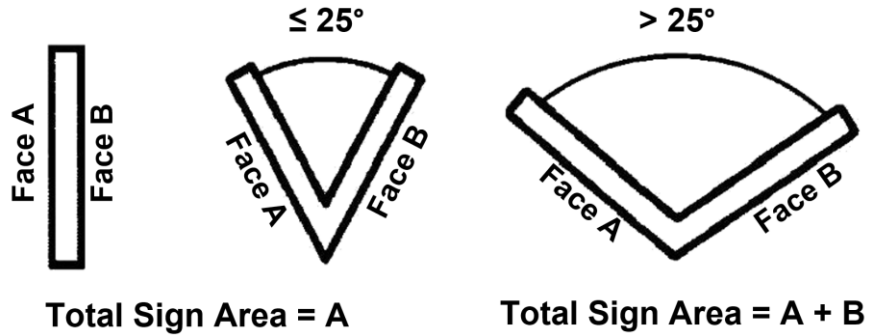
- (E) Stacked Signs are allowed if (i) the other requirements of this Sign Code are satisfied (ii) the Sign is integrated with the structure, and (iii) all Signs on the same structure are similar in shape and material with one another, except for channel lettering.
- (F) All Signs shall comply with applicable provisions of all codes adopted by the Town of Florence.
- (G) Except as otherwise indicated by this Sign Code, all Signs shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame or structure.
- (H) All Signs and Sign Structures shall be maintained in good, safe, structural condition and repair. All Signs and display surfaces shall be neat in appearance, and neatly painted or posted, and not ripped, tattered or faded. Premises immediately surrounding Freestanding Signs shall be kept clean and free of rubbish, weeds and debris.
- (I) All Signs shall be professionally constructed and installed.
- (J) All non-exempt Signs are subject to Design Review approval.
- (K) Historic District. Signs within the Historic District shall conform to the Town of Florence Historic District Guidelines, except as allowed by the Historic District Advisory Commission.
- (L) Under no scenarios shall the Town of Florence have content-based Sign regulations via this Sign Code, the Design Review process or other administrative processes. Any provision of this code that imposes a limitation on freedom of speech shall be construed in a manner that is viewpoint neutral.
  - (1) Notwithstanding anything in this code to the contrary, no Sign or Sign Structure shall be subject to any limitation based upon the viewpoint of the message contained on such Sign or displayed on such Sign Structure.
  - (2) Notwithstanding anything in this code to the contrary, it is the policy of the Town to regulate Signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content.
  - (3) Within this code, any distinction between onsite Signs and offsite Signs applies only to Commercial Messages. It does not apply to Noncommercial Messages.
- (M) Illumination standards.

- (1) Direction of light. The light source for all Indirect Illumination Signs shall be effectively shielded to prevent beams or rays from being directed at any roadway or abutting property.
  - (2) Intensity. The intensity and brilliance of light shall not be so great as to interfere with the effectiveness of any Official Sign, or impair the vision of or distract any person on any roadway.
  - (3) Prohibited light sources. No Sign shall use a beacon, strobe light, racing/traveling or an exposed individual light source (excluding LED and neon) which exceeds seventy five watts.
  - (4) Digital Signs. See subsection 150.099(D)(10) for special standards.
- (N) Signs not included in computations. If the following types of Signs comply with all other requirements of this Sign Code, they need not be included in any allowance computations for Sign Area or number of Signs:
- (1) Building identification Signs.
  - (2) Building markers.
  - (3) Incidental Signs.
  - (4) Directional Signs.
  - (5) Internally located Directory Signs.
  - (6) Signs expressly permitted by the Federal Government and/or the Government of Arizona.
  - (7) Certain Window Signs as provided in the Sign Code.
  - (8) Signs exempted under Section 150.095 of the Sign Code.
  - (9) Murals.
  - (10) As specifically provided in other provisions in the Sign Code.
- (O) Computation of Sign Area of individual Signs. The allowable Sign Area shall apply to the maximum geometric area of all Sign faces. The area of a Sign comprised of individual letters or elements attached to a building wall, which are without an integrated background and are not enclosed in a frame or cabinet, the area of the letter can be calculated as long as the distance between the letters and/or elements is less than the largest dimension of the largest Sign letter. If such a display consists of more than one line or component, the area of each line or component may be



calculated separately. Where a display is enclosed in a frame or cabinet, or has an integrated background, the entire area within the frame, cabinet or background must be included in the calculation.

- (P) Computation of Sign Area of multi-faced Signs. The Sign Area for a Sign with more than one face shall be computed by adding together the area of all Sign faces visible from any one point. When two Sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such Sign faces are part of the same Sign Structure and are not more than 25 degrees apart, the Sign Area shall be computed by the measurement of one of the faces. For Sign faces greater than 25 degrees apart, the Sign Area is computed to include both faces.

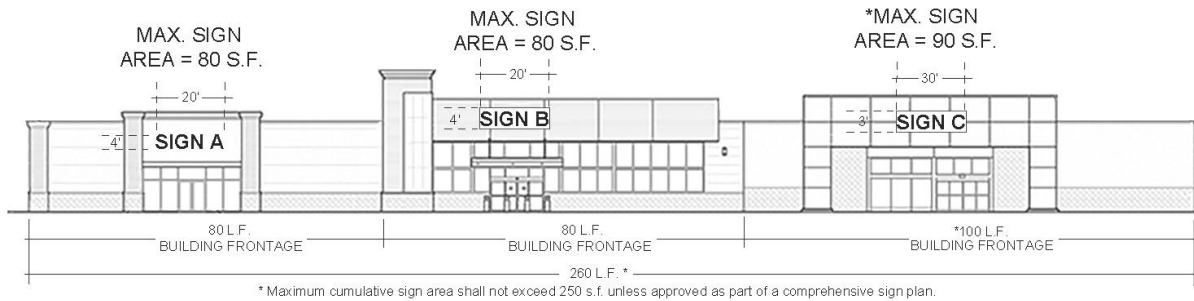


- (Q) Computation of number of Signs. All Signs contained within a single frame, structure, cabinet or integrated background shall be counted as one Sign. If a display is not so contained, a single message or business name shall be counted as one Sign. A business name combined with a brief slogan may be counted as one Sign if the elements are visually integrated.
- (R) A comprehensive sign plan (refer to §150.101) may establish unique regulatory requirements for a project.

**150.099 Signs for Employment/Commercial and Mixed Use Districts**

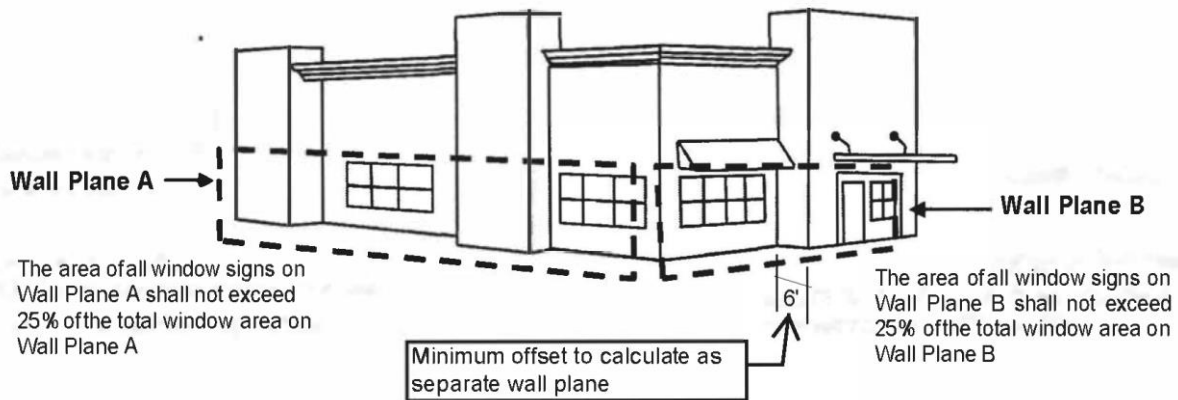
- (A) Except as otherwise provided in this Sign Code, it shall be unlawful to construct or maintain a Sign in an Employment/Commercial and Mixed Use district in violation of the specifications and requirements of this Sign Code.
- (B) Wall Signs.

- (1) The maximum cumulative Sign Area of Wall Signs shall be calculated at one square foot of Sign Area per linear foot of Building Frontage. A minimum cumulative Sign Area of 16 square foot shall be permitted in the event a Building Frontage is less than 16 feet. A maximum cumulative Sign Area of 250 square feet shall not be exceeded.



- (2) Marquee, Blade, Shingle, Canopy, Projecting and other related types of signage shall be considered wall signage and will be counted in the cumulative allowable square footage.
- (3) Each drive through restaurant lane may be permitted one preview menu board and one ordering menu board. These Signs may be freestanding (refer to subsection D for Freestanding Sign requirements) or wall mounted and shall be located a minimum of 25 feet from the street property line and the board(s) shall be screened and oriented in a manner as to not be visible from the adjacent public streets. Call box speakers shall be directed away from adjacent residential zoned land and residences. The maximum aggregate Sign Area for both Signs (per lane) shall not exceed 50 square feet or a maximum Height of eight feet per Sign. These Signs shall not be included in calculating the total aggregate Sign Area for signage allowed on a parcel, lot or for a particular business.
- (4) Wall signage may be located on any building elevation.
- (5) Wall signage shall not extend horizontally a distance greater than 80 percent of the width of the building wall on which it is displayed.
- (6) Wall Signs shall not extend above or beyond the wall or roof line.
- (7) Wall Signs may be internally or externally illuminated provided such Illumination meets the requirements of the Sign Code and the Town's Development Code.
- (8) Wall Signs shall not be digital.

- (C) Window Signs. The total Sign Area of all Window Signs for a business shall not exceed 25 percent of the total area of all windows located on the same wall plane for that business in the building. Wall planes with an offset or break in the wall plane in excess of six (6) feet shall be considered separate wall planes. Window Signs shall include any advertisement display visible from the exterior of the building and located within six (6) feet of the window through which the advertisement is visible. Permits are not required for any Window Signs, and Window Signs are not governed by or counted against Sign Area or number limitations. Window Signs must, however, conform to other standards, requirements and limitations in this Sign Code.

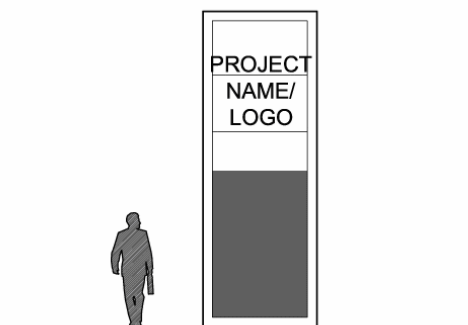


(D) Freestanding Signs.

- (1) Up to one Freestanding Sign is allowed for each building frontage. No business shall have more than two Freestanding Signs, except as allowed by an approved comprehensive sign plan (refer to §150.101). Freestanding Signs may be Monument Signs or Pylon Signs finished in a manner that architecturally integrates the sign with the architectural theme of the site.

(2) Sign Height:

- (a) The maximum Height of any Freestanding Sign shall not exceed 15 feet for any property with Building Frontage along State Highway 287, State Highway 79, excluding 79B, or Hunt Highway. The maximum Height of any Freestanding Sign shall not exceed 10 feet for any property with building frontage along a current or planned collector or arterial roadway, except as noted in the preceding sentence. In all other



cases, the maximum Height of any Freestanding Sign shall not exceed eight feet.

- (b) The width of the Sign base shall not be greater than 10 feet.
  - (c) The architectural elements of the Sign are included in the Height calculation.
- (3) Sign Area:
- (a) The maximum Sign Area of a Freestanding Sign shall be: up to 32 square feet for a Sign that is eight feet or less in Height; up to 40 square feet for a Sign over eight feet in Height, but under 10 feet in Height; and up to 55 square feet for a Sign over 10 feet in Height and up to 15 feet in Height.
  - (b) The architectural elements of the Sign are excluded from the Sign Area calculation, but not the maximum Height restrictions.
- (4) Each drive through restaurant lane may be permitted one preview menu board and one ordering menu board. These Signs may be freestanding or wall (refer to subsection C for wall Sign requirements) mounted and shall be located a minimum of 25 feet from the street property line and the board(s) shall be screened and oriented in a manner as to not be visible from the adjacent public streets. Call box speakers shall be directed away from adjacent residential zoned land and residences. The maximum aggregate area for both Signs (per lane) shall not exceed 50 square feet or a maximum Height of eight feet per Sign. These Signs shall not be included in calculating the total aggregate area for signage allowed on a parcel, lot or for a particular business.
- (5) Freestanding Signs shall maintain a distance of at least 200 linear feet apart on the same parcel or at least 50 linear feet on different parcels. In the event the minimum spacing distances are found to be unachievable through the Site Plan and Design Review process, a lesser dimension may be approved.
- (6) All Freestanding Signs and Sign Structures must contain similar architectural elements and materials visually compatible with related buildings on the site. All supports used as a part of Freestanding Sign Structures shall be covered/wrapped and architecturally integrated with the structure.
- (7) Freestanding Signs must be located at least five feet from all property lines, easements and/or rights-of-way, except where such placement may be allowed with a Right-of-Way Permit.

- (8) Freestanding Signs must not be located within any sight distance or sight triangle areas defined by the Town of Florence.
- (9) Freestanding Signs may be internally or externally illuminated provided such illumination meets the requirements of the Sign Code and the Town's Development Code.
- (10) In addition to all of the other limitations, standards and requirements for Freestanding Signs, if one or more of the permitted Freestanding Signs is proposed to be digital, they shall be subject to the following limitations, standards and requirements:
  - (a) Digital Signs shall be prohibited in the Historic District.
  - (b) One Digital Sign per Site and such Sign shall be considered as one of the allowed Freestanding Signs and be subject to all of the requirements for Freestanding Signs, as well as the requirements set forth in this Section.
  - (c) The use of fade, dissolve, travel, message sequencing or scrolling is prohibited for Signs over 32 square feet.
  - (d) The use of video display, flashing or blinking is prohibited for any Digital Sign.
  - (e) Digital Signs must contain a minimum constant display of no less than eight seconds. Maximum time allowed for messages to change is one second.
  - (f) Digital displays shall not operate at brightness levels of more than 0.3 foot candles above ambient light, as measured using a foot-candle meter at a pre-set distance depending on Sign Area. The pre-set distances to measure the foot-candles shall be calculated by the square root of the Sign Area times one hundred. Example using a 12 square-foot Sign: Measurement Distance =  $\sqrt{(12 \times 100)} = 34.6$  feet. The measurement distance can be rounded to the nearest whole number.
  - (g) Digital Signs shall be sited in a manner that the intensity or brilliance does not interfere with the effectiveness of an official traffic Sign, device or signal.
  - (h) The Digital Sign shall include photo-sensors to provide automatic intensity adjustment based on ambient lighting conditions.
  - (i) Signs with a digital component shall consist of one unit.

- (j) Digital Signs shall maintain a distance of at least 200 linear feet apart on the same parcel or at least 50 linear feet on different parcels. In the event the minimum spacing distances are found to be unachievable through the Site Plan and Design Review process, a lesser dimension may be approved.
- (k) The closest distance separation from any property zoned for single-family residential uses shall be a minimum of 300 feet.

(E) Temporary Signs.

(1) *Banners, pennants and displays for grand openings and special events.*

- (a) All businesses shall be permitted to display grand opening Signs at the time of original opening or when reopened by a new owner or lessee for a maximum period of 30 days.
- (b) Banners, pennants and other displays for special events may be allowed for a maximum period of 30 consecutive days on each occasion, with the exception of grand opening or reopening Signs. A minimum of 30 consecutive days shall pass between each special event banner, pennants or related display.
- (c) No pennant, banner or display shall be placed on or above the roof of any building.
- (d) For special events and promotions, the maximum banner size shall be 48 square feet, and shall be limited to one per street frontage of the business.
- (e) For grand openings, the maximum banner size shall be 48 square feet, and shall be limited to one per street frontage of the business.
- (f) Banners and pennants shall be displayed on the building or within the parking area, perimeter landscape or some other on-site area.
- (g) No banner or pennant Sign shall be located in a manner that impedes visibility or accessibility.

(2) A-Frame Signs

- (a) An A-Frame Sign shall be no greater than three feet in width and four feet in Height.
- (b) A-Frame Signs shall be limited to one per street frontage of the business.

(c) A-Frame Signs may only be displayed during the posted hours the business is open to conduct business.

(d) A-Frame Signs must include the name of the business being advertised.

(e) A-Frame Signs shall be located at Grade level.

(f) A-Frame Signs must be located on the property of the business being advertised, or on the immediately adjacent right-of-way. Signs placed along the immediately adjacent right-of-way shall be a minimum of three (3) feet behind curb or edge of pavement and not located on a sidewalk. In no event shall two A-Frame Signs be located closer than ten (10) feet to one another. Sight visibility triangles shall remain clear of all signage.

(g) A-Frame Signs shall not be located in parking aisles or parking stalls, in raised or painted medians; where they may present a hazard or impede pedestrian traffic; in driving lanes; or on fences, boulders, planters, on other Signs, on vehicles, on utility facilities or any structure.

(h) A-Frame Signs shall be professionally constructed and maintained in a manner free from chipping paint, cracks, gouges, and/or loss of letters.

(i) A-Frame Signs shall not include any form of illumination, animation, reflective materials or sound emitting devices.

(3) Construction or Development Signs.



- (a) One Sign may be posted on the lot or parcel where the construction or repair will be conducted. The Sign Area shall be a maximum of 32 square feet and a maximum Height of eight feet above finished grade.
- (b) Signs shall be allowed from three months preceding physical site construction or development to one month after the completion of construction or issuance of a Certificate of Occupancy, whichever occurs first.

### **150.100 Signs for Residential Districts**

- (A) Except as otherwise provided in this Sign Code, it shall be unlawful to construct or maintain a Sign in a residential district in violation of the specifications and requirements of this Sign Code.
- (B) Wall Signs.
  - (1) Wall Signs shall only be placed upon community buildings within residential subdivisions unless required by law.
  - (2) The maximum cumulative Sign Area of Wall Signs shall be calculated at one square foot of Sign Area per linear foot of Building Frontage. A minimum cumulative Sign Area of six square feet shall be permitted. A maximum cumulative Sign Area of 16 square feet shall not be exceeded.
  - (3) Marquee, Blade, Shingle, Canopy, Projecting and other related types of signage shall be prohibited.
  - (4) Wall signage may be located on a building elevation that faces a current or planned right-of-way.
  - (5) Wall Signs shall not extend horizontally a distance greater than 80 percent of the width of the building wall on which it is displayed.
  - (6) Wall Signs shall not extend above or beyond the wall or roof line.
  - (7) Wall Signs may be internally or externally illuminated provided such Illumination meets the requirements of the Sign Code and the Town's Development Code.
  - (8) Wall Signs shall not be digital.
- (C) Freestanding or Monument Signs.



- (1) One on-site Freestanding or Monument Sign is allowed per Arterial roadway frontage (Collector Roadway frontage when Arterial Roadway frontage does not exist). Freestanding or Monument Signs shall be located adjacent to the subdivision entrance(s).
- (2) Sign Height:
  - (a) The maximum Height of any Freestanding Sign shall not exceed eight feet in Height for any property.
  - (b) The width of the Sign base shall not be greater than ten feet.
  - (c) The architectural elements of the Sign are included in the Height calculation.
- (3) Sign Area:
  - (a) The maximum area of a Freestanding Sign shall be 32 square feet.
  - (b) The architectural elements of the Sign are excluded from the Sign Area calculation.
- (4) Freestanding Signs shall maintain a distance of at least 200 linear feet apart on the same parcel or at least 50 linear feet on different parcels.
- (5) All Freestanding Signs and Sign Structures must contain similar architectural elements and materials visually compatible with related buildings on the site. All supports used as a part of Freestanding or Monument Sign Structures shall be covered/wrapped and architecturally integrated with the structure.
- (6) Freestanding Signs must be located at least five feet from all property lines, easements and/or rights-of-way, except where such placement may be allowed with a Right-of-Way Permit. Additional clearance from other structures and utilities may be required.
- (7) Freestanding Signs must not be located within any sight distance or sight triangle areas defined by the Town of Florence.
- (8) Freestanding Signs may be internally or externally illuminated provided such Illumination meets the requirements of the Sign Code and the Town's Development Code.
- (9) Freestanding Digital Signs.

- a. Freestanding Digital Signs are only permitted in the MFR, MHS and RV Residential Zoning Districts.
  - b. Should one or more of the permitted Freestanding Signs be digital, freestanding Digital Signs shall also be in compliance with the Digital Sign requirements provided for Employment/Commercial and Mixed Use Zoning Districts.
- (D) Window Signs with Commercial Messages are prohibited in Residential Zoning Districts.
- (E) Temporary Signs for Subdivisions.
- (1) During the construction phase, each subdivision may have one on-site Sign located at the subdivision advertising the subdivision. The Sign shall have a maximum Sign Area of 96 square feet and may be single or double faced with a maximum Height of 10 feet and boxed edges. The Sign shall not be located within 100 feet of any property line of an existing residence. The Sign must be removed when 95 percent of the lots within the subdivision are sold and/or the on-site sales office(s) closes.
  - (2) Subdivision identification flags may be placed on or behind the property line of the subdivision. No more than twelve flags may be placed at any one subdivision. The flags shall have a maximum area of 12 square feet and may not be maintained higher than 25 feet above the adjoining ground. The flags must be removed when 95 percent of the lots in the subdivision are sold and/or the on-site sales office closes.
  - (3) Additional on-site subdivision advertising and Directional Signs may be permitted if approved in a comprehensive sign plan (refer to §150.101) or by a Development Agreement.
- (F) Construction or Development Signs.
- (1) One Sign may be posted on the lot or parcel where the construction or repair will be conducted. The Sign Area shall have a maximum of 32 square feet and a maximum Height of eight feet.
  - (2) Signs shall be allowed from three months preceding physical site construction or development to one month after the completion of construction or issuance of a Certificate of Occupancy, whichever occurs first.

### **150.101 Comprehensive Sign Plan Required**

- (A) Prior to issuance of Sign permits for any business or occupancy in a development, a comprehensive sign plan detailing the size, type, location, and color of all signage

within the development shall be submitted to the Town in conjunction with the Design Review process and adhere to the same review and approval procedures set forth in §150.013 of this Code, as applicable. An approved comprehensive sign plan shall be required for the following types of uses:

- (1) Three or more businesses on a single parcel of land
  - (2) Three or more businesses in a single cohesive development
  - (3) Commercial, Office, Institutional, or Multiple-family developments of 15 acres or more
  - (4) PUD's
  - (5) Single-family Residential subdivisions of 160 acres or more
  - (6) As otherwise prescribed in this Development Code
- (B) A comprehensive sign plan application shall be made in writing on forms provided by the Town.
- (C) A comprehensive sign plan that proposes a deviation from any of the requirements provided in this subsection shall be reviewed and approved by the Planning and Zoning Commission.
- (D) Amendments to an approved comprehensive sign plan shall be reviewed and approved in the same manner as the original approval.

#### **150.102 Submittal and Permit Requirements**

- (A) Sign permit approval is required for constructing or altering any non-exempt Sign.
- (B) A Sign permit application shall be made in writing on forms provided by the Town.
- (C) Before issuing any Sign permit required by this Sign Code, the Town shall collect a fee in accordance with an adopted Schedule of Fees. If work, for which a permit is required by this Development Code, is started before a permit has been issued, the fees specified above shall be doubled. The payment of the double fee shall not relieve any persons from complying fully with the requirements of this Sign Code in the execution of the work or from any penalties prescribed herein.
- (D) All Signs for which a permit is required shall be subject to inspections during various stages of construction as prescribed by the Town.

#### **150.103 Exceptions; Permits Not Required**

Sign permits are not required for the following Signs provided that the Signs are subject to all other provisions of this Sign Code (Note: This does not exempt any applicable permits for electrical work.):

- (A) Standard Sign maintenance;
- (B) Change of Sign Copy within an identical Sign frame;
- (C) Adhesive or painted Signs on windows;
- (D) Signs allowed only by the authority of the Federal Government, the State of Arizona or another political subdivision, but otherwise not permitted by this Sign Code;
- (E) Vehicle wraps or other painted or adhesive-type signage on vehicles;
- (F) Signs required for the posting of neighborhood meetings or public hearings related to Town of Florence applications; or
- (G) Promotional and Temporary Signs allowed by this Sign Code, except as otherwise noted.

#### **150.104 Legal Nonconforming Signs**

- (A) Legal Nonconforming Signs shall mean a Sign that is lawfully existing at the time of the enactment of this Development Code that does not conform to the regulations as specified in this Sign Code.
- (B) A legal Nonconforming Sign may continue to be utilized in perpetuity only in the manner and to the extent that it existed at the time of the adoption of this Sign Code or any amendment thereto.
- (C) A legal Nonconforming Sign may not be altered in any manner not in conformance with this Sign Code. This does not apply to reasonable repair and maintenance of the Sign or to a change of Copy provided that by changing the Copy, structural alterations are not required.
- (D) Any construction permit that invokes certificate of occupancy requirements shall specify and require that any Nonconforming Sign located within the boundaries of the development site and within the limits of the applicant's control, shall be brought into conformance with the provisions of this Sign Code. This may include removal if the Sign is now classified as a prohibited Sign.
- (E) Legal Nonconforming Signs located on a parcel of property that is severed from a larger parcel of property and acquired by a public entity for public use by condemnation, purchase or dedication may be relocated on the remaining parcel. Said relocation shall not extinguish the legal nonconforming status of that Sign provided that the Nonconforming Sign:
  - (1) Is not increased in area or Height to exceed the limits of the district in which

it is located;

- (2) Remains structurally unchanged except for reasonable repairs or alterations;
  - (3) Is placed in the most similar position on the remaining property that it occupied prior to the relocation; and
  - (4) Is relocated in a manner so as to comply with all applicable safety requirements.
- (F) After relocation pursuant to this division, the legal Nonconforming Sign shall be subject to all provisions of this Sign Code in its new location.

### **150.105 Signs Rendered Nonconforming**

- (A) Except as provided in this Sign Code, a Nonconforming Sign may continue in the manner and to the extent that it existed at the time of the ordinance adoption, amendment or annexation which rendered the Sign nonconforming. This Sign Code shall not prohibit reasonable repairs and alterations to Nonconforming Signs.
- (B) A Sign approved by variance or comprehensive sign plan before the effective date of this Sign Code, shall not be considered nonconforming and shall not be subject to the regulations set forth in this Sign Code.
- (C) A Nonconforming Sign shall not be re-erected, relocated or replaced unless it is brought into compliance with the requirements of this Sign Code.
- (D) If the structure of a Nonconforming Sign is changed, the Height and Sign Area shall not be increased to exceed the Height and Sign Area limits of the site on which it is located. If the Sign exceeds the site's Height and/or area limitations, the excess Height and/or Sign Area shall be reduced a minimum of 50%. Two reductions shall be permitted; after the third structural change, the Sign shall conform to current standards. Nothing in this Sign Code shall require a Nonconforming Sign to be reduced to a Height or Sign Area less than that allowed on the site.
- (E) If a Nonconforming Sign is located on a parcel that is experiencing development for which site plan and/or Design Review is required, the Height and Sign Area of the Sign shall not be increased to exceed the Height and Sign Area limitations of the site. If the Sign exceeds the site's Height and/or Sign Area limitations, the excess Height and/or Sign Area shall be reduced to a minimum of 50 percent. Two reductions shall be permitted; after the third structural change, the Sign shall conform to current standards. Nothing in this Sign Code shall require a Nonconforming Sign to be reduced to a Height or Sign Area less than that allowed on the site.

(F) Site plan and/or Design Review required by one of the following types of development shall not cause reduction in a Sign's nonconforming Height and/or Sign Area:

- (1) An addition of less than 2,000 square feet when the addition is less than 50 percent of the size of the usable space of the site which is the subject of Design Review. A series of additions, which total more than 50 percent of the usable space of the site, shall require reduction of non-conformities. Usable space shall not include areas such as restrooms and storage rooms.
- (2) An addition of more than 2,000 square feet when the addition is less than 10 percent of the size of the usable space of the site which is the subject of Design Review. A series of additions, which total more than 10 percent of the usable space of the site, shall require reduction of non-conformities. Usable space shall not include areas such as restrooms and storage rooms.
- (3) A modification required by federal, state or local regulations or programs.

#### **150.106 Abandoned Signs**

(A) Criteria for establishing abandonment. A Sign or Sign Structure shall be considered abandoned when any of the following occurs:

- (1) Any business advertised thereon is no longer in business and has not been in business anywhere within the Town for more than six months;
- (2) Any product or service advertised thereon is no longer offered and has not been offered for the past six months;
- (3) The structure no longer supports a Sign for a period of six months;
- (4) The Sign, structure or advertising display is visibly damaged or partially missing; and/or
- (5) Internal or halo illumination is partially or wholly burned out or inoperative.

(B) Removal of abandoned Signs. Any Sign or Sign Structure that has been abandoned shall be removed or restored to use within 30 days after a notice of abandonment is issued to the owner of the site. Notice shall be given by the Community Development Director using certified mail. The Community Development Director may allow an abandoned Sign or Sign Structure to remain in place provided that the Sign or Sign Structure is maintained in good condition, and that there is a reasonable possibility that the Sign will be restored to use within a one-year period.

- (C) Historic Signs. Abandoned Signs that are deemed by the Community Development Director to be historically significant may be permitted to remain for a specified duration, provided such Signs do not present any safety considerations.
- (D) Variances and minor deviations. Variances and deviations from the provisions of this Section may not be granted.

### **150.107 Unsafe Signs**

If the Community Development Director, or designee, determines any Sign or Sign Structure to be in an unsafe condition, he or she shall immediately notify, in writing, the owner of the Sign who shall correct the condition within 48 hours. If the correction has not been made within 48 hours, the Community Development Director shall cause the Sign to be removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed at the expense of the Sign owner, owner or lessee of the property upon which the Sign is located. The cost shall be an assessment against the property which may be recorded by the Town pursuant to A.R.S. § 9-499.

### **150.108 Enforcement and Penalties**

- (A) To the extent not inconsistent with this Sign Code, the provisions of §150.999 shall apply to enforcement of this Sign Code.
- (B) Illegal Signs may be removed by Town officials.

### **150.109 to 150.130 Reserved**