

RESOLUTION 2015-032

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; DECLARING AS PUBLIC RECORD DEVELOPMENT CODE AMENDMENTS TO ARTICLES 151.02, DEFINITIONS; 151.10, SIGN REGULATIONS; AND 151.11, OUTDOOR LIGHT CONTROL; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICES AND AGENTS TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY

WHEREAS, in accordance with the provisions of Article 151.31 of the Development Code and established policy, the City of Sierra Vista, has proposed text amendments to Articles 151.02, Definitions; 151.10, Sign Regulations; and 151.11 Outdoor Light Control; and

WHEREAS, Article 151.31 of the Development Code requires that the City Council review and decide on all applications for text amendments; and

WHEREAS, per Article 151.31, the Planning & Zoning Commission recommended approval of the amendments with one additional amendment to City Council;

WHEREAS, under the provisions of Section 9-802 of the Arizona Revised Statutes, the proposed amendments to the City's Development Code shall be declared a matter of public record for a period of thirty days prior to being passed and adopted by ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

That the following goals and policies of VISTA 2030, the City of Sierra Vista General Plan are reaffirmed: Citizen Participation Goal 1-1.

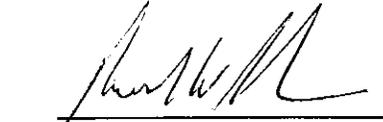
SECTION 2

That the certain document entitled Exhibit A, proposed amendments to Development Code Articles 151.02, Definitions; 151.10, Sign Regulations; and 151.11, Outdoor Light Control, attached hereto, copies of which are on file in the office of the City Clerk, is hereby declared a 30-day public record..

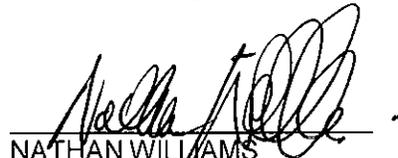
SECTION 3

That the City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

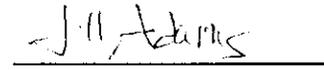
PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 9<sup>TH</sup> DAY OF APRIL 2015.

  
\_\_\_\_\_  
FREDERICK W. MUELLER  
Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
NATHAN WILLIAMS  
City Attorney

ATTEST:

  
\_\_\_\_\_  
JILL ADAMS  
City Clerk

PREPARED BY:  
Jeff Pregler  
Senior Planner

# EXHIBIT A

## PROPOSED DEFINITIONS ARTICLE 151.02, DEFINITIONS

### Illuminance

The amount of light striking a surface area. Illuminance is measured in lux (lx) or lumens per square meter.

### Luminance

The amount of light reflected from a surface. The luminance indicates how much luminous power will be detected by an eye looking at the surface from a particular angle of view. Luminance is thus an indicator of how bright the surface will appear. Luminance is measured in candela per square meter ( $\text{cd}/\text{m}^2$ ) or "nits".

### LED (Light Emitting Diode)

A semiconductor diode or bulb that emits light when voltage is applied to it and is used in electronic devices.

### Nits

A measure of luminance that describes the amount of light that passes through or is emitted from a particular object. The unit of measurement is candela per square meter ( $\text{cd}/\text{m}^2$ ).

### Sign, Digital Display

See Electronic Message Center Sign.

### Sign, Electronic Message Center

An electronic or electronically controlled message board, or any sign, or portion of sign, that changes its text, copy, display, and/or light intensity electronically or by electronic means.

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### **ARTICLE 151.10** **SIGN REGULATIONS**

151.10.001	Purpose
151.10.002	Measurement of Signs
151.10.003	Applicability
151.10.004	Exempt Signs
151.10.005	Temporary Signs
151.10.006	Prohibited Signs
151.10.007	Residential Zoning Districts
151.10.008	Commercial and Industrial Zoning Districts
151.10.009	Height Reduction of Legal Nonconforming Freestanding Signs
151.10.010	Non-Legal Nonconforming Freestanding Signs
151.10.011	Special Use Permits
151.10.012	Street Address in Signs
151.10.013	Removal of Certain Signs

#### **Section 151.10.001**

##### **Purpose**

It is the purpose of this article to regulate signs. Regulations put forth in this Article promote traffic safety, safeguard public health and comfort, facilitate police and fire protection, enhance community appearance, and protect the character of the City. The sign regulations are designed for maximum sign legibility and effectiveness and to prevent the over concentration, improper placement, and excessive height, bulk, and area of the signs. Residential, commercial, and industrial signs are generally intended to be located in those zoning districts where the activities are allowed and where signs directly relate to the activities on the premises.

#### **Section 151.10.002**

##### **Measurement of Signs**

- A. When signs are made of individual, fabricated, or painted letters mounted directly on an opaque building facade or building projections of permanent construction the area shall be computed by measuring the sum of the squared-off area of individual letters.
- B. For all other types of signs, the area shall include the entire area within a single contiguous perimeter enclosing the extreme limits of the sign. However, the perimeter measurements shall not include any structural elements located outside the limits of the sign and not forming an integral part of the display.

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- C. The total square footage of all face surfaces of a spherical or multi-faced sign shall not exceed twice the allowable square footage of a single-faced sign.

### **Section 151.10.003**

#### **Applicability**

This Article regulates all signs within the City. The City must approve a sign permit before any sign is constructed, re-constructed, altered, repaired, used, or changed with the exception of the signs listed under *Section 151.10.004, Exempt Signs*. When the sign permit is issued, the City will provide a decal that shall be placed on the upper right hand corner of the sign. Failure to display the decal is a violation of this code and may result in any permit being revoked and the sign removed.

- A. A newly constructed sign that may consist of new footings, pole, frame, electric, and sign face.
- B. Signs changing a business name or wording over a sign face. If the sign face change is located on a currently legal nonconforming sign, the face change shall not expand the nonconformity (*Section 151.24, Nonconforming Uses*).
- C. Any repairs or renovations to a sign that changes the height, area, location, or original sign face.

### **Section 151.10.004**

#### **Exempt Signs**

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

- A. Bulletin Board Signs. The sign area shall be a maximum of 16 square feet. If the bulletin board is freestanding, the sign shall be a maximum of 5 feet high.
- B. Bus Bench Signs. Bus bench signs shall have a maximum area of 12 square feet per bench. Under no circumstance shall any sign other than transit information or other City-designated signs be placed on any bus bench.
- C. Construction Project Signs. For major projects under construction, there can be one temporary nonilluminated sign that does not exceed 32 square feet in area. The message shall be limited to the identification of the architect, engineer, contractor, and other individuals or firms involved with the construction and the name of the building, the intended purpose, and expected completion date. The sign shall be placed at the construction site. Upon submittal of a completed site plan or subdivision application, signs may be placed at the construction site until the project is completed. Signs placed at the site prior to the submittal of the completed application will be limited to six

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months and will be allowed three 6-month extensions. Signs showing deterioration shall be replaced.

- D. Contractor Signs. Each contractor or subcontractor working on a residential lot can have one temporary, nonilluminated sign with a maximum area of 3 square feet. Each sign shall be removed from the premises within 20 days following completion.
- E. Directional Signs. Directional signs direct and guide traffic and parking on private property in commercial and industrial zoning districts. The signs may be a maximum size of 3 square feet in area and 3 feet high when measured from the edge of the adjoining street pavement. These signs shall not bear the business name or any advertising matter.
- F. Garage, Yard, Estate, and Moving Sale Signs. Garage, yard, estate, and moving sale signs may be located on the premises of the sale or with the permission of the owners of the premises upon which the sign is located and meet the following criteria:
  - 1. The signs can be a maximum of 4 square feet in area.
  - 2. The signs cannot be placed earlier than two days prior to the sale and cannot be displayed longer than five consecutive days.
  - 3. The sign must be installed in a location that is not hazardous to public safety, does not obstruct the clear vision area, or interfere with Americans with Disability Act (ADA) requirements. The signs shall not be placed in the public right-of-way or on public property.
- G. Holiday lighting.
- H. Home-Based Business Signs. Only one home-based business sign, either internal or external is allowed. The sign is to be located on the principal structure, shall be nonilluminated, and is allowed a maximum area of 4 square feet.
- I. Identification Signs. Identification signs may bear only property numbers, post box numbers, names of occupants of premises, or other identification of premises not having commercial connotations. The maximum area of an identification sign is 1 square foot.
- J. Memorial or Dedication Signs. Memorial or dedication signs shall include names of buildings, dates of erection when cut into any masonry surface, and when constructed of bronze or other noncombustible material. The signs may be a maximum of 8 square feet in area.
- K. Murals.
- L. Nameplates. Professional nameplates shall have a maximum area of 2 square feet.

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- M. Political Signs. Temporary political signs endorsing candidates or issues during any bona fide governmental election are allowed subject to the following requirements:
1. Political signs can be placed no more than 60 days before election day.
  2. Political signs must be removed within 15 days following election day or termination of the candidacy.
  3. Political signs may have a maximum area of 16 square feet for each sign in a residential zoning district and 32 square feet for each sign in a nonresidential zoning district.
  4. Each candidate, party, or issue headquarters may be identified with any legal temporary signage. Signs may have a maximum aggregate area of 100 square feet.
  5. Signs may be installed in City rights-of-way in all zoning districts. Signs must be installed in a location that is not hazardous to public safety, obstructs the clear vision area, or interferes with ADA requirements.
  6. Signs cannot be installed on any City-owned structures or property (except as noted above in Section 151.10.004.M.5).
- N. Real Estate Signs. Real estate signs advertising the sale or rental of property must be located on the site. Residential real estate signs can be a maximum of 4 square feet. Commercial real estate signs shall be a maximum of 32 square feet. Off-site real estate signs, such as "open house" signs, are allowed provided the applicant has permission of the property owner and the sign is located outside of a public right-of-way. Apartment complexes shall not have off-site real estate signs.
- O. Real Estate Open House Signs in New Subdivisions. Signs directing the public to the sale or rental of a new home can be both on- and off-site. The signs must be installed in a location that is not hazardous to public safety, does not obstruct the clear vision area, does not interfere with ADA requirements, and meets the following conditions:
1. Only three signs are allowed and can remain on site until the subdivision has been completed; the signs shall be immediately removed following the issuance of the final Certificate of Occupancy for the subdivision.
  2. The signs are to be located so that they do not cause a public hazard or nuisance.
  3. The signs can have a maximum aggregate area of 18 square feet, but all signs must be equal in size.
- P. Sign Walker. Sign walkers will be allowed on public sidewalks but not within the roadway medians. The sign walkers cannot obstruct the clear vision area or interfere with ADA accessibility.

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- Q. Subdivision Development Signs. One temporary sign is allowed per subdivision. However, two signs are permitted if the subdivision is 5 acres or larger or if the subdivision has more than one street frontage. The maximum area of each sign is 32 square feet in area with the message limited to the identification of the subdivision and its sales agent. The signs may remain in place during active development.
- R. Traffic and Municipal Signs. Traffic and other municipal signs are defined as directional signs for hospitals or emergency services, legal notices, crossing signs, and danger signals.

### **Section 151.10.005**

#### **Temporary Signs**

- A. A temporary sign is any sign, regardless of construction material, which is not permanently mounted and is displayed for a limited period of time. Under this definition, air puppets are temporary signs; however, due to the unique nature of air puppets, they have been given their own set of regulations.

A temporary sign can be either a wall or freestanding sign. Freestanding signs must be located 20 feet from the street edge and 10 feet from a driveway.

All signs, with the exception of special event signs, must be installed in a location that is not hazardous to public safety, does not obstruct the clear vision area, or interfere with ADA requirements. The signs shall not be placed in the public right-of-way or on public property.

The following signs require an approved temporary sign permit before being displayed.

#### 1. Temporary Wall Signs

- a. Type. Temporary wall signs include banners and pennants.
- b. Size. The maximum aggregate sign area for temporary wall signs shall be 1½ square feet for every linear foot of building frontage.
- c. Height and Clearance. Temporary wall signs shall not extend above the roofline or the top of a parapet wall.

#### 2. Temporary Freestanding Signs

##### a. Temporary Ground-Mounted Signs.

- (1) Area. The total sign area for temporary freestanding ground-mounted signs shall be 16 square feet per sign face.

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- (2) Height. The maximum height of an H-frame sign or other legally ground-mounted sign shall be 6 feet.
  - (3) Number. The number of temporary freestanding ground-mounted signs is limited to one per street frontage.
  - (4) A-frame signs are prohibited except for special event signs.
- b. Temporary Inflatable or Windblown Signs. Inflatable or windblown signs are defined as balloons, streamers, pennants, and flags and shall not have advertising on them.
- (1) Area. Temporary inflatable or windblown signs shall be a maximum of 32 square feet.
  - (2) Height. The height for temporary inflatable or windblown signs shall not exceed the zoning height limit (*Section 151.22, Establishment of Zoning Districts*).
  - (3) Number. The number of temporary inflatable or windblown signs is not regulated with the exception of air puppets.
- c. Air puppets
- (1) Location. Air puppets shall be located behind the property line, no closer to the pedestrian way (multi-use path or sidewalk) than the height of the sign. If there is no pedestrian way present, the setback should be measured from the curb of the street or the edge of the pavement.
  - (2) Height. The height of an air puppet shall not exceed the zoning height limit.
  - (3) Number. Air puppets are limited to one per business name and one per shopping center, industrial park, or commercial or industrial subdivision.
- B. Temporary Sign Permits. Temporary sign permits will be approved or disapproved within five days from the date the application is received. Only one type of permit can be used at any one time with the exception of holiday sign permits. Failure to comply with the terms of this temporary sign permit process shall result in revocation of all temporary sign permits for the remainder of the calendar year. The following are allowed temporary sign permits:
1. Seven-Day Sign Permit
    - a. Can be used with all types of temporary signs except air puppets.
    - b. A maximum of ten 7-day permits may be issued in a calendar year. The 7-day permits may be issued back-to-back or for the duration of a promotion not to exceed ten permit periods.
  2. Air Puppet Sign Permit
    - a. The height requirement shall be limited to the zoning district height.
    - b. This permit shall only be issued for weekends and holidays.

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3. Special Event Sign Permit. The purpose of a special event sign permit is to allow nonprofit organizations and community-oriented functions to advertise their special events by allowing for off-site directional signage to the special event. Special event sign permits will not be issued to individual businesses.
  - a. Applicable only to portable ground-mounted signs.
  - b. Signs can be located in the right-of-way for a period up to three consecutive days. Upon request, the City may extend this time period up to five additional days. Signs are to be located so as to not conflict with ADA requirements, pedestrian rights-of-way, and clear vision areas.
  - c. A single special event sign permit will be issued annually for an organization's recurring event.
  - d. The sign message is limited to the name of the event, the location, dates and times, and directional information.
4. Saturday Promotion Sign Permit. This permit is applicable to all types of temporary signs except for air puppets.
5. Going Out of Business Sale Sign Permit
  - a. This permit is applicable to all types of temporary signs except for air puppets.
  - b. The permit shall not exceed 30 consecutive calendar days per business within a 12-month period.
6. Holiday Sign Permit
  - a. Applicable to all types of temporary signs except air puppets.
  - b. Permits shall be issued between the Thanksgiving Holiday and New Year's Day and do not count toward the maximum number of allowed days for the above temporary sign permits.

### **Section 151.10.006** **Prohibited Signs**

It shall be unlawful for any person to erect, display, or maintain a sign or advertising structure as described below.

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- A. Moving or flashing signs or advertising structures, including any signs that are moved by either human or mechanical means. The prohibited flashing signs include any signs with intermittent electrical pulsations. Exceptions shall include time and temperature signs and sign walkers.
- B. Signs that are hazardous to traffic, imitate official government signs (i.e., Stop, Danger, Caution, etc.), or obstruct visibility creating a hazard.
- C. Windblown signs, such as posters, pennants, streamers, balloons, air puppets propelled by forced air, or other inflated objects except as provided for in *Section 151.10.005, Temporary Signs*. Excluded from this definition is a flag of any government or governmental agency.
- D. Temporary signs except as permitted in *Section 151.10.005, Temporary Signs*.
- E. All signs with more than 25-watt lamps or bulbs exposed to direct view, any reflective or power spot bulbs, strings of light bulbs, or spotlights with the following exceptions.
  - 1. Time-and-temperature signs can use 33-watt bulbs.
  - 2. Holiday decorations are excluded.
- F. Electronic ~~Message Centers~~ **Reader Boards**, unless they meet the criteria in *Section 151.10.007*:
- G. Reader Boards, except for the following:
  - 1. One sign on the premises of a fueling station that advertises the price per gallon of fuel.
  - 2. One movie promotion sign may be used under marquee signs in connection with a theater. The advertising is restricted to attractions that the theater is offering or will be offering.
  - 3. Signs on churches and religious institutions, and charter schools, when the reader board does not exceed 25 percent of the total allowable sign area. (A commercial sign permit is required.)
  - 4. Signs permitted through *Section 151.10.011, Special Use Permit*.
  - 5. No wooden, paper, cloth, or other temporary signs shall be hung or attached to a reader board.
- H. Off-premise signs, including billboards, except as provided in *Section 151.10.005, Temporary Signs*.
- I. Signs or portion thereof which:
  - 1. Obstruct a fire exit, stairway, or standpipe;
  - 2. Interfere with an exit to any window or any room located above the first floor of any building;

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3. Obstruct any door or required exit from any building;
  4. Obstruct or redirect any required light or ventilation.
- J. Signs erected in a residential zoning district with information other than allowed under *Section 151.10.004, Exempt Signs*.
- K. Sandwich board signs or A-frame signs, except as permitted in *Section 151.10.005, Temporary Signs*.
- L. Roof signs as defined in *Section 151.02.004, Definitions*.
- M. Signs less than 6 feet horizontally or 12 feet vertically away from overhead electrical conductors energized with 440 volts or more. (Overhead electrical conductors, either bare or insulated, installed above the ground, except those enclosed in rigid iron conduit or other material of equal strength.)
- N. All portable signs, except as otherwise provided in *Section 151.10.005, Temporary Signs*.
- O. Signs on Parked Vehicles. Signs or advertising on parked vehicles or trailers are prohibited unless the vehicles or trailers are primarily used in conducting business and the signs advertise or identify the business and the products or services offered on the premises. This paragraph shall not apply to signs affixed to vehicles or trailers used as public carriers, businesses, taxis, or vehicles when operating during the normal course of business.
- P. Obscene signs.

### **Section 151.10.007** **Electronic Message Centers**

#### **A. Number of Signs**

##### **1. Single Business**

**One 2-sided free-standing sign per business. Should there be more than one existing sign on the property that conforms with the current sign height, area, and separation requirements, the electronic message centers can replace each of these signs.**

##### **2. Multi-Tenant Building**

**One 2-sided free-standing sign per lot. Should there be more than one existing sign on the property that conforms with the current sign height, area, and separation requirements, the electronic message centers can replace each of these signs.**

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### 3. Shopping Center/Commercial Subdivision

One 2-sided free-standing sign per access. Should there be more than one existing sign on the property that conforms with the current sign height, area, and separation requirements, the electronic message centers can replace each of these signs.

#### B. Height of Signs

The height of a free-standing sign shall not exceed 10 feet from the grade of the street.

#### C. Area of Signs

##### 1. Single Business

The total sign area for a free-standing sign shall not exceed 32 square feet per sign face.

##### 2. Multi-Tenant Building

The sign face area for the electronic display portion of the sign shall not exceed 32 square feet. For additional size and height standards related to free-standing signs for multi-tenant buildings, refer to Section 151.10.008C.

##### 3. Shopping Center/Commercial Subdivision

The sign face area for the electronic display shall not exceed 32 square feet. For additional size and height standards related to free-standing signs for shopping centers/commercial subdivisions, refer to Section 151.10.008E.

#### D. Animation of Signs

The animation of signs which includes the blinking, scrolling, moving, and changing of brightness intensity, of either text or images is prohibited.

#### E. Message Transition

The transition between messages shall be instantaneous.

#### F. Length of Message Display

The minimum length to display a message shall be 15 seconds

#### G. Message Display

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The EMC shall not display advertising for any off-site business. However, promotion of community and charity events can be displayed provided the requirements for animation, message transition, and length of message display are met.

### H. Sign Brightness

1. For signs located in commercial and industrial areas the maximum lumination level from sunset to sunrise shall not exceed 200 nits. For signs located in or signs adjacent to residential zoning districts that shine directly onto residences, the maximum lumination level shall not exceed 100 nits.
2. Signs shall be required to be equipped with photo cell sensors that are factory locked to dim the sign to an appropriate light level during daylight hours. The photo cell sensors shall also dim the sign at night to the required nit level as stated in this section. An affidavit from the manufacturer attesting to the brightness level shall be submitted with the sign permit application.
3. The electronic message center portion of the sign shall be turned off when the business activities cease. Signs shall include timers that will automatically turn off the digital display.
4. Electronic message centers shall not have a white background.
5. Signs located within or signs adjacent to residential zoning districts that directly shine onto residences, shall be turned off between the hours of 10:00 pm and sunrise.

### I. Non-Conforming Signs

Non-conforming signs can be converted to EMC's provided the following criteria are met:

1. The sign brightness does not exceed the sign lumination level for EMC's as described in this Section.
2. The electronic or digital display portion of the sign cannot exceed 32 square feet.
3. The sign height and face area are reduced to the following ratios:

Existing Height (ft.)	Proposed Height	Proposed Face Area (sf.)
+50-30	Reduced by 50%	64
29-21	Reduced by 25%	56
20-16	Reduced by 10%	48
15-0	Reduced by 0%	32

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### Section 151.10.008~~7~~ Residential Zoning Districts SFR, MFR, MHR, or RV

- A. Subdivision Signs in Residential Zoning Districts. Subdivisions signs are only allowed to have the subdivision name on the sign.
1. Area. The total sign area of a subdivision sign in residential zoning districts shall be 32 square feet.
  2. Height and Clearance. The maximum height of a subdivision sign in residential zoning districts shall be 4 feet high.
  3. Location. Signs shall be located on private property and not project over any portion of a street, sidewalk, or other public right-of-way and cannot conflict with any clear vision area.
  4. Number. Subdivision signs in residential zoning districts are limited to two freestanding or two wall signs per main entrance.
  5. The City shall have a copy of an acceptable agreement describing who is responsible for sign maintenance prior to issuing a sign permit.
- B. Signs For Multi-Dwelling Uses in Residential Zoning Districts. Multi-dwelling use signs are only allowed to have the name of the complex on the sign.
1. Freestanding Sign for Multi-Dwelling Uses in Residential Zoning Districts
    - a. Area. The total sign area of a freestanding sign for multi-dwelling uses in residential zoning districts shall be 32 square feet or 16 square feet per display surface if the sign has two display surfaces.
    - b. Height and Clearance. The maximum height of a freestanding sign for multi-dwelling uses in residential zoning districts shall be 6 feet high when measured from the edge of the adjoining street pavement.
    - c. Location. Signs shall be located on private property and not project over any portion of a street, sidewalk, or other public right-of-way and cannot conflict with any clear vision area.
    - d. Number. Freestanding signs for multi-dwelling uses in residential zoning districts shall be limited to one freestanding sign for each access into the site.

There shall be at least 100 linear feet separating each sign.

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### e. Sign Illumination.

- i. Internally illuminated signs shall not have white backgrounds. This requirement shall apply to any sign required to obtain a sign permit.
- ii. Signs may have external illumination provided the lights are fully shielded and the fixtures are aimed directly at the sign.

### 2. Wall Signs for Multi-Dwelling Uses in Residential Zoning Districts

- a. Area. The total sign area of wall signs for multi-dwelling uses in residential zoning districts shall be 32 square feet per building frontage.
  - b. Height and Clearance. Wall signs shall not extend above the roofline or the top of a parapet wall.
3. The City shall have a copy of an acceptable agreement describing who is responsible for sign maintenance prior to issuing a sign permit.

~~C. Sign Illumination. Signs in residential zoning districts may have external illumination or reflective type bulbs if the illumination is properly shielded from direct glare onto streets and adjacent properties as per Section 151.11, Outdoor Lighting Control.~~

~~C.D. Permitted Conditional Uses. Signs for approved conditional uses in residential zoning districts shall have an aggregate sign area of 4 square feet.~~

### **Section 151.10.0098**

#### **Commercial or Industrial Zoning Districts**

#### **NC, LC, OP, GC, LI, HI, IP**

### A. Freestanding Sign for a Single Business in Commercial or Industrial Zoning Districts

1. Area. The total sign area of a freestanding sign for a single business in commercial or industrial zoning districts shall be 32 square feet for each side of the sign.
2. Height and Clearance. The maximum height of a freestanding sign for a single business in commercial or industrial zoning districts shall be 10 feet high when measured from the edge of the adjoining street pavement. The height of a sign may increase with the decrease in the number of signs as calculated in subsection 4.
3. Location. Signs shall be located on private property and not project over any portion of a street, sidewalk, or other public right-of-way and cannot conflict with any clear vision area.

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4. Number. Freestanding signs for a single business in commercial or industrial zoning districts shall be limited to one multi-faced freestanding sign identifying the business, designating the principal goods or products, and facilities or services available on the premises.

One additional freestanding sign may be erected on a single street frontage of 450-599 linear feet, two additional signs for 600-749 linear feet, or three additional signs for 750 linear feet or greater. For a lot sharing more than one street frontage, each street frontage will be calculated separately.

There shall be at least 100 linear feet separating each sign.

The property owner can choose to construct fewer signs than allowed in order to increase sign height. Each allowed sign omitted may add 2 feet in height to another sign—.

### 5. Sign Illumination.

- a. **Internally illuminated signs shall not have white backgrounds. This requirement shall apply to any sign required to obtain a sign permit.**
- b. **Signs may have external illumination provided the lights are fully shielded and the fixtures are aimed directly at the sign.**
- c. **Vacant sign faces shall have a completely dark or opaque background.**

65. Pole Cover. For all new pole sign structures, the sign structure must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angles, irons, cables, internal back framing, bracing, etc.). Exceptions can be made if the uncovered poles are part of the overall site architecture.

76. Landscaping. All new sign structures associated with a site plan shall be constructed within a landscaped area or island. The signs cannot be located within a clear vision area.

### B. Wall Signs for a Single Business in Commercial or Industrial Zoning Districts

- 1. Area. The total area for wall signs for a single business in commercial or industrial zoning districts shall be 1½ square feet per linear foot of building frontage or 1½ square feet per each 5 linear feet of lot frontage. Bulletin board signs are limited to 15 square feet and do not count toward the overall allowed wall signage.
- 2. Height and Clearance. Signs shall not extend above the roofline or the top of a parapet wall.
- 3. Maximum Square Footage for Multiple Frontages. On buildings that have more than one building frontage, each frontage can be used to calculate the overall signage square footage.

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4. Transferability of Wall Signage. Wall signs for a single business in commercial or industrial zoning districts can be transferred, in whole or in part, to any building wall provided the aggregate area does not exceed the total allowed signage area.
5. Awning or Canopy Signs. The gross surface area of an awning or canopy sign shall not exceed 50 percent of the gross surface area of the largest face of the awning or canopy to which the sign is affixed. The total area of an awning or canopy sign shall be included as part of the total wall signage.

### C. Freestanding Signs for a Multi-Tenant Building in Commercial or Industrial Zoning Districts

1. Area. The total sign area of a freestanding sign for a multi-tenant building in commercial or industrial zoning districts shall be 75 square feet of which at least 15 percent shall be dedicated to the building identification. Changeable directory panels identifying the tenants in the building can be used provided each panel is a minimum of 9 square feet. The sign shall use materials that blend architecturally with the building.
2. Height and Clearance. The maximum height of a freestanding sign for a multi-tenant building in commercial or industrial zoning districts shall be 10 feet high when measured from the edge of the adjoining street pavement. The height of a sign may increase with the decrease in the number of signs as calculated in subsection 4.
3. Location. Signs shall be located on private property and not project over any portion of a street, sidewalk, or other public right-of-way and cannot conflict with any clear vision area.
4. Number. Freestanding signs for a multi-tenant building in commercial or industrial zoning districts shall be limited to one multi-faced free-standing sign identifying the businesses, designating the principal goods or products, and facilities or services available on the premises.

One additional freestanding sign may be erected on a single street frontage of 450-599 linear feet, two additional signs for 600-749 linear feet, or three additional signs for 750 linear feet or greater. For a lot sharing more than one street frontage, each street frontage will be calculated separately.

There shall be at least 100 linear feet separating each sign.

The property owner can choose to construct fewer signs than allowed in order to increase sign height. Each allowed sign omitted may add 2 feet in height to another sign.

### 5. Sign Illumination.

- a. **Internally illuminated signs shall not have white backgrounds. This requirement shall apply to any sign required to obtain a sign permit.**

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- b. **Signs may have external illumination provided the lights are fully shielded and the fixtures are aimed directly at the sign.**
- c. **Vacant tenant identification panels shall have a completely dark or opaque background.**

65. Pole Cover. For all new pole sign structures, the sign structure must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angles, irons, cables, internal back framing, bracing, etc.). Exceptions can be made if the uncovered poles are part of the overall site architecture.

76. Landscaping. All new sign structures associated with a site plan shall be constructed within a landscaped area or island. The signs cannot be located within a clear vision area.

### D. Wall Signs for a Multi-Tenant Building in Commercial or Industrial Zoning Districts

1. Area. The total sign area of wall signs for a multi-tenant building in commercial or industrial zoning districts shall be 1½ square feet per linear foot of building frontage or 1½ square feet per each 5 linear feet of lot frontage. Bulletin board signs are limited to 15 square feet and do not count toward the overall allowed wall signage.
2. Height and Clearance. Signs shall not extend above the roofline or the top of a parapet wall.
3. Maximum Square Footage for Multiple Frontages. On buildings that have more than one building frontage, each frontage can be used to calculate overall signage square footage.
4. Transferability of Wall Signage. Wall signs for a multi-tenant building in commercial or industrial zoning districts can be transferred, in whole or in part, to any building wall provided the aggregate area does not exceed the total allowed signage area.
5. Awning or Canopy Signs. The gross surface area of an awning or canopy sign shall not exceed 50 percent of the gross surface area of the largest face of the awning or canopy to which the sign is affixed. The total area of an awning or canopy sign shall be included as part of the total wall signage.

### E. Freestanding Signs for a Shopping Center, Industrial Park, or Commercial or Industrial Subdivision

1. Area. The total sign area of a freestanding sign for a center, park, or commercial or industrial subdivision shall be 75 square feet of which at least 15 percent shall be dedicated to the identification of the center or subdivision. Changeable directory panels identifying the tenants in the center or subdivision can be used provided each panel is a minimum of 9 square feet. The sign shall use materials that blend architecturally with the center, park, or subdivision.

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2. Height and Clearance. The maximum height of a freestanding sign for a center, park, or commercial or industrial subdivision shall be 10 feet high when measured from the edge of the adjoining street pavement.
3. Location. Signs shall be located on private property and not project over any portion of a street, sidewalk, or other public right-of-way and cannot conflict with any clear vision area.
4. Number. Freestanding signs for a center, park, or commercial or industrial subdivision shall be limited to one freestanding sign for each access into the site.

There shall be at least 100 linear feet separating each sign.

5. Freestanding signs for a center, park, or commercial or industrial subdivision shall be prohibited on a single lot or parcel of property.

### 6. Sign Illumination.

- a. **Internally illuminated signs shall not have white backgrounds. This requirement shall apply to any sign required to obtain a sign permit.**
- b. **Signs may have external illumination provided the lights are fully shielded and the fixtures are aimed directly at the sign.**
- c. **Vacant tenant identification panels shall have a completely dark or opaque background.**

76. Pole Cover. For all new pole sign structures, the sign structure must be equipped with pole covers or architectural embellishments that hide or conceal all structural components or braces (such as pipes, angles, irons, cables, internal back framing, bracing, etc.). Exceptions can be made if the uncovered poles are part of the overall site architecture.

87. Landscaping. All new sign structures associated with a site plan shall be constructed within a landscaped area or island. The signs cannot be located within a clear vision area.

### F. Wall Signs for a Shopping Center, Industrial Park, or Commercial or Industrial Subdivision

1. Area. The total sign area of wall signs for tenants in a multi-tenant building in a center, park, or commercial or industrial subdivision shall be as follows:
  - a. Each tenant shall be allowed at least 24 square feet of total sign area.

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- b. Each tenant shall have a total sign area of 1½ square feet per linear foot of building frontage or 1½ square feet per each 5 linear feet of lot frontage.
2. Height and Clearance. Signs shall not extend above the roofline or the top of a parapet wall.
3. Transferability of Wall Signage. All signs for tenants in multi-tenant buildings within a center, park, or commercial or industrial subdivision may not be transferred. Signs must be placed on the building in which the business or use is located.
4. Awning or Canopy Signs. The gross surface area of an awning or canopy sign shall not exceed 50 percent of the gross surface area of the largest face of the awning or canopy to which the sign is affixed. The total area of an awning or canopy sign shall be included as part of the total wall signage.

### **Section 151.10.01009** **Height Reduction of Legal Nonconforming Freestanding Signs**

The following process is provided as an incentive to reduce the height of (currently classified) legal nonconforming freestanding signs.

(For a definition of legal nonconforming signs and non-legal nonconforming signs, please see *Article 151.24.002E* of the Development Code.)

#### A. Incentives to Reduce the Height of Legal Nonconforming Freestanding Signs

1. The incentive to reduce the height of currently classified legal nonconforming freestanding signs is to allow wall signage to be 2 square feet per linear foot of building frontage or 2 square feet per each 5 linear feet of lot frontage. Other than the allowances for total sign area, all other wall signage requirements are applicable. In order to receive this increase in total sign area, the following changes must be made:
  - a. All legal nonconforming freestanding signs on a site must be reduced to a maximum of 10 feet high.
  - b. Freestanding signs must have pole covers attached to the bottom of the sign unless the uncovered poles are part of the overall site architecture.

B. The total sign area of a legal nonconforming freestanding sign can remain at current size.

### **Section 151.10.01140** **Non-Legal Nonconforming Freestanding Signs**

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Current signs that are classified as non-legal nonconforming freestanding signs, as defined in *Article 151.24,002E*, must be brought into conformance or removed from the premises. However as an alternative to removing the sign, the total sign area can remain at its current size provided the height of the sign is reduced to a maximum of 10 feet high when measured from the adjoining street pavement. Other sign regulations (other than size and height) apply.

### **Section 151.10.01214** **Special Use Permits**

A Special Use Permit is used to request variations to this Article so that there can be increases in and a cohesive theme between all signage that are placed at a center, park, or associated subdivision. To obtain a Special Use Permit, the applicant must demonstrate the need for the additional signage and identify the architectural elements. Since the City will be making an exception to its code, it will be looking to the applicant to make the sign and building architectural elements as aesthetically pleasing as possible.

A Special Use Permit can be obtained for (1) new and existing residential or commercial subdivisions or (2) new and existing shopping centers or industrial parks. Special Use Permits cannot be used for a single business on a single lot. The Special Use Permit process cannot be used to exceed the standards for the electronic or digital display portion of signs.

The process for a Special Use Permit requires the Permit to be recommended ~~approved~~ by the Commission ~~both the Commission~~ and approved by the Council. The meeting notifications are given to the community through a published notice and posting on the property 15 days before the hearing. Any appeals of the Commission or Council decision will go to the Hearing Officer under the provisions of *Article 151.30, Appeals and Variances*.

- A. Comprehensive Sign Plan. To receive a comprehensive sign plan special use permit, the applicant must address (1) the need for additional signage and (2) how the signs will architecturally blend with the buildings. Additional information to be included in the application will be the size, location, height, lighting, construction materials, and orientation of all proposed signs in addition to any other information deemed necessary by the City. The sign areas and densities requested must conform to the intent of this Article.
- B. Special Sign District. As an exception to the subdivision, center, or park special use permit limitations, the owners of 60 percent or more of the street frontage, in linear feet, on both sides of the street in any defined area, may petition the City for the formation of a special sign district for the purpose of creating an integrated special sign theme in the area.

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### **Section 151.10.01342** **Street Address in Signs**

When street addresses are placed on any freestanding signs in commercial or industrial zoning districts, the numbers shall be at least 6 inches high and clearly legible from the street. *Street numbers do not count towards the measurement of the sign face area.*

### **Section 151.10.01413** **Removal of Certain Signs**

On or after the effective date of this code, any signs that no longer advertise a legitimate business or product sold at the location, shall be removed by the owner, agent, or person having the beneficial use of the building or property on which the signs are located. The signs shall be removed within ten days after receiving written notification from the City. If the signs are not removed within the time specified in the letter, the Director of Community Development is authorized to remove the signs at the expense of the owner of the building or property on which the signs are located.

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### ARTICLE 151.11 OUTDOOR LIGHT CONTROL

151.11.001	Purpose
151.11.002	Conformance with Applicable Codes
151.11.003	Applicability
151.11.004	General Requirements
151.11.005	Residential Lighting
151.11.006	Prohibitions
151.11.007	Signage
151.11.008	Outdoor Parking Lots
151.11.009	Security Lighting
151.11.010	Exemptions

#### **Section 151.11.001**

##### **Purpose**

It is the intention of this Article to encourage good lighting practices that are designed to conserve energy, improve nighttime safety, and enhance security. The intent of this Article is also to specify and encourage lighting practices and systems that will minimize the adverse light pollution effects of sky-glow, glare and light trespass.

#### **Section 151.11.002**

##### **Conformance with Applicable Codes**

- A. All outdoor lighting fixtures shall be installed in conformance with the provisions of this Article and any other building code requirements, as applicable.
- B. Where any provisions of any of the Arizona Revised Statutes, any federal law, or any companion ordinance conflict with the requirements of this Outdoor Light Control Article, the most restrictive provision shall govern.
- C. All new development and those portions of any addition to an existing commercial, industrial, or multi-family development requiring a commercial site plan review and requiring outdoor lighting shall meet the requirements of this Article.
- D. All outdoor light fixtures, existing and fully installed, or for which a building permit has been issued prior to the effective date of this Article, shall be considered legal non-conforming (see Article 151.24). No modification or replacement shall be made to a nonconforming fixture unless the fixture thereafter conforms to the provisions of this Article, except that lamp and related apparatus (lens,

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### ARTICLE 151.11 OUTDOOR LIGHT CONTROL

151.11.001	Purpose
151.11.002	Conformance with Applicable Codes
151.11.003	Applicability
151.11.004	General Requirements
151.11.005	Residential Lighting
151.11.006	Prohibitions
151.11.007	Signage
151.11.008	Outdoor Parking Lots
151.11.009	Security Lighting
151.11.010	Exemptions

#### **Section 151.11.001**

##### **Purpose**

It is the intention of this Article to encourage good lighting practices that are designed to conserve energy, improve nighttime safety, and enhance security. The intent of this Article is also to specify and encourage lighting practices and systems that will minimize the adverse light pollution effects of sky-glow, glare and light trespass.

#### **Section 151.11.002**

##### **Conformance with Applicable Codes**

- A. All outdoor lighting fixtures shall be installed in conformance with the provisions of this Article and any other building code requirements, as applicable.
- B. Where any provisions of any of the Arizona Revised Statutes, any federal law, or any companion ordinance conflict with the requirements of this Outdoor Light Control Article, the most restrictive provision shall govern.
- C. All new development and those portions of any addition to an existing commercial, industrial, or multi-family development requiring a commercial site plan review and requiring outdoor lighting shall meet the requirements of this Article.
- D. All outdoor light fixtures, existing and fully installed, or for which a building permit has been issued prior to the effective date of this Article, shall be considered legal non-conforming (see Article 151.24). No modification or replacement shall be made to a nonconforming fixture unless the fixture thereafter conforms to the provisions of this Article, except that lamp and related apparatus (lens,

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ballast, etc.) replacement is allowed. Abandoned site lighting fixtures shall be regulated according to the provisions of Article 151.24.

- E. Legal, non-conforming lighting fixtures may continue to be used provided such fixtures are turned off between the hours of ~~11~~10:00 p.m. (or when the business **activities cease/closes**, whichever is later) and sunrise. This requirement does not apply to fixtures used for safety or security purposes. Non-conforming lights that are improperly aimed and, as a result, are considered a detriment to public health, safety, and welfare shall be regulated under the City's public nuisances and property maintenance codes.
- F. A reduction of non-conforming lighting fixtures is required on an existing developed commercial site where a site plan or modified site plan review is required for new development. This reduction shall be as determined by the City. Possible means for this reduction are as follows:
  - 1. Appropriate fixture aiming to reduce light trespass;
  - 2. Tilting any existing fixtures to a horizontal position to maximize available shielding;
  - 3. Adding shielding to fixtures when possible;
  - 4. Utilizing motion sensors or automatic shutoff devices to eliminate unnecessary use of energy resources.
- G. **Conforming lighting fixtures shall be turned off between the hours of 10:00 p.m. (or when the business activities cease, whichever is later) and sunrise. This requirement does not apply to fixtures used for safety or security purposes. (Sign lighting cannot be used for security lighting purposes.)**

### Section 151.11.003

#### Applicability to New Development

- A. For commercial and industrial site plan approval, sufficient information to verify compliance with this Article shall be submitted. Submitted information shall include the following:
  - 1. Plan indicating the location and height of all exterior pole-mounted and wall-mounted light fixtures.
  - 2. Lighting fixture cutsheets that are legible and clearly indicate all applicable elements of the proposed fixture.
  - 3. Luminaire schedule specifying the per-acre lumen count for the site (see Table 151.11-1 for lumen cap limits) and specifying the uniformity ratio (see Section 151.11.008). The luminaire

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schedule shall also indicate the ~~"initial" and "mean"~~ lumen levels (see Section 151.11.004.E, Total Light Output).

4. If the required lighting information is not sufficient to determine compliance with this article, additional information may be required, including a photometric analysis or other evidence prepared by a certified illumination engineer.

### **Section 151.11.004**

#### **General Requirements**

- A. **Shielding.** All exterior light fixtures, shall be fully shielded and maintained in a manner that retains the fully shielded characteristics. Building interior lighting that causes outdoor glare shall be screened in a manner that eliminates glare that is visible from a public roadway. Light trespass and glare onto adjoining properties shall be minimized.
  - B. **Adjacent Residential Zone Shielding Requirement.** Lighting shall be oriented to direct light away from adjoining residential zone districts. Where standard light shielding is insufficient to protect adjoining residential properties from light trespass, additional **house-side** shielding may be required, as determined during the site plan review.
  - C. **Height.**
    1. The maximum overall height of lighting fixtures, including the base, shall not exceed the height allowed in the applicable zone district (including reductions in height mandated by proximity to adjoining residential zones, if applicable).
    2. Light fixtures in a Multi-Family Residential zone district shall not exceed 30 feet.
    3. Wall-mounted lighting fixtures shall not be located above the roofline and shall not exceed the applicable zone district height.
  - D. **Minimum Lighting Requirements**
    1. **Driveway Entrances. See Article 151.08.010.**
    2. **Multi-family residential, commercial, and industrial development shall maintain safely lit parking lots, and walkways to units and other buildings, and shall maintain landscaping to ensure such safety over time.**
    3. **Commercial and industrial development where parking lot islands are required shall ensure during design and construction that required landscaping will not interfere with required light fixtures over time.**
- DE. Total Outdoor Light Output.**

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1. Total outdoor light output shall not exceed the limits in Table 151.11-1 (with the exception of "E" below).
2. Lighting Areas.
  - a. Area 1 consists of all commercial and industrial zoned properties and multi-family development requiring a commercial site plan review, and is adjacent to any residential zone district or use.
  - b. Area 2 consists of all other commercial and industrial zoned properties and multi-family development requiring a commercial site plan review.

**Table 151.11-1  
Lumen Cap Limits Per Developed Acre\***

	Light Fixtures Using All Low-Pressure Sodium**	Light Fixtures Using Other Light Types
Area 1	<del>200,000</del> <del>250,000 Mean</del> Lumens***	<del>150,000</del> <del>200,000 Mean</del> Lumens***
Area 2	<del>250,000</del> <del>350,000 Mean</del> Lumens***	<del>200,000</del> <del>250,000 Mean</del> Lumens***

\* Developed acre consists of all improved surface area including buildings, structures, storage and service areas, parking, loading, driveway areas, required setback areas and required landscaping related to the use, but not areas that are only cleared.

\*\* Low Pressure Sodium lamps are the preferred lamp type.

\*\*\* ~~"Mean" Lumens refers to Lamp Lumen Depreciation or the diminishment of light output over time.~~

**E. F. Service Station Canopy Lighting.**

1. Light fixtures mounted under canopies shall be recessed or fully shielded.
2. Under-canopy lighting shall be limited to ~~60~~ ~~100~~ lumens per square foot of canopy area and shall not count toward the lumen cap levels shown in Section 151.11.004D.

**G. Light Emitting Diode (LED) Lighting**

1. **LED lights used in private development shall conform to the lighting requirements in this Code and shall be filtered to have a Correlated Color Temperature (CCT) maximum of 3,000K.**

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2. LED lights used on public roadways shall conform to the requirements of Development Code Article 151.09.010 and shall be filtered to have a Correlated Color Temperature (CCT) maximum of 3,000K.

### Section 151.11.005 Residential Lighting

- A. **Residential lighting that directly shines onto neighboring properties shall be prohibited. Permanently used** lighting fixtures associated with residential uses shall **be fully shielded. Unshielded lights, whose glare is mitigated by features such as porches, overhangs, walls, or temporary usage, may be considered compliant provided such lighting** minimizes light trespass onto **neighboring adjoining** properties. ~~to the extent feasible.~~ Use of motion sensors is encouraged.
- B. Residential uses, when consisting of five or more residential units on a single lot, shall meet the commercial zone district lighting standards.

### Section 151.11.006 Prohibitions

- A. Recreational Facilities. Existing outdoor recreational facilities, public or private, with non-conforming illumination, shall not be illuminated after 11:00 p.m., except to conclude a specific recreational or sporting event, or any other activity that was in progress prior to 11:00 p.m. All new recreational facilities shall meet the shielding standards in Section 151.11.004.A.
- B. Mercury Vapor. No replacement equipment other than bulbs for mercury vapor lighting fixtures shall be sold in the state after January 1, 1991, and the use of mercury vapor light fixtures is prohibited after January 1, 2011, (A.R.S. 49-1104). No new mercury vapor outdoor light fixtures shall be installed after the effective date of this Article.
- C. Searchlights, Laser Lights. The operation of searchlights and/or laser lights for advertising or commercial purposes is prohibited (except as allowed under 151.11.010 Exemptions).
- D. All upward-directed lighting is prohibited, except as allowed under 151.11.010.

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### Section 151.11.007

#### Signage

~~A. External Illumination. External illumination for signs shall conform to the shielding restrictions and lumen caps of Table 151.11-1. Upward directed sign lighting is prohibited (see Section 151.11.010, Exemptions).~~

~~B. Internal Illumination. Outdoor internally illuminated signs that have an opaque or dark colored background and lighter text and symbols are encouraged. (Also see Article 151.10.006.E for additional limitations).~~

~~G.A. Other Illuminated Panels. Other internally-illuminated panels or decorations not considered to be signage according to Code, such as illuminated canopy margins or building faces shall be subject to the standards applicable for such lighting including, but not limited to, the shielding standards in Section 151.11.004 and lumen cap limits in Table 151.11-1.~~

### Section 151.11.008

#### Outdoor Parking Lots

- A. Outdoor parking lots used during hours of darkness shall be lighted.
- B. The roof level of a multi-level parking facility is considered an outdoor parking lot.
- C. The lighting design shall provide for uniform light (no dark areas or pockets) and be sufficient for safety and identification of features. A uniformity ratio of not more than **4 to 1** ~~6 to 1~~ (average to minimum) shall be provided.

### Section 151.11.009

#### Security Lighting

- A. ~~Security lighting is defined as lighting sufficient to discourage crime and other undesirable activity.~~ Security lighting is the minimum lighting necessary to reduce the negative impacts of crime as determined by a business owner but shall not exceed 50 percent of the normal site lighting.
- B. Sensor technologies, timers, or other means to activate additional lighting during times when it will be needed are encouraged. Such lighting shall be the minimum necessary and shall generally be utilized only for short duration.

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### Section 151.11.010

#### Exemptions

- A. Fossil Fuel Light. Light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
- B. Seasonal decorations using typical unshielded low-wattage type lamps.
- C. Low voltage landscape lights not exceeding 20 watts per fixture, provided they are fully shielded and aimed away from public roadways.
- D. Self-contained solar lights not exceeding 600 lumens per fixtures.
- E. A flagpole illuminated with an upward-directed light provided the lumen count does not exceed 4,000 and off-site glare and light trespass are eliminated by shielding.
- F. Decorative neon used solely for architectural embellishment.
- G. Floodlight Fixtures. Incandescent or parabolic aluminized reflector (PAR) floodlights, or similar fixtures, which are shielded and properly aimed (no more than 45 degrees, or half way between straight down and horizontal), not to exceed 2,000 lumens and used for short time periods only, shall be exempt from lumen caps. Such fixtures shall be controlled by timers or motion sensors, and shall not remain on over 10 minutes after the area has been vacated.
- H. Building Accent Lighting. Lighting intended for the architectural illumination of buildings shall be allowed and shall not count toward lumen caps. Such lighting shall be fully shielded and aimed only at building walls with no spillover to the sides or top of a building wall. Such lighting shall also be turned off between the hours of 11:00 p.m. (or when the business closes, whichever is later) and sunrise.
- I. Temporary Exemptions. Any individual may submit a written request for a temporary exemption to the requirements of this Article. Exemptions may be granted for periods up to seven calendar days. The request shall include the specific exemption requested, the need for the exemption, the type and use of exterior light involved, and any other information that shall enable the City to evaluate the need for the exemption and any conditions that shall be attached to the approval.

### Section 151.11.011

#### Special Use Permit for Waivers

- A. Any application or lighting installation not meeting all requirements of this Code, including, but not limited to height, shielding, curfew or lumen caps, shall require a Special Use Permit, and must demonstrate that the proposed lighting will not cause off-site glare or light trespass.

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- B. The Special Use Permit application shall be accompanied by the lighting system design and shall be certified by an Arizona Registered Professional or other certified lighting specialist. Certification is to verify that the minimum illuminance level for the specific activity has been achieved, as recommended by the Illuminating Engineering Society of North America (IESNA), and that all other applicable provisions of this Article have been met.
  
- C. The process for a Special Use Permit requires the Permit to be reviewed by the Commission and the Commission's recommendation forwarded to the Council for consideration. The meeting notifications are provided to the community through a published notice and posting on the property 15 days before the hearing. Any appeals of the Council decision will go to the Hearing Officer under the provisions of Article 151.30, Appeals and Variances.