

RESOLUTION NO. 2012-20

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, DECLARING AS PUBLIC RECORDS THOSE CERTAIN DOCUMENTS FILED WITH THE TOWN CLERK AND ENTITLED THE "TOWN OF FOUNTAIN HILLS ZONING DEFINITIONS" AND THE "TOWN OF FOUNTAIN HILLS SIGN REGULATIONS."

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:

SECTION 1. That certain document entitled the "Town of Fountain Hills Zoning Definitions" dated November 1, 2012, of which three copies are on file in the office of the Town Clerk and open for public inspection during normal business hours, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

SECTION 2. That certain document entitled the "Town of Fountain Hills Sign Regulations" dated November 1, 2012, of which three copies are on file in the office of the Town Clerk and open for public inspection during normal business hours, is hereby declared to be a public record, and said copies are ordered to remain on file with the Town Clerk.

PASSED AND ADOPTED BY the Mayor and Council of the Town of Fountain Hills, November 1, 2012.

FOR THE TOWN OF FOUNTAIN HILLS:

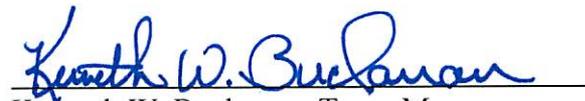
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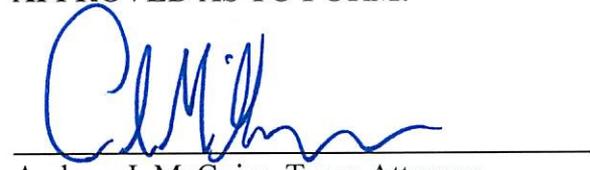

Linda M. Kavanagh, Mayor


Bevelyn J. Bender, Town Clerk

REVIEWED BY:

APPROVED AS TO FORM:


Kenneth W. Buchanan, Town Manager


Andrew J. McGuire, Town Attorney

TOWN OF FOUNTAIN HILLS

ZONING DEFINITIONS

NOVEMBER 1, 2012

Abutting: The condition of two (2) adjoining properties having a common property line or boundary, including cases where two (2) or more lots adjoin only a corner or corners.

Access or Access Way: The place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this ordinance.

Acre: An area of land containing forty-three thousand five hundred sixty (43,560) square feet.

Adjacent: Nearby, not distant or having a common endpoint or border.

Adjoining: Touching or bounding at a point or line.

Adult Oriented Facilities: Which shall include the following:

A. Adult Bookstore:

1. Having as a substantial portion of its stock in trade, videos, film, books, magazines and other periodicals depicting, describing, or relating to "specified sexual activities" or which are characterized by their emphasis on matter depicting, describing or relating to "specified anatomical areas", or
2. Having as a substantial portion of its stock in trade, books, magazines and other periodicals, and which excludes all minors from the premises or a section thereof.

B. Adult Live Entertainment Establishment: An establishment, which features topless female or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers.

C. Adult Theater: An enclosed building or open-air drive-in theater:

1. Regularly used for presenting any film or plate negative, film or plate positive, film or tape designed to be projected on a screen for exhibition or films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen depicting, describing or relating to "specified sexual activities" or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas"; or
2. Used for presenting any film or plate negative, film, or plate positive, film or tape designed to be projected on a screen for exhibition, or films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen and which regularly excludes minors.

Advertising Copy: Copy that includes, but is not limited to information such as phone numbers, prices, announcement of sales, business hours, meeting times, individual or specific product or merchandise information, and directional information.

Agriculture: The tilling of the soil, raising of crops, horticulture, viticulture, sulviculture, including all uses customarily incidental thereto but not including slaughterhouses, fertilizer yards, or plants for the reduction of animal matter, or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

Airport: Any area which is used or is intended to be used primarily for the taking off and landing of aircraft, and any appurtenant areas which are used or intended to be used for airport buildings or facilities including open spaces, taxiways and tie-down areas, hangars, transition and clear zones, and other accessory buildings.

Alley: A right-of-way, dedicated to public use, affording a secondary means of access to abutting property and not intended for general traffic circulation.

Ambulatory Person: Any individual including one who uses a cane or other ambulatory support, who is physically and mentally capable, under emergency conditions, of finding a way to safety without assistance.

Amendment: In reference to this ordinance, a change in the wording or substance of this ordinance, or an addition or deletion or a change in the zone district boundaries or classifications of the zoning map.

Animal Hospital: Facilities for the care, treatment, and boarding of animals including facilities within the term "veterinary clinic."

Antique: A product that is old or exchanged because of value derived, because of oldness as respects the present age, and not simply because same is not a new product.

Appeal: An action which permits anyone to arrange for a hearing before an individual or a group other than the individual or group from whose decision the appellant seeks redress, or a first request for action, depending on context; Chapter 2 addresses the appeal procedures available to aggrieved parties.

Area of Jurisdiction: The Town of Fountain Hills as it exists now and as it is lawfully changed; plus any area allowed by Arizona Revised Statute outside of the corporate limits which permits review by the Town of Fountain Hills.

Automotive Junk: Any vehicle missing one or more body parts; or is incapable of operating under its own power; or is missing any wheels; or has missing or severely shattered glass which prohibits safe operation; or has one or more flat tires for a period of seventy-two (72) or more hours.

Automobile Repair: All aspects of the repair of motor vehicles including, but not limited to, lubrication, tune-up and preventive maintenance.

Automobile Sales: An agency selling motor vehicles and providing services commonly associated with motor vehicle sales.

Awning: An architectural projection or shelter projecting from, or supported by, the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including such structures which are internally illuminated by fluorescent or other light sources.

Ballast: The portion of a sign required to operate a fluorescent lamp.

Banner: A temporary sign composed of fabric, plastic, or other pliable material on which advertising copy or graphics may be displayed.

Bar or Cocktail Lounge: An establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.

Basketball Court: A basketball court as defined by the National Federation State High School Association regulations.

Basement: A space in a structure that is partly or wholly below grade.

Bed and Breakfast Establishment: A dwelling in which the occupants of the dwelling provide, for compensation, the short term lodging and meals for guests, occupying not more than two (2) guest rooms, located within the same dwelling.

Billboard: A permanent off-premise outdoor advertising sign erected, maintained or used for the purpose of commercial or non-commercial messages.

Board of Adjustment: (See Section 1.07).

Building: Any structure used for the support, shelter, housing or enclosure of persons, animals, chattels or property of any kind, with the exception of doghouses, playhouses and similar structures.

Building, Accessory: A building or structure that does not share a livable, enclosed connection to the main building, and that is subordinate to, and the use of which is customarily incidental to, that of the main building, structure, or use on the same lot or parcel.

Building Area: The total areas, taken on a horizontal plane at the mean grade level, of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces and steps.

Building, Attached: A building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

Building, Detached: A building, which is separated from another building or buildings on the same lot.

Building, Height Of: The vertical distance measured at any point from the natural, pre-existing grade level or proposed grade, whichever is lower, to the highest point of the structure. If the structure is located in a platted subdivision where grading was done as a part of the subdivision's improvements, the building height shall be the vertical distance measured at any point from the finished grade as shown on the subdivision grading plans or the natural, pre-subdivision grade, whichever is lower, to the highest point of the structure. If the structure has a basement, where the basement floor pad grade is lower than the preexisting grade and where all exterior walls to the basement are completely back-filled to the pre-existing grade and no ingress or egress is proposed directly from the basement to the exterior of the building, building height shall be measured at any point along the pre-existing grade to the highest point of the structure above that point. If the structure is proposed as a walk-out, where the walk-out or lower floor pad grade is lower than the pre-existing grade and where ingress and egress is proposed on only one side of the walk-out floor and where the other non-walk-out sides of the walk-out floor are completely back-filled to the pre-existing grade and no ingress or egress is proposed directly from the non-walk-out sides of the walk-out floor to the exterior of the building, building height above the walk-out level shall be measured at any point along the pre-existing grade to the highest point of the structure above that point. In the event that terrain problems prevent an accurate determination of height, the Zoning Administrator shall rule as to height and appeal from that decision shall be to the Board of Adjustment.

Building, Principal: A building, or buildings, in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the main building of the lot on which the same is situated.

Building Footprint: The area of the primary structure measured from the outside walls (excluding any overhanging portions) which includes indoor uses such as attached garage, carports, utility room, laundry, etc. (including covered patios and breezeways which are an integral part of the roof structure of the structure).

Building Frontage: The linear measurement of an exterior building wall or structure that faces the public roadway.

Building Permit: A permit required for erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the Town of Fountain Hills as more fully defined in Section 417 of the Uniform Building Code adopted by the Town Council.

Building Setback: The minimum distance as prescribed by this ordinance between any property line and the closest point of the foundation or any supporting post or pillar of any building or structure related thereto. (See: Yard, front, side and rear).

Business Area: An area designated by the Zoning Administrator as containing a concentrated group of businesses.

Business Block: A portion of a business area consisting of at least three lots, bounded on all sides by a public right-of-way, alleyway or an adjacent property line.

Campground: Any lot, parcel, or tract of land used, designed, maintained, and intended for rent of plots or sites to accommodate temporary camping by the traveling public with or without sanitary facilities and water, whether or not a charge is made for the use of the park and its facilities.

Carport: A roof supported by pillars or cantilevers, which shelters a car or other vehicle. May either extend from a structure (usually a house) or be constructed separately (often to accommodate several cars).

Cemetery: Land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbaria, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

Channel Letter: Individual letters constructed to be applied singly in the formation of a Building Mounted Sign or a Freestanding Sign. Channel letters may be illuminated or non-illuminated.

Church: A permanently located building commonly used for religious worship fully enclosed with walls, but including windows and doors, and having a structurally solid and sound roof.

Clearing: The removal and disposal of all obstructions such as fences, walls, foundations, buildings and existing structures, and accumulations of rubbish of whatever nature. Also, the substantial removal of trees, also the substantial removal of trees, shrubs, cacti, and other indigenous vegetation, but not including grass and weeds considered to be a potential fire hazard.

Clinic: A place for the provision of group medical services, not involving overnight housing of patients.

Clubhouse: A building, located on a golf course with nine (9) or more holes, that contains one or more of the following facilities: pro shop for the retailing of clothing and golf accessories; the golf course's own cart rental and maintenance facility (does not include the golf cart sales and the maintenance of golf carts not owned by the golf course); restaurant with or without alcoholic beverage service; and the golf course's administrative office.

Cluster Housing: Houses built close together with little yard space and a large common area, rather than each house having a large separate yard.

Commission: The Town of Fountain Hills Planning and Zoning Commission. (See Section 1.06).

Common Open Space: Open space usable by all the people within a certain development and such area is owned by all the property owners in that development.

Community Corrections Facility: A facility, which provides lodging and meals and, primarily, counseling, treatment, and rehabilitation to adjudicated delinquents, parolees, and individuals in pre-release (transitional) or diversionary programs from correction institutions.

Community Development Director: (Same as Development Services Director).

Comprehensive Sign Plan: Comprehensive Sign Plans are required in all commercial zoning districts for multi-tenanted buildings or shopping centers. The Comprehensive Sign Plan shall be reviewed and approved by the Zoning Administrator or designee and conform to the sign regulations contained in Chapter 6 of this Ordinance. A “multi-tenanted building” is a building complex or center that contains any number of businesses, greater than one, that share the same site, use common points of ingress, and egress to and from the site.

Condominium: Real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Contiguous: In actual contact.

Convalescent Home: (Same as nursing home).

Copy: The text, graphics or message of a sign.

Corral: A pen or enclosure for confining animals.

Council: Town Council of the Town of Fountain Hills, Arizona.

County: Maricopa County, Arizona.

Day Care Center: A residential facility in which care for non-residents is provided for periods of less than twenty-four hours per day, for more than five (5) people.

Density: The average number of families, persons or housing units per unit of land; usually density is expressed "per acre." Thus, the density of a development of 300 units occupying 40 acres is 7.5 units per acre.

Development Services Director: The person appointed by the Town Manager to be the chief land-use official for the Town. If there is no such person designated by the Town Manager, the Town Manager is the Development Services Director.

Direct Illumination: An externally mounted light source that is used for illuminating a sign; also referred to as “exterior illumination.”

Disturbance: Clearing, grubbing, excavation and/or filling.

Drive-in Restaurant: Any establishment where food or beverages are dispensed and may be consumed on the premises, but outside a closed building.

Drive-in Theater: An open-air theater where the performance is viewed by all, or part, of the audience from motor vehicles.

Dwelling: A building or portion thereof, built in accordance to the building code adopted in the Town or, if built prior to incorporation, adopted by Maricopa County, designed exclusively for residential purposes, including single-family and multiple-family dwellings; but not including hotels, motels, boarding and lodging houses, fraternity and sorority houses, rest homes and nursing homes, or child care nurseries.

Dwelling, Multiple-Family: A building, built in accordance to the building code adopted in the Town or, if built prior to incorporation, adopted by Maricopa County, designed exclusively for occupancy by or occupied by two (2) or more families living independently of each other. Such building(s) shall have a connection, which is comprised, of a full ground to roof wall and a roof structure of not less than eight (8) feet in depth.

Dwelling, Single-Family: A detached building, built in accordance to the building code adopted in the Town or, if built prior to incorporation, adopted by Maricopa County, designed exclusively for occupancy by or occupied by one (1) family for residential purposes.

Dwelling, Two-Family: A building, built in accordance to the building code adopted in the Town or, if built prior to incorporation, adopted by Maricopa County, designed exclusively for occupancy by or occupied by two (2) families living independently of each other. Such building(s) shall have a connection, which is comprised, of a full ground to roof wall and a roof structure of not less than eight (8) feet in depth.

Dwelling Unit: A building or portion thereof having restricted access to one kitchen or area convertible to kitchen activities, built in accordance to the building code adopted in the Town, or if built prior to incorporation, adopted by Maricopa County, designed exclusively for residential purposes, including single-family and multi-family dwellings; but not including hotels, motels, boarding and lodging houses, fraternity and sorority houses, rest homes and nursing homes, or child care nurseries.

Easement: A specified area on a lot or parcel of land reserved or used for the location of and/or access to, utilities, drainage or other physical access purposes, or for preservation of undisturbed terrain for the benefit of the general public.

Electronic Message Center: A sign that uses computer-generated or electronic means to change advertising copy, messages or color, including signs that flip or rotate.

Elderly: A person who is sixty-five (65) years of age or older.

Erect: The word "erect" includes build, build upon, add to, alter, construct, reconstruct, move upon, or any physical operations on the land, required for a building.

Excavation: The removal of earthen material, resulting in a lowering of the grade at the location.

Family: An individual, or two (2) or more persons related by blood or marriage, or a group of persons not related by blood or marriage, living together as a single housekeeping group in a dwelling unit.

Farm: An area of not less than two (2) contiguous acres which is used for the commercial production of farm crops such as vegetables, fruit trees, cotton, grain and other crops, and their storage on the area, as well as the raising thereon of farm poultry and farm animals, such as horses, cattle, and sheep for commercial purposes. The term "farm" includes the operating of such an area for one (1) or more of the above uses, including dairy farms, with the necessary accessory uses for treating or storing the produce, provided that the operation of any such accessory use is secondary to that of the farm activities, and provided further that the farm activities do not include commercial feeding or offal to swine or other animals.

Fence: Any device built to enclose a parcel of land, to separate two (2) parcels of land, or to separate a parcel of land into different use areas.

Filling: The dumping or depositing of earthen material resulting in the raising of the grade at that location.

Flag: A fabric sheet of square or rectangular or triangular shape which is mounted on a pole. This includes the United States, State, flags for registered corporations and other registered entities, flags or foreign nations, decorative flags, and flags supporting activities of the Fountain Hills Unified School District.

Floor Area: The gross square footage of a building. When considering minimum off-street parking area, floor area may also include the open land needed for service to the public as customers, patrons, clients, or patients, including area occupied by fixtures and equipment used for display or sale of merchandise.

Fractional Ownership Interest: A contractual right of occupancy in a Fractional Ownership Project, whether by membership, agreement, share, tenancy in common, sale, deed, license, right-to-use agreement or otherwise, where such right is divided into eleven (11) or more undivided interests, whether or not such interest is coupled with an estate in real property, where a purchaser, in exchange for consideration, receives a right to use a portion of a Fractional ownership Project for a period of time less than six months during any given year. Fractional Ownership Interest shall include interests otherwise known as "Interval Ownership" or "Time Share Ownership."

Fractional Ownership Project: A project consisting of any dwelling unit, hotel, lot or parcel in which a purchaser receives a Fractional Ownership Interest.

Front Lit Letter: An internally illuminated individual letter or graphic component of a sign that has a translucent face.

Garage, Private: A building or portion thereof, used for the shelter or storage of self-propelled vehicles, or owned or operated by the occupants of a main building where there is no service or storage for compensation.

Garage, Public: Any building, except one herein defined as a "private garage" used for the storage of self-propelled vehicles or where any such vehicles are equipped for operation or kept for hire.

Grade: The elevation of the land.

Grade, Finished: Final elevation of the ground surface conforming to the approved grading plans.

Grade, Natural: Elevation of the natural or undisturbed ground surface prior to any grading operation. If "natural grade" can no longer be determined, then the grade elevation existing on September 20, 1991, as shown on the Town's topographical maps of that date, shall be used in lieu thereof. If a parcel of land is not shown on the September 20, 1991 topographical maps, "natural grade" shall be as shown on a topographical map that has been both prepared after September 20, 1991 and that is acceptable to the Town Engineer.

Grading: The process of changing gradients of land by contouring, smoothing or otherwise shaping land areas, by excavating, filling, or combination thereof.

Group Home for the Handicapped and Adult Care: A dwelling shared by handicapped and/or elderly people as their primary residence and their resident staff, who live together as a single housekeeping unit, sharing responsibilities, meals, and recreation. The staff provides care for the residents. A Group Home for the Handicapped and Adult Care does not include nursing homes, alcohol or other drug treatment centers, community correction facilities, shelter care facilities, or homes for the developmentally disabled as regulated by the Arizona Revised Statutes Section 36-582.

Grubbing: The elimination of roots from the ground by digging or pulling.

Guest: Any transient person who rents or occupies a room or structure for sleeping purposes.

Guest House: Living or sleeping quarters within an accessory building for the sole use of occupants of the premises, guests of such occupants or persons employed on the premises. The accessory building may be attached to or detached from the main building. Such quarters shall not be rented, and/or otherwise used for income producing purposes.

Guest Ranch: A building or group of buildings containing two (2) or more guest rooms, other than a boarding house, hotel, or motel, and including outdoor recreational facilities such as, but not limited to, horseback riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended for the use primarily by guests of the guest ranch, but not including bars and restaurants which cater primarily to other than guests of the guest ranch.

Guest Room: A room designed for occupancy by one (1) or more guests for sleeping purposes, but having no cooking facilities and not including dormitories.

Halo Illumination: Sign lighting constructed for wall or freestanding signs that is designed so that the light for the entire sign, or the light for each individual component of the sign, is directed against the surface behind the sign or sign component, producing a halo effect.

Handicapped: A person who: (A) has a physical or mental impairment which substantially limits one or more of such person's major life's activities so that such person is incapable of living independently; (B) has a record of having such an impairment; or (C) is regarded as having such an impairment. However, "handicapped" does not include current, illegal use of or addiction to a controlled substance as defined in the Controlled Substance Act (21 United States Code 802).

Hazardous Materials: Any substance characterized as flammable solids, corrosive liquids, radioactive materials, oxidizing materials, highly toxic materials, poisonous gases, reactive materials, unstable materials, hypergolic materials and pyrophoric materials and any substance or mixture of substances which is an irritant, a strong sensitizer or which generates pressure through exposure to heat, decomposition or other means.

Holiday Window Decorations: The decorative display of holiday themed decorations or window painting.

Home Day Care Center: A residential facility in which care for non-residents is provided for periods of less than twenty-four hours per day, for five or less people.

Home Occupation: Any occupation or profession which is incidental and subordinate to the use of the dwelling unit for dwelling purposes and which: (A) does not change the character thereof, and in connection with which there are no employees other than members of the immediate family residing in the dwelling unit; (B) does not generate traffic as a result of patronage and/or shipping and receiving of materials beyond five (5) trips per day; and (C) has shipping and receiving to and from such occupation only by a vehicle customarily used for residential delivery purposes.

Hospital: A place for the treatment or care of human ailments, where overnight lodging for patients is provided, other than nursing homes.

Hotel: A building or group of buildings, other than a motel, boarding house or lodging house, containing individual guest rooms, suites of guest rooms, and dwelling units, and which furnishes services customarily provided by hotels.

Individual: Any private individual, tenant, lessee, owner or any commercial entity including, but not limited to, companies, partnerships, joint ventures or corporations.

Junk: Any old or scrap metal, rope, rags, batteries, paper, trash, wood, glass, plastic and/or rubber debris, waste, or junked dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

Junkyard: Any land or building used for the abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment,

demolition, dismantling, storage, or salvaging of automobiles or other vehicles not in running condition, or machinery, or parts thereof.

Kennel: Any premises where more than four (4) dogs or cats are bred, boarded, and/or trained. Having one litter up to six (6) weeks of age is not considered to be a kennel.

Kitchen: Any room in a building or dwelling unit that is used or intended to be used for cooking or the preparation of food.

Landscaping: An area which has been improved through the harmonious combination and introduction of trees, shrubs, and ground cover, and which may contain natural topping material such as boulders, rock, stone, granite or other approved material. The area shall be devoid of any asphaltic or concrete pavement except for pedestrian walkways.

- A. "Fully-abutting" areas are those landscaped or revegetated areas, such as a disturbed area that is proposed to look as if no disturbance activity has occurred, where natural undisturbed areas abut one or both sides of a revegetated area.
- B. "Partially-abutting" areas are those landscaped or revegetated areas, such as a disturbed area that is proposed to look as if no disturbance activity has occurred, where natural undisturbed areas abut one side of a revegetated area.
- C. "Non-abutting" areas are those landscaped or revegetated areas that are not intended to fully resemble the preexisting natural undisturbed landscaping of the site.

Laundry, Self Service: A building within which clothes washing and drying machines, and clothes dry-cleaning machines, either coin operated or attendant operated, are provided on a rental basis for use by individuals for doing their own laundry or dry cleaning. Self-service laundry does not include outdoor drying facilities.

Letter Face: The exterior side of an individual letter or individual graphic element.

Logo: A graphic design representing a product, identity or service.

Lot: A single piece of property located in a recorded subdivision, having frontage on publicly dedicated and accepted street or an approved private road, which is described and denoted as such.

Lot, Corner: A lot, which has an interior angle of one hundred thirty-five (135) degrees or less at the intersection of two (2) street lines. A lot abutting upon a curved street is considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of one hundred thirty-five (135) degrees or less.

Lot, Interior: A lot other than a corner lot.

Lot, Key: A lot adjacent to a corner lot having its side lot line in common the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.

Lot, Through: A lot, which has street right-of-way frontage on two non-adjoining sides.

Lot Area: The total horizontal area within the lot lines of a lot.

Lot Coverage: That portion of a lot or building site, which is occupied by any building or other covered structure, excepting paved areas, walks and swimming pools.

Lot Depth: The horizontal length of a straight line connecting the midpoints of the front and rear lot lines.

Lot Frontage: The horizontal length of the front lot line.

Lot Line: The line bounding a lot.

Lot Line, Front: In the case of an interior lot, a line separating the lot from the street right-of-way. In the case of a corner lot, the narrower of the two lot lines adjoining a street right-of-way.

Lot Line, Rear: A lot line, which is opposite and most distant from the front lot line. In the case of a lot having five (5) or more sides, the rear lot line shall be any lot line, other than the front lot line, which intersects a side or a street side lot line at any angle less than one hundred thirty-five (135) degrees.

Lot Line, Side: Those lot lines other than a street side lot line that connects the front and rear lot lines.

Lot Line, Street Side: That lot line or lines on a corner lot adjoining a street right-of-way that connects the front lot line to a rear lot line.

Lot Width: For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured thirty (30) feet behind the required minimum front yard line on a line parallel to the street or street chord.

Mansard Roof: A roof style composed of a combination of a steep semi-vertical plane connected to a flatter plane.

Manufacturing: The fabricating or assembling of materials into finished or partially finished products by hand or by the use of machinery.

Massage Establishment: Any establishment having its place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any massage activities defined as any method of pressure on, friction against, or stroking,

kneading, rubbing, tapping, pounding, vibrating, or stimulating of external soft parts of the body with the hands or with the aid of any mechanical apparatus or electrical apparatus or appliance.

Master-Planned Village Sales and Information Center: A facility that meets the adopted version of the Uniform Building Code of the Town of Fountain Hills, that is used as an information/sales facility by the developer of a master-planned village.

Master-Planned Village: A development containing over 200 contiguous acres contained in a master subdivision plat by a single developer.

Mobile Home: A structure transportable in one or more sections, including the plumbing, heating, air conditioning and electrical systems contained in such structure which meets the standards specified in the National Manufactured Housing and Safety Standards Act of 1976, as amended, which erected on site meets all of the following criteria: (A) eight (8) body feet or more in width; (B) Thirty-two (32) body feet or more in length; (C) built on a permanent chassis; and (D) designated to be used as a portable home with or without a permanent foundation, and shall be classified as a mobile home whether or not its wheels, rollers, skids or other rolling equipment have been removed. For purposes of these regulations, mobile homes are a special form of single-family detached dwellings and are subject to such special regulations as are set forth herein and shall not be considered a modular or factory built building as defined in this section.

Mobile Home Park: Any lot, parcel or tract of land, designed, maintained, used and intended for rent or lease of individual lots or sites to accommodate one or more mobile homes, including all buildings, structures, vehicles, accessory buildings, and appurtenances to be used or intended as equipment as a trailer court park, whether or not a charge is made for the use of the site or the use of its facilities. A mobile home park does not include lots upon which unoccupied mobile homes or unoccupied travel or commercial trailers are parked for display, inspection, and sale.

Mobile Home Subdivision: A subdivision designed for residential use where the residences are mobile homes and structures conforming to the adopted building codes of the Town.

Mobile Structure: A movable or portable structure thirty-two (32) feet or more in length and eight (8) feet or more in width, constructed to be towed on its own chassis and designed so as to be installed with or without a permanent foundation for occupancy classification as an office, retail store, airport hangar, classroom, or any other occupancy classification. It may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or two (2) or more units separately towable, which can be joined to form a single unit. The removal of the wheels and running gear shall not change the meaning of this term.

Modular or Factory-Built Buildings: A building complying with the adopted building codes of the Town which is manufactured, constructed, or fabricated off-site and capable of being towed to a permanent site to be installed on a permanent foundation. Does not include a mobile home. Such a structure must be certified by the Office of Manufactured Housing of the State of Arizona.

Motel: A building or group of buildings containing guest rooms or apartments each of which maintains a separate entrance, used primarily for the accommodation of motorists, and providing automobile parking space on the premises.

Native Vegetation: Indigenous plant materials of the Sonoran Desert.

Natural: The condition of the land, vegetation, rocks, and other surface features, which have not been, physically disturbed, changed or added to by any action of man or machine.

Nonconforming Structure: A structure which was lawfully erected prior to the adoption of this ordinance but which, under this ordinance, does not conform with the standards of coverage, yard spaces, height of structures or distance between structures prescribed in the regulations for the district in which the structure is located.

Nonconforming Use: The use of a structure or land which was lawfully established and maintained prior to the adoption of this ordinance but which, under this ordinance, does not conform to the use regulations for the district in which it is located.

Nuisance: Anything, condition or use of property, which endangers life or health, gives offense to the senses, and/or obstructs the reasonable and comfortable use of other property.

Nursing Home: A structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, not including persons suffering from contagious diseases, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed a nursing home.

Nursery: A commercial operation for the growth and sale of plants, storage of equipment for landscaping and the wholesale or retail sale of commercial gardening supplies.

Office: A room or rooms and accessory facilities for the managing or conducting of a business.

Off-Street Loading and Unloading Space: A designated off-street space located on the same site as the site for which berths are required for temporary parking of motor vehicles for active loading and unloading of merchandise or materials.

Open Space: Any parcel or area of land or water unimproved or improved and set aside, dedicated, designated, or reserved for the public or private use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Overhead Transmission Line: An electrical power line that is capable of conveying sixty-nine (69) thousand or more volts of power.

Pan Channel Letter: An individual letter of a sign constructed so that the sides and back of the letter are one unit.

Parapet: An extension of a vertical building wall above the line of a structural roof.

Park: A public or private parcel of land developed and used for passive or active recreation.

Parking Area: An area designed and constructed, and used exclusively for the parking, storage and maneuvering of vehicles.

Parking Shade Structures: A roofed, detached, accessory structure, which may be lighted, with four (4) open sides, designated or used exclusively for the parking and sheltering of operable motor vehicles.

Parking Space: A permanently surfaced area, enclosed or unenclosed, of not less than nine (9) feet in width, and nineteen (19) feet in depth, together with a driveway connecting the parking space with a street and permitting ingress and egress of the automobile, (See Chapter 7).

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 a series and designed to move in the wind. Pennants must not exceed 12 inches in any direction.

Planned Unit Development: A development of five (5) or more acres in size, in which flexibility can be permitted in lot size, lot width, lot coverage, and setbacks, in order to encourage more creative and imaginary design, thereby preserving natural features, protecting environmentally-sensitive areas and/or providing usable open spaces within the development.

Professional Office: Any building, structure, or portion thereof, used or intended to be used as an office for a lawyer, architect, engineer, surveyor, planner, optometrist, accountant, doctor, dentist, or other similar professions.

Public Building: Facilities for conducting public business occupied by various public agencies. This includes all federal, state, county, and town offices and buildings.

Public Hearing: A hearing held to receive public testimony as required by law.

Public Meeting: A meeting held in conformance to the Arizona Open Meeting Law as contained in A.R.S. § 38-431 et seq.

Public Utility: Private or public facilities for distribution of various services, such as water, power, gas, communication, etc., to the public.

Recreation Facilities: Includes buildings, structures or areas built or developed for purposes of entertaining, exercising or observing various activities participated in either actively or passively by individuals or organized groups.

Recreational Vehicle: A vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. This includes motor homes, self-contained travel trailers, and campers.

Recreational Vehicle Park: Facilities for the temporary storage, parking and maneuvering of recreational vehicles (motor homes, travel trailers, campers, etc.) with adequate roads and stall sites, including sanitary and water facilities. Site locations are provided on a day-to-day basis. Does not constitute a mobile home park and may not allow mobile homes.

Restaurant: An establishment whose primary business is the serving of food to the public.

Retail Store: A commercial business for selling goods, services, wares or merchandise directly to the customer, but not including a professional office.

Retaining Wall: A wall or terraced combination of walls used to retain earth, but not directly supporting the wall of a building, including stacked rock and imbedded boulder walls.

Revegetation: The replacement of indigenous living plant materials on areas where the natural vegetation has been removed. The areas include disturbed natural areas and man-made cut and fill slopes.

Reverse Pan Channel Letter: An individual letter of a sign constructed of an opaque material so that the sides and front of the letter are one unit.

Riprap Material: Material that is a loosely composed layer of rocks and stones used to hinder the flow of water, thereby preventing erosion.

Satellite Dish Antenna: A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based stations. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, television reception-only (TVRO's), and satellite microwave antennas.

School, Elementary, Junior High, High School, College, or Junior College: Public and other non-profit institutions conducting regular academic instruction at kindergarten, elementary, secondary, and tertiary levels. Such institutions shall offer general academic instructions equivalent to the standards prescribed by the State Board of Education or the State Board of Regents.

School, Nursery: A school or the use of a site or a portion of a site for an organized program devoted to the education or day care of five (5) or more children of elementary school age or younger, other than those residents on the site. This includes day care centers.

School, Private or Parochial: An institution conducting regular academic instruction at kindergarten, elementary, secondary, and tertiary levels operated by a nongovernmental organization.

School, Trade: Schools offering instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools and similar commercial establishments operated by a nongovernmental organization.

Service Station: An occupancy engaged in the retail sales of gasoline, oil, tires, batteries, and new accessories and which provides for the servicing of motor vehicles and operations incidental thereto, including: automobile washing, waxing and polishing, tire changing and repairing, but not including recapping. May also include battery service, radiator cleaning, flushing and repair, installation of minor accessories, lubrication of motor vehicles, rental of utility trailers, testing, adjustment and replacement of motor parts and accessories.

Shelter Care: Short term residential care facilities providing lodging on a temporary basis, meals and counseling to individuals and groups such as, but not limited to, the homeless, pregnant teenagers, victims of domestic violence, neglected children, and runaways.

Shopping Center: A group of retail stores or professional offices planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas and pedestrian malls or plazas provided on the property as an integral part of the unit.

Sign: Any visual element, or combination of elements, including words or symbols, designed or placed to attract attention or convey information, including any device providing identification, advertising or directional information for a specific business, service, product, person, organization, place, or building, including graphic devices such as logos, obtrusive colored facia or architectural elements, banners, balloons, streamers, inflatable structures, exterior merchandise displays, projected picture signs, holographic projection signs and other attention attracting media and devices.

Sign, Abandoned: A sign that is no longer associated with the location, product or activity conducted on the premises on which the sign is located.

Sign, Advertising: A sign which includes any copy and/or graphics relating to any business, service, product, person, organization, place, or building in addition to simple identification.

Sign, A-Frame: A temporary sign normally supported by its own frame in a manner that usually forms an “A” when in use; also referred to as a “sandwich” or “tent” sign.

Sign, Animated: A sign with actual motion, including light changes or color changes, or the illusion of motion.

Sign, Awning: A sign displayed on, or attached flat against, the surface or surfaces of an awning or any other surface attached to a building that provides shelter.

Sign, Bench: A sign painted on or affixed to a bench.

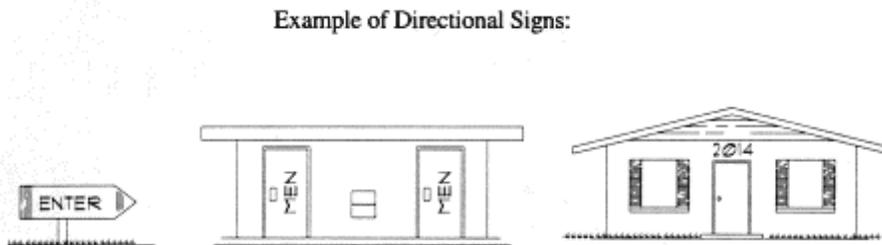
Sign, Building Mounted: Any sign mounted onto the vertical surface of a building; see also Wall Sign.

Sign, Cabinet: A frame constructed to hold internal components and covered by a face to hold the advertising sign.

Sign, Canopy: See definition of Awning Sign.

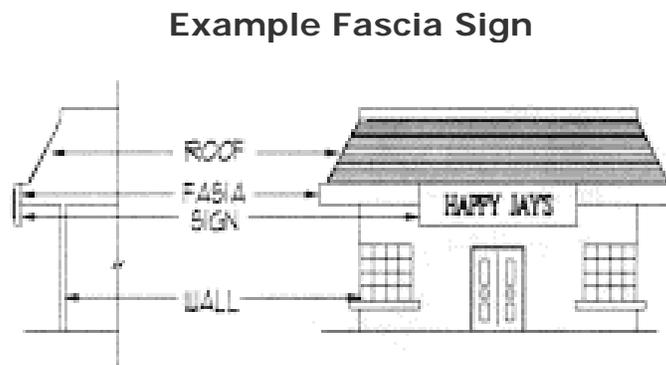
Sign, Changeable Copy: A sign constructed to hold individual letters or individual text sections that are mounted in or on a track system. Changeable Copy Signs are usually used as Directory Signs.

Sign, Directional: A sign, supplying pertinent directional information for the purpose of promoting safety and the flow of vehicular or pedestrian traffic.



Sign, Directory: A sign listing the names and/or uses, and/or locations of the various tenants or activities within a building, or in a multi-tenant development, or group of buildings. Directory Signs may be constructed as Changeable Copy Signs.

Sign, Fascia: A sign that is permanently affixed to the horizontal member or surface at the edge of a projecting roof.



Sign, Flashing: A sign with an intermittent, repetitive or flashing light source.

Sign, Freestanding: A sign that has its own supporting structure independent of the building or business it identifies.

Sign, Fuel Price: A sign displaying the price(s) of fuel at a service station.

Sign, Ground Mounted: A Freestanding Sign with no visible base.

Sign, Identification: A sign that contains only the name of the business, person, organization, place, or building at that location.

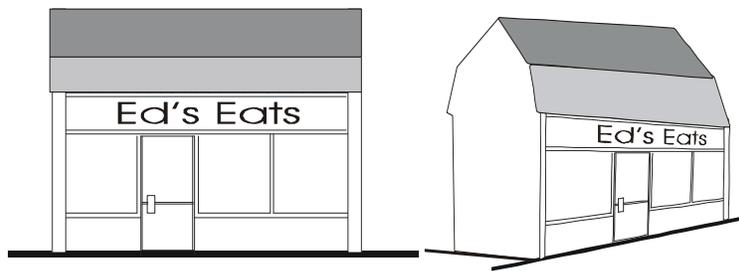
Sign, Ideological: A sign that expresses, conveys, or advocates a non-commercial message.

Sign, Illuminated: A sign, that is lighted, either externally or internally.

Sign, Internally Illuminated: A sign constructed with a light source behind the face of the sign.

Sign, Mansard: A sign permanently affixed to a wall or surface not more than 20 degrees from vertical at the upper edge of a building and running parallel with the mansard roof line or parapet upon which the sign is attached. Any sign proposed for a building with a Mansard Roof shall have the top of the sign mounted no higher than the lowest point of any portion of the roofline.

Mansard Roof

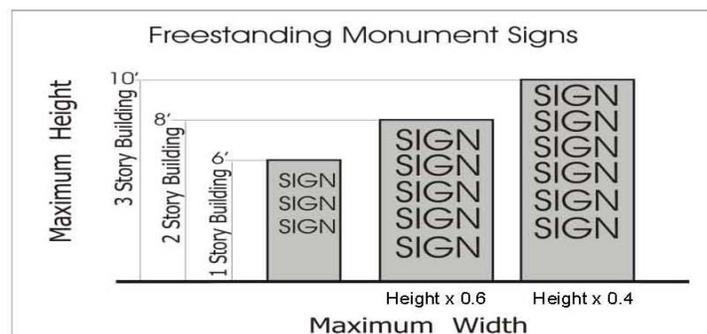


Sign, Menu Board: A changeable sign orientated to the drive-through lane for a business that advertises the menu items or services available from the drive-through window.

Sign, Mobile: See Portable Sign.

Sign, Monument: A Ground Mounted Freestanding Sign identifying a subdivision or multiple-occupancy development such as a shopping center, officer building or planned industrial park, which has multiple suites, offices or tenants. A Monument Sign shall be a part of the signage regulated by a Comprehensive Sign Plan.

Example Monument Sign



Sign, Multi-Tenant Building Identification: A sign for a building complex or center that contains any number of businesses, greater than one, that share the same site and use common points of ingress and egress to and from the site.

Sign, Neon: Any sign that uses neon, argon or any similar gas to illuminate transparent or translucent tubing or other materials, or any use of neon, argon or any similar gas lighting on or near the exterior of a building or window.

Sign, Off-Premise Directional: A portable sign containing directional information to a destination within the Town's municipal boundary, which may only be located in specified areas of Town road rights-of-way during specified times.

Sign, Open House Directional: A temporary sign with directional arrow, directing pedestrian or vehicular travel to the property or premise for sale, lease or rent.

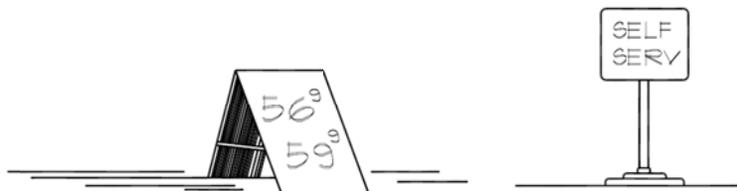
Sign, Parapet: A sign mounted to the face of a building parapet.

Sign, Pole Mounted: A Freestanding Sign constructed with a support structure that is more than 10% of the height of the total sign and less than 90% of the width of the sign. The sign support structure shall be included in the sign area computation.

Sign, Political: A sign that identifies a person, expresses a position, conveys a message concerning, or advocates a position on, the candidacy of a person, party or issue on an upcoming ballot.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of persons or wheels; signs converted to A-frames; menu and sandwich board signs; balloons used as signs; umbrellas for advertising; and signs attached to or painted on vehicles.

Example of Portable Sign



Sign, Projecting: A sign that extends from a building wall over a property line or right-of-way line.

Sign, Pylon: See Pole Sign.

Sign, Real Estate: A sign, attached to the site, advertising the sale, lease or rental of the property or premises on which it is located.

Sign, Roof: A sign affixed on, above or over the roof of a building so that it projects above the roofline. The top of a parapet wall shall be considered the roofline. The vertical portion of a Mansard Roof shall be considered the roofline. The top of the fascia of a hipped roof shall be considered the roofline. Where a parapet wall is combined with a mansard roof, the roofline shall be the top of the parapet.

Sign, Sandwich: A portable sign; one, which is not permanently affixed to a structure or permanently ground-mounted. For an example, see Chapter 6.

Sign, Shared Monument: A monument sign displaying (A) the names of participating business within a sign district or (B) the names of businesses on property owned by the holder(s) of a shared monument sign permit.

Sign, Temporary: A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs, any sign not permanently embedded in the ground, or signs affixed to a building, wall, fence, or sign structure for a non-permanent time period, are considered temporary signs. A banner, pennant, poster, balloon, construction sign, political sign or an A-frame sign shall be considered a temporary sign.

Sign, Tent: A temporary sign normally supported by its own frame in a manner that usually forms an “A” when in use; also referred to as a “sandwich” or “A-frame” sign.

Sign, Under-Canopy: A sign attached to the underside of a canopy, marquee, cantilevered roof or eave or any other surface having an angle plus or minus fifteen (15) degrees from perpendicular to a horizontal overhead structure.

Sign, Wall: A sign which is fastened to any vertical portion of a building; see also Building Mounted Sign.

Sign, Wall-Mounted: A sign, which is fastened to any vertical portion of a building.

Sign, Window: Any sign, pictures, symbols or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is affixed to, or located within any area six (6) feet behind a window pane, positioned to be read from the exterior of a building.

Sign District: A group of businesses within a business block, organized for the purpose of designing and installing no more than two shared monument signs to be located within the business block.

Sign District Agreement: An agreement between prospective sign district members and the business block property owner(s) in which the shared monument sign will be erected, containing the name of each business and its owner(s) and the business address and telephone number, and evidencing that the sign district members have agreed to the following:

- A. The placement of the shared monument sign within the business block;

- B. A shared monument sign meeting the requirements of subsection 6.08(BB);
- C. The individual business owners' and property owner's respective responsibilities for maintenance, removal and alteration of the shared monument sign; and
- D. The individual business owners' and property owner's responsibilities in the event that the sign district is dissolved.

Sign District Members: Business owners within a sign district.

Sign Face: The area enclosing the copy and graphic components of a sign.

Sign Walker: A person, who wears, holds or balances a portable sign.

Significantly Altered Lot: A residential lot, upon which new construction is occurring on the lot resulting in:

- A. Greater than 50% of the lot's yard area being disturbed; or
- B. Greater than 1,000 square feet of the lot's yard area being disturbed.

Specified Anatomical Areas: Either of the following:

- A. Less than completely and opaquely covered: (1) human genitals, pubic region; (2) buttock; and (3) breast below a point immediately above the top of the areola.
- B. Human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

- A. Human genitals in a state of sexual stimulation or arousal.
- B. Acts of human masturbation, sexual intercourse, or sodomy.
- C. Fondling or other erotic touching of human genitals, pubic region, buttocks, or breasts.

Stable: A detached accessory structure including, but not limited to, a corral or paddock for the keeping of one or more horses owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

Stable, Commercial: A structure including, but not limited to, a corral or paddock for the keeping of horses for remuneration, hire or sale.

Store: A building where manufactured or ready-made items can be purchased.

Story: That portion of a building included between the surface of any floor and the finished ceiling next above it or the finished undersurface of the roof directly over the particular floor.

Street: A right-of-way that provides the principal vehicular and pedestrian access to adjacent properties.

Street, Private: A street held or controlled by an entity other than the Town of Fountain Hills.

Street, Public: A street dedicated and accepted by the Town of Fountain Hills for public use.

Street Line: The boundary line between street right-of-way and abutting property.

Structure: Anything constructed or erected which requires a fixed location on the ground, including a building or mobile home, but not including a fence or wall used as a fence.

Structural Alteration: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any complete rebuilding of the roof or exterior walls.

Subdivision: Improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four (4) or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two (2) parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided. "Subdivision" does not include the following:

- A. The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
- B. The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
- C. The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.

Supervisory Care Home: A residential care institution, which provides only supervisory care services to no more than four (4) ambulatory persons unrelated to the owner of such a home.

Swale: A low flat depression to drain off excess water.

Swimming Pool: Any permanent structure, containing or intended to contain water eighteen (18) inches or more in depth and/or eight (8) feet or more in width at any point.

Temporary Vehicle Storage Facility: Any land or building used for the temporary storage of abandoned, wrecked or legally impounded automobiles, boats, or other vehicles regardless of running condition. Such a facility is not a facility where dismantling of any vehicle, the storage of any vehicle parts, the retailing or wholesaling of any vehicle or vehicle parts may take place.

Travel Trailer: A portable structure without motive power, with wheels built on a chassis, designed as a temporary dwelling for travel, recreation, and vacation purposes, having a body width not exceeding eight (8) feet and a body length not exceeding thirty-two (32) feet.

Treatment Center: Facilities providing lodging and meals and, primarily, treatment, training or education as a part of an alcoholism or drug addiction program.

Use: The purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged or for which either a site or structure is or may be occupied and maintained.

Use, Accessory: A use which is incidental, related, appropriate, and clearly subordinate to the lot or building, and which does not alter the principal use of the lot or building.

Use, Permitted: A use which is listed as a "permitted use" in any given zone district. Such use shall be allowed to be established within that zone district, subject to the specific requirements of this ordinance.

Use, Prohibited: Any use not specifically permitted or permitted by a special use permit.

Use, Special: A use, which is listed as a "special use" in any given zoning district. Such use shall require a "special use permit" in order to be established within that zoning district, and shall be subject to all conditions and requirements imposed by the Town Council in connection with the special use permit.

Use, Temporary: A use, which is listed as a "temporary use" in any given zoning district. Such use shall require a "temporary use permit" in order to be established within that zoning district and shall be subject to all conditions and requirements imposed by the staff or Town Council, whichever issues the permit.

Usable Open Space: Space, which can be enjoyed by people. This could include landscaped plazas, grass and trees, fountains, sitting areas, etc., and is meant to provide an open garden atmosphere. Meaningful open space does not include parking areas, vacant or undeveloped lots or any other space, which does not contribute to the quality of the environment.

Utility Services: Service to the public of water, sewer, gas, electricity, telephone and cable television. The foregoing shall be deemed to include attendant facilities and appurtenances to the above uses, including, without limitation, stations along pipelines, and substations along electric transmission lines; but not including public utility treatment and generating plants or offices.

Variance: See Chapter 2, Section 2.06(B) herein.

Wall: Any device forming a physical barrier which is so constructed that fifty percent (50%) or more of the vertical surface is closed preventing the passage of light, air and vision through said surface.

Warehouse: A building or buildings used for the storage of goods.

Wholesale: The sale of goods or materials for the purposes of resale.

Yard: A minimum required open area adjacent to a lot line that shall be free from any structure except as specified in the Town of Fountain Hills Zoning Ordinance.

Yard, Front: A yard, the depth of which is the minimum required horizontal distance between the front line and the front yard setback line, which yard extends across the full width of the lot. For a corner lot, the front yard is the narrower of the two street side frontages.

Yard, Rear: A yard, the depth of which is the minimum required horizontal distance between the rear lot line and rear-yard setback line, which yard extends across the full width of the lot, not including any portion of a required street side yard.

Yard, Required: The minimum open space as specified by the regulations of this Ordinance for front, rear, side, and street side, as distinguished from any yard area in excess of the minimum required. See "Building Area".

Yard, Side: A yard, the width of which is the minimum required horizontal distance between the side lot and the side-yard setback line, not including any portion of the required front yard or required rear yard.

Yard, Street Side: Any yard, the depth of which is the minimum required horizontal distance between the street side lot line and the street side-yard setback line, not including any portion of the required front yard.

Zone: A district classification established by this ordinance, which limits or permits various and specific uses.

Zoning Administrator: The person appointed by the Town Manager to be the Zoning Administrator. If there is no such person designated by the Town Manager, the Town Manager is the Zoning Administrator.

Zoning Clearance: The approval by the Community Development Director of a plan that is in conformance with *The Zoning Ordinance for the Town of Fountain Hills*.

Zoning District: A zone area in which the same zoning regulations apply throughout the district.

TOWN OF FOUNTAIN HILLS

SIGN REGULATIONS

NOVEMBER 1, 2012

Chapter 6

SIGN REGULATIONS

Sections:

- 6.01 Purpose**
- 6.02 [Reserved]**
- 6.03 Sign Permits; Fees**
- 6.04 Violations**
- 6.05 Penalty**
- 6.06 Enforcement and Remedies**
- 6.07 General Regulations**
- 6.08 Signs Allowed**

Town of Fountain Hills Zoning Ordinance
Chapter 6

Section 6.01 Purpose

The regulations set forth in this Chapter are intended to encourage attractive signage for businesses and services, optimizing the availability of information, while promoting the general welfare by creating more aesthetically appealing community.

Section 6.02 [Reserved]

Section 6.03 Sign Permits; Fees

- A. Except as provided herein, it shall be unlawful to erect, install and/or modify any sign within the Town without first applying for and obtaining a sign permit from the Development Services Department. "Modify," as it is used herein, shall mean any change in or to an existing sign, its face, electrical components, design and/or supporting structures. A permit shall not be required for the following signs; provided, however, that such signs shall be subject to any and all applicable provisions of this ordinance, including Zoning Administrator approval when required:
1. Nameplate signs, four (4) square feet or less in area, which shall contain the name of the business and may contain any or all of the following: street address, hours of operation and business logo.
 2. Street addresses.
 3. Any sign four (4) square feet or less in area not otherwise prohibited by this ordinance.
 4. Repainting without changing wording, composition or colors; or minor nonstructural repairs.
 5. Temporary noncommercial signs.
 6. Signs not visible from off-site public or private property.
 7. Holiday signs permitted by subsection 6.08(Z).
 8. Garage sale signs permitted by subsection 6.08(M).
 9. Political signs.

Town of Fountain Hills Zoning Ordinance
Chapter 6

10. Window signs on the inside of a window.
 11. Signs of less than eight (8) square feet placed on any church property or any sign relating to church operations that is not visible from an adjacent street or property.
 12. Signs placed on any school property by the Fountain Hills Unified School District.
 13. [Reserved].
 14. Signs that relate to a special event, except as required by subsection 6.08(U).
 15. Banners, balloons and pennants, except as required by subsection 6.08(D).
 16. Changes to a sign panel or copy on an existing sign.
- B. Failure to conform to the conditions of a sign permit, including any conditions and/or stipulations attached thereto by the Town Council and/or Board of Adjustment, shall render such permit void.
- C. Fees for sign permits shall be required and payable in such sums as the Town Council may from time to time establish as part of the Town's annual budget or by separate resolution.
- D. A sign permit does not include electrical work; however, this exemption shall not be deemed to grant authorization for any work to be done in violation of the provisions of the Fountain Hills Town Code or any other laws or ordinances.

Section 6.04 Violations

Any of the following shall be a violation of this Chapter and shall be subject to the enforcement remedies and penalties provided by the Town of Fountain Hills Zoning Ordinance, and by state law, as applicable:

- A. To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone within which the sign is located.
- B. To install, create, erect or maintain any sign requiring a permit without such a permit.

Town of Fountain Hills Zoning Ordinance
Chapter 6

- C. To fail to remove any sign that is installed, created, erected or maintained in violation of this ordinance, or for which the sign permit has lapsed.

If any such violation is continued, then each day of a continued violation shall be considered a separate violation when applying the penalty provisions set forth in Section 6.05 below.

Section 6.05 Penalty

The violations set forth in Section 6.04 above are declared to be civil in nature. The responsible parties for enforcement purposes are (i) the owner or operator of the business or residence identified on the sign and (ii) the owner or occupant of the business or residence to which the sign is directing pedestrian or vehicular traffic. Enforcement of violations of this chapter shall be made through the use of the civil citation process set forth in Subsection 1-8-3 of the Town Code. Fines may be assessed according to the following schedule:

- A. First offense, fine not to exceed \$25.00 and confiscation of sign(s).
- B. Second offense within twelve (12) calendar months of first offense, fine not to exceed \$50.00 and confiscation of sign(s).
- C. All subsequent violations within twelve (12) calendar months of the first offense, fine not to exceed \$100.00 and confiscation of sign(s).

Section 6.06 Enforcement and Remedies

Any violation or attempted violation of this ordinance or of any condition or requirement adopted pursuant hereto may be restrained, corrected or abated, as the case may be, by injunction or other appropriate proceedings pursuant to state law. A violation of this chapter shall be considered a violation of the Zoning Ordinance. The remedies of the Town shall include, but are not limited to the following:

- A. Issuing a stop-work order for any and all work on any signs on the same lot;
- B. Confiscation of sign(s);

Town of Fountain Hills Zoning Ordinance
Chapter 6

- C. Seeking an injunction or other order of restraint or abatement that requires the removal of the sign(s) or the correction of the nonconformity;
- D. Imposing any penalties that can be imposed directly by the Town under the Zoning Ordinance;
- E. Seeking in court the imposition of any penalties that can be imposed by such court under the Zoning Ordinance; and
- F. In the case of a sign that poses an immediate danger to the public health or safety, the Town may take such measures as are available under the applicable provisions of the Zoning Ordinance and Building Code for such circumstances.

The Town shall have such other remedies as are and as may from time to time be provided for or allowed by state law for the violation of the Zoning Ordinance.

All such remedies provided herein shall be cumulative. To the extent that state law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

Section 6.07 General Regulations

- A. Any sign hereafter erected or maintained shall maintain conformance to the provisions of this ordinance and the provisions of the Town Code.
- B. No sign, other than an official traffic sign or similar sign, shall be erected within the lines of any street or public right-of-way unless (1) specifically authorized herein; (2) authorized by other Town ordinances or regulations; or (3) permitted by special Town authorization.
- C. No sign, including a temporary sign or sign structure, shall be erected or placed: (1) in a manner that would obscure vehicular visibility; or (2) at any location where by its position, the shape or color of the sign may interfere with or obstruct the view of, or be confused with, any authorized traffic sign, signal or device.
- D. Every sign permitted by this ordinance must be kept in good condition and repair. When any sign becomes in danger of falling, or is

Town of Fountain Hills Zoning Ordinance
Chapter 6

otherwise deemed unsafe by the Town's Chief Building Official, or if any sign shall be unlawfully installed, erected or maintained in violation of any of the provisions of this ordinance, the owner thereof, or the person or firm using the sign, shall, upon written notice by the Chief Building Official, or immediately in the case of immediate danger, and in any case within not more than ten (10) days after notice: (1) make such sign conform to the provisions of this ordinance; or (2) remove the sign. If, within ten (10) days, the order is not complied with, the Chief Building Official may remove or cause such sign to be removed at the expense of the owner and/or user of the sign.

E. Legal non-conforming signs.

1. Any sign legally existing at the time of the passage of this Chapter that, due to changes in this Chapter, no longer conforms in use, location, height or size with the regulations of this Chapter, shall be considered a legal non-conforming use and may continue in use until such time as it is removed or it is abandoned for a period of six or more continuous months. Except as otherwise set forth in paragraphs 6.07(E)(2) and (3) below, any change in the sign, including a 50% or more change of sign copy, shall be considered an abandonment and the legal non-conforming status of the sign shall become void.
2. Whenever the name of a business or other sign text changes, any legal non-conforming signs on the premises shall be modified to bring them into conformance with this Chapter, even though the change is a change of sign copy only. This paragraph shall not apply to directory signs designed with interchangeable letters or panels or to the text area of a monument sign.
3. Legal non-conforming freestanding signs, sign structures, poles and other related equipment that have been abandoned or not in use for more than six months shall be removed and the building, land or site restored to its original state.

F. Unless otherwise specifically permitted pursuant to this Chapter, each sign must be located on the lot for which it advertises, informs or otherwise attracts attention.

G. Sign area is the sum of the areas of all permitted signs, except directional signs, street addresses or safety signs (e.g., stop engine, no smoking). Sign area shall be measured as follows:

Town of Fountain Hills Zoning Ordinance
Chapter 6

1. For sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed, the Sign area is the area within the outside dimensions of the background panel or surface.

Example Sign Copy Area



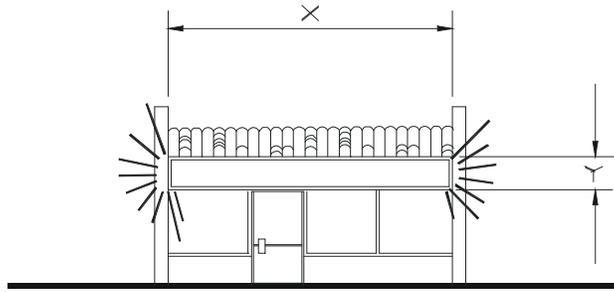
2. For sign copy consisting of individual letters and/or graphics affixed to a wall or portion of a building that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, the sign area is the area within the smallest rectangle that will enclose the sign copy.

Example Sign Area



3. For Sign copy mounted or painted on an internally-illuminated sign or internally-illuminated element of a building, the entire internally-illuminated surface or architectural element that contains sign copy will be counted as sign area.

Example Illuminated Sign Area



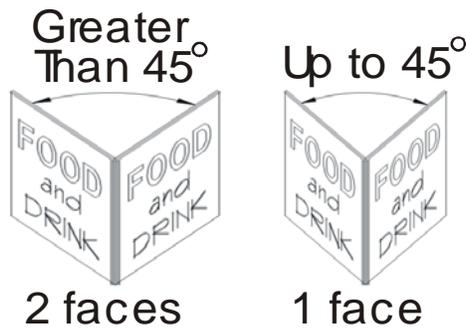
4. Number of sign faces:

One – Area of the single face only.

Two – If the interior angle between the two sign faces is forty-five (45) degrees or less, the sign area is the area of one face only; if the angle between the sign faces exceeds forty-five (45) degrees, the sign area is the sum of the areas of the two faces.

Three or more – For any sign containing three or more faces, the sign area shall be measured as the sum of areas of the all the sign faces.

Example Sign Face Area



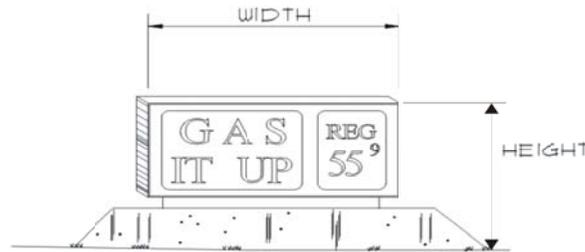
Three dimensional, sculptural or other non-planar signs – Sign area will be the sum of the areas of the vertical faces of the smallest polyhedron that will encompass the sign structure.

Example Dimensional Sign Area



5. For signs having more than one component (e.g., a service station identification/price sign combination mounted on a common base), the sign area is the area of the rectangle enclosing all components of the sign.

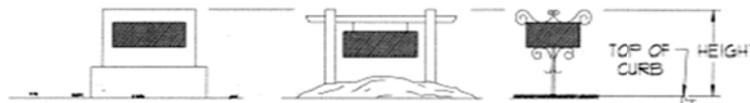
Example Fuel Price Sign Area



H. Sign height is defined as follows:

1. Freestanding Sign: Sign height is the distance from the top of the sign structure, to the top of curb of the public road nearest the sign, or to the crown of public road nearest the sign if no curb exists.

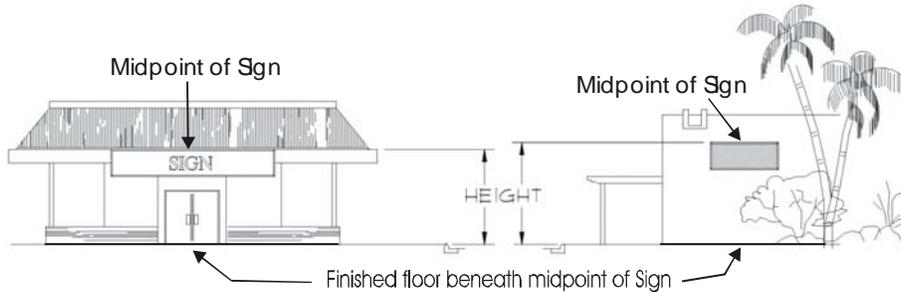
Example Freestanding Sign Height



2. Wall or Fascia Mounted Signs: Sign height is the distance measured from a point perpendicular to the top of the midpoint of the sign structure, to the top of the finished floor of the ground floor level directly below the midpoint of the sign.

Town of Fountain Hills Zoning Ordinance
Chapter 6

Example Midpoint of Sign



- I. Signs not specifically authorized herein are prohibited, including, but not limited to the following:
1. Neon signs, except as permitted in subsection 6.08(P).
 2. Roof signs, or signs that project above the highest point of the roofline, parapet, or fascia of the building.
 3. Any sign emitting sound.
 4. Any animated or moving sign, including televisions or signs with streaming video.
 5. Portable or mobile signs, except for sign walkers or as otherwise specifically permitted.
 6. Billboard signs.
 7. Non-electrically illuminated signs.
 8. Any non-public signs in public right-of-way or on public property, except as otherwise specifically permitted.
 9. All off-premise signs, except as otherwise allowed.
 10. All banners, pennants, streamers, balloons, flags, searchlights, strobe lights, beacons, inflatable signs, except as specifically provided for in paragraph 6.08(D) below.
 11. Any sign imitating an official traffic control sign and any sign or device obscuring such traffic control signs or devices.
 12. Temporary or portable signs within the Shea Boulevard right-of-way.

Town of Fountain Hills Zoning Ordinance
Chapter 6

13. A-frame signs, except as provided in subsections 6.08(B), 6.08(M) and 6.08(Q).
- J. The source of a sign's illumination shall not be visible from any adjacent residential streets or neighborhoods.
- K. No sign shall be erected or placed within any center median or any public sidewalk or bicycle path. The Town employees may remove any sign located in these areas. Directional signs owned by the Town shall be exempt from the regulations set forth in this Chapter.
- L. [Reserved].
- M. Signs mounted, attached or painted on trailers, boats or vehicles shall be subject to the following:
1. Business or commercial vehicles displaying signage or advertising as a normal part of business activity may be parked in an off-street parking space adjacent to the business to which the vehicle relates; provided, however, such off street parking space shall not be located immediately adjacent to a street frontage, except as permitted in paragraph 6.07(M)(2) below. Vehicles that are visible from the public right-of-way shall not remain in the same parking space for more than forty-eight (48) consecutive hours.
 2. One business or commercial vehicle of less than three and one half (3.5) tons gross vehicle weight and displaying up to twelve (12) square feet of signage may be parked in an off-street parking space near the business to which the vehicle relates and immediately adjacent to a street frontage. Portable signs shall not be displayed on or in the vehicle. Said vehicle shall not remain in the same parking space for more than forty-eight (48) consecutive hours.
 3. Trailers, boats or trucks larger than three and one half (3.5) tons, displaying signage or advertising may not be parked within any commercially zoned area within the Town that is visible from any public street except while making deliveries or providing services to a business within such commercially zoned area.

Town of Fountain Hills Zoning Ordinance
Chapter 6

4. One business or commercial vehicle smaller than three and one half (3.5) tons displaying signage or advertising as a normal part of business activity may be parked in an off-street parking space within a residential zone at the residence of the owner or lessee of such vehicle unless otherwise prohibited by subsections 7.02(G) & (H) and 5.14(F) of this Zoning Ordinance.
 5. Unless specifically permitted in subsections 6.07(M)(1)-(4) above, signs mounted, attached or painted on trailers, boats, motor vehicles or any moveable object placed on premises to serve as additional advertising signage are prohibited.
- N. Total aggregate sign area may be increased up to 25%, provided the additional area is used to display a Town-provided logo or symbol.

Section 6.08 Signs Allowed or Required

Legend: Letters A - BB indicate the following subsection with additional requirements or clarification of the signs listed in the table below. N/A means not allowed.

Zoning District				
	Commercial	Residential/ Open Space Recreation	Industrial	Lodging
Total Aggregate Sign Area	A	N/A	A	A
A-Frame Sign	B	N/A	B	B
Awning/Canopy Sign	C	C	C	C
Civic Organization Identification	E	E	E	E
Comprehensive Sign Plans	Z	N/A	Z	Z
Contractor Signs	F	F	F	F
Directory Signs	G	G	G	G
Electronic Message Center	CC	*	CC	N/A
Event Banners, Balloons and Pennants	D	*	D	D
Flag	I	I	I	I
Freestanding Signs	J	N/A	J	J
Fuel Price Signs	K	N/A	N/A	N/A
Future Development Signs	L	L	L	L
Garage Sale Signs	M	M	M	M
Menu Board	N	N/A	N/A	N/A

Town of Fountain Hills Zoning Ordinance
Chapter 6

Zoning District				
	Commercial	Residential/ Open Space Recreation	Industrial	Lodging
Multi-Tenant Building Identification Signs	O	N/A	O	O
Neon Signs	P	N/A	P	P
Open House Directional Signs	Q	Q	Q	N/A
Political and Ideological Signs	R	R	R	R
Projecting Signs	S	N/A	S	S
Real Estate Signs	T	T	T	T
Shared Monument Signs	J	N/A	J	J
Sign Walkers	BB	N/A	N/A	N/A
Special Event Signage	U	U	U	U
Street Addresses	AA	AA	AA	AA
Subdivision Identification Signs	J	J	J	J
Under-Canopy Signs	V	N/A	V	V
Wall Signs	W	N/A	W	W
Window Signs	X	N/A	X	X
Window Decorations/Painting (Holiday Theme)	Y	Y	Y	Y

* Specific Regulations Apply

- A. "Total Aggregate Sign Area" is the sum of the total allowable sign area for an entire site with the following restrictions. As used herein, "Site," within commercially or industrially zoned area shall mean the building area leased or owned by or on behalf of any business together with its adjacent privately owned walkway or parking area.
1. Frontage is determined by the measurement of the portion of the building facing the street. Corner buildings may include two street frontages if the frontages are joined at an angle between forty-five (45) and ninety (90) degrees. Building frontages that contain angles of less than forty-five (45) degrees or between ninety (90) and one hundred eighty (180) degrees shall be considered to be one frontage. Multi-story building lineal footage is limited to the ground floor lineal footage measurement except as modified by subsection 6.08(A) (5) below.
 2. In all commercial and industrial zoning districts, the total aggregate sign area allocable to any ground floor business having an external business entrance shall not exceed the greater of fifty (50) square feet or two (2) square feet per lineal

Town of Fountain Hills Zoning Ordinance
Chapter 6

foot of building frontage, but in no case more than one hundred (100) square feet.

3. In all commercial and industrial zoning districts, any licensed business located above the ground floor in a multi-story building having an external building wall facing a public street shall be permitted exterior signage with a total aggregate sign area not to exceed fifty (50) square feet. A business occupying more than one floor is only allowed a sign on one floor.
4. Businesses within any commercial or industrial zoning district having only an internal business entrance and no external wall facing a public street or public access driveway shall be limited to business identification signage on a common directory sign as shown on a comprehensive sign plan, as set forth in subsection 6.08(BB) unless otherwise approved by the Zoning Administrator or an authorized designee.
5. Ground floor businesses having building frontage greater than one hundred (100) feet in length may increase their allowed sign area by 0.5 square feet per one (1) lineal foot of building frontage in excess of one hundred (100) feet. Such additional sign area shall be for the exclusive use of said business and not transferable or reallocable to other businesses on the site.

B. A-Frame Signs are allowed as follows:

1. Only businesses that are physically located within Town commercial or industrial zoning districts or churches in residential zoning districts may display A-frame signs.
2. Businesses or churches permitted to display A-frame signs may display a maximum of one such sign per street frontage. Such signs shall be located in the manner required in paragraph 6.08(B)(3) below, either on the same property as the business or church, or on property immediately adjacent to the business or church building as follows:
 - a. On property held in common by members of a property owners' association.
 - b. On property owned by the business owner's landlord.

Town of Fountain Hills Zoning Ordinance
Chapter 6

- c. Public street, subject to the limitations of 6.08(B)(3) below.
3. Location of A-frame signs shall be restricted as follows:
 - a. Such signs shall not be located on the paved portion of any public street, any sidewalk, or any median.
 - b. Such signs shall not be located within a designated parking or loading area.
 - c. Signs shall not be located in a manner that poses a traffic vision hazard. Signs may not be located within the sight triangle as defined in the Town of Fountain Hills Subdivision Ordinance Section III, Exhibit 16.
 - d. A-Frame signs must be placed at least three (3) feet behind the curb. If no curb is present, signs shall be located at least three (3) feet from the edge of the paved portion of the public right-of-way. No A-Frame signs shall be placed on sidewalks or within the center medians that divide portions of paved or unpaved roadways.
4. No sign may be greater than twenty-four (24) inches wide and thirty-six (36) inches tall.
5. Signs shall be constructed of wrought iron; sheet metal; 1/8 inch thick plastic; or of wood that is at least 3/8 inch thick. No other materials are acceptable.
6. Signs must be manufactured by a professional sign company.
7. Signs shall be in good repair.
8. Attachments to signs are limited to balloons flown no higher than six (6) feet from the ground. If attachments are used, the A-Frame sign must be set back from the curb a minimum of three (3) feet; if no curb is present, the A-Frame sign shall be located at least three (3) feet from the edge of the paved portion of the public right-of-way.
9. Landscaping cannot be modified or damaged to accommodate an A-frame sign.

Town of Fountain Hills Zoning Ordinance
Chapter 6

10. Signs shall only be displayed between the hours of 7:00 a.m. and 9:00 p.m.
 11. No A-frame sign is permitted anywhere within the Town of Fountain Hills after December 31, 2013.
- C. Awning/Canopy Signs are allowed as follows:
1. Must be included in the total aggregate sign area.
 2. May not exceed 25% in area of the canopy on which such sign is located.
 3. Sign area shall be measured by the smallest rectangle that will enclose the sign copy.
- D. Event Banners, Balloons and Pennants are allowed as follows:
1. Time limitations:
 - a. On a one-time basis for a maximum of thirty (30) consecutive days during the grand opening of a business, a Chamber of Commerce sponsored ribbon cutting, a change in ownership, change in management or change of business name.
 - b. For a church for up to thirty (30) consecutive days for the purpose of promoting a program or event.
 2. Banners, balloons and pennants are permitted for events such as special sales events with advance notification to the Town for not more than seven (7) days per month. The provisions of this paragraph 6.08(D)(2) shall expire on December 31, 2013.
 3. Not more than one banner shall be allowed per business.
 4. Maximum banner sign area is thirty-two (32) square feet.
 5. Banners, balloons or pennants shall be located on the business storefront or within the area leased by the business. Balloons otherwise located shall be not less than four (4) feet from the face of the building and within twenty (20) feet of the main building entrance.

Town of Fountain Hills Zoning Ordinance
Chapter 6

6. Banners, balloons or pennants shall not be designed to depict any product or service that cannot legally be provided in the Town.
7. Total sign area including permanent signs, pennants and banner signs shall not exceed 200% of the permitted sign area.
8. Banners, balloons or pennants shall be professionally manufactured.
9. Banners, balloons or pennants shall not be displayed in the required perimeter street landscaping.
10. Banners, balloons or pennants shall not obscure building address numbers.
11. Banners, balloons or pennants shall not encroach within onsite fire lanes.
12. Banners, balloons or pennants shall not be attached or hung on or from a tree or shrub.
13. No balloon may be larger than twenty-four (24) inches in diameter.
14. Balloons shall not be flown higher than six (6) feet from the ground.
15. Banners, balloons and pennants shall not be erected at the intersection of any street or pedestrian walkway in such a manner as to obstruct free and clear vision, nor at any location where, by its position, shape or color, it may interfere with or obstruct the view of or be confused with any authorized traffic signal, sign or device.

Town of Fountain Hills Zoning Ordinance
Chapter 6

TYPE OF EVENT	SIGN TYPE		
	Banners	Balloons & Pennants	Banners, Pennants & Balloons
Grand Opening	30-Days w/Permit	1. 12 Hrs during one Day Event 2. No Permit Necessary	
Chamber Ribbon Cutting	30-Days w/Permit	1. 12 Hrs during one Day Event 2. No Permit Necessary	
Change of Business Name, Owner or Management	30-Days w/Permit	1. 12 Hrs during one Day Event 2. No Permit Necessary	
Church Event	30-days w/permit	1. Permit Required	
Any Type of Event			- Seven (7) days per month - No Permit Necessary - Town Notification Required *

*Town notification: Prior to the event, the event organizer must submit for review the following:

1. Event site plan showing location of outdoor activities, signage, etc.
2. Dates and times the event will be held.
3. Name, address, and phone number of responsible person.

E. Civic organizations, such as the Kiwanis, Rotary, Jaycees, etc., may be identified on group display structures in accordance with the following standards:

1. Said structure must be on arterial streets.

Town of Fountain Hills Zoning Ordinance
Chapter 6

2. Structures shall not be over six feet in height or exceed an area of sixty (60) square feet.
 3. Sign may not be illuminated.
 4. Each civic organization shall be limited to a maximum sign area of two square feet.
- F. Signs for a contractor may be placed on a construction site if signs meet the following criteria:
1. One contractor sign or banner per lot.
 2. Subcontractors may not place additional signs but may be listed on a main contractor sign.
 3. Maximum size of sign shall not exceed eight (8) square feet.
 4. Maximum height of five (5) feet.
 5. Sign must be located on construction site.
 6. Sign shall not be illuminated.
 7. A contractor sign may be placed only during the period of time when a building permit is valid and must be removed no later than the date of final inspection.
- G. A directory sign may be included as part of a comprehensive sign plan. A directory sign is allowed with the following standards:
1. Maximum sign area of six (6) square feet.
 2. Maximum height of six (6) feet.
 3. Located behind the required front yard setbacks.
- H. [Reserved]
- I. Flags, as defined in this Zoning Ordinance, are allowed as follows:
1. Flags poles shall not exceed the maximum building height allowed in each zoning district and shall be located and

Town of Fountain Hills Zoning Ordinance
Chapter 6

constructed that if it should collapse, its reclining length would be contained on the property for which it was installed.

2. Any flag flown in conjunction with the United States or State of Arizona flags shall be flown beneath them.
3. Unless specifically permitted in this Zoning Ordinance, no more one (1) flag may be flown or hung on any one (1) site or structure; provided, however, that one (1) State of Arizona, one (1) foreign national flag, and one (1) Fountain Hills Unified School District flag may be flown in addition to the one (1) permitted flag.
4. The maximum size of any corporate flags shall not exceed fifteen (15) square feet, with no single dimension to exceed six (6) feet.
5. A sign permit is required to display any corporate flag and must be included as part of the total aggregate sign area.
6. Display of the United States flag must meet all requirements of the United States Flag Code, including national and local lighting standards.
7. A model home that has a special use permit may use flags in addition to the United States flag and State of Arizona flag, in the following manner:
 - a. There can be no more than two (2) flags on the lot of one model home and one (1) flag on each additional lot with a model home located upon it, not to exceed five (5) total flags.
 - b. The maximum size of any model home flag shall not exceed eight (8) square feet.
 - c. Model home flags shall not be illuminated.
 - d. Flagpole shall not exceed twenty-five (25) feet in height.
8. No sign permits are required for flags unless otherwise noted.
9. The maximum size of a United States flag, State of Arizona flag or foreign national flag shall be sixty (60) square feet. This limit

Town of Fountain Hills Zoning Ordinance
Chapter 6

does not apply to a United States flag or State of Arizona flag flown on a national or state holiday.

- J. Freestanding signs are allowed as follows:
1. Freestanding signs shall be counted as a portion of the total aggregate sign area except as outlined in paragraph 6.08(J) (7) below.
 2. One freestanding sign is allowed for each street frontage.
 3. Maximum area of fifty (50) square feet.
 4. Maximum height of twelve (12) feet (including base).
 5. All freestanding signs must be no closer than thirty (30) feet to any residential district.
 6. Minimum area of two (2) square feet of landscaping per one (1) square foot of freestanding sign shall be provided at the base of the freestanding sign.
 7. Shared Monument Signs are permitted in sign districts as follows:
 - a. Sign District Formation: A sign district may form to obtain shared monument signs where at least 51% of business owners within a business block, each possessing a valid Town business license, have submitted a sign district agreement to the Zoning Administrator and where the Zoning Administrator has approved the formation of the district.
 1. Membership Change: If sign membership changes, the sign district shall file a written notification of membership change and an amended sign district agreement with the Zoning Administrator. Where a sign district member moves out of the sign district or closes its business, the portion of the shared monument sign advertising that business must be removed within thirty (30) days. The portion of the sign dedicated to the vacating sign district member shall be maintained with a blank panel.

Town of Fountain Hills Zoning Ordinance
Chapter 6

2. District Dissolution: If a sign district is dissolved, the property owner(s) of the business block who were participants in the sign district shall be required to remove the shared monument sign unless.
 - i. A new sign district is formed to assume responsibility for the shared monument sign within thirty (30) days from the date of dissolution of the old sign district; or
 - ii. The property owner upon whose property the shared monument sign is located assumes complete control over the shared sign monument.
- b. Limitations on Shared Monument Signs:
 1. Height Restrictions:
 - i. Where the sign district contains four or fewer businesses, the maximum height of the monument sign shall be six (6) feet.
 - ii. Where the sign district contains five or more businesses, the maximum height of the monument sign shall be eight (8) feet.
 2. Width may not exceed four (4) feet.
 3. The area of the sign shall not exceed twenty-four (24) square feet.
 4. Sign Placement:
 - i. Signs may not be placed within the public right-of-way.
 - ii. Signs must be at least one hundred fifty (150) feet away from any other type of monument sign.
 - iii. Signs must not be placed in a manner that obstructs the vehicular sight lines and road "clear zones" established by the Town Engineer

Town of Fountain Hills Zoning Ordinance
Chapter 6

in accordance with traffic engineering standards.

5. The Zoning Administrator or authorized designee may only approve the placement of a shared monument sign in a manner other than as required by this paragraph if a variance has been granted pursuant to Section 2.07 of this Zoning Ordinance.
 6. A minimum of two (2) square feet of landscaping per one (1) square foot of the sign shall be provided at the base of the shared monument sign.
 - c. In lieu of the formation of a sign district by business owners, one or more owners of contiguous property that contains more than one (1) business address may submit an application for a shared monument sign.
8. Subdivision Identification Signs are allowed as follows:
- a. Style, Height and Area. Subdivision identification signs shall be monument signs with the following limitations:
 1. Maximum height shall be six (6) feet.
 2. Maximum area shall be twenty-four (24) square feet.
 3. Maximum of one (1) sign located at each street access to the identified subdivision.
 4. Sign text shall be limited to the name of the development or subdivision.
 - b. Sign Placement:
 1. Sign shall not be located within the public right-of-way without an encroachment permit.
 2. Sign shall not be located so as to obstruct vehicle sight lines and road "clear zones" established by the Town Engineer in accordance with traffic engineering standards.

Town of Fountain Hills Zoning Ordinance
Chapter 6

c. Landscaping:

1. Minimum of two (2) square feet of landscape area per one (1) square foot of sign area shall be provided at the base of the sign.
2. Landscaping may be occasionally changed, but shall always be maintained in good condition by the property owner.

d. Lighting:

1. The text area of the sign may be back-lit such that the source of illumination is not visible; provided, however, that back-lit non-opaque panels are not permitted.
2. The text area of the sign may be illuminated by fully shielded ground mounted directional lighting.

K. Fuel price signs are allowed as follows:

1. Fuel price signs shall be counted as a portion of the total aggregate sign area.
2. One freestanding fuel price sign is allowed per street frontage.
3. Maximum area of twelve (12) square feet per sign.
4. Maximum height of five (5) feet.
5. Minimum area of four (4) square feet of landscaping per one square foot of freestanding sign shall be provided at the base of the freestanding sign.

L. Future Development Signs announcing the proposed development of property prior to issuance of a building permit for the purpose of displaying the name of the project, contractors, architect and any additional information pertaining to the site on which the signs are located are allowed in accordance with the following:

1. Maximum size shall not exceed thirty-two (32) square feet.
2. Sign shall not be illuminated.

Town of Fountain Hills Zoning Ordinance
Chapter 6

3. Sign may be double faced.
4. One (1) sign per each street on which the development has frontage.
5. Maximum height shall not exceed six (6) feet for all signs.
6. Such signs may be maintained for a period not to exceed twelve (12) months prior to obtaining building permits for a development and must be removed upon issuance of the first Certificate of Occupancy for a structure on the property.
7. A sign permit must be obtained prior to locating the sign on the site.

M. Garage Sale Signs are allowed as follows:

1. Garage sales signs may only be used for garage sales, yard sales and carport sales as outlined in Section 8-3-3 of the Town Code.
2. Garage sale signs must be placed at least three (3) feet behind the curb. If no curb is present, signs shall be located at least three (3) feet from the edge of the paved portion of the public right-of-way. Garage sale signs shall not be placed on sidewalks or within the center medians that divide portions of paved or unpaved roadways.
3. No garage sale sign shall be permitted within the Shea Boulevard public right-of-way.
4. No garage sale sign shall be located within three hundred (300) feet along the same roadway, as measured along the public right-of-way line(s), as another sign bearing the same or substantially the same message.
5. There shall not be more than five (5) garage sale signs to any destination.
6. Garage sale signs may only be displayed between sunrise and sunset. Signs remaining in public rights-of-way after sunset, or placed in rights-of-way prior to sunrise, shall be subject to confiscation and destruction by the Town.

Town of Fountain Hills Zoning Ordinance
Chapter 6

7. Maximum size shall not exceed four and one-half (4.5) square feet.
 8. Maximum height shall not exceed three (3) feet.
 9. Signs may only be constructed of wrought iron, sheet metal, plastic or of wood that is at least 3/8 of an inch thick.
 10. Garage Sale signs shall not be attached to any utility pole or box, light pole, street sign, bus shelter or any structure within the public right-of-way.
- N. Menu Boards orientated to the drive-through lane for a business are allowed as follows:
1. Menu board signs shall be counted as a portion of the total aggregate sign area.
 2. One freestanding or wall mounted menu board is allowed per business.
 3. Menu board signs must be located no less than forty-five (45) feet from any street property line.
 4. Maximum area of twenty (20) square feet.
 5. Maximum height of five (5) feet.
 6. Minimum area of four (4) square feet of landscaping per one square foot of freestanding sign shall be provided at the base of the freestanding sign.
 7. Speaker boxes and LED boxes are allowed as follows:
 - a. May not exceed thirty-six (36) cubic feet and four (4) feet in height.
 - b. May not contain advertising of any kind.
 - c. When installed separately from menu board, speaker box and LED box sign area will be calculated in addition to total aggregate sign area.

Town of Fountain Hills Zoning Ordinance
Chapter 6

8. Placement of menu boards, speaker boxes and LED boxes must meet the following guidelines:
 - a. Cannot be visible from any public street or alley.
 - b. Must be at least one hundred fifty (150) feet from any residential zoning district or be fully screened from residential view by a masonry wall.

- O. Multi-Tenant Building Identification Signs are allowed as follows:
 1. Sign shall be a wall sign and shall identify only the building or complex.
 2. The maximum number of signs for each building shall be one sign.
 3. Sign shall be placed on the wall of the building with major street frontage.
 4. Maximum area of sign is six (6) inches per lineal foot of building wall with a minimum of twenty-four (24) square feet and a maximum of forty (40) square feet. Lineal footage of building is determined as defined in subsection 6.08(A).

- P. Neon Signs are allowed only as follows:
 1. Limited to interior window display only (may not be used on exterior of building).
 2. The total amount of neon signage for any one business shall be six (6) square feet.
 3. No more than two (2) neon signs shall be allowed for any business.

- Q. Open House Directional Signs are allowed only as follows:
 1. Open house directional signs shall be used only to direct traffic to a residence for sale, lease or rent.
 2. Maximum number of directional signs for each residence for sale, lease or rent shall be five (5).

Town of Fountain Hills Zoning Ordinance
Chapter 6

3. Maximum area for each sign shall be six (6) square feet.
 4. No sign may be greater than twenty-four (24) inches wide and thirty-six (36) inches tall.
 5. Signs shall not be illuminated.
 6. Sign must contain a directional arrow.
 7. Signs shall be placed at least three (3) feet behind the curb. If no curb is present, signs shall be located at least three (3) feet from the edge of the paved portion of the public right-of-way. No sign is allowed on sidewalks or within the center medians that divide portions of paved or unpaved roadways.
 8. No sign shall be placed within one hundred fifty (150) linear feet of the Shea Boulevard public right-of-way.
 9. Signs must be made by a professional sign company.
 10. Signs shall not be located within one hundred (100) linear feet of any sign advertising the same location.
 11. Sign placement, other than as described above, may be approved by the Zoning Administrator or authorized designee.
- R. Except for those areas designated as "sign free zones" by the Town Council in accordance with ARIZ. REV. STAT. § 16-1019(F), as amended, political and ideological signs are permitted in commercial zoning districts, subject to the size limitations of the applicable zoning district, but shall not be counted against the total allowable sign area. In residential zoning districts, political and ideological signs may be located in such areas within the following parameters:
1. Maximum aggregate size, per individual candidate or ballot issue, shall not exceed sixteen (16) square feet on any residential lot or parcel.
 2. Maximum length shall not exceed six (6) feet.
 3. Maximum height shall not exceed four and one-half (4.5) feet.

Town of Fountain Hills Zoning Ordinance
Chapter 6

4. Except as otherwise permitted by State Law, no such sign or portion of the sign may be located in or project into a public right-of-way.

Political signs shall be removed within fifteen (15) days after the election or referendum for which the signs were posted. Candidates successful in a primary election are permitted to leave their respective political signs in place until ten (10) days after the general election, or if necessary, until ten (10) days after a run-off election.

S. Projecting Signs are allowed only as follows:

1. Must be included in the total aggregate square footage.
2. Shall only be permitted if signs are affixed to a building.
3. Shall not exceed three and one-half (3.5) feet in width or more than six (6) feet in height.
4. Shall be located so that the bottom of the sign is not less than eight (8) feet from the ground.
5. Shall require both a Town sign permit and, if encroaching over an abutting Town right-of-way line, a revocable Town encroachment permit or other Town Council–granted authorizations in forms approved by the Town Engineer and the Town Attorney.

T. Real Estate Signs are allowed as follows and are exempt from the total aggregate signage:

1. Real estate signs may only advertise the sale, leasing or renting of a building, dwelling, suite, property, or other forms of real estate.
2. Real estate signs must be non-illuminated.
3. Maximum sign area of six (6) square feet.
4. Maximum height of five (5) feet.
5. Signs must be made by a professional sign company.
6. No A-Frame signs allowed.

Town of Fountain Hills Zoning Ordinance
Chapter 6

7. Signs may only be placed on property that is for sale, lease or rent.
 8. Maximum number of signs allowed is one (1) per street frontage.
 9. Signs must be removed when the purpose for which the sign was erected is complete.
 10. Sign placement, other than as described above, may be approved by the Zoning Administrator or authorized designee.
- U. Special Event Signage is allowed as follows:
1. A sign placement plan detailing the size, location, and timing of proposed signs to be used for a special event shall be presented with the special event permit application.
 2. These signs shall be placed only after a special event permit has been issued by the Town and must be removed within twenty-four (24) hours after the conclusion of the event.
 3. The regulations in this chapter may be waived by the Town Council for special event sign placement, size, and timing.
- V. Under-Canopy Signs are allowed as a part of a comprehensive sign plan and must meet the following requirements:
1. All under-canopy signs require written property owner and Town approval prior to installation.
 2. Each business may be allowed one double-faced non-illuminated sign installed under an overhanging canopy or fascia perpendicular to the front of the tenant's front wall space.
 3. Maximum sign width shall not exceed twenty-four (24) inches.
 4. Maximum sign height shall not exceed twelve (12) inches.
 5. Minimum clearance shall be not less than eight (8) feet six (6) inches from the bottom of the sign to the sidewalk or surface beneath the sign.

Town of Fountain Hills Zoning Ordinance
Chapter 6

6. In no case shall any object, banner, sign or other material be attached to, or hung from the sign.
 7. No under-canopy sign shall be mounted in a manner that will impede pedestrian or vehicular visibility or create any hazard.
 8. The sign area for the first under-canopy sign shall be excluded from the total aggregate area of a comprehensive sign plan. Businesses with multiple public entrances may be allowed one additional under-canopy sign, subject to property owner and Town approval, but the sign area of the second under-canopy sign will be counted as a part of the business's total aggregate sign area.
 9. Under-canopy signs on property under unified ownership and control shall be consistent in appearance.
- W. Wall Signs count as a part of the total aggregate signage and are allowed as follows:
1. One square foot per each lineal foot of building frontage. Frontage is determined by the measurement of the portion of the building facing the street not to exceed aggregate square footage allowed. Corner buildings may include two street frontages if the frontages are joined at an angle between forty-five (45) and ninety (90) degrees. However, the total sign area that is oriented toward a particular street may not exceed 125% of the portion of the lot's total sign area allocation that is derived from the building frontage on that street. Building frontages that contain angles of less than forty-five (45) degrees or between ninety (90) and one hundred eighty (180) degrees shall be considered to be one frontage.
 2. Sign area must allow a minimum two (2) foot border from edge of the building or suite frontage, or a minimum two (2) foot separation between signs, whichever is less.
 3. Each wall sign may project no more than twelve (12) inches from the surface of the wall to which it is attached.
 4. Reverse pan channel letter with halo illumination must not exceed a one and three-quarter (1.75) inch separation from the wall.

Town of Fountain Hills Zoning Ordinance
Chapter 6

5. In the C-2, C-3, and TCCD zoning districts, a secondary entrance wall sign is allowed in addition to total aggregate sign area if the following criteria are met:
 - a. Wall sign areas shall not exceed 25% of primary total aggregate sign area.
 - b. Secondary entrance must not be visible from main public entrance.
 - c. Secondary entrance must face a rear parking area, common area or public use frontage.

- X. Window Signs are allowed as follows:
 1. Except for neon signs as permitted in paragraph 6.08(P) of this Zoning Ordinance, window signs do not count as part of the total aggregate sign area.
 2. May not exceed 50% of window area.
 3. Window signs shall be prepared by a professional sign company.

- Y. Window decorations/painting with a holiday theme are allowed as follows:
 1. Holiday decorations may be displayed on a temporary basis for civic, patriotic or religious holidays.
 2. The combination of window decoration/painting coverage and signage must not exceed 75% of window area.
 3. Window decoration shall not contain any form of advertising copy, including but not limited to, name of business, logo or sale language.
 4. Sign permit is not required.

- Z. Comprehensive Sign Plans shall meet all sign criteria of the Town. The following elements are required for approval:
 1. Name, address and phone number of property owner or designee.

Town of Fountain Hills Zoning Ordinance
Chapter 6

2. Written text clearly outlining the sign plan to include all suites, offices or other leased/leasable space.
3. Name and address of property for which the comprehensive sign plan is designated.
4. Design criteria allowed for signage (i.e. colors, installation method, materials, type of signage, etc.). If it is the intention of the property owner to allow Nationally Recognized Registered Logos, this must be specified in the plan.
5. Site plan showing all lot dimensions, suites, offices or other leased/leasable space and proposed/existing signage placement (drawn to scale).
6. Elevations showing proposed sign envelopes.
7. Lineal footage of building(s) as outlined in subsection 6.08(A).
8. Allocation chart showing allowable square footage for each suite, office or space number.
9. Comprehensive sign plan amendments must be made in writing and submitted, reviewed and approved by the Zoning Administrator or authorized designee.
10. Comprehensive sign plan approval/denial may be appealed to the Town Council.

AA. Street Addresses:

1. Every building or group of buildings within any commercially or industrially zoned area must be identified by a street number that is clearly visible from the adjacent street. This sign shall not be computed as part of the total sign area permitted for any site or business.
2. The street number (or number range) of the businesses or business complex identified on a monument sign shall be displayed at the top of the text area of the monument sign and shall not be computed as part of the aggregate sign area.

BB. Sign Walkers, in commercially zoned districts only, subject to the following time, place and manner limitations:

Town of Fountain Hills Zoning Ordinance
Chapter 6

1. If located within the right-of-way, a sign walker shall be positioned behind the curb or, if no curb is present, ten (10) feet behind the edge of pavement.
2. Sign Walkers shall not erect or place tents, temporary structures, umbrellas, chairs or stools anywhere within the public right-of-way or adjacent property.
3. Sign shall not be positioned so as to obstruct vehicle sight lines and road "clear zones" established by the Town Engineer in accordance with traffic engineering standards.
4. Sign walkers shall not obstruct the free movement of pedestrians on sidewalks.
5. Sign walkers are not allowed in the medians of public or private streets.
6. The sign worn, held or balanced by a sign walker shall be a maximum of five (5) square feet in size and may be double sided.

CC. Electronic Message Center: Signs with intermittent, scrolling or flashing illumination, including electronic message center signs, are permitted in Commercial and Industrial zoning districts only; provided, however, that churches and schools may display such signs in residential districts. All electronic message center signs are subject to the following:

1. Signs must be on-site.
2. There shall be no moving or flashing green or red features that could be mistaken as traffic control devices.
3. Intermittent Changes:
 - a. Any changes to the face or copy of the sign must have a minimum of eight (8) second interval between changes.
 - b. Any changes to the face or copy of the sign must stop at 10:00 p.m., except for time and temperature.
 - c. After 10:00 p.m., the background must be darker than the text.