

**This Article was unanimously adopted by Board of Supervisors on July 7, 2009****Section 2601. Definitions**

In this Article, unless otherwise specified:

1. "Billboard" means an off-premises sign as defined in this Ordinance that meets one or both of the following requirements: greater than 8 feet tall from grade to peak or greater than 100 feet of surface advertising area per side.
2. "Off-premises sign" means a sign that is not located on the lot or parcel of the use or establishment that it communicates or advertises.
3. "Outdoor light fixtures" means exterior artificial illuminating devices, fixtures, lamps, and other exterior devices, permanent or portable, used for illumination or advertisement that include, but are not limited to, search, spot, or floodlights for:
  - a. Buildings and structures,
  - b. Recreational areas,
  - c. Parking lot lighting,
  - d. Landscape lighting, and
  - e. Billboards and other signage (advertising or other).
4. "S-O" means Sign Overlay Zone, an overlay zone encompassing all properties in the county that adjoin at any point a county road, state route, or federal highway or freeway.

**Section 2602. Purpose**

The purposes of these zones are to:

1. Preserve the scenic beauty of highways located in Apache County,
2. Provide for the orderly development of off-premises signs in Apache County,
3. Protect the visibility of existing off-premises or on-site signs, and
4. Protect the public safety.

**Section 2603. Provisions**

If this Article is silent on any matter contained in the Zoning Ordinance, the provisions of the Ordinance shall control.

**Section 2604. Permitted Uses**

All uses, except off-premises signs, permitted in their respective zones are permitted in areas also subject to Sign Overlay classification, except those zones where more restrictive provisions may apply.

**Section 2605. Conditional Uses**

The following uses are allowed after the approval of a sign permit:

1. All conditional uses allowed in their established zones, and
2. Off-premises signs, except where expressly prohibited in this Article.

**Section 2606. Prohibited Uses**

The following shall be prohibited in all areas zoned Sign Overlay in Apache County:

1. Off-premises signs communicating or advertising any establishment, activity, or use identified or defined in A.R.S. § 11-821(D);

2. Billboards in all areas zoned Sign Overlay except on property immediately adjacent to Interstate 40 from the west county line to the east county line.
3. Off-premises signs erected on or after the effective date of this Ordinance that are adjacent to:
  - a. State Route 373, along its entire length;
  - b. State Route 273, along its entire length;
  - c. State Route 260, from the junction with state Route 273 west to the White Mountain Apache reservation boundary;
  - d. That portion of U.S. Highway 180 within the unincorporated portion of Apache County from the junction with state Route 260 east to the junction with County Road 2315, and again from the junction with County Road 2108;
  - e. That portion of U.S. Highway 191 from the northern boundary of the Alpine Village East subdivision fronting U.S. Highway 191 north to Williams Valley Road;
  - f. That portion of U.S. Highway 180 from the junction with County Road 2104 east to the Arizona state line;
  - g. That portion of U.S. Highway 180 from the junction with County Road 6330 south to the Springerville incorporated city limits;
  - h. That portion of U.S. Highway 60 from ½ mile east of the junction with County Road 3140 west to the Navajo County line;
  - i. That portion of U.S. Highway 60 from the junction with County Road 4004 east to the Arizona state line;
  - j. Those portions of U.S. Highway 61 from the junction with U.S. Highway 180 west to the junction with U.S. Highway 180-A and again from the junction with County Road 3000 west to the junction with U.S. Highway 60;
  - k. That portion of U.S. Highway 191 from the junction with County Road 7395 south to the southern boundary of Section 14 Township 13 North, Range 28 East (north of the St. Johns city limits); and
  - l. All county highways, except off-premises signs located on a county highway advertising a business or use located in Apache County.

#### **Section 2607. Exempted Uses**

The following off-premises signs within designated Sign Overlay zones are exempted from the provisions of this Ordinance:

1. Any off-premises sign existing prior to the effective date of this Ordinance, provided at the end of 10 years from the effective date of this Ordinance, and every 10 years thereafter, the owner or operator of the sign applies for a sign permit under this Article.
2. Any signs advertising candidates for political office, provided the signs are removed after the advertised election(s), in accordance with state law.
3. Any sign erected by a chamber of commerce or municipality to further the purposes of the chamber or municipality.

#### **Section 2608. Sign Use Permits**

Purposes. In Sign Overlay zones, off-premises signs are allowed subject to the granting of a sign permit by the Board of Supervisors. Because of unusual characteristics,

conditional uses require special consideration so that they may be located properly with respect to the objectives of the Zoning Ordinance, and site-characteristic impacts on surrounding properties. The Planning and Zoning Commission reviews and makes recommendations to the Board, which grants, or denies applications and may apply reasonable conditions to the approval of such uses.

### **Section 2609. Applications**

Applications for a sign permit under this Section shall be filed with the Director on a form provided by the Director, and the following requirements shall be met:

1. Site plan. A site plan is required for all proposed off-premises signs. The site plan shall:
  - a. Be drawn to scale; and
  - b. Show structures, property lines, adjacent roads, yards, parking and traffic flow, drainage, proposed sign location and design, location of leach fields or sewers, and any other information requested by the Director to evaluate the application.
2. Erosion. Increased surface drainage will be channeled to natural or man-made drainage structures, and will not be allowed to flow uncontrolled onto neighboring properties, unless an easement or other written permission has been granted. Necessary measures will be taken to prevent erosion.
3. Traffic. The owner or applicant shall show that traffic to or from a proposed sign(s) will not be excessive for the land area involved, and will not create or significantly increase congestion or cause safety hazards.
4. Site design. To the maximum extent practicable, the site design will preserve and enhance existing trees, watercourses, hills, and other natural features, as well as vistas and historic locations, and shall be compatible with existing adjoining land uses.
5. Parking. The provisions of Article 25 of the Apache County Zoning Ordinance shall apply.
6. Lighting. The provisions of Article 25 of this Ordinance shall apply.
7. Height. Except for billboards, signs shall not exceed 8 feet from grade to the highest point of the sign.
8. Surface. Except for billboards, the surface of each advertising sign face shall not exceed 100 square feet.
9. Setbacks. All setbacks shall be a minimum of 10 feet from each property boundary.
10. Open space. A minimum of 25 percent of the lot shall remain as open space.
11. Other conditions. The Board of Supervisors may require compliance with any other conditions that in its opinion are necessary to protect the public health, safety, convenience, or general welfare.

### **Section 2610. Recommendation and Approval Guidelines**

In general, the following guidelines shall be considered by the Planning and Zoning Commission in recommending, and the Board of Supervisors in approving, any off-premises signs:

1. Signs shall be constructed in a safe manner that prevents collapse, wind damage from 80-mile-per-hour winds, electrical hazards, or other unsafe conditions.
2. Signs shall be placed so as to neither obstruct vision necessary for safe pedestrian or vehicular traffic movement, nor inhibit traffic movement.
3. Signs shall be placed so as not to obstruct views of adjoining properties, or views from adjoining properties.
4. Signs shall be a minimum of 500 feet from any other sign or structure.
5. Signs shall be of a minimum size and number for the purpose served.
6. Signs shall be landscaped according to the design standards of subsection 2510(D) and shall blend as far as practicable with the surrounding scenery.
7. Signs shall adhere to the 10-foot setbacks from all property boundaries, and shall not encroach on any rights-of-way or easements.
8. Signs shall be freestanding. Guy wires and similar appurtenances shall not be exposed.
9. Signs shall comply with all applicable state laws and regulations.
10. Sign lighting shall comply with Article 25 of this Ordinance, except that where lighting clearly interferes, in the opinion of the Board of Supervisors, with a neighboring property owner's use or value, such lighting may be prohibited.

#### **Section 2611. Planning and Zoning Commission Action**

- A. The Planning and Zoning Commission may consider the application at its next regular meeting if the application is filed at least 21 calendar days prior to such meeting. Otherwise, it shall be carried over until the next regularly scheduled meeting. The Commission may reach a recommending decision, continue the matter to a specified date, or set the matter for public hearing.
- B. Notice of the meeting shall be given by posting a notice of meeting on the property of application at least 10 calendar days prior to the meeting date.
- C. The Commission may recommend such conditions in connection with any sign permit application it deems necessary to secure the intent and purposes of this Ordinance, and may require such guarantees and evidence that such conditions are or will be complied with.

#### **Section 2612. Action by the Board of Supervisors**

- A. After proper review and recommendation by the Commission, the Board of Supervisors shall enter all final decisions regarding an application. In providing a decision, the Board may continue for further consideration, deny, approve, or approve with modifications the sign permit.
- B. The Board may, on its own motion, or at the request of the applicant, reconsider any decision rendered by the Board regarding an application.

#### **Section 2613. Finding**

In order to deny a sign permit for off-premises signs, the findings of the Board of Supervisors must be that the establishment, maintenance, or operation of the use or building applied for will be detrimental to the public health, safety, peace, convenience, comfort, or general welfare of persons residing or working in the neighborhood of such proposed use, or that the use will be detrimental or injurious to adjoining property

owners, or to the general welfare of the county, or that the use is in conflict with the Apache County Comprehensive Plan or this Ordinance.

**Section 2614. Use Permit to Run with the Land**

A sign permit granted under the provisions of this Article shall run with the land, and shall continue to be valid upon a change of ownership of the site or structure that was the subject of the sign permit application, for a period not to exceed 10 years from the date of approval.

**Section 2615. Time Limit**

- A. Sign permits become effective on approval by the Board of Supervisors, referred to in this Section as “the Board,” and are effective for a period not to exceed 10 years, except that if the Board places conditions on any approval, the sign permit becomes effective when the Director determines in writing that the Board’s conditions have been met.
- B. The maximum life span of an off-premises sign approved by the Board may be extended up to an additional five years upon recommendation by the Commission and approval by the Board.
- C. Any construction included in a sign permit approved by the Board shall be:
  - 1. Commenced and diligently pursued within six months of the date of approval by the Board, and
  - 2. Completed within one year of the date of approval by the Board.
- D. Failure to comply with the terms of subsection (C) shall constitute noncompliance with conditions of approval, and the sign permit shall become null and void upon written determination by the Director.
- E. No person shall reapply for the same or substantially the same sign permit on the same or substantially the same plot, lot, or parcel of land within a period of one year from the date of denial, null and void determination, or revocation of a permit.

**Section 2616. Fee**

A nonrefundable filing fee shall be set by the Board of Supervisors.

**Section 2617. Outdoor Lighting on Off-Premise Signs**

The purpose of this Article is to regulate the use of outdoor artificial illuminating devices (outdoor lighting) emitting undesirable rays, which have a detrimental effect on public safety or visual aesthetics.

**Section 2618. Conformance with Applicable Codes**

All outdoor lighting for off-premises signs shall conform to the provisions of this Article, and other applicable laws and ordinances.

**Section 2619. Alternative Materials and Methods of Installation**

The provisions of this Article are not intended to prevent the use of alternative materials or methods of installation not specifically prescribed by this Article, provided that any such alternate, in the written opinion of the Director, substantially complies with the intent of this Article.

**Section 2620. Shielding and Filtering Light Emissions from Outdoor Light Fixtures**

<b>Fixture Lamp Type</b>	<b>Shielded</b>	<b>Filtered</b>
Low-pressure sodium	None	None
High-pressure sodium	Fully	None
Metal halide	Fully	Yes
Fluorescent	Fully	Yes
Incandescent greater than 160 W	Fully	None
Incandescent 160 W or less	None	None
<b>Fixture Lamp Type</b>	<b>Shielded</b>	<b>Filtered</b>
Fossil fuel	None	None
Other types not prohibited	As approved by the Director	

**Section 2621. Lighting Prohibitions**

The following are prohibited on off-premises signs:

1. Searchlights,
2. The unshielded outdoor illumination of any sign, and
3. Mercury vapor or quartz lights.

**Section 2622. Lighting Exemptions**

Nonconforming fixtures. All outdoor light fixtures on off-premises signs not otherwise exempted by this Section, existing and fully installed prior to the effective date of this Ordinance, are considered nonconforming uses pursuant to this Ordinance and are permitted and exempted from the provisions of this Article provided that should the use of any nonconforming light fixture on off-premises signs be discontinued, any future off-premises sign lighting shall fully comply with the provisions of this Ordinance.

**Section 2623. Lighting Procedures**

**A. Applications:**

1. Any individual applying for a sign permit and intending to install outdoor lighting fixtures shall submit evidence that all proposed outdoor lighting work complies with this Article.
2. All other individuals intending to install outdoor fixtures for off-premises signs shall submit an application to the Director, on forms provided by the Director, providing evidence that the proposed work will comply with the Ordinance.

**B. Contents of application or submission:**

1. A signed application form shall be provided by the Director.

2. Plans shall indicate the location on the premises and the type of illuminating devices, fixtures, lamps, supports, or other devices.
  3. The description of the illuminating devices, fixtures, lamps, supports, or other devices may include, but is not limited to, manufacturer catalog cuts and drawings.
  4. The required plans and descriptions shall be sufficiently complete to enable the Director to readily determine whether compliance with the requirements of the Ordinance will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized licensed testing lab.
  5. The payment of fees established by the Board of Supervisors is required.
- C.** Issuance or denial of permit. Within 60 days of compliance with the requirements of this Article, the Director may issue, with or without conditions, a permit for installation of outdoor lighting fixtures, to be installed as designed in the approved application. The Director may also deny the permit if the Director outlines in writing the reasons for denial.
- D.** Amendment to permit. After a lighting permit has been issued, the applicant requesting any amendment to that permit must submit proposed changes in outdoor lighting fixtures to the Director for approval, with adequate information to ensure compliance with this Article.

#### **Section 2624. Right to Appeal Director's Determination**

Any decision of the Director under this Article is appealable to the Board of Adjustment and Appeals, provided that the appeal is filed with the Director within 30 days of the Director's written decision.

#### **Section 2625. Permit Amendment Procedures**

- A.** Amendments to any sign permit for off-premises sign usage issued under this Ordinance may be made by the Director, provided that:
1. The holder of the permit submits:
    - a. An application for an amendment to the permit, on a form provided by the Director;
    - b. A revised site plan;
    - c. Any supplemental materials or plans requested by the Director; and
    - d. A nonrefundable application fee as set by the Board of Supervisors;
  2. The requested amendment does not increase the size of any approved structure by more than 50 percent, and does not include any proposed new structures;
  3. The requested amendment does not constitute a change of use; and
  4. The requested amendment meets all applicable requirements of this Ordinance.
- B.** Any application for an amendment to a sign permit that fails to conform to the requirements of this Article shall be denied, and the applicant must apply for a new sign permit and be subject to the time limit restrictions outlined in Section 2615 of this Article.

#### **Section 2626. Provisions Regarding Length of Permit**

Any approval, by the Director, of an amendment to a sign permit shall not be construed as an extension of the maximum life of that permit.