

# **Greer Phase I Zoning Ordinance**

## **ARTICLE I INTRODUCTION**

Established as an amendment and supplement to the Zoning Ordinance of Apache County, reflecting and incorporating in greater detail, relevant elements of the Comprehensive Plan, this Ordinance offers conditioned controls to the issues of land use within the County and its varied communities.

Each community in Apache County possesses its own character, values and economics. When determining future growth, resource limits, quality of life and other related concerns, it is important to operate within the social fabric of each community in maintaining reasonable goals and objectives. Both the land and people form these diverse communities which are combined through extensive public interaction and land analysis.

This Ordinance contains elements that bridge the gap between a general comprehensive plan and site specific zoning. It is programmatic in nature in order to define guidelines, standards and specific measures by which future development can occur consistent with public policy and financial resources. In this regard, it will aid policy makers in reaching decisions on land use as well as financing for capital improvements and maintenance.

### **SECTION 101 – INTERPRETATION**

The provisions of this ordinance are held to be minimum requirements except where they are expressly stated to be otherwise. No provision of this ordinance is intended to abrogate, repeal, annul, impair or interfere with any existing ordinance of Apache County, except as specifically referenced herein, or deed restriction covenant, easement, or other agreement between parties, provided that where this ordinance imposes the greater restrictions or regulations than are imposed or required by an existing ordinance, deed restriction, covenant, easement, or agreement between parties this ordinance shall control. Where sections of the Zoning Ordinance of Apache County are not included directly or by reference in this Ordinance, they shall not apply to or govern the use of or development standards for lands covered by this Ordinance.

### **SECTION 102 – ADMINISTRATION**

Responsibility for administration of this Ordinance is hereby vested in the Planning Director as appointed by the Apache County manager.

### **SECTION 103 – POWERS OF THE PLANNING AND ZONING COMMISSION**

The Apache County Planning and Zoning Commission, is appointed to serve as a recommending body to the Board of Supervisors. It is this Commissions objective to further the intent of this Ordinance.

**ARTICLE 2**  
**DEFINITIONS**

All references to grammatical usage and definitions within the Zoning Ordinance of Apache County, Arizona shall specifically apply in common with the Apache County Land Plan and Community Development Ordinance text. Supplemental definitions found herein apply only to this document.

**SECTION 201 – DEFINITIONS**

Livestock: Animals kept or raised for use or pleasure, but not including domesticated household pets similar to and including dogs and cats.

Remove or removal (tree): An act or process to eliminate a tree from the site of a residence or any other site whether by digging, cutting or ultimate removal by direct damage.

Resort: A facility for transient guests where the primary attraction is generally recreational features or activities (i.e., tennis, golf, equestrian, water, etc.)

Tree(s): A woody perennial plant usually having an elongated main stem generally with few or no branches on its lower part, grows at maturity to an overall height of a minimum of ten (10) feet and is greater than four (4) inches in diameter at a height of four (4) feet from the ground.

Trailer / Mobile Home: Any dwelling having metal siding and/or being capable of being licensed by the State of Arizona as a house trailer or mobile home.

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**ARTICLE 3**  
**GREER PHASE I PLAN**

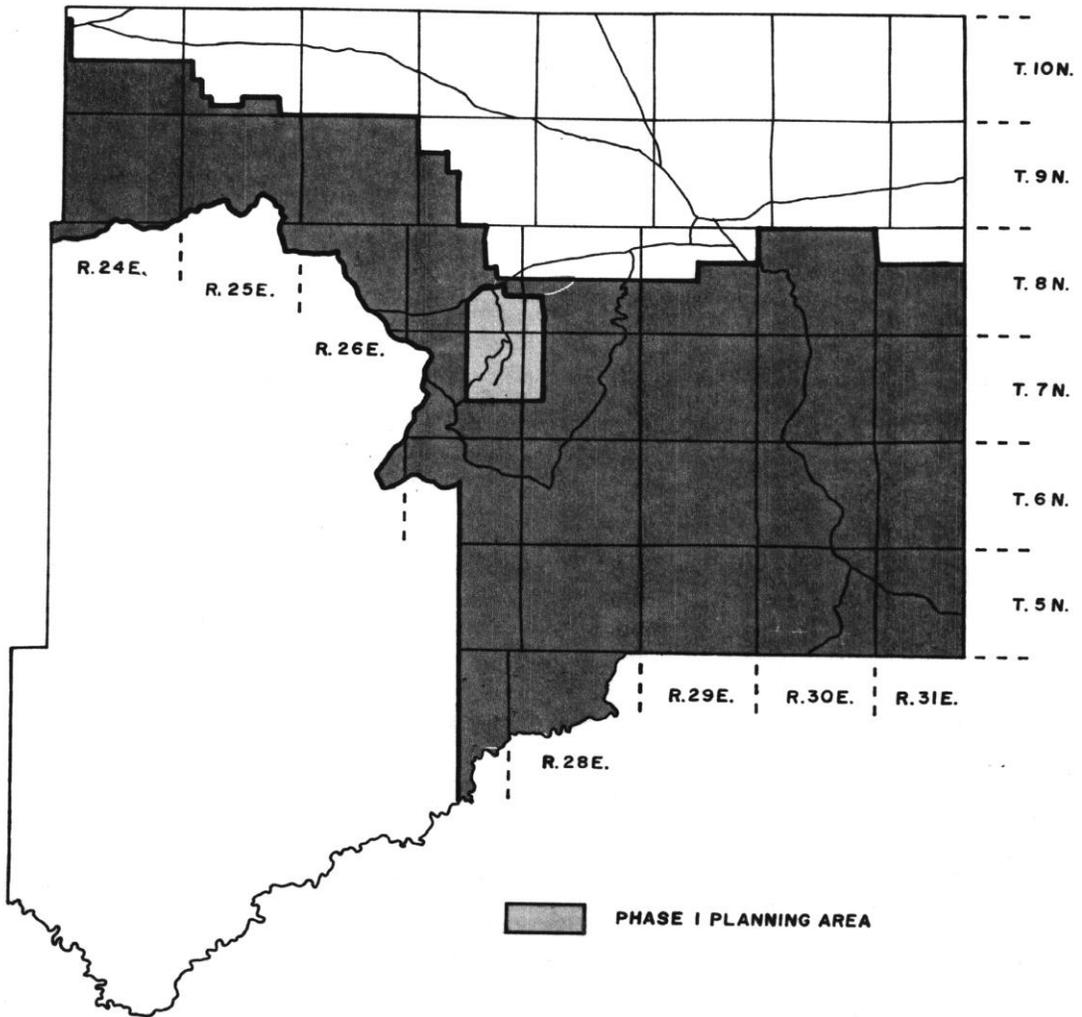
**SECTION 301 – AREA DESCRIPTION**

Herein referred to as the Greer Conservation, Development and Management Program, or Phase I, This area is located within the southern portion of Apache County. By general description it is located south of State Highway 260 within Township 7 and 8 North, Range 27 and 28 East (see Phase I Planning area map page 3). Included is the Assessor's Plat Index Greer Phase I (page 4) and, by reference the associated plats covering this area.

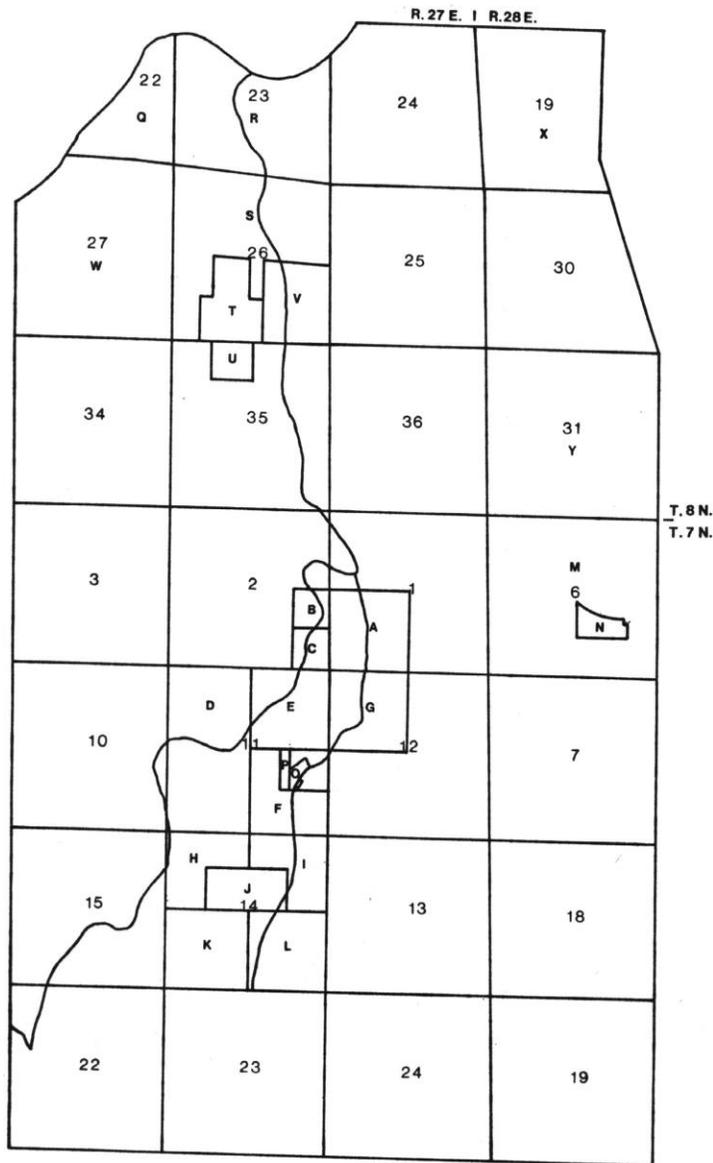
Greer is the first of several communities in Apache County for which this specifically focused community development ordinance will be prepared.

Amended June 17, 2003 by Apache County Board of Supervisors

# Phase I Planning Area Map



# ASSESSOR'S PLAT INDEX GREER PHASE I



- A - 102-02
- B - 102-05 10F2
- C - 102-05 20F2
- D - 102-06
- E - 102-07
- F - 102-08
- G - 102-09
- H - 102-10
- I - 102-11
- J - 102-12
- K - 102-13
- L - 102-14
- M - 102-16
- N - 102-18
- O - 102-53
- P - 102-54
- Q - 103-05
- R - 103-06
- S - 103-07
- T - 103-08 10F3
- U - 103-08 20F3
- V - 103-08 30F3
- W - 103-09
- X - 103-15
- Y - 103-17

**SECTION 302 – ISSUES AND TRENDS**

Because of extreme pressures by seasonal use, increasing degradation to sensitive environmental systems and threatening advances to alter the aesthetic character of Greer, action is being taken to prevent further depletion of the area in question. Such action includes an exchange of prime meadowland for USDA trust lands, formation of a sanitary district with regulation aimed to preserve, enhance and manage the orderly growth of the Greer area.

This community suffers from decreasing water quality, image conflicts resulting from extreme variations in housing types/conditions, random roadways, and density impacts involving trailers, commercial enterprises, multi-family and including resorts, hotels and lodges.

Therefore, made part of this regulation and included by reference is the history of the planning effort, community input, methodology and related studies, surveys and questionnaires involving the “Record to the Greer Conservation, Development and Management Program.”

**SECTION 303 – ISSUE RESOLUTION**

**303.01 DEVELOPMENT ETHIC**

Greer is a mountain village in a splendid natural setting. The character of the community is a mixture of open land, homes on one acre lots, small commercial enterprises and widely disbursed minor resorts.

Residents and property owners perceive the Greer area as a very special place that must not be sacrificed in terms of visual image, scenic quality, character, and stability of environmental resources. These qualities attract visitors, tourists and investment, and their preservation is therefore in the long term economic best interest of Apache County.

All the current conditions and perceptions lead to the primary goal of CHARACTER MAINTENANCE.

**303.02 GENERAL ISSUE RESOLUTION**

The primary means of resolving these issues lies in the sovereign power of Apache County and the application of its comprehensive plan, zoning ordinance, this regulation and authority to establish special districts and programs to protect water quality, maintain roads, provide police and fire protection and regulate subdivisions. Apache County, through its use permits procedures and subdivision review process, can also cause new development to adhere to design standards and guidelines and can impose special fees and assessments to help defray the cost of public improvements. Examples of these special requirements could include a sewer connection fee premium or exaction to help accelerate retirement of bonded indebtedness and reduce the financial burden on individual homeowners, lot coverage and building floor area controls, minimum building design requirements (wood siding, roof overhang, signing and manufactured

housing restrictions).

**SECTION 304 – JURISDICTION AND OBJECTIVE**

Within the Planning Area covered by this Article exist the limits to which this Phase I Plan shall apply (see Phase I Planning Area map). The objectives within this area are:

1. To encourage adequate open space and separation between buildings;
2. To carefully evaluate and control proposed high density uses in the immediate proximity of the meadow land;
3. To enhance visual aesthetics by providing proper scenic easements, architectural controls, advertising, lighting, lot development standards and maintain natural vegetative cover;
4. To encourage single-family residences, resort uses and convenience personal service and retail uses to serve residents and visitors;
5. To maintain the rural village quality and image of Greer; and,
6. To protect the public safety by prohibiting development in areas of flood plain, saturated soils or steep slopes.

**SECTION 305 – PERMITTED USES**

**305.01 GENERAL USES**

1. Agricultural uses, limited to planting and harvesting of soil crops and keeping of horses, sheep and poultry.
2. Single-family residence, site constructed, on a lot or parcel, including allowable home occupation.
3. Nothing contained in this Ordinance shall prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the tract concerned is five or more contiguous commercial acres. (A.R.S. §11-830)

**305.02 PUBLIC AND QUASI-PUBLIC USES**

1. Water pumping plants, storage tanks, utilities and other essential services.
2. Public Schools.
3. Public Recreation Uses.
4. Churches.

**305.03 ACCESSORY USES**

1. Accessory building structures and uses commonly incidental to permitted uses.
2. Storage of petroleum products shall comply with State fire codes and other applicable ordinances.

**SECTION 306 – USES SUBJECT TO CONDITIONAL USE PERMIT**

Certain uses shall be subject to review and approval of a Conditional Use Permit pursuant to procedures set forth in Article 9, Zoning Ordinance of Apache County, Arizona. Such uses are considered to be unusual, unique or potentially incompatible or conflicting with the existing or permitted uses in the context of the land use pattern or traditions within this area of Apache County. These uses include but are not limited to:

- Multi-family dwellings including duplexes, triplexes, apartments, townhouses, and condominiums.
- Hotels, motels, lodges and resorts.
- Guest Ranches on parcels having an area not less than ten (10) acres with only one (1) principal dwelling unit or service area providing kitchen facilities.
- Commercial uses; offering limited service and retail business which is elemental to the support and maintenance of a resort, recreational and family oriented community.
- Modular, manufactured housing, prefabricated construction.
- All other uses not listed as permitted uses.

**SECTION 307 – DEVELOPMENT STANDARDS FOR PERMITTED USES**

**307.01 LOT SIZE**

Minimum lot or parcel size for any residential use shall be one (1) acre, unless a substandard lot or parcel legally existed prior to February 4, 1985.

**307.02 SETBACKS**

Side Yards: All building or structure sideyard setbacks shall be a minimum of ten (10) feet for a single story structure. Building(s) or structure(s) exceeding fourteen (14) feet in height, as measured from grade to highest gable end, shall have one (1) additional foot of sideyard setback for each additional foot of building or structure height.

Front and Rear Yard: All structures shall have a minimum of front and rear yard setback equal to the total height of said structure as measured from grade to the top of the highest point of the structure plus ten (10) feet.

Accessory Building setbacks: Any and all accessory buildings shall have a minimum ten (10) feet of setback for single-story and fifteen (15) feet of setback for two-story structures from all property lines and other buildings. Refer to exhibit BUILDING HEIGHT AND SETBACK

DETERMINATION.

**307.03 BUILDING SEPARATION**

Minimum space between buildings on one parcel shall be fifteen (15) feet for single story, and twenty (20) feet for multiple story.

**307.04 BUILDING HEIGHT**

Building shall be limited to two (2) stories, or thirty (30) feet in height.

**307.05 COVERAGE BY STRUCTURES**

The maximum coverage of the surface area of a lot or parcel by structures, including accessory structures, shall be twenty (20) percent of the lot area.

**307.06 PARKING**

Residential structures shall have a minimum of two (2) off-street parking spaces per dwelling unit.

**307.07 LIGHTING**

The provisions within Section 309 shall apply.

**307.08 FENCING**

All fencing face materials shall be of natural material, non-metallic, and properly affixed to the frame. Fence frames may be of a metallic material and properly affixed to the ground. Fence heights shall not exceed four (4) feet for a street facing lot boundary and six (6) feet for all other boundaries.

Properties containing two (2) or more contiguous commercial acres may install and use fence materials made of wire, iron or metallic pipe.

**307.09 SIGNS**

No off-premises signs shall be erected. One (1) free-standing or attached sign not exceeding three (3) square feet in size is permitted.

In situations when the property is being sold, rented or leased one (1) sign other than the occupant sign, may be displayed on the premises and limited to sixteen (16) square feet in size. Properties containing five (5) or more acres may display a single sign not exceeding twenty-four (24) square feet in size.

No illumination is allowed for free-standing signs.

**307.10 HOME OCCUPATIONS**

1. The home occupation may not occupy more than 25% of the floor area of the residence.
2. The home occupation shall not require internal or external alterations or construction features or equipment not customary in dwellings or adjoining structures.
3. On-site advertising shall be limited to one sign, not more than two (2) square feet in size and placed flush against the residence. On parcels of land one (1) acre in size or larger, a sign not more than twelve (12) square feet in size may be displayed within the property boundaries. No illumination is allowed on free-standing signs.
4. Home occupations shall be conducted solely by residents of the dwelling involved and involve no employees.

**307.11 LIVESTOCK**

Permitted livestock is limited to cows, horses, fowl and sheep. The keeping of these animals are expressly limited to two (2) sheep, two (2) cows, two (2) horses or any two (2) animal combination thereof or four (4) fowl per acre. All yard/field space is exclusive of any structure and related lot requirements in conjunction with habitation or traditional commercial business.

No fence, corral, stable, barn, shed or other enclosure for the keeping of horses, cows, sheep or fowl shall be closer than fifty (50) feet to any commercial lot or commercial parcel line, or any live body of water or stream. No corral, stable, barn, or shed for the keeping of horses, cows, sheep or fowl shall be closer than fifty (50) to any residential lot or residential parcel line.

**307.12 TREE REMOVAL**

A property owner or tenant shall not remove more than five (5) trees per acre related to the further expansion or initial development of a lot, or treating a lot for diseased trees and fire prevention without receiving a removal permit from the Apache County Planning and Zoning Director.

1. Application  
When exceeding the maximum limit of tree removal the following information shall be provided to the Apache County Planning Department:
  1. Statement or letter setting forth the circumstances involving the request.
  2. Site plan detailing the conditions on the property, showing location of trees, drainage, structures, property lines, utility services, and adjacent structures.

Amended June 17, 2003 by Apache County Board of Supervisors

- 3. Completed "Tree Removal Application".
- 2. Process
  - 1. In considering the aspect of tree removal the Planning and Zoning Director shall consider the following:
    - 1. Whether the tree is located in an area where a structure or improvements will be placed and prevention of removal would unreasonably restrict the economic enjoyment of the property. To the extent possible, siting of development shall be so as to avoid mass removal or clearing of trees. In addition, building placement should, where possible, take advantage of tree stands as natural visual screens between development areas and as wind buffers.
    - 2. Whether the tree is diseased, injured, in danger of falling too close to existing or proposed structures, interferes with growth of other trees or existing utility service, creates unsafe vision clearance or conflicts with other ordinances or regulations.
    - 3. Whether adverse impacts will likely result in the areas of ground water stabilization, water quality or aquifer recharge, ecological impacts, noise pollution, air movement, wildlife habitat, and aesthetic degradation.
    - 4. Whether the vegetation to be removed is determined to be a fragile ecosystem or unique, valuable, or nearly extinct in Apache County unless preservation of this growth would unduly restrict use of surrounding property supporting this vegetation.
    - 5. Whether replacement of trees by transplanting or new plantings may provide for the public needs in terms of tree coverage.
  - 3. In ruling on an application, the Director shall set forth the basis for action. Action approving a tree removal permit will include the disposal of the tree(s) so as to prevent problems with appearances, insects, etc. All action by the Director shall become effective immediately.
  - 4. Appeals may be taken to the Board of Adjustment and Appeals by the applicant.
  - 5. Fee  
The filing fee for a Tree Removal permit shall be thirty five dollars (\$35.00) plus ten dollars (\$10.00) per acre or a portion thereof involved.

**SECTION 308 - DEVELOPMENT STANDARDS FOR CONDITIONAL USE**

**308.01 MINIMUM LOT SIZE**

None.

**308.02 SETBACKS**

Side Yards: All building or structure sideyard setbacks shall be a minimum of ten (10) feet for a single story structure. Building(s) or structure(s) exceeding fourteen (14) feet in height, as measured from grade to highest gable end, shall have one (1) additional foot of sideyard setback for each additional foot of building or structure height.

Front and Rear Yard: All structures shall have a minimum of front and rear yard setback equal to the total height of said structure as measured from grade to the top of the highest point of the structure plus ten (10) feet.

Accessory Building: Any and all accessory buildings shall have a minimum ten (10) feet of setback for single-story and fifteen (15) feet of setback for two story structures from all property lines and other buildings. Refer to exhibit BUILDING HEIGHT AND SETBACK DETERMINATION.

Where the conditional use adjoins a permitted residential use, the yard setback shall be doubled.

### **308.03 BUILDING SEPARATION**

A multi-family structure shall not be closer than thirty (30) feet to any other residential structure, except that building walls without window openings may be separated by no less than twenty (20) feet.

### **308.04 HIGHWAY FRONTAGE**

Where a conditional use adjoins a state or county highway, the following standards shall apply:

Setbacks: No structure shall be erected closer than fifty (50) feet to the right-of-way.

Commercial Expansion: Within the Planning area, there exist current commercial uses, mostly along State or County highway frontage forming the core of the retail/service business within the planning area. The expansion of the commercial districts is limited to a total of fifty (50) percent of the current existing commercial frontage. An example of commercial expansion limits is included herein. Specific existing commercial properties and applicable expansion limits are made record of by the Phase I Land Use Reference which may be purchased through the Planning Department. Expansion of commercial uses away from the highway and in back of current business is favorable, provided the properties are adjoining an existing commercial district and do not impair the customary functions of other adjoining uses.

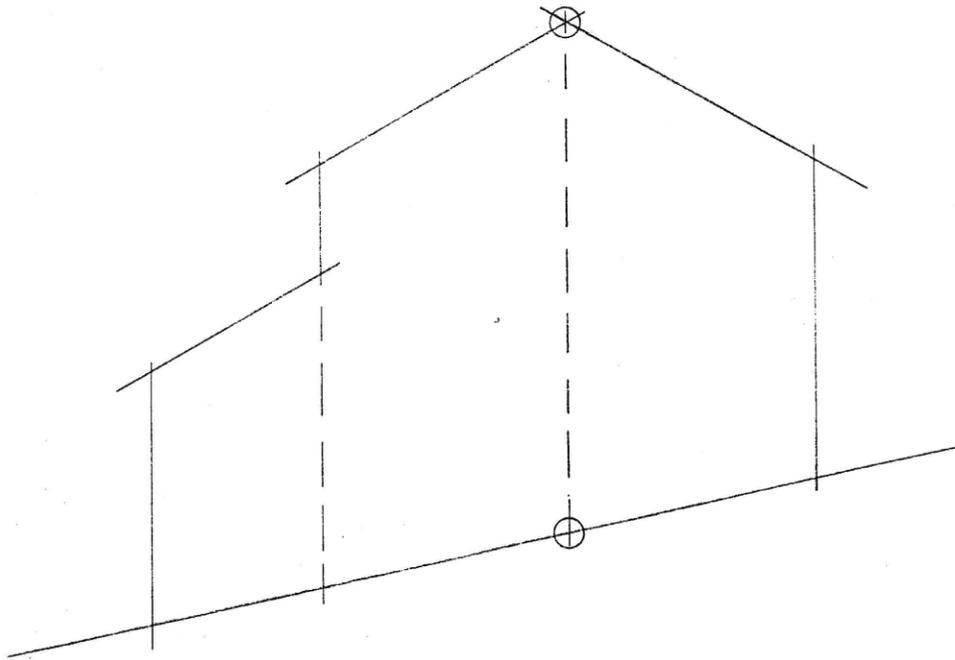
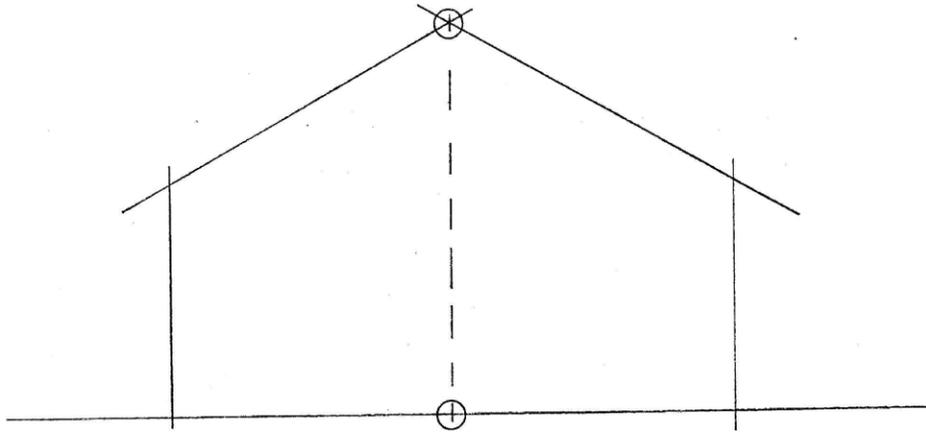
### **308.05 BUILDING HEIGHT**

Buildings shall be limited to two (2) stories or thirty (30) feet in height.

**308.06 DENSITY**

The maximum multi-family residential density on any lot or parcel shall be eight (8) dwelling units per acre. The maximum guest unit density in hotels, motels, lodges and resorts shall be twenty (20) non-housekeeping units per acre.

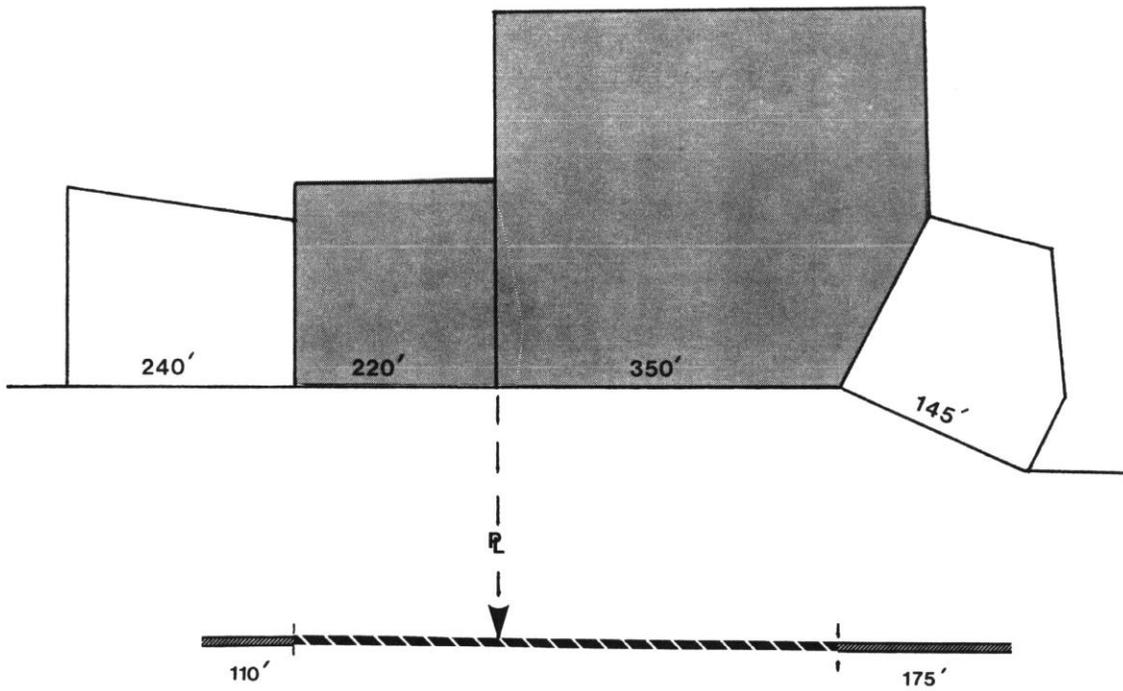
BUILDING HEIGHT AND SETBACK DETERMINATION



COMMERCIAL EXPANSION LIMITS

(EXAMPLE)

-  Existing commercial
-  Expansion area



**308.07 BUILDING SIZE**

The maximum number of dwelling units per building shall be four (4). The maximum ratio of the total area of the lot or parcel upon which they are constructed to the total floor area shall not exceed 0.25. The ration is determined by dividing the floor area by the lot area. More than one contiguous lot or parcel under the same ownership or control shall be considered as one lot or parcel for purposes of this section.

**308.08 COVERAGE BY STRUCTURES**

The maximum coverage of the surface area of a lot or parcel by structures including accessory structures, shall be twenty (20) percent of the lot area.

**308.09 OPEN SPACE**

Minimum open space exclusive of parking, circulation, and building coverage shall not be less than fifty (50) percent of the project site.

**308.10 PARKING**

Off-street parking spaces with minimum dimensions of nine (9) feet by twenty (20) feet with twenty-four (24) feet two (2) way access lane for 90 degree parking (or less for angled or one (1) way parking) shall be provided for all uses in accordance with the following ratios:

1. Hotels, motels, lodges, resorts and guest ranches shall have a minimum of one (1) parking space per room or suite, and two (2) spaces per cabin or housekeeping unit. Operations offering dining facilities shall provide separate parking in accordance with commercial retail and service requirements.
2. Restaurants with cocktail lounges shall have one space for each fifty (50) square feet of dining or lounge area. If the restaurant is operated in conjunction with a hotel, motel, lodge, resort or guest ranch, guest parking spaces provided for the dwelling or guest units may count toward the required restaurant parking.
3. Commercial uses such as retail stores, offices, clinics, gas stations, personal service establishments shall have a minimum parking space ratio of three spaces for every one thousand (1,000) square feet of business floor area in the building.
4. Other uses shall have parking requirements as determined by the Planning and Zoning Commission.
5. Whenever the use of a separate lot or parcel is proposed for fulfillment of minimum parking requirements, the owner shall submit, as a part of his application for Conditional Use Permit, satisfactory assurance that the separate lot

Amended June 17, 2003 by Apache County Board of Supervisors

or parcel is permanently committed to parking use by deed restriction or other enforceable legal measure.

Combined Parking Areas: The required off-street parking and loading facilities may be provided collectively for two (2) or more buildings or uses, provided that the total number of parking spaces shall be not less than the sum of the requirements for each of the individual uses.

Mixed Uses: In the event that two (2) or more uses occupy the same lot, or parcel of land, the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately.

Continuing Obligations: The required off-street parking facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or loading space continues. It shall be unlawful for an owner of any building of use to discontinue or dispense with the required vehicle parking space without providing other vehicle parking space which meets the requirements of this ordinance.

Parking Lot Access: Access to all lots and parcels of land shall be controlled as follows:

1. Points of access shall be minimized as much as is consistent with reasonable use.
2. Access shall be by not more than two driveways from any one street.
3. Driveways shall be not closer to each other than twenty (20) feet. A greater distance may be required elsewhere in this ordinance.
4. For any commercial use, each driveway shall be not less than twenty four (24) feet in width, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. For residential and agricultural uses, driveways shall be not less than twenty (20) feet in width, except as may be approved for a large-scale development. One-way loop drives may be twelve (12) feet in width.
5. On corner lots, no driveway shall be closer than twenty-five (25) feet to the point of intersection of the front property line with the side property line which abuts upon a street.
6. No individual parking space shall have direct access to a public street, except for parking spaces parallel to adjacent to said street. Parking lots shall be designed so that exiting onto the street is by forward motion of the vehicle only.
7. Access from an alley: An alley may be used for principal access to any parking lot, and for direct access to parking spaces.
8. Parking lot standards: Every parking lot shall have an all weather surface but shall

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not be paved. Material shall be base aggregate of cinder, properly drained and maintained to avoid an uneven surface or depressions.

### **308.11 DRAINAGE**

Increased surface drainage will be channeled to natural or man-made drainage structures and not 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.

### **308.12 CONSERVATION**

Where possible, the site design will preserve and enhance existing trees, water courses, hills and other natural features, as well as vistas and historic locations, and will be compatible with existing adjoining development. The site plan shall disclose details for tree removal including numbers of trees and size of trees to be removed.

### **308.13 LIGHTING**

The provisions of Section 309 shall apply.

### **308.14 FENCING**

All fencing face materials shall be of natural material, non-metallic, and properly affixed to the frame. Fence frames may be of a metallic material and properly affixed to the ground. Fence heights shall not exceed four (4) feet for a street facing lot boundary and six (6) feet for all other boundaries.

Properties containing five (5) or more contiguous commercial acres may install and use fence materials made of wire, iron or metallic pipe.

### **308.15 SIGNS**

1. Signs shall be constructed in a safe manner that prevents collapse, wind damage, electrical hazards or other unsafe conditions.
2. Signs shall be placed so as not to obstruct vision necessary for safe pedestrian or vehicular traffic movement nor inhibit traffic movement.
3. Signs shall be placed so as not to obstruct view of adjoining properties or views from adjoining properties.
4. Signs shall be of a minimum size and number for the purpose served.

Amended June 17, 2003 by Apache County Board of Supervisors

5. Signs shall be landscaped where possible.
6. Signs attached to buildings shall appear to be an integral part of the building. Guy wires and similar appurtenances shall not be exposed.

## **SECTION 309 - OUTDOOR LIGHTING**

### **309.01 ADMINISTRATION**

This Section is intended to regulate the permitted use of outdoor lighting, artificial illuminating devices emitting undesirable rays which have a detrimental effect on perception and enjoyment of dark starry night skies and other visual aesthetics.

### **309.02 CONFORMANCE WITH APPLICABLE CODES**

All outdoor artificial illuminating devices shall be installed in conforming with the provisions of this Section, and any building ordinances which may hereafter be enacted.

Where any provisions of the Arizona Revised Statutes, of the Federal law, or any companion ordinance conflicts with the requirements of this Section, the most restrictive shall govern.

### **309.03 APPROVED MATERIAL AND METHODS OF INSTALLATION**

The provisions of this Section are not intended to prevent the use of any material or method of installation not specifically prescribed by this Section, provided any such alternate has been approved. The Zoning Inspector may approve any such alternate provided he finds that the proposed design, material or method:

1. Provides approximate equivalence to those specific requirements of this Section or;
2. Is otherwise satisfactory and complies with the intent of this Section.

### **309.04 SPECIFIC RELATED DEFINITIONS**

- A. Outdoor Light Fixtures: Includes outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights for:
  1. Building and structures
  2. Recreational areas
  3. Parking lot lighting

Amended June 17, 2003 by Apache County Board of Supervisors

- 4. Landscape lighting
  - 5. Advertising or signage
  - 6. Street lighting
2. **Individual:** Shall mean any private individual, tenant, leasee, owner, or any commercial entity including but not limited to companies, partnerships, joint ventures or corporations.
3. **Installed:** Shall mean the initial installation of outdoor light fixtures defined herein, following the effective date of this Ordinance but shall not apply to those outdoor light fixtures installed prior to such date.

**309.05 GENERAL REQUIREMENTS**

- 1. **Shielding:** All exterior illuminating devices, except those exempt from this Ordinance and those regulated by Section 305, shall be fully shielded as required in this section.
- 2. **Filtration:** Those outdoor light fixtures requiring a filter within this section shall have glass, acrylic or translucent enclosures. (Quartz class does not meet this requirement.)
- 3. **Requirements for Shielding and Filtration:** The requirements for shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following table:

REQUIREMENTS FOR SHIELDING AND FILTERING		
FIXTURE LAMP TYPE	SHIELDED	FILTERED
Low Pressure Sodium	None	None
High Pressure Sodium	Fully	None
Metal Halide	Fully	Yes
Flourescent	Fully	Yes
Quartz	Fully	None
Incandescent Greater than 160W	Fully	None
Incandescent 160W or Less	None	None
Mercury Vapor*	Fully	Yes

REQUIREMENTS FOR SHIELDING AND FILTERING		
FIXTURE LAMP TYPE	SHIELDED	FILTERED
Fossil Fuel	None	None
Glass Tubes Filled with Neon, Argon, Krypton and Other Sources	AS APPROVED BY ZONING INSPECTOR	
* Recommended for existing fixtures. The installation of mercury vapor fixtures is prohibited effective May 5, 1985.		

**309.06 USE LIMITATIONS**

1. Searchlights: The operation of searchlights for advertising purposes is prohibited.
2. Recreational Facility: No outdoor recreation facility, public or private, shall be illuminated after 11:00 p.m. except to conclude a specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 p.m.
3. Outdoor Building or Landscape Illumination: The unshielded outdoor illumination of any building, landscaping, signing or other purpose, is prohibited except with the incandescent fixtures less than 160 watts.
4. Mercury Vapors: The installation of mercury vapor fixtures is prohibited.

**309.07 EXEMPTIONS**

1. Nonconforming Fixtures: All outdoor light fixtures existing and fully installed prior to the effective date of this Section may remain “nonconforming” indefinitely, provided, however, that no change in use, replacement, structural alteration, or restoration after abandonment of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of these regulations.
2. Fossil Fuel Light: Produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
3. Federal and State Facilities: Those facilities and lands owned, operated or protected by the U.S. Federal Government or the State of Arizona are exempted by law from all requirements of this Ordinance.
4. Special Exemption: The Zoning Inspector may grant a special exemption to the requirements of Section 309.05 only upon a written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.

**309.08 PROCEDURES**

1. Applications
  1. Any individual applying for a Building or Conditional Use Permit under the Zoning Ordinance intending to install outdoor lighting fixtures shall submit evidence that the proposed work will comply with this Section.
  1. All other individuals intending to install outdoor lighting fixtures shall submit an application to the Zoning Inspector providing evidence that the proposed work will comply with this Ordinance.
  2. Utility companies entering into a duly approved contract with the County of Apache in which they agree to comply with the provisions of these regulations, shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.
  
2. Contents of Application or Submission - The application shall contain:
  1. Plans indicating the location of the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices, etc.
  2. Description of the illuminating devices, fixtures, lamps, supports and other devices, etc. This description may include, but is not limited to, manufacturers catalog cuts, and drawings (including sections where required).
  3. The required plans and descriptions shall be sufficiently complete to enable the Apache County Zoning Inspector to readily determine whether compliance with the requirements of this 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 testing lab.
  
3. Issuance of Permit: Upon compliance with the requirements of this Section, the Zoning Inspector shall issue a permit for installation of the outdoor lighting fixtures, to be installed as in the approved application. Appeal procedures of this Section for decisions of the Zoning Inspector shall apply.
  
4. Amendment to Permit: After a permit has been issued, the applicant must submit proposed changes in outdoor lighting fixtures to the Zoning Inspector for approval, with adequate information to assure compliance with this Section.

**309.09 TEMPORARY USE EXEMPTIONS**

1. Request for Temporary Use Exemption: Any individual as defined herein may submit a written request on a form prepared by the Planning and Zoning

Amended June 17, 2003 by Apache County Board of Supervisors

Department to the Zoning Inspector for a “temporary exemption” to the requirements of this Section. Such exemption is valid for 30 days. The Request for Temporary Use Exemption shall contain the following listed information:

1. The special exemptions requested.
  2. The type and use of exterior light involved.
  3. The duration of time for requested exemption.
  4. The type of lamp and calculated lumens.
  5. The total wattage of lamp or lamps.
  6. The proposed location of exterior light.
  7. The previous temporary exemptions, if any.
  8. The physical size of exterior light and type of shielding provided.
  9. As requested by the Zoning Inspector. Any additional information which would enable him to make a reasonable evaluation of the Request for Temporary Exemption.
2. Right to Appeal from Determination of Zoning Inspector: The Zoning Inspector, within five (5) days from the date of the properly completed Request for Temporary Exemption, shall approve or reject one (1) request in writing. If rejected, the individual making the Request shall have the right to appeal to the appropriate Board of Adjustment and Appeals for review pursuant to the procedures applicable to any other appeal of a decision of the Zoning Inspector.

## **SECTION 310 - CONDITIONAL USE PERMITS**

### **310.01 PURPOSE**

Within the Phase I Plan, conditional uses are allowed, subject to the granting of a Conditional Use 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 this plan. The Planning Commission reviews and makes recommendations to the Board of Supervisors who grant or deny applications, and may apply reasonable conditions to the approval of such uses.

### **310.02 APPLICATION**

Any application for a Conditional Use Permit shall be filed with the Planning Director on a form prescribed by the Commission.

### **310.03 SUBMITTAL REQUIREMENTS**

Each application for a Conditional Use Permit shall contain the following:

1. Site Plan: A site plan is required for all proposed conditional uses and buildings and shall be drawn to scale showing structures, property lines, adjacent streets,

Amended June 17, 2003 by Apache County Board of Supervisors

yards, parking, loading and traffic flow, drainage, proposed signs, location of leach fields or sewers, landscape detail and any other information needed to properly evaluate the proposal.

2. Water: Description of, and/or plan for, water supply.
3. Sewer: Description of, and plan for, sewer connection or septic tank/leach field installation for approval by the sanitary district and Department of Environmental Quality, as required.
4. Restrictions: Proposed deed restrictions if property is to be subdivided or other restrictions or limitations proposed as conditions to the use permit.
5. Drainage: Easement(s) or written permission to direct drainage flow onto adjoining property, if applicable.
6. Design: Elevations, material description and dimensions of proposed buildings, signs and fences and location and specifications for lighting.
7. Impact Statement: A narrative and graphic statement addressing, but not limited to the following:
  1. Number of employees.
  2. Estimated daily traffic.
  3. Estimated daily water usage.
  4. Estimated quantity and type of refuse.
  5. Estimated daily sewage discharge.
  6. Description of other pollutants, if applicable, and method of disposal.
  7. Grading, blasting and tree removal.
  8. Fire prevention and protection measures.
  9. Dust control measures.
  10. County service requirements, including snow removal.

**310.04 FEE**

A non-refundable filing fee will be required for the following permits:

- |    |                                 |          |
|----|---------------------------------|----------|
| 1. | Conditional Use Permit:         | \$500.00 |
| 2. | Additional Residence on Parcel: | \$300.00 |
| 3. | Variance:                       | \$300.00 |
| 4. | Rezoning:                       | \$600.00 |

Failure to obtain a permit will result in double fees.

**310.05 COMMISSION ACTION**

1. The Commission shall consider the application at its next regular meeting if the application is filed at least fifteen (15) days prior to such meeting. Otherwise, it shall be carried over until the next regularly scheduled meeting. The Commission may, 1) reach a recommending decision, 2) continue the matter to a specified date (but no later than the next regularly scheduled meeting), or 3) set the matter for

Amended June 17, 2003 by Apache County Board of Supervisors  
public hearing.

2. Notice of the meeting shall be given by posting the property of application at least ten (10) days prior to the meeting date, if a property is involved.
3. The Commission may recommend such conditions in connection with the use permit as it deems necessary to secure the intent and purposes of this Ordinance and may require such guarantees and evidence that such conditions are being or will be complied with.
4. If appropriate, the use permit may be applied for prior to and during the meeting to review the development's vicinity plan application.

### **310.06 BOARD OF SUPERVISORS ACTION**

Following receipt of recommendation by the Commission, the Board of Supervisors shall render a final decision regarding the application. In providing a decision, the Board may continue the hearing, deny, approve, or approve with modifications of the use permit.

In order for the Board to approve any use permit, the applicant must prove to the Board that the establishment, maintenance, or operation of the use or building applied for will not 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 be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the county, or shall be in conflict with any approved Comprehensive Plan.

### **310.07 TIME**

1. Use permits become effective upon approval by the Board.
2. No person shall re-apply for the same, or substantially the same, use permit on the same, or substantially the same, plot, lot or parcel of land within a period of one (1) year from the date of denial or revocation of said use permit.

### **310.08 USE PERMIT TO RUN WITH THE LAND**

A use permit granted pursuant to 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 which was the subject of the use permit application.

### **310.09 CONDITIONS VERIFICATION**

Final compliance with the conditions of the use permit shall be verified by the Planning and Zoning Director upon review of detailed site plans, building elevations and floor plans prior to

building permit issuance.

### **310.10 REVOCATION**

Use permits granted in accordance with the provisions of this Ordinance may be revoked if the use is not completed within one (1) year from the date construction is begun, or may be revoked if any of the conditions or terms of the permit are violated or if any law or ordinance is violated in connection therewith.

The Planning Director shall notify the permittee of a violation or termination of a use permit, by mail, if the permittee has not diligently commenced with the use of the permit. The permittee shall likewise be notified if he is in violation of the conditions of the permit. If no attempt to change the violation is made within ten (10) days after notification, the permit shall be revoked and considered null and void.

### **310.11 TEMPORARY USE PERMIT**

At times the Planning Commission may receive for uses which are temporary in nature (e.g. rodeos, revivals, circuses, etc.) But which would not be suitable for long term use. The Commission may recommend a Temporary Use Permit for a maximum of 180 days, which may be extended upon written request by the applicant, for a period not to exceed an additional 180 days.

Temporary Use Permits do not require issuance of a building permit but may include temporary use of water and sewer facilities for the time the permit is in effect. No permanent structures may be built under temporary use procedures.

Temporary Use Permits shall be administered and processed in the same manner as conditional use permits. A signed agreement shall accompany the application and shall state that, upon cessation, expiration or revocation of the permit, the premises will be promptly cleaned up and restored to substantially the same condition as existed prior to the issuance of the permit.

### **SECTION 311 - ENACTMENT PROVISION**

WHEREAS, the effect of this ordinance as an amendment and supplement to the Zoning Ordinance of Apache County, Arizona, is intended to benefit the present and future citizens of the community of Greer by providing for the health, welfare, safety, convenience and reasonable assurances of appropriate growth and development;

THEREFORE, the Apache County Board of Supervisors, after having this regulation reviewed by public hearings and recommended by the Planning and Zoning Commission, does hereby adopt this 15<sup>th</sup> day of May 1989, for the effective date of June 17<sup>th</sup>, 1989, the Apache County Land Plan and Community Development Ordinance inclusive of the Greer Phase I Plan.