

ORDINANCE NO. 10-16

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF HOLBROOK, ARIZONA, AMENDING THE CITY CODE, CHAPTER 6, PLANNING AND ZONING, BY AMENDING ARTICLE 6-2-4, SIGN CODE, ESTABLISHING AN EFFECTIVE DATE; AND PROVIDING FOR REPEAL AND SEVERABILITY.

WHEREAS, the City of Holbrook desires to revise Sign code within the City limits of the City of Holbrook; and

WHEREAS, the Planning and Zoning Commission has reviewed the Sign Code and has recommended the following changes; and

WHEREAS, said amendment is authorized by A.R.S. § 9-462.01.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HOLBROOK, ARIZONA:

Section 1. AMENDMENT

Chapter 6 of the City of Holbrook City Code, Article 6-2-4, Signs is hereby amended to read as follows, with deletions shown as strikethroughs, and with added language shown in CAPS and underlined:

6-2-4 Signs

A. Purpose. The purpose of this section is to set the standards for the design and construction, maintenance and placement of signs within the city limits of Holbrook, AS WELL AS THE REGULATION AND ENFORCEMENT THEREOF.

B. Definitions.

Abandonment means ceasing of maintenance or up keep on a use or structure.

Animated sign means any sign that uses movement or change of lighting to depict action or create a special effect or scene.

Banner means any sign of lightweight fabric or similar material that is mounted to a pole or a building by a frame at one or more edges.
National flags, state or municipal flags, or the official flag of any institution

or business shall not be considered banners.

Billboard means any surface whereon advertising matter is set in view conspicuously and which advertising does not apply to premises or any use of premises wherein it is displayed or posted.

Building marker means any sign indicating the name of the building and date and incidental information about its construction, which sign is cut into masonry surface or made of bronze or other permanent material.

Canopy sign means any sign that is part of or attached to an awning, canopy, or other fabric, plastic, or protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Flag means any fabric containing distinctive colors, patterns, or symbols, used as a symbol of a government or other entity.

Freestanding sign means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Incidental sign means a sign, generally informational, that has a purpose secondary to the use on the lot which it is located, such as "no parking," "entrance," "loading only," and similar directives. No sign with a commercial message legible from beyond the lot line on which the sign is located shall be considered incidental.

Marquee means any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the elements.

Outdoor advertising means any structure or device designed or intended to convey information to the public in written or pictorial form.

POLITICAL SIGN MEANS A TEMPORARY SIGN USED TO ADVERTISE THE CANDIDACY OF AN INDIVIDUAL, BALLOT PROPOSITION OR TO ENCOURAGE CITIZENS TO VOTE.

Portable sign means 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 on wheels, umbrellas, and signs attached to or painted on vehicles and visible from the public right-of-way unless said vehicle is used in the normal day-to-day operations of the business.

Projecting sign means any sign affixed to a building or wall in such a

manner that its leading edge extends more than one (1) foot beyond the surface of the building or wall.

Residential sign means any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the Zoning Ordinance.

RIGHT OF WAY MEANS AN AREA RESERVED FOR PUBLIC USE, SUCH AS A STREET, ALLEY OR UTILITY EASEMENT.

Roof sign means any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

SANDWICH SIGN MEANS ANY SIGN WHICH FOLDS IN THE MIDDLE AND CAN BE MOVED FROM SPOT TO SPOT.

Sign means any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

Suspended sign means any sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary sign means any sign that is used only temporarily and is not permanently mounted.

Wall sign means any sign attached parallel to, but within one (1) foot of a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

Window sign means any sign, picture, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

- C. Permits. A sign permit shall be required before any **PERMANENT** sign or outdoor advertising may be placed OR constructed, ~~reconstructed,~~ or altered within the City of Holbrook. Outdoor advertising shall include any advertising, sign, or structure which supports outdoor advertising.
TEMPORARY SIGNS ARE EXEMPT FROM PERMITTING.

D. Exceptions.

1. Governmental signs: Official signs of any public or governmental agency, such as railroad crossing signs, trespassing signs, danger signs, safety signs or public service signs.
2. Real estate displays, on the site, advertising property for sale, lease or rent and not exceeding six (6) square feet in area.
3. Displays not visible beyond the boundaries of the lot or parcel upon which they are situated, or from any public thoroughfare or right-of-way.
4. Personal identification signs listing names and addresses of the legal occupant, not to exceed two (2) square feet.
5. POLITICAL SIGNS, PROVIDED THEY ARE AFFIXED, PLACED, ERECTED AND MAINTAINED IN COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN SUBSECTION M OF THIS SECTION.

E. Regulations.

1. If any outdoor advertising display becomes a danger to the public, becomes deteriorated BY MORE THAN 50% OF REPLACEMENT/REPAIR COSTS, is abandoned OR DAMAGED BY ANY MEANS OTHER THAN BY AN ACT OF GOD OR BY SOME UNFORESEEN ACCIDENT, the property owner or owner of the display shall remove or repair the display within ten (10) days (except in circumstances of imminent danger to public safety) or it shall be removed and the cost assessed to the owner of the property on which the sign is located. THE CODE ENFORCEMENT OFFICER WILL BE RESPONSIBLE FOR DETERMINING THE % OF DETERIORATION OF SIGNAGE.
2. No outdoor advertising display shall hereafter be altered without a sign permit. Any repairs or alteration on any outdoor advertising display, which in any manner changes the size, shape or location of the display, shall require a new sign permit.
3. No outdoor advertising shall project beyond the property lines, except for temporary garage SALE, or yard sale OR EVENT signs, which must be removed within twenty-four (24) hours of said sale OR EVENT by the proprietor of SAID sale OR EVENT.
4. Roof signs shall be so constructed that they shall appear to be an integral part of the building.

5. No sign shall be constructed or erected in such a manner as to interfere, confuse, or present a traffic hazard.
6. No sign shall have audible devices.
7. Lighting shall be installed so as to avoid any glare or reflection into any building used for residential purposes, or onto any street, alley, or driveway if such glare or reflection might create a traffic hazard.
8. No sign shall obstruct any door or fire escape of any building.
9. Nonconforming signs may be continued in use; provided, however, that in the event any such sign is damaged to exceed fifty (50) percent of the reproduction value according to an appraisal, or is removed or destroyed by any means whatsoever, including fire, collapse, explosion, act of the owner or act of God, such sign may be restored, reconstructed, altered or repaired only to conform with the provisions of this ordinance. Reasonable repairs may be made to non-conforming signs.
10. AT NO TIME SHALL A SEMI-TRAILER BED, HORSE TRAILER, OR MOBILE HOME BE USED AS A SIGN FOR THE PURPOSE OF ADVERTISING.

F. Signs in Residential Zones.

1. All signs shall follow the side yard setbacks outlined for the principal building for the zone in which the sign is located.
2. No more than two such signs shall be permitted for each development site.
3. No sign shall have moving parts or have flashing lights.
4. All signs for home occupations in residential zones shall not exceed three (3) square feet.

G. Signs in Commercial Zones.

Signs pertaining to the use on the site are permitted as follows:

- | | | | |
|----|------|------------------------|-------------|
| 1. | Zone | Max. Sign area per use | Max. height |
| | C-1 | 150 sq. ft. per sign | 36 feet |
| | C-2 | 300 sq. ft. per sign | 36 feet |
2. Directional signs for off-street parking and off-street loading facilities, not exceeding six (6) square feet for each sign.

3. One (1) sign pertaining to the sale, lease, rental or display of a structure or land not exceeding forty (40) square feet.
 4. No red, green, or amber lights or illuminated signs may be placed in such a position that they could reasonably be expected to interfere with, or be confused with any official traffic control device, traffic signal, official directional guide sign, or create a public nuisance.
- H. Signs in Industrial Zones. Signs pertaining to the use on the site are permitted.
1. The maximum size of a sign in any industrial zone is outlined in the general requirements of the appropriate industrial zone Article 6-1-13 or 6-1-14.
- I. Billboards. Permanent billboard signs shall be permitted only with the following regulations:
1. No billboard sign shall have a vertical dimension greater than ten (10) feet or a horizontal dimension greater than thirty two (32) feet (320-sq. ft. per side, 640-sq. ft. for two sides)
 2. No billboard sign combined with the post shall exceed twenty six (26) feet above ground or highway grade whichever is highest, and shall have a minimum of 10 vertical feet of clearance.
 3. No billboard sign shall be closer than one thousand 1000-500 feet from another billboard, nor closer than three (300) hundred feet from a residential zone, nor closer than 100 feet to any on-premise sign, unless the on premise sign is attached to the same supporting structure as the billboard, nor closer than twenty-five (25) feet from an intersection of two (2) right-of-ways.
 4. NO BILLBOARD SHALL BE LOCATED IN A COMMERCIAL ZONE UNLESS THE SIGN IS ADJACENT TO THE INTERSTATE, ON HIGHWAY 77 SOUTH OF THE LITTLE COLORADO RIVER AND HIGHWAY 180. NO BILLBOARDS SHALL BE ALLOWED BETWEEN THE HERMOSA OVERPASS TO MILEPOST 286.
- J. Applications. An application for a sign permit shall be filed with the Zoning Administrator on a form prepared by the Zoning Administrator. The application shall include the following:
1. Sketch showing size, height and shape of sign.

2. Description of materials used and method of mounting.
3. Landscaping, if any.
4. Any existing signs within the maximum distance on site, and off site in the case of billboards.
5. Any other information the Zoning Administrator might need to evaluate the sign proposal.
6. Payment of the filing fee. No part of the filing fee shall be refundable. Payment of the filing fee shall be waived when the petitioner is an official or agency of the City, County, State or Federal government
7. Sign permits may be required to be accompanied by plans in accordance with UBC regulations and may be required to be stamped by a registered engineer.

K. Fees. The permit fees for construction of any NEW outdoor advertising shall be based upon the area of the sign as follows:

1. \$15.00 for any display up to 50 Sq. ft. in area.
2. \$30.00 for any display over 50 Sq. ft. to 100 Sq. ft. in area.
3. \$40.00 for any display over 100 Sq. ft. to 200 Sq. ft. in area.
4. \$50.00 for any display over 200 Sq. ft. in area.

L. Enforcement. It is unlawful to erect or construct any outdoor advertising that requires a permit without first obtaining a sign permit from the City. Any person, firm or corporation violating any provision of the Sign Code, or any part thereof is guilty of a misdemeanor. Each day during which the illegal erection, construction, reconstruction, alteration, maintenance, or use continues it is a separate offense. The City, in addition to other remedies provided by law, may institute an injunction, abatement or any other appropriate action to remove or cease the construction of any such sign.

M. POLITICAL SIGNS.

1. REGULATION OF POLITICAL SIGNS. POLITICAL SIGNS ARE REGULATED BY THIS CODE IN TERMS OF THEIR LOCATION AND TIME ALLOWANCE BECAUSE OF THE SECONDARY EFFECTS ASSOCIATED WITH SUCH SIGNS—NAMELY,

LITTER, TRAFFIC SAFETY HAZARDS, AND AESTHETICS IN GENERAL—AND NOT BECAUSE OF THEIR CONTENT.

2. REQUIREMENTS FOR POLITICAL SIGNS:

A. SIGNS SHALL ONLY BE LOCATED ON PRIVATE PROPERTY WITH THE OWNER'S PERMISSION.

B. SIGNS SHALL NOT BE LOCATED ON CITY PROPERTY, IN CITY RIGHT-OF-WAY, OR PLACED IN SUCH A WAY AS TO CREATE A VISUAL TRAFFIC OBSTRUCTION.

C. SIGNS SHALL BE REMOVED WITHIN TEN (10) DAYS AFTER THE RELEVANT ELECTION. AT THE END OF THE TEN (10) DAY PERIOD, THE SIGN BECOMES AN UNAUTHORIZED SIGN AND MAY BE REMOVED BY THE CITY AND DESTROYED IF NOT CLAIMED WITHIN THIRTY (30) DAYS FROM THE REMOVAL DATE.

D. NO SIGN PERMIT IS REQUIRED FOR THE ERECTION OF SIGNS IN COMPLIANCE WITH THESE REQUIREMENTS.

3. ENFORCEMENT. POLITICAL SIGNS AFFIXED, PLACED, ERECTED, OR MAINTAINED IN VIOLATION OF SUBSECTION 2 OF THIS SECTION SHALL BE REMOVED BY THE CITY.

4. PENALTIES. ANY PERSON WHO AFFIXES, PLACES, ERECTS OR MAINTAINS A SIGN IN VIOLATION OF THIS SECTION OR WHO FAILS TO REMOVE A SIGN AS REQUIRED BY THIS SECTION COMMITS A CIVIL VIOLATION PUNISHABLE BY A FINE OF UP TO \$250.00. EACH DAY SUCH SIGN REMAINS IN VIOLATION OF THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A SEPARATE VIOLATION.

Section 2. EFFECTIVE DATE

The effective date of this ordinance is _____, 2011.

Section 3. REPEALING CLAUSE

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed, effective as of the date of posting hereof.

Section 4. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND APPROVED by the Mayor and Council of the City of Holbrook, Arizona, this 11 day of Jan, 2011.



Jeff Hill, Mayor

ATTEST:



Cher Reyes, CMC, CPM, City Clerk

APPROVED AS TO FORM:



Marlene A. Pontelli, Esq.
Mariscal, Weeks, McIntyre &
Friedlander, P.A., City Attorneys