

ARTICLE 1
GENERAL PROVISIONS
(Draft 2 1 12)

SECTION 1-10
AUTHORITY

This Unified Development Code is adopted for the Unincorporated Areas of Gila County pursuant to the authority granted to Counties in Title 11 of the Arizona Revised Statutes. This Code is designed to treat in one unified text those areas of regulation currently dealt with in separate zoning, land division and land use ordinances.

SECTION 1-11
PURPOSE AND TITLE

In order to conserve and promote the public health, safety and general welfare by guiding and accomplishing a coordinated, adjusted and harmonious County development and future growth, there is hereby adopted, as part of a comprehensive long-term plan, an official zoning, [land division and land use ordinance](#), together with zoning maps, rules and regulations for Gila County, Arizona, [and shall hereafter be known collectively as the "GILA COUNTY UNIFIED DEVELOPMENT CODE."](#)

In the interpretation and application, the provisions of this ordinance, unless otherwise provided, shall be held to be minimum requirements designed to lessen congestion in the neighborhood; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent over-crowding of land; [to prevent ground water contamination](#); to avoid undue concentration of population in certain areas; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to maintain stable values of land and buildings.

SECTION 1-12
RELATIONSHIP TO THE COMPREHENSIVE MASTER PLAN

This Unified Development Code is the primary tool for the implementation of the Gila County Comprehensive Master Plan, and the planning and land use policies adopted by the Board of Supervisors.

SECTION 1-13
APPLICABILITY

All buildings, structures, uses of land and appurtenant structures, subdivisions, small subdivisions, minor land divisions and private properties within the unincorporated boundaries of Gila County shall be subject to the provisions of this Code; except private properties that have requested to remain unzoned and properties unzoned because of irregular mining claim uses.

SECTION 1-14

REPEAL OF INCONSISTENT PROVISIONS

All ordinances and portions of ordinances of Gila County in conflict herewith are hereby expressly repealed.

SECTION 1-15

SEVERABILITY

This Ordinance and the various parts hereof are hereby declared to be severable. If any article, section, subsection, sentence, clause, phrase or word is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 1-16

GENERAL STIPULATIONS AND PROVISIONS, ALL DISTRICTS

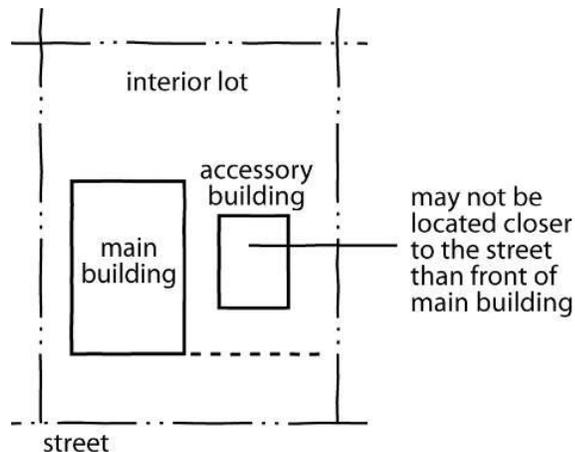
The following stipulations and provisions shall apply to all districts unless supplanted and/or supplemented by differing stipulations and provisions established in any particular district.

SECTION 1-17

GENERAL STANDARDS FOR STRUCTURES AND USES

- A. No building or other structure shall be erected, altered, or moved, nor shall any land or building be used, designed or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the District in which such structure or land is located, except that any structure may be removed from any property.
- B. No structure shall be removed from any property without a demolition permit that considers life safety issues for hazardous materials such as asbestos and lead paint.
- C. No building or other structure shall be erected or added to so as to exceed in height the limit hereinafter designated for the District in which located, whether such height be designated in stories, number of feet or otherwise.
- D. No building or other structure shall be erected or added to in such manner as to encroach upon or reduce any open space, yard setback requirement, lot area, or parking area as is hereinafter designated for the District in which such structure or open space is located. No yard or other space on one lot shall be considered as providing a yard or open space for a structure on any other lot.
- E. No building or structure shall be erected, constructed, reconstructed, altered, maintained or used in such a manner that the life, health, property or safety of the public or its occupants are endangered. This includes, but is not limited to, a building or structure or portion thereof:
 - 1. In which the means of exist does not provide safe and adequate means of egress in case of fire or panic;

2. In such a condition that it is likely to partially or completely collapse;
3. That is manifestly unsafe for the purpose for which it is being used;
4. That is used or intended for use as a dwelling and is determined by the Health Official to be unfit for human habitation or in such a condition that it is likely to cause sickness or disease;
5. That is determined by the Fire Marshall to be a fire hazard.
6. No property or use shall be operated or maintained in a manner that is a fire and/or explosion hazard; no property or use shall be allowed to emit toxic fumes or generate toxic waste; neither shall there be emitted into the atmosphere smoke, soot, dust, radiation, odor, noise, vibration, heat or glare to such an extent that it constitutes a nuisance; no property or use shall be operated or maintained to store junk or in such a manner as to be deemed a junk yard, unless permitted within a specific zoning district.
7. Accessory Uses and Structures for residential property
 - a. Setbacks for an exempt structure shall be three feet from the side and rear property lines.
 - b. No accessory structure or use shall be placed in the front yard.



- c. Accessory uses or structures may be established without the principle or primary use through the Use Permit Process where it can be clearly established that the structure or use will not be a nuisance to surrounding neighbors or negatively impact the neighborhood.

GENERAL REQUIREMENTS FOR LOTS

No lot shall hereafter be created, whether by minor land division, record of survey, small subdivision or subdivision, that contains less than the minimum number of square feet or minimum lot dimensions established for the zoning district or density district in which it is located.

SECTION 1-19

RESTRICTION ON REGULATING THROUGH ZONING

Nothing contained in this ordinance shall:

- A. Affect existing uses of property or the rights to its continuing use, or the reasonable repair or alteration thereof, for the purpose for which it was used at the time the ordinance affecting the property takes effect.
- B. Prevent, restrict, or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing or general agricultural purposes, if the following qualifications are met:
 1. To qualify for an exemption from zoning regulations as property used for "mining or metallurgy purposes," the property must meet each of the following standards:
 - a. The property is at least five (5) contiguous commercial acres in size. (A commercial acre is thirty-six thousand (36,000) square feet.)
 - b. The primary function of the property is to extract and/or process raw materials such as metals, minerals or coal.
 - c. The primary investment in the property is for the purpose of commercial mining and/or metallurgy.
 - d. The property is capable of being utilized solely for its mining or metallurgical abilities to sustain economic self-sufficiency and return a normal profit.
 - e. The mining or metallurgical uses are considered legally established, when they are approved and permitted by the office of the State Mining Inspector.
 2. To qualify for an exemption from zoning regulations as property used for "grazing or general agricultural purposes," the property must meet each of the following standards:
 - a. The property is at least five (5) contiguous commercial acres in size. (A commercial acre is thirty-six thousand (36,000) square feet.)
 - b. The primary use of, and investment in, the property is directed toward the production of agricultural products through agronomy, horticulture or animal husbandry ('exempt purposes').
 - c. The property is intended for, and is reasonably capable of, producing a normal profit through exempt purposes.
 - d. The primary function of the property is to produce an agricultural crop or commodity and is found by the Gila County Assessor's Office to be a qualifying agricultural property in accordance with the Arizona Department of Revenue Agricultural Manual.

SECTION 1-20

NONCONFORMING USES

Nonconforming Uses - Legally existing nonconforming uses, structures, buildings and other improvements existing upon the real property at the time this code is adopted subject to a nonconforming use may continue as provided below, unless the use creates a nuisance or otherwise violates any other law, rule or regulation.

- A. Continuing Existing Uses: Any use of land, building, structure, or improvement lawfully existing at the time this Code is adopted may be continued, even though such use does not conform to the provisions of this Code.
- B. A non-conforming business use within a district may expand, if such expansion does not exceed one hundred percent of the area of the business at the time of code adoption.
- C. Discontinuance or abandonment of nonconforming uses:
 - 1. If a non-conforming use of land or structure is discontinued or abandoned for 12 consecutive months, any and all future uses shall conform to this Code. Intention to abandon a use may be evidenced by a change in that use, removal of equipment, materials, improvements, structures, or other indications that the use is no longer intended to continue on that property.
 - 2. Discontinuance of a nonconforming use may be evidenced by removal of equipment, materials, improvements or other indications that such nonconforming use is no longer being made of that property, and/or by a lack of use of the nonconforming use of the subject property for the 12 month period, whether or not any intention to abandon such use is present.
 - 3. If a nonconforming use or structure is damaged or destroyed by fire, earthquake, flood, explosion, natural disaster, or act of public enemy, the nonconformance may be reconstructed and used as before if done within 12 months of the event date.
 - 4. The Community Development Director may approve a change in a legal nonconforming use or structure, when he determines that the change will reduce the nuisance aspects to adjoining property users or the neighborhood.
 - 5. The Board of Supervisors may acquire, by purchase or condemnation, any nonconforming lot, structures, or signs, provided, the amount paid does not exceed the amount to which the owner would otherwise be entitled in a condemnation proceeding.
 - 6. Any request for rezoning or variance by the property owner shall be grounds to require that existing nonconforming uses be brought into compliance with this Code.
- D. Notwithstanding items B and C3 above and normal maintenance; a nonconforming use of land or structure shall not be enlarged, extended, reconstructed or structurally altered, unless such enlargement, extension, expansion, reconstruction or structural alteration and further use of such property conforms with the provisions of this Code.

