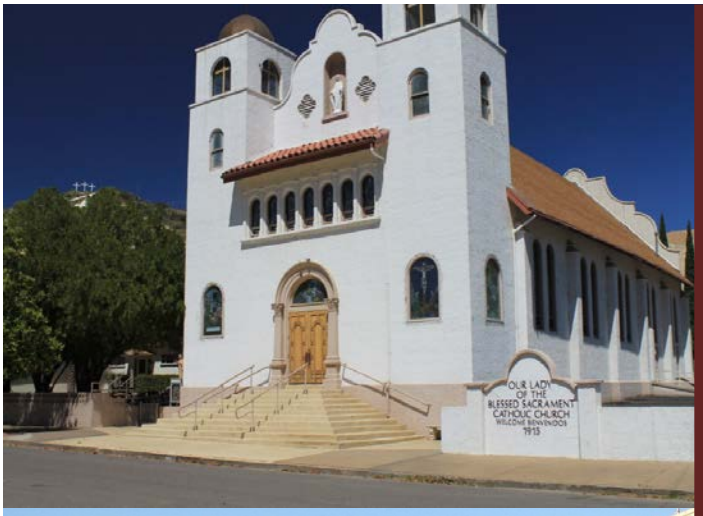
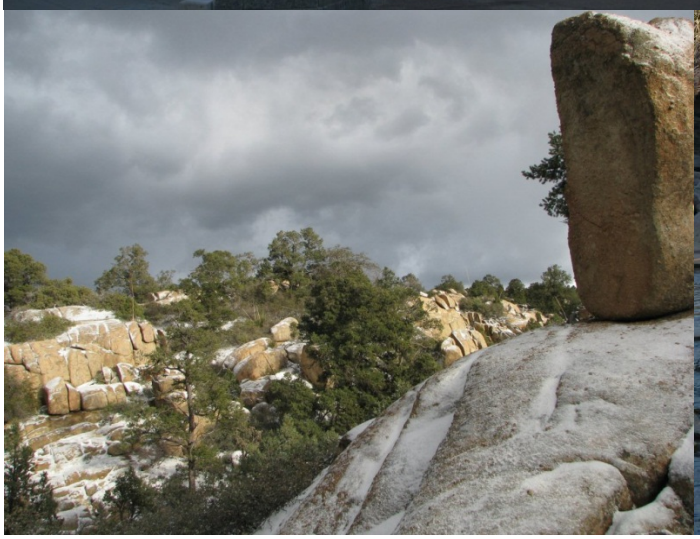
BOARD OF SUPERVISORS PUBLIC HEARING
AUGUST 18, 2014

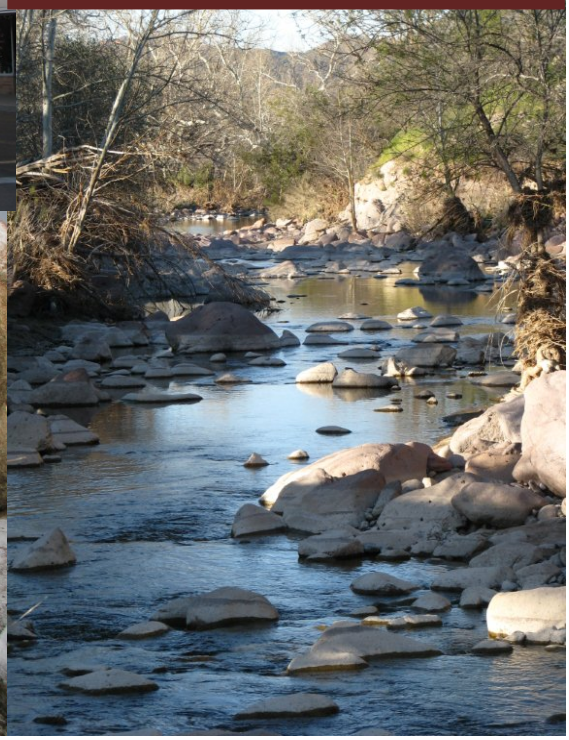




Gila County

Zoning Ordinance

August 2014



GILA COUNTY

ZONING ORDINANCE

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August 18, 2014

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ZONING ORDINANCE FOR UNINCORPORATED AREAS OF GILA COUNTY, ARIZONA

ORDINANCE NO. 2014-04

AN ORDINANCE TO AMEND AND REPLACE THE ZONING ORDINANCE FOR UNINCORPORATED AREAS OF GILA COUNTY, ARIZONA AND ANY SUBSEQUENT ORDINANCES THAT WERE ADOPTED BY THE BOARD OF SUPERVISORS WHICH MODIFIED PORTIONS OF THE ORDINANCE SUCH AS ZONING MAPS AND RULES AND REGULATIONS

WHEREAS, in accordance with the Zoning Ordinance for Unincorporated Areas of Gila County, Arizona, and upon recommendation of the Planning and Zoning Commission, the Board of Supervisors may amend, supplement or change the regulations set forth in the zoning code; and

WHEREAS, revisions have been made to the Zoning Ordinance for Unincorporated Areas of Gila County, Arizona, to include the reorganization of Sections 101, 102, 103, and 105; the text of Sections 101, 102, 103, 104, 105, and 108; and the overall formatting of the document; and

WHEREAS, on June 17, 2014, a public hearing was held by the Planning and Zoning Commission to review and obtain public comment regarding the proposed changes to the Zoning Ordinance for Unincorporated Areas of Gila County, Arizona, as required by the Zoning Code; and

WHEREAS, the Planning and Zoning Commission has recommended that the Board of Supervisors adopt this Ordinance as amended; and,

WHEREAS, the Board of Supervisors has properly noticed this Zoning Ordinance for Unincorporated Areas of Gila County, Arizona, and conducted a public hearing in compliance with A.R.S. §11-251-05(C) and 11-813.

NOW, THEREFORE, BE IT RESOLVED that the Gila County Board of Supervisors adopts as amended the Zoning Ordinance of Unincorporated Areas of Gila County, Arizona, which will go into effect 30 days after Board of Supervisors' approval:

ZONING ORDINANCE FOR UNINCORPORATED AREAS OF GILA COUNTY, ARIZONA

SECTION 101

This Zoning Ordinance is adopted for the unincorporated areas of Gila County pursuant to the authority granted to Counties in Title 11, Title 41 and Title 48, of the Arizona Revised Statutes.

SECTION 101.1
PURPOSE AND INTENT

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 ordinance, together with zoning maps, rules and regulations for Gila County, Arizona shall hereafter be known collectively as the "GILA COUNTY ZONING ORDINANCE FOR UNINCORPORATED AREAS OF GILA COUNTY, ARIZONA."

In the interpretation and application, the provisions of this Zoning 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 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 101.2
ADMINISTRATIVE RESPONSIBILITIES

The purpose of this section is to set forth the powers, duties and organization of the offices responsible for the administration of this Zoning Ordinance.

A. BOARD OF SUPERVISORS

The Board of Supervisors shall have the following duties in the administration of the provisions of this Zoning Ordinance:

1. Hear, review, and adopt amendments to the text of this Zoning Ordinance after a recommendation is provided by the Planning and Zoning Commission.

2. Hear, review, and adopt amendments to the zoning districts and the zoning map after a recommendation is provided by the Planning and Zoning Commission.

3. Hear, review, and consider appeals from decisions of the Planning and Zoning Commission or Zoning Inspector.

4. Hear, review, and approve preliminary, final, and small subdivision plats after a recommendation is provided by the Planning and Zoning Commission.

5. Take other actions deemed necessary or desirable to implement the provisions of these regulations, the Land Use and Resource Policy Plan, and the Comprehensive Master Plan.

B. PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission shall primarily serve as an advisory body to the Board of Supervisors to direct the growth and physical development of the private unincorporated areas of Gila County in a sound and orderly manner for the prosperity, health, safety, and welfare of the citizens. The membership and meetings shall be as provided in Title 11-802 of the Arizona Revised Statutes.

The Planning and Zoning Commission shall have the following duties in the administration of the provisions of this Zoning Ordinance:

1. Hold public hearings when necessary and make recommendations to the Board of Supervisors on all matters concerning or related to the creation of zoning districts and boundaries, the appropriate regulations to be enforced therein, the amendment of this Zoning Ordinance, and any other matter within the scope of the zoning power.

2. Hear, review, and make recommendations to the Board of Supervisors regarding applications for amendments to the Comprehensive Master Plan and other planning documents.

3. Serve as an advisory body to the Board of Supervisors, and furnish to the Board of Supervisors, through its assistants, the facts concerning the adoption of any report or recommendation.

4. Initiate, hear, and review amendments to the zoning map in accordance with the provision of this Zoning Ordinance.

5. Initiate, hear and review amendments to the text of this Zoning Ordinance.

6. Make investigations, maps, reports and recommendations in regard to the physical development of the unincorporated areas of Gila County.

7. Hear, review and make recommendations to the Board of Supervisors regarding preliminary, small and final subdivision plats in accordance with rules and procedures of the subdivision regulations.

8. Hear, review, determine compatibility requirements and make the decision regarding all Conditional Use Permit applications.

9. Hear, review and make recommendations to the Board of Supervisors regarding the Land Use Resource Policy Plan.

C. BOARD OF ADJUSTMENT

The Board of Adjustment shall be established to have meetings and make decisions as provided in Title 11-816 of the Arizona Revised Statutes and subsequent amendments to those statutes.

The Board of Adjustment shall have the following duties in the administration of the provisions of this Zoning Ordinance:

1. Interpret this Zoning Ordinance when the meaning of any word, phrase or section is in doubt; when there is a dispute between the appellant and enforcing officer; or when the location of a district boundary is in doubt.

2. Hear and decide appeals in which it is alleged that there is an error in a requirement or decision made by the Zoning Inspector in the enforcement of this Zoning Ordinance.

3. Hear and decide variances from the terms of this Zoning Ordinance because of special circumstances applicable to the property, including its size, shape, topography, location or surroundings where the strict application of the provisions of this Zoning Ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of

special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which property is located.

4. Issue a refund, if needed, of all or portions of the application filing fee if a decision of the Zoning Inspector is deemed in error or a requirement is substantially modified.

5. Designate conditions if needed that secure substantially the objectives of this Zoning Ordinance and require guarantees, if needed, in such a form as it deems proper to insure that such conditions are adhered. Where any such conditions are violated or not adhered, the approval shall cease to exist and the Zoning Inspector shall act accordingly.

The granting by the Board of Adjustment permission to proceed on a specific development scheme or of a permit for a construction variance shall be contingent upon permits being obtained and work commencing within six months and being diligently pursued. Failure of such shall void the ruling unless a longer time has been granted by the Board.

D. ZONING INSPECTOR

For the purpose of implementing and enforcing this Zoning Ordinance within the zoned areas of unincorporated Gila County, the position of County Zoning Inspector is established. The Director of the Gila County Community Development Division is designated as the Zoning Inspector. The Zoning Inspector may designate a Deputy Zoning Inspector.

The Zoning Inspector shall have the following duties in the administration of the provisions of this Zoning Ordinance:

1. Serve as the planning agency and administer all planning, zoning, lighting, subdivision and land use regulations as provided in this Zoning Ordinance.

2. Interpret and administer the Comprehensive Master Plan and the related policies established by the Board of Supervisors.

3. Establish forms and processes for the administration and review of map amendments, Conditional Use Permits, variances, minor land divisions, subdivision plats, text amendments and appeals.

4. Conduct pre-application conferences prior to the submission of applications for map amendments, Conditional Use Permits, variances, subdivision plats, text amendments, and appeals.

5. Review and consider requests for a Use Permit or an Administrative Variance.

6. Accept, review, and make recommendations regarding map amendments, Conditional Use Permits, variances, subdivision plats, text amendments, and appeals.

7. Provide assistance with the Land Use and Resource Policy Plan.

8. Provide assistance to facilitate all public hearing requirements necessary under the provisions of these regulations.

9. Provide assistance to the Board of Supervisors, the Planning and Zoning Commission, and the Board of Adjustment in the execution of their responsibilities under this Zoning Ordinance.

E. DESIGN REVIEW COMMITTEE

The Board of Supervisors adopted Resolution No. 08-12-01, which amended the Zoning Ordinance to add a section to the Zoning Ordinance which addresses regional design review guidelines. Those guidelines included the creation of a Design Review Committee, which is known as the Highway 60-70 Regional Design Review Committee (Committee). The Committee shall serve as an advisory committee to the Planning and Zoning administrators (or equivalent) of the governmental agencies involved.

1. Committee Membership:

    a. Each governmental agency will appoint three members to serve on the Committee. At least one of the three members should be from property owners within the overlay district. All members should be appointed to four-year terms. At the time of initial appointment, the Board of Supervisors shall appoint one member for two years, one member for three years, and one member for four years; thereafter, all appointments shall be for a four-year term of office.

    b. The Committee shall elect a Chairman and a Vice-Chairman to serve one-year terms to coordinate meetings and ensure that the Committee's proceedings are in compliance with Arizona Open Meeting laws. Their responsibilities shall include preparation and publication of the notices of the meetings, meeting agenda, and the minutes of the meetings.

    c. Non-voting/advisory membership may be extended to a representative of other governmental agencies for the purpose of consultation at the discretion of the Committee, for example, the Arizona Department of Transportation.

Upon receiving design packets from the property owners, the staff of the governmental agency having jurisdiction will transmit those packets to the Committee.

The Committee shall meet within 15 days of receipt of a design packet and prepare a written recommendation to the staff of the governmental agency having jurisdiction. If a written recommendation is not received within 30 days from the date of transmittal described above, the governmental agency having jurisdiction will assume the packet is approved with no recommendation from the Committee.

SECTION 101.3
APPLICATION PROCEDURES

The purpose of this section is to provide for the orderly processing of land use and zoning applications according to the administrative offices and duties cited in Section 101 of this Zoning Ordinance.

The development review procedures set forth in this section establish the standards for review and approval of all proposed development of unincorporated private properties in Gila County, except properties that have requested and remain unzoned and properties unzoned because of irregular mining claim uses.

The Board of Supervisors, subject to a properly noticed public hearing, may adopt by resolution such fees and charges as it deems reasonable for the processing of applications for zoning, variances, and other procedures as herein provided.

A. ADMINISTRATIVE VARIANCE

1. When compliance with the minimum building setback regulations would cause extreme hardship due to conditions of extreme topography, unnecessary destruction of vegetation, close proximity to water ways, substandard size, or irregular shape and minimal impacts to adjoining property uses, the Zoning Inspector may grant a variance not to exceed fifty percent (50%) of the minimum required yard; however, under no circumstances shall there be a yard of less than three (3) feet.

2. Application Requirements

    a. An application for an Administrative Variance shall be filed with the Gila County Community Development Division on forms provided for that purpose.

    b. An application for an Administrative Variance shall only be initiated by a property owner, an agent authorized by the owner or a person having a written contractual interest in the affected property. Proof of ownership of the subject property or a notarized 'authorized agent' form shall be required.

    c. A complete application form may require a site plan, depicting the special circumstance or location of the deviation from district standards.

    d. The application shall be accompanied by the payment of the appropriate non-refundable fee per the schedule of such charges as adopted by the Board of Supervisors.

3. Review

    The Zoning Inspector or his designated representative shall inspect the property to determine the circumstances and shall approve or deny the variance based on his findings and shall set forth his findings and recommendations on a form provided for that purpose.

4. Decision

    Notice of the decision of the Zoning Inspector shall be sent by United States Certified Mail to the applicant and the owners of record, according to the official assessment rolls of the Gila County Assessor and all adjacent properties.

5. Appeals

    Appeals of the decision of the Zoning Inspector may be made to the Board of Adjustment and must be filed in writing with the Community Development Division within fifteen (15) working days following the date of mailing of the notice of decision.

    The decision of the Zoning Inspector shall become effective at the expiration of the fifteen (15) calendar day appeal period, provided that no appeals have been filed.

B. CITIZEN PARTICIPATION PLAN

1. Purpose

The purpose of the Citizen Participation Plan is to:

a. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the neighborhood and community.

b. Ensure that the citizens and property owners of Gila County have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process.

c. Facilitate ongoing communications between the applicant, interested citizens, property owners, Gila County staff and elected officials throughout the application review process.

d. The Citizen Participation Plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision-making.

2. Applicability

The following applications shall require a Citizen Participation Plan:

a. Applications to amend the zoning classifications and the zoning maps in the unincorporated private properties of Gila County.

b. Applications for a Conditional Use Permit or a subdivision in the unincorporated private properties of Gila County.

Note: Applications for the subdivision process which have received an approved rezoning of the property within the past 12 months, and prepared a Citizen Participation Plan and Citizen Participation Report, and the proposed subdivision is in substantial compliance with the site plan submitted for the rezoning process shall not be required to submit another plan.

Note: Applications for a Conditional Use Permit for single family residential developments shall not require a Citizen Participation Plan.

c. Applications for a variance from the zoning regulations in the unincorporated private properties of Gila County.

Note: Applications for a variance on a single family residential property shall not require a Citizen Participation Plan.

3. Notification Area

The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The neighboring properties for early

notification are determined after consultation with the Community Development Division. At a minimum, the neighboring properties shall include the following:

a. Property owners within the 300' radius of the subject site.

b. The head of any homeowner's association or registered neighborhood within the 300' radius of the subject site.

4. Staff Assistance

To assist citizens with the neighborhood maps and property owner information, after the pre-application meeting where the applicable review process and procedures are explained, Community Development Division staff will:

a. Prepare a map of the subject site with the 300' radius from the property boundaries that identifies the notification area and the neighboring properties.

b. Prepare a list of the property owners, and their mailing addresses, that are part of the 300' notification area.

c. Prepare an example 'neighborhood' meeting letter for the applicant.

d. Provide the map, list and example letter in 10 working days.

5. Applicant's Responsibilities

a. The applicant shall invite and meet with his neighbors, being the property owners in the notification area, at a specific time and place, convenient for assembly and often the subject site, to discuss his proposed request.

b. The applicant shall provide the Community Development Division with a copy of the neighborhood invitation letter, a 'sign in' list of attendees, all invitations returned by the U.S. Post Office, and a list of concerns that were expressed at the meeting or through mail or email.

C. CONDITIONAL USES AND CONDITIONAL USE PERMITS

As defined in the section of this Zoning Ordinance entitled "Definitions", conditional uses are those uses, which although not specifically permitted in a given zoning district, would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions. Conditional Use Permits shall be issued setting forth all qualifying conditions subject to the procedures for rezoning found in the section of this Zoning Ordinance entitled "Amendment Procedures."

1. Application Requirements

a. The applicant shall submit a Conditional Use Permit application in the form of a narrative description of the proposed use on a form provided by the Community Development Division for that purpose and the application shall be accompanied by the appropriate non-refundable fee per the schedule of such charges as adopted by the Board of Supervisors.

b. An application for a Conditional Use Permit shall be initiated only by a property owner, or an agent authorized by the property owner. Proof of ownership of the subject property or a notarized 'authorized agent' form shall be required.

c. Accompanying the application, the applicant shall submit a reproducible site plan on sheets not to exceed 24" by 36," at a scale not to exceed 100 feet per inch. The site plan shall contain, at a minimum, the following information:
   i. The location and boundaries of the property.
   ii. Scale and north arrow.
   iii. The location of all existing and proposed improvements, provisions for onsite parking, internal or external access.
   iv. Such other information as the Zoning Inspector may deem necessary.

2. Hearing

Upon receipt of a completed application, site plan and the non-refundable application fee, a hearing on the application shall be scheduled before the Planning and Zoning Commission.

3. Decision

a. The Planning and Zoning Commission may deny the application, accept the recommendation of staff, modify the recommendation of staff, or-send the application back to the staff for further study prior to a rehearing.

b. A Conditional Use Permit (CUP) shall be issued by the Community Development Division setting forth all qualifying conditions, when the Planning and Zoning Commission approves a CUP application.

4. Appeal

Appeals of the decision and conditions of the Planning and Zoning Commission may be made to the Board of Supervisors and must be filed in writing with the Community Development Division within thirty (30) days following the date of the decision. A non-refundable application fee set by the Board of Supervisors is required.

5. Special Uses – Medical Marijuana

Medical Marijuana Dispensary/Cultivation and Medical Marijuana Dispensary Offsite Cultivation Location as defined in the section of this Zoning Ordinance entitled "Definitions," subject to all rules adopted by the Arizona Department of Health Services and to the following conditions:

a. Medical Marijuana Dispensaries or Medical Marijuana Offsite Cultivation Locations shall not be located within 35 miles of any other medical marijuana dispensary or medical marijuana offsite cultivation location.

b. Medical Dispensaries and Medical Marijuana Offsite Cultivation Locations shall not be located within 1,500 feet of:
   i. A church; or,
   ii. A public or private elementary or secondary school; or,
   iii. A public or private day care center, preschool, nursery, kindergarten, or similar use; or,

iv. A public park, playground, or public recreational facility; or,
v. School bus stop, Library, Substance Abuse Treatment Facilities,
vi. An adult oriented business.

c. Medical Marijuana Dispensaries shall be located only within the M1 Zoning Districts.

d. Drive-thru facilities shall not be permitted with any dispensary.

e. Dispensaries shall not permit the consumption of marijuana in any form on the premises or parcel of land.

f. Medical Marijuana Dispensaries with cultivation and off-site cultivation shall only be permitted in M1 Zoning Districts.

g. For purposes of this Conditional Use Permit, the notification area for the application shall be 1,500 feet.

h. For purposes of measuring separation distances required in this section, the measurements shall be taken in a straight line from the closest exterior walls of any affected structures without regard to intervening structures or objects or political boundaries.

i. Medical Marijuana Dispensaries shall be open to the public only from 8:00 AM to 5:00 PM daily, Monday through Friday.

j. A Medical Marijuana Dispensary or a Medical Marijuana Offsite Cultivation Location facility lawfully operating is not rendered in violation of these provisions by the subsequent location of a church, public or private elementary or secondary school, a kindergarten or preschool or similar use, a park or playground, or an adult oriented business within 1,500 feet of the Medical Marijuana Dispensary or Medical Marijuana Offsite Cultivation Location.

k. Applicant shall provide a copy of registration approved by Department of Health Services prior to opening for business.

l. A Medical Marijuana Dispensary must be located in a site built structure and not a manufactured home or RV.

m. A Conditional Use Permit (CUP) is valid for one year and then must be renewed. Any CUP may be revoked for failure to comply with all conditions.

n. No person under 18 years of age is permitted within these facilities without an adult-guardian with a registration card from the Department of Health Services.

o. This provision shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

p. Cultivation for a medical marijuana qualified patient and designated caregiver as defined in Section 102 of the Zoning Ordinance is subject to all rules adopted by the Arizona Department of Health Services and to the following conditions:
   i. For purposes of this Conditional Use Permit the notification area for the application shall be 1,500 feet.

ii. A Conditional Use Permit is valid for one year and then must be renewed.
iii. Any Conditional Use Permit may be revoked for failure to comply with all conditions.
iv. The Qualifying patient and designated caregiver cultivation location must be accessory to the primary use of residential, must not be detectable from the exterior of the property in which the cultivation takes place.
v. Medical marijuana cultivation as an accessory use to the qualifying patient's or caregiver primary residence shall only be permitted if the residence is located at least 25 miles distant from a Medical Marijuana Dispensary and in full compliance with regulations as established by the Department of Health Services for medical marijuana.

D. USE PERMITS

Use Permits are issued by the Zoning Inspector for the development or use of any property which is subject to a Use Permit. Such permit shall set forth by incorporation or reference all stipulations and limitations of the use of said property, as well as the time period for which such permit shall be issued. Use Permits are different from Conditional Use Permits (CUPs) because CUPs are for more intense uses that require public hearings.

1. Application Requirements

   a. The applicant shall submit a Use Permit Application on a form provided for that purpose.

   b. Accompanying the application, the applicant shall provide a site plan setting forth the location of the proposed use.
      i. The site plan shall be prepared on 8.5" x 11" or 11" x 17" sheet or sheets not to exceed 24" X 36".
      ii. The plan shall be drawn to a scale not to exceed one hundred (100) feet per inch and shall set forth, at a minimum, the following information:
         a) The boundaries of the subject property.
         b) A legal description.
         c) The location of existing and proposed improvements.
         d) Such other information as the Zoning Inspector may deem necessary.
      iii. Upon submitting the application, the applicant shall pay the appropriate nonrefundable fee.

2. Review

   a. Upon receipt of the application, site plan and fee, the Zoning Inspector or his designee shall:
      i. Set a date for an administrative hearing not later than twenty-one (21) days following receipt of same.
      ii. Notify all adjoining property owners of the purpose of the application and the date, time and location of the administrative hearing.
      iii. Make a record of all testimony in favor or against the application at the administrative hearing.

3. Decision

   The Zoning Inspector shall notify the applicant in writing no later than fifteen (15) working days after the administrative hearing of his decision to approve or deny the application, fully stating the reasons for denial or any stipulations or limitations regarding approval.

4. Appeals

   The applicant may appeal the denial of an application or appeal the conditions required for the use by filing a form of appeal with the Board of Adjustment within fifteen (15) working days following the issuance or denial of a permit.

E. TEMPORARY USE PERMITS

1. The purpose of a Temporary Use Permit is to permit one-time or short time use of land for a special event or an interim use. Application for a Temporary Use Permit shall be made on a form provided for such purpose by the Community Development Division and the appropriate non-refundable fee shall be paid. An expiration date will be provided when each temporary use permit is issued.

2. Temporary uses may be granted in all zoning districts subject to conditions, which shall consider the intent and purpose of the particular zoning district and minimize adverse impact on the neighborhood.

3. All temporary uses shall be subject to a Temporary Use Permit that shall be issued by the Zoning Inspector or his designated representative subject to the provisions of this section.

4. Application Requirements

   a. Application for a Temporary Use Permit shall include a written authorization of the owner of the property on which the temporary use is proposed and setting forth any specific conditions placed by the property owner on the proposed use, which conditions shall be incorporated into the Temporary Use Permit.

   b. The owner of the property on which the Temporary Use Permit is granted shall be a co-applicant for the permit, and shall be held responsible for the conformance of the use to the conditions set forth in the Temporary Use Permit and for the restoration of the property to its original condition following the termination of the use.

   c. If deemed necessary by the Zoning Inspector or the Planning and Zoning Commission due to the nature of the use, the applicant may be required to provide for private security, post bond or provide proof of insurance and shall indemnify Gila County against any claims arising from permitted uses.

   d. Any Temporary Use Permit may be revoked without notice, if the Zoning Inspector determines that conditions have been violated or that the use is causing a nuisance.

   e. The Planning and Zoning Commission may extend the time limits or modify the limitations of Temporary Use Permits by conditional use in accordance with the

provisions of Section 101 of this Zoning Ordinance entitled "Application Procedures," subsection "Conditional Uses and Conditional Use Permits."

5. Performance Standards

Approval of a Temporary Use Permit application shall require compliance with the following performance standards, along with any further conditions deemed necessary by the Zoning Inspector in order to reduce possible detrimental effects to surrounding properties and to protect the public health, safety and welfare:

a. Noise shall not be generated by any use to the point of disturbing the peace, quiet and comfort of neighboring properties.

b. Adequate on-site parking shall be provided.

c. No permit shall be issued if the use at the proposed location is deemed to be potentially hazardous to the public. No use shall be permitted in a public right-of-way.

d. Adequate sanitary facilities shall be provided for on-site; sanitary facilities shall conform to State and County Health Department requirements.

e. Provision shall be made for the collection and disposal of all solid waste generated in conjunction with the proposed use.

f. Lighting shall be limited to that necessary to conduct the proposed use safely and shall be shielded so that direct illumination shall be confined to the boundaries and site access. The operation of searchlights and similar lighting sources is prohibited.

g. Any required County or State Health Department or Sheriff's Office permits or licenses must be obtained.

6. Uses Requiring a Temporary Use Permit

a. Special events, having maximum duration of five days per event, including such activities as:
   i. Transient amusement activities (such as carnivals, circuses, outdoor concerts).
   ii. Tent revivals.
   iii. Outdoor flea markets.
   iv. Outdoor product shows.
   v. Christmas tree sales lots.
   vi. Contractor's offices and storage yards on the site of active construction projects.
   vii. Mobile/manufactured homes or recreational vehicles for security purposes on the site of an active construction project, but not for a total of more than six months in any twelve month period.
   viii. Roadside sales stands and temporary food sales stands, but not for a total of more than six months within any twelve-month period.
   ix. Batch plants and crushing operations in conjunction with a specific construction project for a period not to exceed the duration of the project.
   x. Other uses of a temporary nature similar to the above.

F. PRE-APPLICATION MEETING

Prior to application for any variance, appeal, amendment, Conditional Use Permit, Temporary Use Permit, Development Plan, Comprehensive Master Plan amendment, or any other review or permit process, a pre-application meeting with the Community Development Division staff is strongly encouraged. The review is free and often saves duplication of effort and avoids misunderstandings.

1. The purpose of the pre-application review is:

    a. To familiarize the Community Development Division with the request.

    b. To determine application requirements and familiarize the applicant with the review process and procedures.

    c. To identify land use and development policies which may affect the outcome of the request.

    d. To permit a cursory technical review at a conceptual stage to identify conflicts in objectives and to identify potential solutions for those conflicts.

    e. To identify the requirements for citizen participation and familiarize the applicant with related issues.

G. PUBLIC HEARINGS

The Board of Supervisors, Planning and Zoning Commission, and Board of Adjustment shall hold public hearings as required by Arizona Revised Statutes and this Zoning Ordinance.

1. Applicability

    The following applications shall require a public hearing:

    a. Applications to amend the Comprehensive Master Plan for the unincorporated private properties of Gila County.

    b. Applications to amend the zoning classifications and the zoning maps in the unincorporated private properties of Gila County.

    c. Applications for a Conditional Use Permit in the unincorporated private properties of Gila County.

    d. Applications for a Variance from the requirements of the Zoning Ordinance in the unincorporated private properties of Gila County.

2. Noticing

    a. A public hearing shall be held by the Board of Supervisors, Planning and Zoning Commission or Board of Adjustment within a reasonable time after filing of an application, after first causing notice to be given to parties of interest and the

public, by posting the property of application, if a property is involved, and publishing once in a newspaper of general circulation in accordance with State law.

b. It shall not be the responsibility of the Board of Supervisors or its agents to maintain the posting once erected.

H. VARIANCE

The purpose of the variance procedure is to provide a means whereby the literal terms of this Zoning Ordinance need not be applied, where there are practical difficulties or unnecessary hardships so that the spirit of this Zoning Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

1. Application Requirements

   a. An application for a variance shall be filed with the Community Development Division on forms provided.

   b. An application for a variance shall only be initiated by a property owner, an agent authorized by the owner. Proof of ownership of the subject property and/or a notarized 'authorized agent' form shall be required.

   c. A complete application form may require a site plan depicting the special circumstance or location of the deviation from district standards, a detailed description of the request or the specific grounds for an appeal of a Community Development Division decision.

   d. A map of the subject property and surrounding properties within 300' of the subject property boundaries shall be required. (Staff will assist with maps and property information, when a pre-application meeting is requested.)

   e. Two (2) sets of the site plan (8.5" x 11" or 11"x 17") drawn to scale and accuracy, commensurate with its purpose, shall be required. As a site plan is specific to a particular situation, the applicant shall confer with the Community Development Division to determine the information required. (i.e. locations of structures and buildings, building floor plans, elevations, parking areas and accesses, trees and vegetation, signage, drainages, etc.)

   f. The application shall be accompanied by payment of the appropriate fee on the schedule of such charges as adopted by the Board of Supervisors. When a variance request is for a deviation from district standards, fees are not refundable. When appeals are made of a Community Development Division decision, the Board of Adjustment shall have the discretion to refund all, a portion, or none of the application-filing fee.

2. Review

   a. An application for a variance shall be submitted to the Zoning Inspector and shall be reviewed by the Board of Adjustments within 30 calendar days of receipt of a completed application as determined by the Zoning Inspector.

   b. The Zoning Inspector shall submit the application and a written report to the Board of Adjustment with a recommendation on whether the variance should or should not be granted or modified.

3. Criteria for Granting a Variance

   A variance shall be granted only under the following:

   a. Due to special circumstances applicable to the property, including its size, shape, topography, location, impact to adjoining property uses and destruction of vegetation, the strict application of these regulations will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

   b. That a grant of a variance will be subject to conditions as will ensure that the adjustment authorized will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

   c. The special circumstances applicable to the property are not self-imposed by any person presently having an interest in the property.

   d. The variance will not allow the establishment of a use which:
      i. is not otherwise permitted in the zoning district;
      ii. would result in the extension of a non-conforming use; or
      iii. would change the zoning classification of any or all of the property.

4. Decision

   The Board of Adjustment shall hold a public hearing, review the standards and the Zoning Inspector's report, consider the testimony and other evidence presented at the hearing and grant a variance with specific conditions or deny the variance.

5. Appeal

   a. Appeals to an Adjustment Board may be taken by any person who feels that there is error or doubt in the interpretation of the Zoning Ordinance or that, due to unusual circumstances attaching to his property, an unnecessary hardship is being inflicted on him.

   b. The appeal shall state whether it is a plea for interpretation or for a variance, along with the grounds for the appeal.

   c. Any person aggrieved by a decision of the Board of Adjustment shall have the right, within thirty (30) days, to appeal to the Superior Court. The appeal shall be based on the record before the Board of Adjustment.

SECTION 102
DEFINITIONS

For the purpose of this Zoning Ordinance, certain terms and words are herein defined (words used in the present tense include the future; words in the singular number include the plural; and words in the plural include the singular); the word "shall" is mandatory and not permissive; the word "person" includes individuals, partnerships, corporations, clubs, or associations; the word "structure" includes the word "building." The following words or terms, when applied in this Zoning Ordinance, shall carry full force when used interchangeably: lot, plot, parcel, or premises; used, arranged, occupied or maintained; sold or dispensed; construct, reconstruct, erect, alter (structurally or otherwise), but not the term "maintain" or

any other form thereof. The following additional words and phrases shall for the purpose of this Zoning Ordinance have the following meanings:

ABUT: To physically touch or border upon, or to share a common property line.

ACCESSORY BUILDING: (See BUILDING, ACCESSORY)

ACCESSORY USE OR STRUCTURE: A use or structure that is clearly and customarily incidental and subordinate to the primary use or structure and is located on the same lot or may be under certain circumstances on an adjoining lot.

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

ACRE, NET: An area comprising forty-three thousand, five hundred sixty (43,560) square feet of land excluding rights-of-way, roadway easements and ingress and egress easements.

ADJACENT: Nearby, but not necessarily touching.

ADJOINING LOT OR LAND: A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

AGRICULTURE: Shall mean the tilling of the soil, raising of crops, horticulture, viticulture, silviculture, apiculture, aquaculture, small livestock raising, and/or pasture and range livestock production; including all uses incidental thereto, but not including commercial dairies, stockyards, feedlots, slaughterhouses, fertilizer yards, or plans for the reduction of animal matter or any other related industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes; nor including the concentrated single use operation of the raising of hogs, turkeys, chickens or fur bearing animals.

ALLEY: A public passageway, affording a secondary means of access to abutting property.

ANIMAL UNITS: An animal unit shall represent the unit of measurement utilized as the basis for determining the number of domestic farm animals permitted on non-agricultural parcels and shall consist of one large animal, or three medium animals, or ten small animals.

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

APARTMENT: An attached dwelling unit.

APARTMENT HOUSE: A building containing apartments.

ARCHITECTURAL ELEMENTS: Elements indicative of local heritage; embellishments to windows, doors, etc.

ARTIST: One who practices an art in which imagination and taste presides over execution. This is not deemed to include the business of teaching the mechanics of the art.

ATTACHED BUILDING: (See BUILDING, ATTACHED)

AUTOMOBILE SERVICE STATION: A place of business having pumps and/or storage tanks from which fuel and/or lubricants are dispensed at retail directly into the motor vehicle. Service, inspection and minor repairs are considered accessory to the sale of such fuel and lubricants.

BED AND BREAKFAST ESTABLISHMENT: A type of home occupation involving a portion of a single family dwelling in which from one to five bedrooms are completely furnished guest rooms occupied on a nightly basis for compensation, and ordinarily involving the serving of a morning meal prepared on the premises.

BERM: An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.

BILLBOARDS: See Signs, Off-Site

BOARD: The Gila County Board of Supervisors.

BOARDING HOUSE: A limited commercial activity in which up to five rooms in a dwelling are occupied as completely furnished guest rooms occupied on a weekly or monthly basis for compensation, and in which food prepared on the premises may be served to the occupants in a common dining room.

BUFFER: Thought of as a "transitional space," a buffer consists of horizontal space (land) and vertical elements (plants, berms, fences or walls). Its purpose is to physically separate and visually screen adjacent land uses that are not fully compatible.

BUILDING: A structure having a roof supported by columns or walls.

BUILDING, ACCESSORY: A subordinate building, either attached or detached from the main building, containing an accessory use.

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.

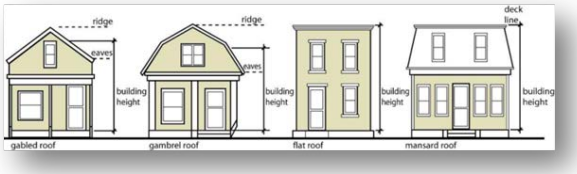
BUILDING, ATTACHED: A building which has at least a part of a wall in common with another building, or which is connected to another building by a roof which exceeds 6 feet between opposite open ends.

BUILDING, CLOSED: A building completely enclosed by a roof, walls and doors.

BUILDING, COMMUNITY: A public or quasi-public building used for community activities of an educational, recreational, or public service nature.

BUILDING, DETACHED: A building which is separated from another building or buildings on the same lot. Buildings connected only with a roof not more than 6 feet wide between opposite open ends shall be deemed detached.

BUILDING HEIGHTS: The vertical distance measured from the grade level to the highest level of the roof surface of flat roofs, to the deck line of mansard roofs, or to the mean height between eaves and ridge for gable or gambrel or hip roofs. Except where specifically provided in this Zoning Ordinance, building height does not apply to portions of buildings extending above the general roof line and comprising an aggregate area not greater than twenty five percent (25%) of the total roof area, or to structures other than buildings.



BUILDING, MAIN: 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, PUBLIC: (See PUBLIC BUILDING OR USE)

BUILDING SCALE: The relationship between the mass of a building and its surrounding, including the width of the street, open space, and mass of surrounding buildings. Mass is determined by the three dimensional bulk of a structure; height, width and depth.

CAMPING TRAILER: (See RECREATIONAL VEHICLE)

CARPORT: An open porch used solely for the parking of motor vehicles and containing no enclosing walls, screen, lattice or other material other than the wall or walls of the building to which it is attached, or other than a storage room.

COLOR BOARD: The Historic Colors of America color chart put out by Spectra-Tone Paint.

COMMERCIAL ACRE: Thirty Six Thousand (36,000) square feet of land area, exclusive of streets and alleys and other non-developable square footage.

COMMISSION: Planning and Zoning Commission.

COMMON OPEN SPACE: Squares, greens neighborhood parks, public parks, and linear environmental corridors owned and maintained by the County.

COMMUNITY BUILDING: (See BUILDING, COMMUNITY)

COMMUNITY DEVELOPMENT DIVISION: This is the duly authorized division of Gila County government that is responsible for adherence to all rules and regulations of this Zoning Ordinance.

COMPREHENSIVE MASTER PLAN: A plan adopted by the County Board of Supervisors by Resolution No. 03-11-02 providing a program to guide the orderly growth of the County.

CONDITIONAL USE: A use which, although not specifically permitted in a given zoning district, would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

CONDITIONAL USE PERMIT: A permit issued in conjunction with the establishment of a Conditional Use setting forth by incorporation or reference all qualifying conditions governing the use of the property.

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.

CONFORM TO (COMPLY WITH) ZONING REGULATIONS: Means conformance with all applicable requirements of the Zoning Ordinance including, but not limited to, minimum lot size, lot configuration such as lot width and lot depth, setbacks, distances between buildings, performance standards and property development standards.

CONGREGATE RESIDENCE: Any building or portion thereof which contains facilities for living, sleeping and sanitation, and may include facilities for eating and cooking, for occupancy by other than a

family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels, or boarding houses.

CONTIGUOUS: In actual contact.

COTTAGE INDUSTRY: A limited manufacturing activity carried on by the occupant of a dwelling as a secondary use in connection with which there is no outdoor display of stock-in-trade or unenclosed storage of raw materials or products; not more than three non-residents of the premises may be employed; may be conducted within the main dwelling or an accessory building, provided that not more than fifty percent of the combined floor area may be devoted to the cottage industry; adequate on-site parking will be provided for all permitted activities, but there shall be no more than five parking spaces; the permitted use will not generate vibration, smoke, dust, glare, heat, excessive noise or electrical interference with the reception of radio and television reception.

COURT: Any space other than a yard on the same lot with a building or group of buildings and which is unobstructed and open to the sky from above the floor level of any room having a window or door opening on such court. The width of a court shall be its least horizontal dimension.

CUSTOM: Pertaining to work, service or assembly done to order for individual customers for their own use or convenience.

DAY NURSERY: (See SCHOOL, NURSERY)

DETACHED BUILDING: (See BUILDING, DETACHED)

DISTRICT: Refers to zoning district (either Use District or Density District).

DOMESTIC FARM ANIMALS: Animals, other than household pets, that are kept and maintained for commercial production and sale and/or family food production, education or recreation. Domestic farm animals are identified by the following categories: A- Large Animals include horses, donkeys, mules, cattle and other bovine animals. B - Medium Animals include sheep and goats. C- Small Animals include rabbits, chinchillas, chickens, turkeys, ducks, geese and pigeons.

DRIVE-IN RESTAURANT: Any establishment where food or beverages are dispensed for consumption on the premises, but not within 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 containing one or more dwelling units

DWELLING, CONVENTIONAL: Shall mean a dwelling constructed on the site by craftsmen utilizing basic materials delivered to the site. Said building shall consist of footings and foundations poured in place and solidly attached to the walls, which shall be constructed in place. Roofing materials, interior and exterior finishes shall be applied on the site.

DWELLING, MOBILE/MANUFACTURED HOME: A structure, transportable in one or more sections, which is at least 8 feet wide and 32 feet in length, which is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to the required utilities.

DWELLING, MODULAR: A dwelling unit delivered to the site in one or more factory-assembled modules consisting of multiple building systems. Modules shall be such that they may not be towed on their own chassis. Modular dwelling unit shall be permanently affixed to a permanent foundation system.

DWELLING, MULTIPLE: A building containing two or more dwelling units.

DWELLING, PRECUT: A dwelling unit delivered to the site as individually sized building components with little, if any, factory assembly of building subsystems. The parts and components of said precut building shall be assembled on the site and permanently affixed to a permanent foundation system.

DWELLING, PREFABRICATED: A dwelling unit delivered to the site in a combination of sized individual building components and partially assembled building modules comprising primarily a portion of a single building system (i.e., floor, wall). Such dwelling shall be capable of site assembly by relatively unskilled crews and shall be permanently affixed to a permanent foundation system.

DWELLING UNIT: Any building or portion thereof containing one or more habitable rooms, designed, occupied, or intended for occupancy as separate living quarters with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single household.

DWELLING UNIT, PERMANENT: A dwelling unit of any type occupied, or suitable for occupation, for a period exceeding one hundred eighty (180) days.

ERECT: The incorporation of materials into a building or structure.

FAÇADE: The front of a building or any side facing a public way or area.

FAMILY: An individual or two or more persons related by blood, marriage or adoption, or a group not to exceed six unrelated persons living together as a single housekeeping unit.

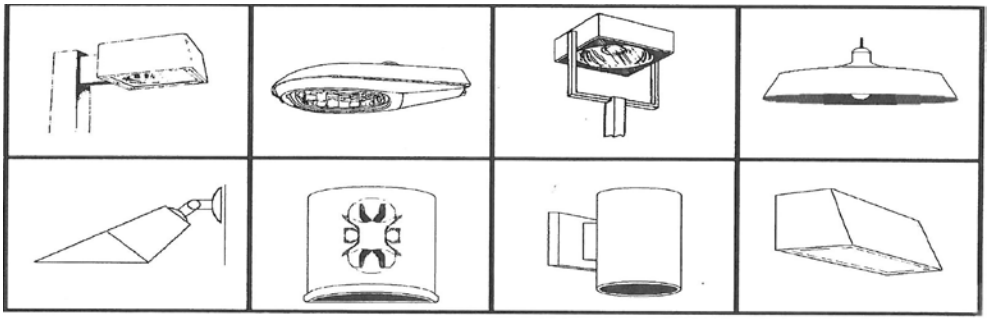
FIRE AND/OR EXPLOSION HAZARD: Any structure, material or use operated or maintained in a manner likely to result in a sudden or immediate fire and/or explosion as determined by the Fire Marshal having jurisdiction.

FREIGHT STATION: A facility for loading, unloading and warehousing of freight.

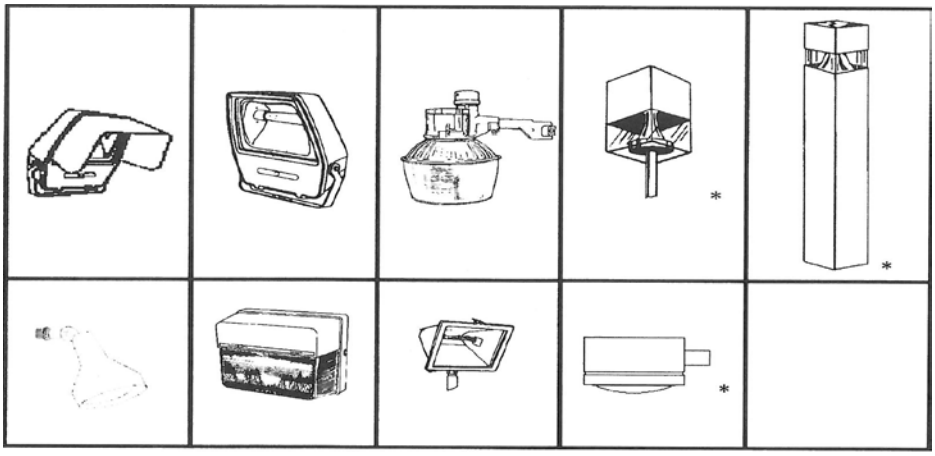
FREIGHT TERMINAL: A facility for loading and unloading of freight for current distribution and not warehousing.

FULLY SHIELDED FIXTURE: Means a light fixture or luminous tube constructed and mounted such that all light rays emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

> A practical working way to determine if a fixture or tube is fully shielded: if the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube *is not* fully shielded.
>
> Examples of fixtures that *are* fully shielded (Note: To be fully shielded these fixtures must be closed on top and mounted such that the bottom opening is horizontal):



Examples of fixtures that are NOT fully shielded:



*Note: Even though the lamp in these fixtures is shielded from direct view when viewed from the side or above, reflective surfaces and/or lens covers *are* directly visible from the side.

*Note for luminous (neon) tubes: When such lighting is installed under or behind a roof overhang, if the roof-line or eave is not horizontal the tubing may be visible from above when viewed from the side and therefore be unshielded.

GARAGE, PRIVATE: An accessory building occupied primarily by the passenger motor vehicle of the family's resident on the same lot. This may include one commercial vehicle under five-ton capacity. Non-commercial vehicles of persons not resident on the lot may occupy up to one-half the capacity of such garage.

GARAGE, PUBLIC: Any building, other than that herein defined as a private garage, used for the storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

GOVERNMENT AGENCY: The City of Globe, Town of Miami and/or Gila County Government that has jurisdiction over the area of concern.

GRAZING: The feeding of livestock on open range or fenced pasture for commercial purposes, and uses customarily incidental thereto, including facilities for the temporary assemblage of livestock prior to shipping, but not including commercial dairies, slaughterhouses, feedlots, fertilizer yards, bone yards or plants for the reduction of animal matter.

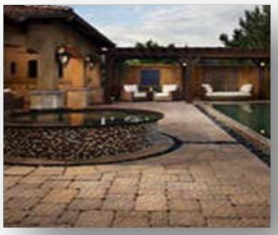
GROUND COVER: Vegetative groundcovers that serve to keep soil from eroding or moving as a result of natural forces.

GUEST HOUSE: A detached or semi-detached secondary conventional dwelling unit having not more than 800 square feet of gross floor area and containing not more than two habitable rooms along with sanitary facilities and an optional kitchenette, occupied by relatives, servants or the non-paying guests of the occupant of the main dwelling.

GUEST ROOM: A room having no cooking facilities intended for occupancy by one or more persons not members of the family.

HABITABLE ROOM: A room within a structure for eating or sleeping. Bathrooms, toilet compartments, closets, halls, storage and utility spaces are not considered habitable rooms.

HARDSCAPE: Hardscape, or "hardscaping" refers to inanimate elements of landscaping. Anything used in landscaping that is not part of the living component of the landscape (i.e. plants) can be considered a hardscape element (i.e. water fountains, stone walls, concrete or brick patios, tile paths, wooden decks and wooden arbors).



HEIGHT OF BUILDING: (See BUILDING HEIGHT)

HELP-SELF LAUNDRY: (See LAUNDRY, SELF-HELP)

HOME OCCUPATION: A limited commercial activity carried on by the occupant of a dwelling as a secondary use, including professional and semi-professional offices, when conducted and entered from within the dwelling, in connection with which there is no outdoor display of stock-in-trade; not more than one non-resident of the premises is employed; not more than one-fourth of the floor area of one story of the main dwelling or a detached home workshop not more than two hundred (200) square feet in area is to be used for such home occupation; and provided the residential character of the main dwelling is not changed by said use; and, said use does not cause any sustained or unpleasant or unusual noises or vibrations or noxious fumes or odors, or cause any parking or traffic congestion in the immediate neighborhood.

HOSPITAL: A place for the treatment or care of human ailments; and, unless otherwise specified, the term shall include sanitarium, preventorium, clinic, maternity home, rest home, and convalescent home.

HOTEL: A building other than a boarding house as defined herein, which building contains more than five guest rooms, and where entrance to the sleeping rooms or apartments is from a common entrance or lobby.

HOTEL, APARTMENT: (See APARTMENT HOTEL)

HOUSEHOLD: See “Family”.

HOUSEHOLD PETS: Small domestic animals such as dogs, cats and certain birds, reptiles, fish, rodents and furbearing animals, but not including swine of any breed, which may, under normal

circumstances, be kept within the confines of a dwelling unit, either caged or uncaged, and which are not kept, bred, raised or exchanged for commercial purposes.

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

INORGANIC GROUNDCOVERS: River rock, artificial turf, artificial plant material, gravel, concrete, asphalt paving or other similar non-living material.

INSPECTOR: Zoning Inspector or any of his Deputy Zoning Inspectors.

INTERIOR LOT: (See LOT, INTERIOR)

JUNK: Any scrap, waste, reclaimable material, or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal, or other use or disposition, including but not limited to inoperable and unregistered motor vehicles, tires, vehicle parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber.

JUNK YARD: The use, either commercially or otherwise, of a lot, parcel, or portions thereof, for the storage, collection, processing, purchase, sale or abandonment of waste paper, rags, scrap metal, or other scrap or discarded goods, materials or machinery, or two or more unregistered, inoperable motor vehicles, or other type of junk.

KENNEL, COMMERCIAL: Any kennel maintained for the purpose of boarding, raising or training dogs or cats over the age of four months for a fee or for exchange or sale.

KENNEL, NON-COMMERCIAL: Any property where five or more dogs and/or cats over the age of four months are kept or maintained for use and enjoyment of the occupant for non-commercial purposes.

KEY LOT: (See LOT, KEY)

KINDERGARTEN: Same as Nursery School, except when operated in conjunction with a school of general instruction and having accredited instruction.

LANDSCAPING: The combination of landscape elements in a designed, specific application that meets the purposes of this Zoning Ordinance. Landscape elements may include vegetation, such as trees, cacti, shrubs and groundcovers and other elements such as walls, earth berms, planters, and other architectural or structural elements.

LAUNDRY, SELF-HELP: A building in which domestic type washing machines and/or dryers are provided on a rental basis for use by individuals doing their own laundry.

LAWN: An area of grass maintained for decorative or recreational use.

LIVESTOCK: All animals otherwise classified as Domestic Farm Animals, but also including swine.

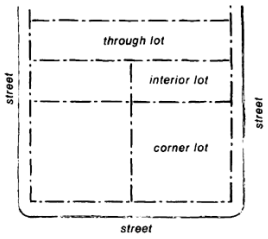
LIVING UNIT: (See DWELLING UNIT)

LOT: A parcel of land, or two or more parcels to be used as a unit, and having its principal frontage on a dedicated street or street easement. Where a half-street has been dedicated from such parcel, such shall be qualification for street frontage.

LOT, CORNER: A lot abutting on two or more intersecting or intercepting streets, where the angle of intersection does not exceed one hundred thirty five (135) degrees. A corner lot shall be considered to be in that block in which the lot fronts.

LOT DEPTH: The shortest distance between the mid-point of each the front and rear line.

LOT, INTERIOR: Lots having no sides abutting on a street.



LOT, KEY: An interior lot having one side (at least) contiguous to the rear line of a corner lot.

LOT LINE, FRONT: That part abutting a street. The front line of a corner lot shall be the shorter of the two street lines as originally platted or, if such are equal, the most obvious front by reason of usage by adjacent lots. The front line of a through lot shall be that line which is obviously the front by reason of usage by adjacent lots. Such a lot exceeding one hundred eighty eight (188) feet in depth may be considered as having two front lines.

LOT LINE, REAR: That lot line opposite the front line. Where the side lines of the lot meet in a point, the rear line shall be considered parallel to the front line of a tangent of the mid-point of a curved front line and lying ten (10) feet within the lot.

LOT LINE, SIDE: Those property lines connecting the front and rear property lines.

LOT, THROUGH: A lot in which the front and rear lines abut on a street.

LOW PROFILE SIGN: A sign that does not exceed a height of five feet from finished grade.

MAIN BUILDING: (See BUILDING, MAIN)

MAINTAIN: The replacing of a part or parts of a building which have been made unusable by ordinary wear or tear or by the weather.

MARQUEE SIGN: A permanent or portable illuminated freestanding sign that employees flashing or moving elements.

MEDICAL MARIJUANA DESIGNATED CAREGIVER CULTIVATION LOCATION: An enclosed, locked facility such as a closet, room, greenhouse or other building that complies with all Department of Health Services regulations for the cultivation of medical marijuana. The establishment of a cultivation location by a designated caregiver must be in compliance with all regulations adopted by the Arizona Department of Health Services and State Statutes applicable to the use of medical marijuana.

MEDICAL MARIJUANA DISPENSARY: An entity defined in A.R.S. §36-2801(11) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials. Must be authorized by Department of Health Services.

MEDICAL DISPENSARY OFFSITE CULTIVATION LOCATION: The additional location where marijuana is cultivated by a Medical Marijuana Dispensary as referenced in A.R.S. §36-2804(B) (1) (b) (ii). Must be in compliance with all Department of Health Services regulations for medical marijuana cultivation.

MEDICAL MARIJUANA INFUSION (*OR MANUFACTURING*) FACILITY: A facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible goods.

MEDICAL MARIJUANA QUALIFYING PATIENT CULTIVATION LOCATION: An enclosed, locked facility such as a closet, room, greenhouse or other building with a Conditional Use Permit issued by Gila County where a patient who is qualified to cultivate marijuana pursuant to A.R.S. §36-2801 cultivates marijuana. The establishment of a cultivation location by a qualified patient must be in compliance with all regulations adopted by the Arizona Department of Health Services and State Statutes applicable to the use of medical marijuana.

MOBILE/MANUFACTURED HOME: (See DWELLING, MOBILE/MANUFACTURED HOME)

MOBILE/MANUFACTURED HOME DEVELOPMENT: Any lot, tract, or parcel of land used or offered for use in whole or in part, with or without charge, for the parking of more than two mobile/manufactured homes, travel trailers, or recreation vehicles.

MOBILE/MANUFACTURED HOME PARK: A site with required improvements and utilities for the long-term parking of mobile/manufactured homes, which may include services and facilities for the residents.

MODULAR HOME: (See DWELLING, MODULAR)

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

MOTOR HOME: (See RECREATIONAL VEHICLE)

MULTIPLE DWELLING: (See DWELLING, MULTIPLE)

NATURAL BUFFER: A buffer that is composed of undisturbed areas in which disturbance is prohibited except to enhance small areas by planting the same plant material and density as undisturbed areas endemic to the site area.

NATURAL OPEN SPACE: Undisturbed, native vegetation.

NEWSPAPER OF GENERAL CIRCULATION: Shall be deemed to mean a daily newspaper, if one is published in the County Seat; if no daily newspaper is published, a weekly newspaper may be used.

NUISANCE: Any act, action, or condition relating to the use of property which endangers the health, safety or property of others, or which interferes with the enjoyment or use of property.

NURSERY SCHOOL: (See SCHOOL, NURSERY)

OPEN PORCH: (See PORCH, OPEN)

OVERHEAD PROTECTION STRUCTURE: Overhead protection structures are devices installed on a building façade or freestanding devices intended to provide shade and protection to pedestrian areas and display windows. These may include porches, colonnades, trellises, pergolas, canopies, awnings and recessed doorways.

PORCH, OPEN: A porch in which any portion extending into a front or side yard shall have no enclosure by walls, screens, lattice or other material higher than fifty four (54) inches above the natural

grade line adjacent thereto, which porch is to be used solely for ingress and egress, and not for occupancy as a sleeping porch or wash room.

PRE-FABRICATED HOME: (See DWELLING, PRE-FABRICATED)

PRIVATE GARAGE: (See GARAGE, PRIVATE)

PRIVATE USE: (See USE, PRIVATE)

PROFESSIONAL USE: (See USE, PROFESSIONAL)

PUBLIC GARAGE: (See GARAGE, PUBLIC)

RECREATIONAL VEHICLE:

1. A vehicular type unit which is a portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold for camping; or a motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self-propelled motor vehicle chassis cab or van that is an integral part of the completed vehicle.

2. A park trailer (park model) built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than three hundred twenty square feet and not more than four hundred square feet when it is set up, except that it does not include fifth wheel trailers.

3. A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and has a trailer area of less than three hundred twenty square feet. This subdivision includes fifth wheel trailers.

4. If a unit requires a size or weight permit, it shall be manufactured to the standards for park trailers in A 199.5 of the American National Standards Institute Ordinance. A portable truck camper constructed to provide temporary living quarters for recreational, travel or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

RECREATIONAL VEHICLE PARK: A plot of ground upon which two or more spaces with the required utilities and improvements are located and maintained for occupancy by recreational vehicles as temporary living quarters for recreational and vacation purposes.

RESIDENTIAL USE: (See USE, RESIDENTIAL)

RESTAURANT: An establishment other than a boarding house, where meals which are prepared therein may be procured by the public.

REST HOME: Same as Hospital.

SCHOOL: A place of general instruction having accredited instruction acceptable to the educational authorities.

SCHOOL, NURSERY: An institution for the day time care of children of pre-school age. Even though some instruction may be offered in connection with such care, the institution shall not be considered a "school" within the meaning of this Zoning Ordinance.

SCREENING ELEMENT: Any landscaping or structure used to conceal or reduce the negative visual and/or audio impacts of certain land uses or activities from streets or adjacent development. The height of a screening device is measured from the highest finished grade abutting the element to be screened.

SELF-HELP LAUNDRY: (See LAUNDRY, SELF-HELP)

SEXUALLY ORIENTED BUSINESS DEFINITIONS:

For the purpose of this section, the following definitions apply unless the context clearly indicates otherwise.

1. **Adult Arcade** means any place to which the public is permitted or invited and in which coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image producing devices are regularly maintained to show images that are characterized by the depiction or description of specific sexual activities or specific anatomical areas to persons in booths or viewing rooms.

2. **Adult Bookstore** or **Adult Video Store** or **Adult Novelty Store** means a commercial establishment that offers for sale or rent or for any form of consideration any one or more of the following:

    a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, compact discs, video reproductions or slides or other visual representations that depict or describe specific sexual activities or specific anatomical areas; or

    b. instruments, devices or paraphernalia that are designed for use in connection with specific sexual activities.

3. **Adult Cabaret** includes any nightclub, bar, restaurant or other similar commercial establishment, whether or not alcoholic beverages are served, that features:

    a. Persons who appear in a state of nudity or who are seminude.

    b. Live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

    c. Films, motion pictures, videocassettes, slides or other photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas.

    NOTE: Nothing in the definition of Adult Cabaret shall be construed to apply to the presentation, showing, or performance of any play, drama, or ballet in any theater, concert hall, fine arts academy, school, institution of higher education, or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of a commercial or business enterprise.

4. **Adult Live Entertainment Establishment** means an establishment that features:

    a. Persons who appear in a state of nudity or semi-nudity; or

    b. live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

5. **Adult Motel** means a hotel, motel or similar commercial establishment that:

    a. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and advertises the availability of this adult type of photographic reproductions; or

    b. offers a sleeping room for rent for a period of time that is less than ten hours; or

    c. allows a tenant or occupant of a sleeping room to sub rent the room for a period of time that is less than ten hours.

6. **Adult Motion Picture Theater** means a commercial establishment in which for any form of consideration films, computer simulations, motion pictures, videocassettes, slides or other similar photographic reproductions that are characterized by the depiction or description of specific sexual activities or specific anatomical areas are regularly shown.

    NOTE: Nothing in the definition of Adult Motion Picture Theater shall be construed to apply to the presentation, showing or performance of any play, drama or ballet in any theater, concert hall, fine arts academy, school, institution of higher learning or other similar establishment as a form of expression of opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purposes of advancing the economic welfare of a commercial or business enterprise.

7. **Adult Service** means dancing, serving food or beverages, modeling, posing, wrestling, singing, reading, talking, listening or other performances or activities conducted for any consideration in a Sexually Oriented Business by a person who is nude or seminude during all or part of the time that the person is providing the service.

8. **Adult Service Provider** or **Erotic Entertainer** means any person who provides an adult service.

9. **Adult Theater** means a theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear in a state of nudity or semi-nudity who engage in live performances that are characterized by the exposure of specific anatomical areas or specific sexual activities.

10. **Adult Video Facility** means a commercial establishment where, for any consideration, films, motion pictures, video cassette projections, slides or other visual media characterized by depiction of specific sexual activities or specific anatomical areas are shown in the regular course of business as a principal business purpose of the establishment. Adult Video Facility does not include a theater where all viewing occurs in a common area with seating for fifty (50) or more persons. This definition does include Adult Arcades.

11. **Discernibly Turgid State** means the state of being visibly swollen, bloated, inflated or distended.

12. **Dual Purpose Business** means a commercial establishment that devotes at least ten percent (10%) of its interior sales or display space to the sale or rental, for any form of consideration, of any one or more of the following:

    a. Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specific anatomical areas; or

b. instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others; and which does not meet the definition of Adult Bookstore, Adult Novelty Store or Adult Video Store set forth above. Floor space shall be measured by dividing the floor space where patrons or customers of the establishment are permitted where the primary sales or displays are of materials described above by the total floor space where patrons or customers of the establishment are permitted regardless of the materials.

13. **Employee** means a person who works or performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an Employee, independent contractor, agent, or otherwise, and whether or not the person is paid a salary, wage or other compensation by the operator of the business. This does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises, nor an attorney, accountant or other person whose primary function is to provide professional advice and assistance to the licensee.

14. **Enterprise** means a corporation, association, labor union or other legal entity, as provided in A.R.S. 13-105.

15. **Escort** means a person who for consideration agrees or offers to act as a companion, guide or date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

16. **Escort Agency** means a person or business association that furnishes, offers to furnish or advertises the furnishing of escorts as one of its primary business purposes for any fee, tip or other consideration.

17. **Establish or Establishment** means and includes any of the following:

    a. The opening or commencement of any sexually oriented business as a new business; or

    b. the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

    c. the addition of any sexually oriented business to any other existing sexually oriented business.

18. **Exotic Dance Service** means any business or person who provides Exotic Dancers to perform at a private residence, business, or other location (other than an Adult Cabaret).

19. **Exotic Dancer** means a male or female dancer that performs seminude or nude for compensation.

20. **Explicit Sexual Material** means any drawing, photograph, film negative, motion picture, figure, object , novelty device, recording, transcription or any book, leaflet, pamphlet, magazine, booklet or other item, the cover or contents of which depicts human genitalia or depicts or verbally describes nudity, sexual activity, sexual conduct, sexual excitement or sadomasochistic abuse in a way which is harmful to minors. Explicit sexual material does not include any depiction or description which, taken in context, possesses serious educational value for minors or which possesses serious literary, artistic, political or scientific value.

21. **Licensee** means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a

sexually oriented business license. In case of an employee, it shall mean the person in whose name the sexually oriented business employee license has been issued.

22. **Massage Establishment** means an establishment in which a person, firm, association or corporation engages in or permits massage activities, including any method of pressure on, friction against, 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. This paragraph does not apply to:

    a. Persons authorized by the laws of this state to practice medicine, osteopathy, chiropractic, podiatry, or naturopathy;

    b. registered nurses, licensed practical nurses or technicians when acting under the supervision of a licensed physician or osteopath;

    c. persons employed or acting as trainers for any bona fide amateur, semi-professional or athlete or athletic team; or

    d. persons authorized by the laws of this state as barbers or cosmetologists, provided their activity is limited to the head, face, or neck.

23. **Nude Model Studio** means a place where a person who appears seminude, in a state of nudity, or who displays specific anatomical areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Arizona or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:

    a. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or seminude person is available for viewing; and

    b. where in order to participate in a class a student must enroll at least three days in advance of the class; and

    c. where no more than one nude or seminude model is on the premises at any one time.

24. **Nude, Nudity or State of Nudity** means any of the following:

    a. The appearance of a human anus, genitals or female breast below a point immediately above the top of the areola; or

    b. a state of dress that fails to opaquely cover a human anus, genitals or female breast below a point immediately above the top of the areola or the showing of the covered male genitals in a discernibly turgid state.

25. **Operate or Cause to Operate** means to cause to function or to put or keep in a state of doing business. Operator means any persons on the premises of a sexually oriented business who is authorized to exercise operational control of the business or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

26. **Patron** means a person invited or permitted to enter and remain upon the premises of a sexually oriented business, whether or not for consideration.

27. **Person** means an individual, firm, organization, business trust, limited liability company, joint venture company, proprietorship, partnership, corporation, association, or other legal entity.

28. **Public Display** means the placing of material on or in a billboard, viewing screen, theater marquee, newsstand, display rack, vending machine, window, showcase, display case or similar place so that material within the definition of Explicit Sexual Material is easily visible or readily accessible from a public thoroughfare, from the property of others, or in any place where minors are invited as part of the general public.

29. **Regularly Features or Regularly Shown** means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business.

30. **Seminude or Semi-Nudity or In a Seminude State** means a state of dress in which opaque clothing covers no more than the genitals, pubic region and female breast below a point immediately above the top of the areola, as well as portions of the body that are covered by supporting straps or devices.

31. **Sexual Encounter Center** means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration the following:

    a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

    b. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or is seminude.

32. **Sexually Oriented Business** means an Adult Arcade, Adult Bookstore, Adult Video Store, Adult Novelty Store, Adult Cabaret, Adult Live Entertainment Establishment, Adult Motel, Adult Motion Picture Theater, Adult Theater, Adult Video Facility, Dual Purpose Business, Escort Agency, Exotic Dance Service, Massage Establishment that offers or provides Adult Service, Nude Model Studio, Sexual Encounter Center or any business or facility that offers or provides an Adult Service.

    NOTE: A commercial establishment may have other business purposes that do not meet the definition of a Sexually Oriented Business but such other business purposes will not serve to exempt such commercial establishment from being categorized as a Sexually Oriented Business so long as one of its principal business purposes qualifies as such.

33. **Specific Anatomical Areas** means any of the following:

    a. A human anus, genitals, pubic region or a female breast below a point immediately above the top of the areola that is less than completely and opaquely covered.

    b. Male genitals in a discernibly turgid state, even if completely and opaquely covered.

34. **Specific Sexual Activities** means and includes any of the following:

    a. Fondling or other erotic touching of the human genitals, pubic region, buttocks, anus or female breast.

b. Sex acts, normal or perverted, actual or simulated, including acts of human masturbation, sexual intercourse, oral copulation or sodomy.

c. Urinary or excretory functions as part of or in connection with any of the activities set forth in (a) or (b) above.

35. **Video** includes image reproduction and display by videotape or any other medium, such as digital video disk or compact disk that produces moving or still images on a screen, wall, or other similar display.

36. **Viewing Room** means the room, booth, or area where a patron of sexually oriented business would ordinarily be positioned while watching a film, videocassette, or other video or visual production or reproduction.

SIGN: A display for the purpose of making anything known and visible beyond the boundaries of the property on which same is located.

SIGN, OFF-SITE: A sign advertising a business, place, activity, goods, services or products on a different property than where the sign is located.

SIGN, ON-SITE: A sign advertising a business, place, activity, goods, services or products on the same property which the sign is located.

SLEEPING ROOM: A room other than a guest room, in which cooking facilities are provided.

STORY: That portion of a building included between the surface of any floor and the surface of the next floor above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement, the ceiling of which is less than 4'6" above the grade level shall not be considered a floor. A mezzanine floor shall be considered a story if it exceeds an area of forty percent (40%) of the area of the floor next below it.

STREET: A public passageway which affords a principal means of access to abutting property.

STRUCTURE: Anything built or installed by arranging parts together, such as buildings, tanks, fences, signs, pools, towers, etc.

TIME SHARE PROJECT: A project in which a purchaser receives the right in perpetuity, for life or for a term of years to the recurrent, exclusive use of occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis, for a period to time that has been or will be allotted from the use or occupancy periods into which the project has been divided.

TOURIST COURT: (See MOTEL)

TOWNHOUSE DEVELOPMENT: A subdivision consisting of single dwellings constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls, or are located immediately adjacent thereto with no visible separation between walls or roofs.

TRADITIONAL NEIGHBORHOOD: A compact, mixed use neighborhood where residential, commercial, office and civic buildings are within close proximity to each other.

TRAILER: A structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.

TRAILER PARK: (See MOBILE/MANUFACTURED HOME DEVELOPMENT, MOBILE/MANUFACTURED HOME PARK, RECREATIONAL VEHICLE PARK)

TRAVEL TRAILER: (See RECREATIONAL VEHICLE)

USE: The purpose for which a building or lot is arranged, designed, occupied or maintained.

USE, ACCESSORY: A use incidental to the principal use on the same lot.

USE, NONCONFORMING: A use or activity which was lawful prior to adoption, revision or amendment of the Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

USE PERMIT: Shall be a permit issued by the Zoning Inspector for the development or use of any property which is subject to a Use Permit. Such permit shall set forth by incorporation or reference all stipulations and limitations of the use of said property, as well as the time period for which such permit shall be issued. (THIS IS NOT A CONDITIONAL USE PERMIT)

USE, PERMITTED: A use in a district which is allowed therein by reason of being listed among the "Permitted Uses" in the district.

USE, PRIVATE: A use restricted to the occupants of a lot or building, together with their guests, where compensation is not received, and where no commercial activity is associated with the same.

USE, PROFESSIONAL: The rendering of services of a professional nature by: (1) members of the professions licensed by competent authority; (2) teachers in a school of general instruction; (3) artists practicing the fine arts; (4) consultants recognized by organizations of licensed professions.

USE, PUBLIC: A use which is open to all, generally not for compensation, and which is not restricted to those dwellings on the same lot with the public use or public building.

USE, RESIDENTIAL: Shall be deemed to include single and multiple dwellings, hotels, motels and trailer parks.

UTILITY EQUIPMENT: Hardscape devices which are installed vertically into/onto the property and visible from the corridor for the purpose of power transmission, lighting, or communication.

WILD OR EXOTIC ANIMALS: Animals other than Household Pets or Domestic Farm Animals not commonly domesticated and normally requiring confinement or special handling to avoid injury to human beings.

WRECKING YARD: (See JUNK YARD)

XERISCAPE: A water-efficient landscaping technique, utilizing unthirsty native or drought tolerant exotic plants.

YARD: An area of uniform width behind which the exterior walls of any main building must be established. Such yard is measured as the minimum horizontal distance from a lot line or an existing or projected right-of-way line. A yard shall be unobstructed by structures, except where otherwise permitted under the terms of this Zoning Ordinance.

YARD, FRONT: A yard abutting the front lot line.

YARD, REAR: A yard abutting the rear lot line.

YARD, SIDE: A yard abutting that portion of a side lot line lying between the front and rear yards.

ZONING DISTRICT: A zoned area in which the same zoning regulations apply throughout.

ZONING INSPECTOR: For all applications of this Zoning Ordinance, the Community Development Division Director of Gila County is the duly appointed Zoning Inspector.

ZONING REGULATIONS: Shall mean the Planning and Zoning Regulations, Gila County, Arizona.

SECTION 103
GENERAL STIPULATIONS & 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 103.1
STRUCTURES AND USES
COMPLIANCE TO DISTRICT REQUIREMENTS

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 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.

C. 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.

D. 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 exit 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.

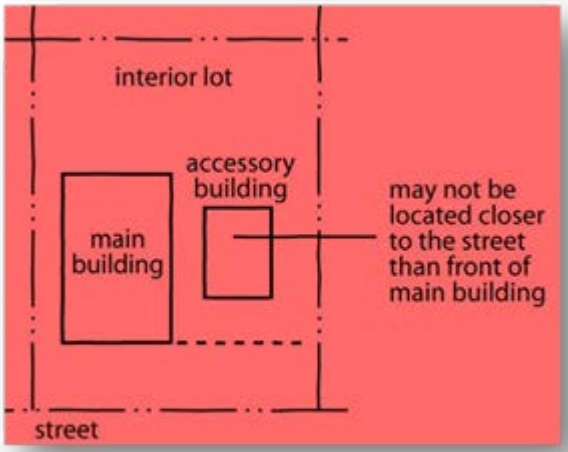
E. No property or use shall be operated or maintained in such a manner as to be a fire and/or explosion hazard; no property or use shall be allowed to emit toxic fumes or generate toxic waste; neither shall there be emitted into the atmosphere smoke, soot, dust, radiation, odor, noise, vibration, heat, or glare to such an extent as to constitute 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.

F. Accessory uses and structures for residential property

a. Setbacks for an exempt structure shall be the same as those established for non-exempt structures except that the applicant can apply for an administrative variance to reduce the setback to no less than three feet from the side and rear setback requirements.

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.



G. 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.

SECTION 103.2
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 103.3
RESTRICTION ON REGULATING THROUGH ZONING

A. NOTHING CONTAINED IN THIS ZONING ORDINANCE SHALL:

1. 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 Zoning Ordinance affecting the property takes effect. **Add must be legally established**

2. 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 5 or more contiguous commercial acres. Land shall be classified as being used for grazing purposes if 50% or more of the income from the land is derived from the

use or rental of the land for grazing purposes. Land shall be classified as being used for general agricultural purposes if 50% or more of the income from the land is derived from the use or rental of the land for the production of agricultural products.

3. 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 ordinance adoption.

4. A 12-month discontinuance of the operation of a non-conforming use shall be deemed as an expiration of non-conforming status. Any further use shall be in conformity with the provisions of the district in which same is located.

    a. 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 any and all future uses shall conform to this Zoning Ordinance.

    b. 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.

SECTION 103.4
OFF-STREET PARKING

A. In order to help alleviate congestion on public streets, the following vehicular parking requirements shall apply, and no building permit shall be issued for use permitted other than in conformity with the following requirements.

1. Where parking spaces are referred to, such space shall represent an area of not less than nine (9) feet by twenty (20) feet, exclusive of driveways required to make such space accessible from public streets or alleys.

2. Where parking requirements are referenced to floor areas, such shall be construed to mean the gross building floor area used by, or to serve, people in connection with such use, but shall not include floor areas used for vehicular parking and incidental storage or other accessory space.

3. Where parking spaces are referenced to seats, each eighteen (18) inches of pew width may be considered as one seat.

4. If such required parking is located other than on the lot upon which use it serves, or adjacent property permitting such parking requirements, once approved and/or provided, must be continuously maintained in the manner provided by this Zoning Ordinance, together with any additional parking facilities necessitated by expansion of floor areas and/or uses.

5. In the case of mixed uses, the total parking requirements shall be the sum of the requirements of the various uses computed separately.

B. GENERAL REQUIREMENTS FOR OFF-STREET PARKING USES ARE AS FOLLOWS:

1. For the purpose of converting parking spaces into the required or permitted parking area, plans must be submitted to show how the required or permitted parking spaces shall be arranged in the area supplied for that purpose and to indicate sufficient space for turning maneuvers, as well as adequate ingress and egress to the parking area, before a permit is granted.

2. In any district other than in R1, R1L, SFR, RR, SR, or GR, where such space is required, the area of such space shall be surfaced with asphaltic surfacing, concrete, or other paving material acceptable to the Community Development Division, to prevent dust and erosion.

3. The parking of two or more commercial vehicles of more than one ton capacity on any lot in any residential district shall be considered a commercial use and is prohibited.

4. "Floor areas" shall mean the gross floor area and/or the open land area used for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise. It shall not mean floors or parts of floors used principally for non-public purposes, such as storage, automobile parking, incidental repair, processing or packaging of merchandise, show windows, or for offices incidental to the management or maintenance of stores or buildings, or for restrooms or powder rooms.

5. In any case, in a Commercial C1 or less restricted district, where a lot used for automobile parking space adjoins a residential district, there shall be a solid wall of masonry not more than six nor less than four feet in height along the lot line of such lot, which lot line forms the boundary of said residential district; except where such wall adjoins the front yard of the adjoining residential lot, said wall shall be three feet in height. The lot owner or occupant of the C1 or less restricted district shall maintain said wall in a neat and orderly condition. As appropriate, on a case by case basis, an alternative selection of landscape delineation may be utilized to meet these needs as approved by the Zoning Inspector.

6. Any lights used to illuminate parking space in a commercial district shall be so arranged as to reflect the light away from the adjoining rights of way.

7. Except where a wall is required, a minimum six-inch high curb or bumper guard shall be constructed so that no part of a vehicle shall extend over or beyond any property line.

8. Whenever a building permit has been granted and the plans so approved for off-street parking, the subsequent use of such property shall be deemed to be conditional upon the unqualified continuance and availability of the parking provisions contained in such plans. Any use of such property in violation hereof shall be deemed in violation of this Zoning Ordinance. Should the owner or occupant of any building to whom a building permit has been granted containing off-street parking requirements so change the use to which such building is put as to increase off-street parking as required under this Zoning Ordinance, it shall be unlawful and a violation of this chapter to begin or maintain such altered use prior to compliance with increased off-street parking provisions of this section.

9. No addition or enlargement of an existing building or use shall be permitted unless parking requirements of this Zoning Ordinance are met for the entire building or use.

10. In the case of mixed use, the total requirements for off-street parking space shall be the sum of the requirements of the various uses computed separately as specified in this section, and the off-street parking spaces for one use shall not be considered as providing the required off-street parking for any other use.
11. All parking areas, except in an R1, R1L, SFR, RR, SR, or GR District, shall be entered and exited in a forward motion of the vehicle. Sufficient space for maneuverability in compliance with this section shall be included in plans submitted pursuant to Section 103.4(A)(1) above.

12. There shall be no commercial parking lots in an R1, R2, R3, R4, R1L, SFR, RR, SR, GR and/or MHS District, except for a walled or fenced and landscaped RV and boat storage area for the private use of the residents of the same subdivision.

13. Handicapped parking shall be provided in accordance with the Arizona Revised Statutes.

14. In any computations of fractions of parking space requirements, the total number of spaces required shall be rounded to the next highest whole number.

C. PARKING REQUIREMENTS

Automobile parking space shall be provided according to the following schedule and subject to the following conditions in any district in which any of the following uses shall be established. Where off-street parking requirements are specified in the regulations of any of the various zoning districts, those requirements shall apply therein.

1. Single-family dwellings and two-family dwelling (duplexes) shall have two off-street parking spaces for each dwelling unit, which space shall be provided on the lot upon which such dwelling unit is located.

2. "Multi-unit dwellings" include triplexes, fourplexes, boarding houses, apartments, and all similar structures devoted to habitation. The following requirements shall apply for said dwellings:

    a. One and one-half parking spaces for each studio, efficiency, or one bedroom unit;

    b. one and three-fourths parking spaces for each unit containing two bedrooms;

    c. two parking spaces for each unit containing three or more bedrooms; and

    d. for each development containing more than five units, one parking space in addition to the above requirements shall be provided for each ten units or major fraction thereof for visitor parking. All parking spaces shall be provided on the lot upon which the units are located.

3. Places of public assembly, including private clubs, lodges, and fraternal buildings not providing overnight accommodations, assembly halls, skating rinks, dance halls, bowling alleys, theaters, amusement parks, race tracks, funeral homes, must have at least one off-street parking space for each five (5) seats provided for patron use and/or at least one off-street parking space for each seventy-five (75) square feet of floor areas used for public assembly but not containing fixed seats.

4. Churches and related buildings: At least one off-street parking space for each five (5) seats or ninety inches of pew space, or, if fixed seats are not provided, then one off-street parking space shall be provided for each thirty (30) square feet of floor area in the main

assembly area. Accessory buildings in the church complex shall provide parking spaces in accordance with the following: Classrooms, whether used for school or church activities, shall have one parking space for each four hundred (400) square feet of gross floor area. Other buildings shall have one parking space for each four hundred (400) square feet of gross floor area. All such parking will be located on the same lot as the building or on a contiguous lot.

5. Restaurants, bars, taverns, nightclubs, and all other similar dining and/or drinking establishments shall have off-street parking space of at least one space for each fifty (50) square feet of floor area and one parking space for each two hundred (200) square feet of outdoor patio area (exclusive of kitchen, restrooms, storage, etc.). Such parking shall be located on the same lot or contiguous lots.

6. Hotels, motels, guest lodges, fraternities and sororities shall have one off-street parking space for each two beds.

7. Hospitals shall have parking space for each three patient beds, plus at least one off-street parking space for each resident doctor, plus at least one additional off-street parking space for each three employees including nurses not domiciled on the property.

8. Doctors' offices, dentists' offices, medical clinics, and medical centers shall have one parking space for each one hundred fifty (150) square feet of gross floor area between exterior walls, plus one parking space for each employee, and such parking shall be located on the same lot or on contiguous lots with said uses.

9. Nursing or convalescent home health care facilities, including specialized care facilities and minimal care facilities, shall have one parking space for each two beds.

10. Office buildings, retail establishments, commercial buildings, and any commercial establishment not specified herein shall have one off-street parking space for each three hundred (300) square feet of gross floor area.

11. Wholesale, manufacturing, and industrial plants, including warehouses and storage buildings and yards, public utility buildings, contractor equipment and storage yards, business service establishments such as blueprinting, printing and engraving, soft drink bottling establishments, fabricating plants, and all other structures devoted to similar mercantile or industrial pursuits, shall have at least one off-street parking space for each three employees and an additional one parking space for each one thousand (1,000) square feet of gross floor area.

12. Schools shall have at least one off-street parking space for each three employees, including administrators, teachers, and building maintenance personnel, and at least one off-street parking space for each ten high school, college or university students, predicated upon the designed capacity of the physical plant. Such parking shall be located on the same lot or on contiguous lots with said uses.

SECTION 103.5
OFF-STREET LOADING SPACE AND ADA (AMERICANS WITH DISABILITIES ACT) PARKING REQUIREMENTS

A. OFF-STREET LOADING SPACE

In order to avoid undue interference with the public use of streets, alleys, and sidewalks, on-the-property berths are required for the standing, loading, and unloading of vehicles. Such berths

shall not be less than ten (10) feet in width and thirty (30) feet in length, exclusive of access aisles and maneuvering space. Any building exceeding a gross floor area of twenty five thousand (25,000 square feet), except residences and apartments, shall provide one such berth plus an additional berth for each additional eighty thousand (80,000) square feet of gross floor area.

B. HANDICAPPED REQUIREMENTS

All off-street parking areas, except for single family residential, shall include spaces reserved for use by persons with disabilities. Spaces shall be provided in proportion to the total number of spaces required. The ADA standards will be used in determining compliance.

Total Parking Required on Lot	Required Number of Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 and over	+1 space / 50 spaces

Each accessible parking space shall have on its right side, an adjacent access aisle not less than five feet in width, except that two accessible spaces may share a single access aisle. Every access aisle shall lead directly to a curbed ramp and accessible route of travel to the principle building or buildings on the site.

SECTION 103.6
SIGNS

A. TEMPORARY ADVERTISING SIGNS

1. Temporary single-faced or V-shaped signs advertising sale of lots from a recorded subdivision which have been approved by the proper authorities are permitted in any district, subject to the following provisions and stipulations, when located in any Residential, C1, or PM District:

    a. Must be removed after twelve (12) months or thirty (30) days after completion of such sales, whichever time is shorter, unless such time is extended by the Board of Adjustment.

    b. Must be on or at the property being subdivided.

    c. Shall not be closer than thirty (30) feet to a residential zoned property adjacent to such subdivision and provided further that when such sign is placed within one hundred (100) feet of a residence adjacent to said subdivision [or if a residence is later placed on such adjacent property within one hundred (100) feet of such existing sign], then the sign must be located (or relocated) to the setback required for such and the sign face made parallel to the street.

    d. No such sign exceeding thirty six (36) square feet of panel area shall be located closer than three hundred (300) feet to any other such sign in the same subdivision.

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    e. Shall not exceed the height allowed for signs in the district where located.

f. Shall not be audible or animated, including banners, pennants or devices set in motion by movement of air.

g. May be lighted by indirect illumination as provided herein.

B. OFF-STREET SIGNS

Signs, other than traffic safety signage, will not be allowed in any existing or projected street right-of-way or street easement. Any portion of a sign located other than in a street right-of-way or street easement shall be subject to the following provisions and stipulations:

1. Shall exercise installation and operational precautions necessary to assure adequate traffic safety and so as not to interfere with the efficiency of traffic control devices.

2. Any such sign placed in any unoccupied portion of the triangular area on a corner lot formed by measuring thirty three (33) feet along both street lines or street easement lines, as the case may be, from their intersection shall have a minimum bottom height of eight (8) feet above the ground level directly below such sign.

3. Shall have no supports or guys in any portion of a street or street easement, or alley occupied by roadway, curb, or sidewalk.

4. Shall not exceed a height of twenty (20) feet above the ground grade level at the point of erection.

C. LIGHTING, ANIMATION, NOISE

Except where specifically designated to the contrary under a particular use district, no sign shall be illuminated, animated, or audible, including banners, pennants or devices set in motion by movement of air. Where lighting is permitted, the same shall be indirect illumination and the following provisions and stipulations shall prevail:

1. Shall not be intermittent, flashing or scintillating.

2. All sources of light shall be set in hood type reflectors with sides extended beyond the light source, so that no direct light is visible to the side.

3. All light beams shall be trained directly on the copy space.

4. No light bulb or tube exceeding one hundred (100) watts is permitted, nor shall the combined illumination from all sources exceed 1.5 watts for each square foot of copy space.

5. Such illumination shall be controlled by automatic switch timed to turn off no later than 11:00 PM.

D. NON-CONFORMING SIGNS

Non-conforming signs shall be subject to the following regulations:

1. Subject to the remainder of this section, non-conforming signs that were lawful when established may be continued.

2. No sign may be enlarged or altered in such a manner as to increase the extent of the nonconformity nor may illumination be added to any nonconforming sign.

3. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Zoning Ordinance.

4. The message of a nonconforming sign may be changed so long as this does not create any new nonconformity (for example - creating an on-site sign which is not in conformance with on-site sign regulations).

5. Routine maintenance and repairs may be done so long as the cost of such work does not exceed 50 % of the value of such sign within any 12-month period.

SECTION 103.7
AMATEUR RADIO ANTENNA (HAM RADIO)

A. Amateur radio antenna intended for non-commercial purposes are permitted in all Residential Districts, provided:

1. Such structures shall not be located in any required setback or in front of the front line of the dwelling or principal building;

2. such structures shall not exceed a height of 75';

3. not more than one such structure per lot or parcel is allowed; and

4. no antenna shall be located closer than its height to any adjacent property or public right-of-way or any unrelated structures unless accompanied by structurally engineered plans that eliminate the need for a fall zone.

SECTION 103.8
COMMERCIAL COMMUNICATION TOWERS

A. Commercial towers are permitted in all zoning districts with a Conditional Use Permit unless the use is currently allowed in that particular zoning district.

B. In all zoning districts, communications towers shall be subject to the following stipulations:

1. All communications towers must be structurally engineered.

2. No cellular tower shall be located closer than its height to any adjacent property, public right of way or any unrelated structure unless accompanied by structurally engineered plans that eliminate the need for a fall zone.

SECTION 103.9
SEXUALLY ORIENTED BUSINESSES

A. **FINDINGS; PURPOSE**

1. Based on evidence of the adverse secondary effects of adult uses presented in reports made available to the Board of Supervisors as set forth in Resolution #04-03-07 enacting this section, and on findings, interpretations, and narrowing constructions incorporated in the cases described in said Resolution, the Board of Supervisors has made specific findings concerning the adverse secondary effects of sexually oriented businesses and the need for additional requirements for the operation of such businesses

2. It is the purpose of this section of the Zoning Ordinance to provide for the orderly regulation of sexually oriented businesses by establishing certain minimum standards in order to protect the health, safety, and general welfare of the citizens of Gila County, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the County. The provisions of this section of the Zoning Ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this section of the Zoning Ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution or the corresponding provisions of the Arizona Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section of the Zoning Ordinance to condone or legitimize the distribution of obscene material.

B. STIPULATIONS AND PROVISIONS

1. Classifications: Sexually Oriented Businesses shall be classified as follows:

    a. Adult Arcade

    b. Adult Bookstore, Adult Video Store, or Adult Novelty Store

    c. Adult Cabaret

    d. Adult Live Entertainment Establishment

    e. Adult Motel

    f. Adult Motion Picture Theater

    g. Adult Theater

    h. Adult Video Facility

    i. Dual Purpose Business

    j. Escort Agency

    k. Exotic Dance Service

l. Massage Establishment that offers or provides Adult Service

m. Nude Model Studio

n. Sexual Encounter Center

o. Any business, facility or person that offers or provides Adult Service.

2. Enclosure

A sexually oriented business shall be operated solely and totally within an enclosed building or structure in a manner that does not allow any activities occurring within that enclosure to be viewed from outside that enclosure.

3. Number of Sexually Oriented Businesses

There shall be no more than one sexually oriented business and no more than one classification of sexually oriented business per lot, parcel or tract or building.

4. Location

A sexually oriented business shall only be allowed in the C-3 (Commercial Three) District.

5. Spacing

A sexually oriented business shall not be located or operated within 2640 feet (½ mile) of the following:

a. Another sexually oriented business;

b. a building that contains another sexually oriented business;

c. any daycare center, preschool, kindergarten, elementary or secondary school whether public, private or parochial;

d. a public or private park or playground;

e. a church, synagogue, temple, seminary, convent, or monastery;

f. any residential zoning district, a single or multiple family dwelling or any established residential area whether zoned residentially or not;

g. a museum, art gallery, library or community building whether public or private; or

h. any family oriented business including but not limited to restaurants, amusement parks, recreational facilities, movie theaters, semipublic and public pools, roller or ice skating rinks, batting cages, go-kart tracks, miniature golf courses, sports courts or fields, or any facility, commercial establishment, store, or business, whether public or private, that provides entertainment or services to persons under 18 years of age.

6. Method of Measurement

   The distance requirement set by this section of the Zoning Ordinance shall be measured in a straight line without regard for intervening structures or objects, from the lot line of the property occupied by the sexually oriented business to the lot line of the property of the business or facility being measured to. In the case of residential zoning districts, the measurement shall be taken from the lot line of the property occupied by the sexually oriented business to the closest boundary line of that district. In the case of established residential areas, the measurement shall be taken from the lot line of the property occupied by the sexually oriented business to the closest property line of the property upon which a residence (single or multiple family dwelling) or residential accessory structure sits.

7. Hours of Operation

   A sexually oriented business shall not be open or remain open for business at any time between the hours of 10:00 p.m. to 10:00 a.m. on Monday through Saturday and must remain closed on Sundays. However, a sexually oriented business which has obtained a license from the State of Arizona to sell alcoholic beverages may remain open to sell alcoholic beverages under the terms of that license but may not operate any sexually oriented business during the times prohibited.

8. Signage

   It is prohibited for explicit sexual material to be put on public display for the purpose of advertising, describing or to assist in locating a sexually oriented business.

9. Pre-existing and Nonconforming Sexually Oriented Businesses

   a. The provisions of this section of the Zoning Ordinance shall apply to the activities of all sexually oriented businesses and sexually oriented business employees described herein, whether such businesses or activities were established or commenced before, on, or after the effective date of this section of the Zoning Ordinance subject to the protection provided by Arizona State Statutes and the Constitution of the State of Arizona.

   b. On the effective date of this section of the Zoning Ordinance, any person or entity holding a Certificate of Occupancy to lawfully operate a sexually oriented business shall be permitted to continue to operate as a legal nonconforming use; provided, however, that the use remains restricted to the same classification, location and area (square footage) it occupied prior to that effective date. Should such business cease to operate or be discontinued for any period of time, it shall not thereafter be reestablished without being in full compliance with all provisions of this section of the Zoning Ordinance and other applicable codes and ordinances subject to the protection provided by Arizona State Statutes and the Constitution of the State of Arizona. The terms “cease to operate” or “discontinued for any period of time” shall mean the voluntary or intentional termination, cessation or discontinuance of the business by the owner or other party in interest or an involuntary termination of the business resulting from a violation of any applicable rule, regulation, ordinance, statute or law. The holder of the certificate of occupancy or operator of the business shall be responsible for

providing documentation, acceptable to the Zoning Inspector, that a nonconforming sexually oriented business has not ceased to operate or been discontinued. A nonconforming sexually oriented business shall not be enlarged, increased or altered. Any change in use shall require full compliance with all provisions of this Zoning Ordinance and any other applicable codes subject to the protection provided by Arizona State Statutes and the Constitution of the State of Arizona.

c. A sexually oriented business lawfully operating with a Certificate of Occupancy describing the sexually oriented business use as a conforming use is not rendered a nonconforming use by the subsequent location, of one or more of the business or uses listed under Section 103.9 (B)(5)(a-h) within 2,640 feet.

10. Certificate of Occupancy

A Certificate of Occupancy is required to legally operate a business in Gila County. Any change made or added to an existing business must be reflected in that Certificate of Occupancy. Sexually oriented businesses are recognized as a separate and distinct business use and that use must be reflected in the Certificate of Occupancy. A Certificate of Occupancy is required whether the sexually oriented business is a legal nonconforming use or a conforming use. Prior to issuance of a Certificate of Occupancy, the owner or applicant shall be required to file a Development Plan as required by this Zoning Ordinance.

11. Inspection

a. Sexually oriented businesses and sexually oriented business employees shall permit officers or agents of Gila County to inspect the business premises for the purpose of ensuring compliance with the specific regulations of this section of the Zoning Ordinance, during those times when the sexually oriented business is occupied by patrons or is open for business. This section of the Zoning Ordinance shall be narrowly construed by the County to authorize reasonable inspections of the licensed premises pursuant to this section, but not to authorize a harassing or excessive pattern of inspections.

b. The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

12. Severability

Any County ordinance containing any provision in conflict with any provision of this section of the Zoning Ordinance is hereby repealed. Each section, subsection and provision of this section of the Zoning Ordinance is hereby declared to be an independent division and subdivision and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this section of the Zoning Ordinance, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and

provisions are severable and would have been passed independently of such section or provision so known to be invalid.

13. Penalties and Enforcement

    a. A person who knowingly violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this section of the Zoning Ordinance or any part thereof is guilty of a Class 2 Misdemeanor. Each day the violation is committed, or permitted to continue, shall constitute a separate offense and shall be treated as such.

    b. The County Attorney is hereby authorized to institute civil proceedings necessary for the enforcement of this Section (103.9) to prosecute, restrain, or correct violations hereof. Such proceedings including injunction, shall be brought in the name of the County, provided, however, that nothing in this section of the Zoning Ordinance and no action taken hereunder, shall be held to exclude such criminal proceedings as may be authorized by other provisions of this Zoning Ordinance, or any of the laws or ordinances in force in the County or State, or to exempt anyone violating this code or any part of the said laws from any penalty which may be incurred.

SECTION 103.10
PROPERTY DEVELOPMENT PLAN

A. PROPERTY DEVELOPMENT PLAN

Application for a permit for construction or site work related to multi-family, commercial, industrial, professional or mixed use shall be subject to prior approval by the Zoning Inspector or his designate of a Property Development Plan.

B. APPLICATION

Application for approval of a Property Development Plan shall be made on a form provided for such purpose by the Community Development Division and, in addition to the appropriate fee, shall be accompanied by maps, drawings and such other materials necessary to show the following:

1. The location and proposed use of all structures and site improvements drawn to scale on a site plan.

2. On-site parking arrangements, including loading areas and handicap parking spaces.

3. All related signage.

4. The type and location of landscaping to be used.

5. The proposed off-site circulation pattern and related improvements including right-of-way dedications, street improvements, traffic control measures, location and design of driveways acceleration and/or deceleration lanes.

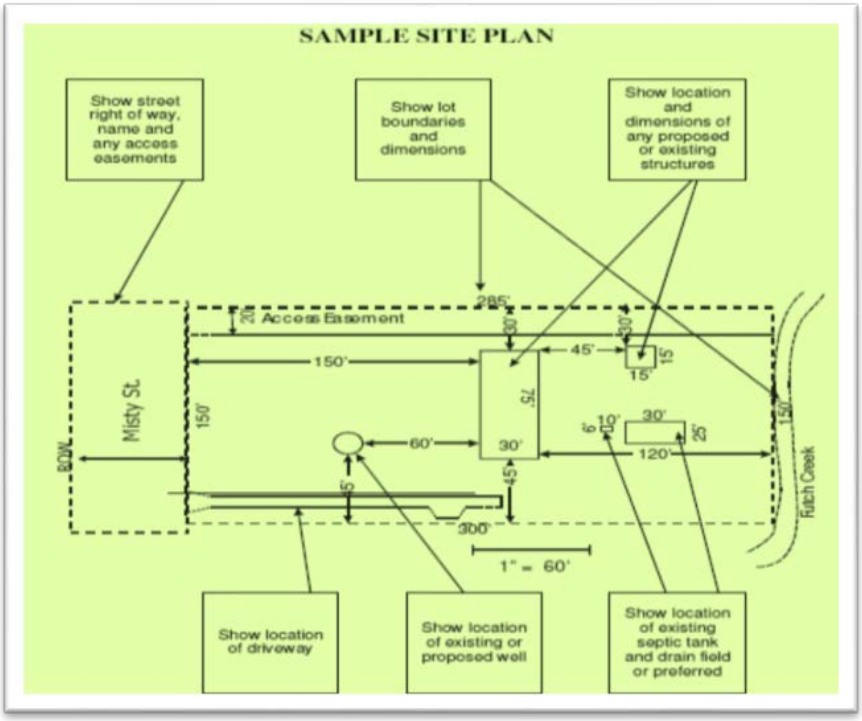
6. Such additional information as the Zoning Inspector may deem necessary to evaluate the impact of the proposed development on surrounding uses.

C. REVIEW

1. The Zoning Inspector or his designated representative shall review the Property Development Plan to ensure compliance with regulations of this Zoning Ordinance. These may include: the land use, density, yard setbacks, building separation, structure heights, outdoor lighting, parking, signage, vehicular access, utilities and easements.

2. The applicant shall provide evidence of an approved means of sanitary disposal as permitted by Gila County Wastewater Department and meeting the Arizona Department of Environmental Quality requirements.

3. The applicant shall provide evidence of an approved review by the Floodplain Department and meeting Federal Emergency Management Agency (FEMA) requirements for the proposed location of the improvements.



D. DECISION

The Zoning Inspector or his designated representative shall: determine that the Property Development Plan is approved, request the applicant to comply with specific development requirements or deny the Property Development Plan, if the use is prohibited, causes a nuisance or cannot demonstrate compliance.

E. APPEALS

Appeals of the decision of the Zoning Inspector may be made to the Board of Adjustment and must be filed in writing with the Community Development Division and be accompanied with the applicable, nonrefundable fee.

SECTION 104
ESTABLISHMENT OF ZONES (USE AND DENSITY DISTRICTS)

In conformity with the intent and purpose of this Zoning Ordinance, "Use" and "Density" districts are hereby adopted in order to classify, regulate, restrict and separate uses of land and structures, lot dimensions and areas, yard widths and depths, percent of lot coverage and open spaces, lot area required for dwelling units and other structures, spacing of buildings, and the height and bulk of structures.

The following general regulations apply to all Single Family Districts:

A. INTENT AND PURPOSE

To promote the development of areas primarily of single family dwellings, intending that all other uses be installed, operated and maintained in a manner so as to either complement, or at least be of a minimum disruption to such single family uses. Any use not in accordance with the Intent and Purpose, District Stipulations and Provisions, and Permitted Uses as set forth in this section shall be deemed a nuisance.

B. DISTRICT STIPULATIONS AND PROVISIONS

1. Livestock

   The keeping of domestic livestock shall be permitted with the following stipulations:

   a. Buildings for the housing of livestock shall be confined to the rear one-half of the property and shall be located no closer than thirty (30) feet from a front or side street property line or thirty (30) feet from a rear or interior property line.

   b. It shall be the responsibility of the livestock owner to ensure that all livestock is kept confined within the property boundaries.

   c. The keeping of dangerous wild, exotic or non-domestic animals shall be prohibited.

   d. All domestic animals shall be kept and maintained in such a manner as to conform with all applicable State and County health requirements and to cause a minimum of disruption to neighboring property owners in terms of noise, odor, and insect and vermin infestation.

C. USES PERMITTED SUBJECT TO A USE PERMIT

1. A detached guest house accessory to the main dwelling only, subject to the following conditions:

   a. The guest house shall be confined to the rear one-half of the property, shall be separated from the main dwelling by at least ten (10) feet and shall be located at least ten (10) feet from the rear property line.

   b. The total square footage of the guest house shall not exceed 800 square feet.

   c. A deed restriction shall be recorded for the subject property which prohibits the rental, lease or sale of the guest house.

2. Bed and breakfast establishments, subject to the following conditions:

a. Applicants for a use permit shall be the property owner.

b. No more than three (3) bedrooms shall be designated and/or used as guest rooms.

c. The maximum duration of stay of any one guest shall be ten (10) days.

d. Guests must enter through the main entrance to the dwelling to get to their rooms with no separate entrance allowed.

e. All parking must be accommodated on the site.

f. All meals or snacks provided to guests shall be served in a common dining area.

g. Any applicable State and County Health Department regulations must be complied with, and all required permits must be obtained and remain valid so long as the use is in operation.

h. The Use Permit shall be issued for periods of two years. Prior to the expiration date of the permit, the Zoning Inspector or his designate shall review the establishment for compliance with the terms of the permit. Full compliance shall result in an automatic two-ear extension; violations shall result in suspension or revocation.

3. Public utility facilities (but not business offices, repair facilities or storage and equipment yards) subject to the following conditions:

   a. Water Storage Tanks
      i. Shall be no taller than sixteen (16) feet.
      ii. Shall be painted in neutral "earth tone" shades of green or brown and landscaped to minimize adverse visual impact to surrounding properties.
      iii. All exposed valves and piping shall be vandal proofed and screened or painted to match tanks.

   b. Water Wells
      i. Shall be enclosed in well houses constructed of durable materials finished in neutral "earth tones" and landscaped to minimize any adverse visual impact to surrounding properties.
      ii. Shall be made secure and vandal proofed.

   c. Electrical and Natural Gas Facilities
      i. Shall be screened by an opaque fence or wall finished in neutral "earth tones" and landscaped to minimize any adverse visual impact to surrounding properties.
      ii. Shall be made secure and vandal proofed.

4. Home Occupations.

D. USES SUBJECT TO A CONDITIONAL USE PERMIT

1. Bed and breakfast establishments are subject to the same conditions as those under which a Use Permit may be granted, with the following exceptions:

a. Up to five bedrooms may be designated and/or occupied as guest rooms.

b. Guest rooms may be located in buildings on the same property other than the main dwelling, provided, however, that these rooms shall contain no facilities for the storage or preparation of food.

c. Guest rooms may be accessed by entrances other than the main entrance to the dwelling.

2. Temporary Uses

Subject to requirements outlined in the "Temporary Use Permits" section of this Zoning Ordinance.

SECTION 104.1
ZONING MAP

The locations and boundaries of the various "Use" and "Density" districts are established as they are shown on the map entitled "Zoning Map for Unincorporated Areas of Gila County, Arizona" dated September 8, 1959, signed by the Chairman of the Board of Supervisors and the County Clerk, which map, along with any amendments thereto, becomes an official record and becomes part of this Zoning Ordinance as if the matters and information set forth by said map were fully described herein.

A. Where uncertainty exists as to the boundaries of any of the districts shown on said map, the following rules shall apply: If lack of dimensions causes uncertainty, then such boundary shall be determined by use of the scale of the map, except that where such scaling or marked dimensions bring the district boundary within 25 feet of a street, lot line, or some other fixed boundary line, then the district shall be extended or reduced, as the case may be, to match such boundary line. If further uncertainty exists, then the Board of Adjustment shall determine the location.

B. Where a public street, alley, railroad, or other right-of-way is officially abandoned, the regulations applicable to abutting property shall apply to such abandoned right-of-way, except where such was a boundary of districts, such districts shall be extended to the centerline thereof.

SECTION 104.2
USE DISTRICTS (GENERAL SINGLE FAMILY RESIDENTIAL)

The uses that are permitted in each of the various "Use" districts and the regulations are established in this section. The express enumeration and authorization herein of a particular class of structure or use in a designated district shall be deemed a prohibition in all other districts where such are not specifically designated as allowable. A use that is not permitted in a particular district shall not be considered an accessory use in that district. The determination of whether or not a use is specifically permitted, permitted with conditions or not permitted shall be determined by the Zoning Inspector. Uses that the Zoning Inspector determines are not permitted or uses that the Zoning Inspector determines are permitted but with conditions that are questioned, may be appealed to the Board of Adjustment.

A. R1 – RESIDENCE ONE DISTRICT (SINGLE DWELLING UNITS)

1. Intent and Purpose: To promote the development of areas primarily of single family dwellings, intending that all other uses be installed, operated and maintained in a manner so as to either complement, or at least be of a minimum disruption to such single family uses. Any use not in accordance with the Intent and Purpose, District Stipulations and Provisions, and Permitted Uses as set forth in this section shall be deemed a nuisance.

2. District Stipulations and Provisions: Supplemental to and/or supplanting the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts" as follows:

    a. The permitted uses shall be installed, operated and maintained in a manner commensurate with quiet family living, and all lighting shall be of a minimum necessary to serve the purpose for which it is intended.
    b. If no density is established on any particular lot or parcel of land, then all provisions of the D10 District shall prevail.

    c. No use shall be operated in such a manner as to cause a fire or explosion hazard; no use shall be allowed that will 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 as to constitute a nuisance.

    d. Signage:
        i. General:
            a) Signage shall be the minimum necessary to identify the permitted use.
            b) No sign shall be installed in such a manner as to interfere with the view of a motorist or pedestrian entering a street from an alley, private drive or intersection.
            c) Signs may be indirectly illuminated only to such an extent as may be necessary for a motorist to identify the use or occupant from a street adjacent to the subject property.
        ii. On-Site Signs:
            a) Shall be limited to one (1) single or double-faced sign for each permitted use located on the property for the purpose of identifying the occupants or uses, along with a reasonable amount of directional signs.
            b) Shall be limited to two (2) square feet of panel area for residential and directional signs and six (6) square feet for non-residential permitted uses.
            c) Shall be limited to a height of six (6) feet from the top of the sign to ground level.
        iii. Political signs shall be removed within fourteen (14) days following any general or special election.
        iv. Real Estate Sales:
            a) Shall be limited to a maximum panel area of four (4) square feet, except that larger temporary advertising panels pertaining to subdivisions may be displayed as provided under Section 103.8.
            b) Shall be limited to one sign for each 200 feet of street frontage.
        v. Subdivision Entrance:
            a) Limited to not more than two (2) signs at the major entrance to the subdivision.
            b) Shall have a maximum panel area of twenty (20) square feet per sign.
            c) Design, colors, materials, height and location shall be subject to the approval of the Zoning Inspector.

e. A Conditional Use Permit shall be required for any building exceeding two (2) *stories* or thirty (30) feet above ground level.

3. Permitted Uses:

a. One single family residence on any lot or parcel containing the minimum square footage and dimensions prescribed by the existing density district.

b. Up to four (4) additional single family residences on a single lot or parcel, subject to the following conditions:
   i. Each residence must occupy an area which is the greater of either 10,000 square feet or the minimum square footage and dimensions of the existing density district, and must be able to conform to the required setbacks if the property should be divided.
   ii. Access is provided to each additional residence by a dedicated public street or by a private ingress-egress easement having a minimum width of twenty (20) feet which does not encroach into the minimum required setbacks for the existing density district.

c. Temporary offices, construction sheds, storage yards, work yards, and appurtenant signs, incidental to an approved subdivision development or construction project, for a period not to exceed twelve (12) months unless otherwise authorized by the Board of Adjustment.

d. Group homes for the disabled as defined in the Fair Housing Act Amendments of 1988.

e. Fences and free standing walls with a maximum height of six (6) feet above the ground; provided, however, that no fence or free standing walls shall be constructed in such a way as to create a hazard to safety by restricting the view of a driver entering a street from a private drive or alley or approaching the intersection of two streets.

f. The non-commercial unenclosed storage of unlicensed; inoperable motor vehicles, parts, building materials and other materials necessary for the operation and maintenance of the household under the following conditions:
   i. The storage area shall not exceed 200 square feet for up to one acre of gross lot area. Thereafter, an additional 100 square feet of storage space shall be allowed for each additional acre of land, up to a maximum of 2,000 square feet.
   ii. Storage shall be confined to the rear one-half of the property, and shall not encroach into any required setback.
   iii. A wall or non-transparent fence not exceeding six feet in height may be required to minimize adverse visual impact.

g. Home gardens and flower propagation with the limited sale, as a home occupation, of products raised on the premises.

h. Other uses customarily accessory and incidental to the principle use and located on the same parcel therewith.

4. Uses Permitted Subject to a Use Permit:

a. A detached guest house appurtenant to the main dwelling only, subject to the following conditions:
   i. The guest house shall be confined to the rear one-half of the property, shall be separated from the main dwelling by at least ten (10) feet and shall be located at least ten (10) feet from the rear property line.
   ii. The total square footage of the guest house shall not exceed 800 square feet.
   iii. A deed restriction shall be recorded for the subject property which prohibits the rental, lease or sale of the guest house.

b. Bed and breakfast establishments, subject to the following conditions:
   i. Applicants for a use permit shall be the property owner.
   ii. No more than three (3) bedrooms shall be designated and/or used as guest rooms.
   iii. The maximum duration of stay of any one guest shall be ten (10) days.
   iv. Guests must enter through the main entrance to the dwelling to get to their rooms with no separate entrance allowed.
   v. All parking must be accommodated on the site.
   vi. All meals or snacks provided to guests shall be served in a common dining area.
   vii. Any applicable State and County Health Department regulations must be complied with, and all required permits must be obtained and remain valid so long as the use is in operation.
   viii. The Use Permit shall be issued for periods of two years. Prior to the expiration date of the permit, the Zoning Inspector or his designate, shall review the establishment for compliance with the terms of the permit. Full compliance shall result in an automatic two year extension; violations shall result in suspension or revocation.

c. The keeping of individual animals not classified as household pets or domestic farm-type animals.

d. Non-commercial kennels.

e. Public utility facilities (but not business offices, repair facilities or storage and equipment yards) subject to the following conditions:
   i. <u>Water Storage Tanks:</u>
      a) Shall be no taller than sixteen (16) feet.
      b) Shall be painted in neutral “earth tone” shades of green or brown and landscaped to minimize adverse visual impact to surrounding properties.
      c) All exposed valves and piping shall be vandal proofed and screened or painted to match tanks.
   ii. <u>Water Wells</u>

a) Shall be enclosed in well houses constructed of durable materials finished in neutral “earth tones” and landscaped to minimize any adverse visual impact to surrounding properties.
b) Shall be made secure and vandal proofed

iii. Electrical and Natural Gas Facilities

a) Shall be screened by an opaque fence or wall finished in neutral “earth tones” and landscaped to minimize any adverse visual impact to surrounding properties.
b) Shall be made secure and vandal proofed.

f. Home Occupations.

5. Uses Subject to a Conditional Use Permit:

a. Bed and breakfast establishments subject to the same conditions as those under which a Use Permit may be granted, with the following exceptions:
   i. Up to five bedrooms may be designated and/or occupied as guest rooms.
   ii. Guest rooms may be located in buildings on the same property other than the main dwelling, provided, however, that these rooms shall contain no facilities for the storage or preparation of food.
   iii. Guest rooms may be accessed by entrances other than the main entrance to the dwelling.

b. Golf courses, but no commercial driving ranges or miniature golf courses.

c. Churches, convents and parish houses.

d. Public schools and private and parochial schools providing a curriculum of general instruction comparable to public schools, together with fields, playgrounds and other related uses on the same parcel.

e. Institutions of higher education.

f. Nursery schools and day care centers.

g. Recreational facilities such as country clubs, swimming and tennis clubs with incidental limited commercial activities commonly associated with and directly related to the primary use.

h. Libraries, museums and other publicly owned and operated buildings

i. Public parks and recreational facilities which may include eating and confectionery facilities and other accessory uses commonly associated with and directly related to the primary use, provided, however, that eating and confectionery facilities are located no closer than 300 feet from any adjacent residential property.

j. Cottage industries.

k. Other uses which can become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions.

6. Temporary Uses: (Subject to the requirements outlined in the "Temporary Use Permits" section of this Zoning Ordinance.)

B. R1L – RESIDENCE ONE DISTRICT LIMITED (SINGLE DWELLING UNITS, RESTRICTED CONSTRUCTION)

1. Intent and Purpose: To promote the development of areas primarily of site-built single family detached dwellings, intending that all other uses be installed, operated and maintained in a manner so as to complement and cause a minimum disruption to such single family uses. Any use not in accordance with the intent and purpose, district stipulations and provisions and permitted uses as set forth in this section shall be deemed a nuisance

2. District Stipulations and Provisions:

    a. No mobile/manufactured home or recreational vehicle may be occupied as a permanent or temporary dwelling unit in the Residence One Limited zone.

    b. All other stipulations and provisions shall be the same as those set forth in the Residence One zone.

3. Permitted Uses:

    a. One conventional, modular, precut or prefabricated single family dwelling on any lot or parcel containing the minimum square footage and dimensions prescribed by the existing density district.

    b. Up to four additional conventional, modular, precut or prefabricated single family dwellings, subject to the provisions of the Residence One District.

    c. All other uses permitted in the Residence One District.

4. Uses Subject to a Use Permit: Shall be the same as the provisions in the Residence One zone.

5. Uses Subject to a Conditional Use Permit: Shall be the same as the provisions of the Residence One District.

6. Temporary Uses: (Subject to the requirements outlined in the "Temporary Use Permits" section of this Zoning Ordinance.)

C. MHS – MOBILE/MANUFACTURED HOME SUBDIVISION DISTRICT

1. Purpose and Intent: This District provides for the exclusive placement and occupancy of mobile/manufactured homes for residential purposes on individually owned lots. The District standards promote developments of single-family residential character oriented toward permanent occupancy of medium density, five and one-half (5.5) units per acre or less.

2. Approvals: No building, structure or mobile/manufactured home shall be placed upon land in the MHS District until approval of a subdivision plat has been obtained and until a building permit has been issued.

3. Use Regulations:

    a. Permitted Uses -
        i. Mobile/manufactured homes.
        ii. Private accessory buildings and uses, including home occupations, storage areas, swimming pool, and other similar accessory uses on individual lots
        iii. Fences and free-standing walls with a maximum height of six feet above ground level; provided, however, that no fence or free-standing wall shall be constructed in such a way as to create a hazard to safety by restricting the view of a driver entering a street from a private drive or alley or approaching an intersection of two streets.

    b. Uses Subject to Special Permit & Site Plan Approval -
    The Planning and Zoning Commission may permit the following uses within the MHS District or at the time of subdivision plat approval for a planned development:
        i. Communal recreation building, laundry facilities, swimming pool, playground and other common area uses for the exclusive benefit of subdivision residents.
        ii. Golf courses, except miniature courses or practice driving tees operated for commercial purposes.
        iii. Parks, playgrounds, and community-owned buildings.
        iv. Temporary buildings used for the sale of lots.

4. Property Development Standards: The following property development standards shall apply to all land and structures in the MHS District:

    a. Lot Areas - (1) Minimum area for a mobile/manufactured home lot: Six thousand (6,000) square feet.
    b. Lot Dimensions - (1) Minimum width: Sixty (60) feet.
    c. Density and Intensity - There shall be not more than one (1) mobile/manufactured home per lot.

    d. Maximum Height - One story or fourteen (14) feet.

    e. Setback Requirements -
        i. Minimum distance from any portion of the mobile/manufactured home and its accessory structures to the following lines shall be as specified
            a) Front - Ten (10) feet.
            b) Side - Eight (8) feet, with the following exception: five (5) feet to any canopy that is open on three sides, provided, however, that no mobile/manufactured home may be placed closer than sixteen (16) feet from any other mobile/manufactured home within the subdivision.
            c) Rear - Ten (10) feet.

d) Exterior boundary of subdivision - Twenty (20) feet.

ii. Design and Development Standards:

a) The minimum distance between main buildings or mobile/manufactured homes on adjacent lots is thirty (30) feet.

b) The minimum distance between a detached accessory building and the main building or mobile/manufactured home is ten (10) feet.

c) All utility lines shall be placed underground within the mobile/manufactured home subdivision. Each mobile/manufactured home lot shall be provided with all utilities.

d) The front yard of each lot and the street side of any lot shall be landscaped and maintained adjacent to all streets.

e) Exterior boundaries of the subdivision abutting a public street shall be provided with an opaque wall or fence having a height of six (6) feet and designed to create an attractive border. In addition, a setback of at least ten (10) feet in depth shall be appropriately designed and maintained as landscaped open space between any perimeter street and the required wall.

f) Exterior boundaries of the subdivision which do not abut a public street shall be bounded by a six (6) foot high solid wall or fence.

g) Trees shall be planted as follows: a minimum average of two (2) trees per lot, with a minimum trunk caliper of three-quarters (3/4) inch. A minimum fifty percent (50%) of the aforementioned tree requirement shall be planted in front yards and/or in landscaped areas adjacent to a dedicated public street.

5. Parking and Loading Requirements:

a. Mobile/manufactured home subdivisions shall have vehicular access from a major street or highway.

b. All lots within any mobile/manufactured home subdivision shall have frontage on a dedicated public street of at least thirty-two (32) feet in width.

c. A minimum of two (2) parking spaces, each being not less than eight (8) feet by twenty (20) feet, exclusive of driveways, shall be provided on each mobile/manufactured home lot, and one (1) additional parking space for each five (5) mobile/manufactured homes shall be provided as guest parking.

d. Parking for other than residential uses permitted within the MHS District shall conform with the provisions of sections of this Zoning Ordinance entitled “Off-“Street Parking” and “Off-Street Loading Space and ADA (Americans with Disabilities Act) Parking Requirements” or the stipulations of the Planning and Zoning Commission at the time of plat approval.

6. Signs:

The provisions for the “R1 District” of this Zoning Ordinance which specifically addresses signs shall apply.

D. RR – RURAL RESIDENTIAL DISTRICT

1. Intent and Purpose:

    a. To provide a zone classification for those unincorporated areas of the County not committed to any specific urban use.

    b. To preserve and promote the beneficial aspects of rural living by reserving areas of the County for low-density residential uses with related agricultural and commercial pursuits.

2. District Stipulations and Provisions: Supplemental to and/or supplanting the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts" as follows:

    a. There shall be a lot area of not less than one acre.

    b. Required front and street side yard setbacks shall not be used for the parking or storage of inoperable motor vehicles. Neither shall operable or inoperable vehicles or vehicle accessories be parked in such a manner as to restrict the vision of persons entering a street or highway from a private drive, side street, or alley.

    c. Up to ten percent (10%) of the area of any lot or parcel may be used for the non-commercial, unenclosed storage of items necessary for the operation and maintenance of the household and permitted activities, provided, however, that such unenclosed storage shall be maintained in a neat and orderly manner, and provided further that such storage area shall be located no closer than twenty-five (25) feet from the nearest property line. The provisions of this paragraph shall not be construed so as to restrict the storage of firewood for use by the occupants of the premises.

    d. Where public or semi-public uses are established adjacent to residential uses, an opaque wall or fence six (6) feet in height may be required to be erected and maintained between such uses. Such wall or fence, however, may not exceed three (3) feet in height within fifteen (15) feet of the intersection of a private drive and a street, easement, or right-of-way.

    e. No use shall be operated in such a manner as to create an explosion or fire hazard; nor shall there be emitted into the atmosphere smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, or toxic fumes to such an extent as to constitute a nuisance to adjoining property holders.

    f. Signs: The following signs shall be permitted in the Rural Residential zone:
        i. Residential Uses: One nameplate, not exceeding three (3) square feet in area, indicating name of occupant. The sign may be indirectly lighted.

ii. Agricultural, Public, Semi-Public and Other Permitted Uses: One appurtenant sign, unlighted or indirectly lighted, not exceeding sixteen (16) square feet in face area, or one unlighted or indirectly lighted free-standing sign, single or double-faced, not exceeding eight (8) square feet per face.

iii. Special Uses: Signs identifying special uses shall be as authorized by the use permit required for the establishment of special uses.

g. Setback requirements shall conform to those required under D8 Density District.

h. Building Height: A Conditional Use Permit shall be required for any building exceeding two (2) stories or thirty (30) feet in height.

3. Permitted Uses:

a. One dwelling unit per acre up to a maximum of three dwelling units per individually owned parcel.

b. All types of horticulture. The sale of horticultural products raised on the premises shall be permitted.

c. Household pets.

d. Aviaries and apiaries, provided they are located no closer than thirty (30) feet from the nearest property line.

e. The following occupations, when conducted within a residence or enclosed structure by the property holder and up to two employees not members of the household:

i. Beauty and barber shops.
ii. Handicraft manufacture and sales.
iii. Fine arts studios, galleries, and schools.
iv. Sewing and tailoring.
v. Small appliance and small engine repair.
vi. Key making and saw sharpening.
vii. Bed and breakfast establishments.
viii. Gunsmithing.
ix. Real estate brokerage offices.
x. General and specialty contracting offices.
xi. Antique stores.
xii. Florist shops.
xiii. Professional offices.
xiv. Other occupations which require no special signage or parking provisions and which may be operated in such a manner as to create a minimum disruption to the neighborhood in terms of noise, atmospheric emissions, and traffic.

4. Other Permitted Uses Subject to a Use Permit:

    a. Riding academies or riding clubs.

    b. The keeping or raising of animals for commercial purposes, including commercial stables.

    c. The keeping of poultry or rabbits for commercial purposes.

    d. The keeping of wild, exotic or non-domesticated animals.

    e. Dairies.

    f. Feed stores.

    g. Animal hospitals and veterinary clinics.

    h. Planing mills and custom furniture and cabinetry manufacturing operations.

    i. Commercial kennels.

    j. Day nurseries and nursery schools.

    k. Recreational facilities such as rodeo and roping arenas, tennis, swim and health clubs, and incidental limited commercial uses which are commonly associated and directly related to the primary use.

    l. Mineral extraction operations.

    m. Borrow pits.

    n. Firewood storage and sales yards.

    o. Mobile/manufactured home developments when the RR District is combined with a "T" District, subject to site plan review and approval.

    p. Other occupations which require no special signage or parking provisions but which may be operated in such a manner as to create a limited disruption to the neighborhood in terms of noise, atmospheric emissions, and traffic.

E. GR – GENERAL RURAL DISTRICT

1. Intent and Purpose:

    a. To provide a land use category for those unincorporated areas of Gila County not specifically designated in any other zone classification.

b. To allow for a minimum regulation in the rural and sparsely populated areas of the County while still providing protection against uncontrolled urbanization or industrialization and fulfilling the statutory responsibility to conserve and promote the public health, safety, convenience and general welfare and plan and provide for the future growth and improvement of Gila County.

2. District Stipulations and Provisions: Supplemental to and/or supplanting the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts" as follows:

   a. There shall be a lot area of not less than three acres.

   b. No use shall be operated in such a manner as to create a hazard to life or property, nor shall there be emitted into the atmosphere smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, or toxic fumes to such an extent as to constitute a nuisance to the adjoining property holders.

   c. Signs: Sign provisions shall be the same as those set forth in the "RR District" as outlined in this Zoning Ordinance. The following signs shall be permitted in the General Rural Residential zone:
      i. Residential Uses: One name plate, not exceeding three (3) square feet in area, indicating name of occupant. The sign may be indirectly lighted.
      ii. Agricultural, Public, Semi-Public and Other Permitted Uses: One appurtenant sign, unlighted or indirectly lighted, not exceeding sixteen (16) square feet in face area, or one unlighted or indirectly lighted free-standing sign, single or double-faced, not exceeding eight (8) square feet per face.
      iii. Special Uses: Signs identifying special uses shall be as authorized by the use permit required for the establishment of special uses.

   d. Setback Requirements/Space Between Buildings/Building Height:
      i. No structure may be erected closer than ten (10) feet from a property line abutting a public street, private street, or non-exclusive ingress-egress easement.
      ii. No structure may be erected closer than five (5) feet from any property line not abutting a public street, private street, or non-exclusive ingress-egress easement.
      iii. No structure may be erected closer than six (6) feet from any other structure unless those structures are joined by a common breezeway.
      iv. A Conditional Use Permit shall be required for any building exceeding two (2) stories or thirty (30) feet in height.

3. Permitted Uses:

   a. All uses permitted in the RR District with the limitation that there shall be no more than three individual housing units on any one lot or parcel.

   b. The following additional uses:
      i. Riding academies or riding clubs.

ii. The keeping or raising of animals, other than hogs, for commercial purposes, including commercial stables.
iii. The keeping of poultry or rabbits for commercial purposes.
iv. Dairies.
v. Feed stores.
vi. Animal hospitals and veterinary clinics.
vii. Custom furniture and cabinetry manufacturing operations.
viii. Recreational facilities such as rodeo and roping arenas, tennis, swim and health clubs, and incidental limited commercial uses which are commonly associated and directly related to the primary use.
ix. Firewood storage and sales yards.

4. Other Permitted Uses Subject to a Use Permit:

   a. The keeping of wild, exotic or non-domesticated animals.

   b. Planing mills.

   c. Building, plumbing and electrical supply stores.

   d. Commercial kennels.

   e. Day nurseries and nursery schools.

   f. Mineral extraction operations.

   g. Sand and gravel extraction and classification operations.

   h. Borrow pits.

   i. Mobile/ manufactured home developments when the General Rural District is combined with a "T" District, subject to site plan review and approval.

   j. Other occupations and uses which may require special signage or parking provisions, but which may be operated in such a manner as to cause a minimum disruption to the neighborhood in terms of noise, visual impact, atmospheric emissions, and traffic.

F. SR -- SUBURBAN RANCH DISTRICT

1. Intent and Purpose: To preserve and promote the beneficial aspects of rural living by providing a zone classification for low density single family residential development on large tracts with related low intensity agricultural uses and minimal commercial activity.

2. District Stipulations and Provisions: Supplemental to and/or supplanting the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts" as follows:

a. There shall be a lot area of not less than one acre.

b. The permitted uses shall be operated in a manner commensurate with the intent and purpose of this section, and all lighting shall be of the minimum necessary to serve the purpose for which it was intended.

c. No use shall be operated nor material stored in such a manner as to constitute a fire or explosion hazard or to cause to be emitted into the atmosphere smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, or toxic fumes to such an extent as to constitute a nuisance or cause pollution of the groundwater.

d. Required front and street side yard setbacks shall not be used for the repair or storage of inoperable motor vehicles, nor shall operable or inoperable vehicles be parked or stored in such a manner as to restrict the view of motorists entering a street from an alley, side street or driveway; nor shall there be permitted the repair or storage of more than one unregistered, inoperable motor vehicle within the property boundaries.

e. Up to ten (10) percent of the lot area may be used for the unenclosed storage of items necessary for the operation and maintenance of the household or other permitted activities provided, however, that such storage shall be confined to the rear one-half of the property and that such storage be maintained in a neat and orderly manner. Such storage shall be maintained a minimum of twenty-five (25) feet from the nearest property line provided, however, that this distance may be waived if the adjacent property is shielded by an opaque fence or wall a minimum of six (6) feet in height. Nothing in this section shall be construed to restrict the storage of firewood for use by the occupants of the premises.

f. Where public or semi-public uses are established adjacent to residential uses, an opaque wall or fence up to six (6) feet in height may be required to be erected.

g. Signs: See the provisions of R1 (Residence One District).

h. Construction: Shall be limited to conventional, prefabricated, or precut type with the following exceptions: Mobile/manufactured or modular homes exceeding seven hundred twenty (720) square feet of living space, affixed to permanent foundation and for which an Affidavit of Affixture has been issued by the office of the Gila County Assessor.

i. Setbacks: Fifty (50) feet front and street side yards; twenty (20) feet rear and interior side yards.

j. No structure may be erected closer than six (6) feet from any other structure unless joined by a breezeway.

k. A Conditional Use Permit shall be required for any building exceeding two (2)

stories or thirty (30) feet in height.

3. Permitted Uses:

    a. One main residence and one detached, non-rental guest house with separate kitchen and sanitary facilities.

    b. Aviaries and apiaries provided such are confined to the rear one-half of the property and are located no closer than thirty (30) feet from the nearest property line.

    c. The following home occupations when conducted within the residence or other fully enclosed structures:
        i. Sales of handicrafts produced on the premises.
        ii. Fine arts studios.
        iii. Sewing and tailoring.
        iv. Small appliance repair.
        v. Key making and saw sharpening.
        vi. Gunsmithing.
        vii. General and specialty contracting offices, but not equipment storage yards.
        viii. Bed and breakfast, limited to maximum of two (2) guest rooms within the main residence.
        ix. Other occupations which require no special signage and parking provisions and which may be operated in such a manner as to create a minimum disruption to the neighborhood in terms of noise, atmospheric emissions, environmental damage, and traffic.
        x. The occasional sale of surplus firewood, dairy products, honey, eggs, baked goods, individual animals, and produce.

G. SFR – SINGLE FAMILY RURAL DISTRICT

1. Intent and Purpose: To preserve and promote the beneficial aspects of rural living by providing a zone classification for single family residential development.

2. District Stipulations and Provisions: Supplemental to and/or supplanting the section of this Zoning Ordinance entitled “General Stipulations & Provisions-All Districts” as follows:

    a. Any future division of land must comply with the density district requirements.

    b. The permitted uses shall be installed, operated and maintained in a manner commensurate with quiet family living and the intent and purpose of this section. All lighting shall be of a minimum necessary to serve the purpose for which it was intended.

c. No use shall be operated nor material stored in such a manner as to constitute a fire or explosion hazard or to cause to be emitted into the atmosphere smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, or toxic fumes to such an extent as to constitute a nuisance or cause pollution of the groundwater.

d. Required front and street side-yard setbacks shall not be used for the parking or storage of inoperable motor vehicles, nor shall operable or inoperable vehicles be parked or stored in such a manner as to restrict the view of motorists entering a street from a side street or driveway; nor shall there be permitted the parking or storage of more than one unregistered, inoperable motor vehicle within the property boundaries.

e. No use shall allow the unenclosed storage of materials in such a manner or to such an extent as to constitute a Junk Yard as defined in Section 102 of this Zoning Ordinance.

f. There shall be no more than one (1) travel trailer or recreational vehicle stored on the same lot. Recreational vehicles shall not be used as permanent dwellings.

g. Construction of Dwelling**:** Shall be limited to conventional, prefabricated or precut type exceeding seven hundred twenty (720) square feet, with the following exceptions: Mobile/manufactured or modular homes manufactured and maintained in accordance with current HUD specifications, exceeding seven hundred twenty (720) square feet of living space, affixed to a permanent foundation or set on permanent piers, and for which an Affidavit of Affixture has been issued by the Office of the Gila County Assessor. Such mobile/manufactured or modular homes that are on piers shall be skirted.

h. A Conditional Use Permit shall be required for any building exceeding two (2) stories or thirty (30) feet in height.

i. All provisions of the section of this Zoning Ordinance entitled “Density Districts-General Regulations” shall apply.

3. Permitted Uses:

a. One single family dwelling on any lot or parcel of land which may, in addition, contain quarters for servants or non-paying guests provided no facilities for preparation or cooking of food are contained therein. If such quarters are detached from the main building, such accessory buildings shall be located no closer to property lines than is allowed for the main building.

b. Aviaries shall be permitted; however, they must be located no closer than seven (7) feet from the property line.

c. Up to five percent (5%) of the lot area may be used for the non-commercial unenclosed storage of materials or items necessary for the operation and

maintenance of the household provided; however, that such storage shall be confined to the rear half of the property and be maintained in a neat and orderly manner. Such storage shall be maintained a minimum of seven (7) feet from the nearest property line; however, this distance may be waived if the adjacent property is shielded by an opaque fence or wall a minimum of six (6) feet in height. Nothing in this section shall be construed to restrict the storage of firewood for use by the occupants of the household.

d. Signs: As provided in the section of this Zoning Ordinance entitled "R1 - Residence One District."

e. Allowed are fences and free-standing walls with a maximum height of six (6) feet above ground level provided; however, that no fence or free-standing wall shall be constructed in such a way as to create a hazard to safety by restricting the view of drivers entering a street from a private drive or alley or approaching an intersection of two streets.

4. Other permitted uses are those customarily accessory and incidental to the principal use and located on the same lot.

SECTION 104.3
USE DISTRICTS (MULTI-FAMILY RESIDENTIAL)

A. R2 – RESIDENCE TWO DISTRICT (MULTIPLE DWELLING UNITS UNDER ONE ROOF)

1. Intent and Purpose: To promote the development of residential areas containing, as a general rule, a heavier concentration of people than the R1 District, but still maintaining the other desirable living features thereof.

2. District Stipulations and Provisions: Supplemental to and/or supplanting the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts" as follows:

   a. The permitted uses shall be installed, operated and maintained in a manner commensurate with quiet family living, and all lighting shall be of a minimum necessary to serve the purpose for which it is intended.

   b. A Conditional Use Permit shall be required for any building exceeding two stories or thirty (30) feet in height.

3. Permitted Uses:

   a. All uses permitted in R1 District.

   b. Multiple living units, apartment houses and apartment hotels, provided all such living units permitted on any particular lot or parcel of land must be confined in one building.

c. Structures containing five or more living units shall be permitted subject to a Use Permit.

4. Density and Intensity of Use:

a. Use density shall be limited to seven dwelling units per gross acre.

b. Where multifamily dwellings are confined to single lots, there shall be a lot area of no less than six thousand (6,000) square feet.

c. There shall be a minimum lot area of two thousand (2,000) square feet per dwelling unit.

d. Lot coverage shall not exceed fifty percent (50%).

e. Minimum lot width shall be sixty (60) feet.

f. Front, rear and side yard setbacks shall conform to those applicable in the R1 District.

g. There shall be a minimum distance between buildings of ten (10) feet.

B. R3 – RESIDENCE THREE DISTRICT (MULTIPLE DWELLING UNITS)

1. Intent and Purpose: To promote the development of residential areas containing as a general rule heavier concentration of people than the R1 District, but still maintaining the other desirable living features thereof other than the establishment of additional building necessitated by installation of multiple living units on lots and parcels of land.

2. District Stipulations and Provisions: Supplemental to and/or supplanting the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts" as follows:

a. The permitted uses shall be installed, operated, and maintained in a manner commensurate with quiet family living, and all lighting shall be of a minimum necessary to serve the purpose for which it is intended.

b. A Conditional Use Permit shall be required for buildings exceeding three (3) stories or thirty-six (36) feet in height.

3. Permitted Uses:

a. All uses permitted in R2 Districts, except that all living units permitted on any particular lot or parcel of land need not be confined under one common roof.

b. Structures containing five or more living units shall be permitted subject to a Use Permit.

4. Density and Intensity of Use:

    a. Use density shall be limited to ten (10) dwelling units per gross acre.

    b. Where multi-family dwelling units are confined to a single lot, there shall be a lot area of no less than six thousand (6,000) square feet.

    c. There shall be a minimum lot area of one thousand (1,000) square feet per dwelling unit.

    d. Lot coverage shall not exceed fifty percent (50%).

    e. Minimum lot width shall be sixty (60) feet.

    f. Front, rear and side yard setbacks shall conform to those applicable in the R1 District.

C. R4 – RESIDENCE FOUR DISTRICT (TRANSITIONAL RESIDENTIAL-COMMERCIAL)

1. Intent and Purpose: Adaptable as a buffer between higher residential districts and the lower use districts. While this District permits a mixture of uses, the residential features should be reasonably protected, particularly those in adjacent higher residential districts.

2. District Stipulations and Provisions: Supplemental to and/or supplanting the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts" as follows:

    a. The permitted uses shall be installed, operated, and maintained in a manner commensurate with quiet family living, and all lighting shall be of a minimum necessary to serve the purpose for which it is intended.

    b. A Conditional Use Permit shall be required for buildings exceeding three (3) stories or thirty-six (36) feet in height.

3. Permitted Uses:

    a. All uses permitted in R3 District, except that unless specifically provided herein to the contrary, the following is waived:
        i. Requirement for use permit, except where such use is adjacent to a higher class residential district.
        ii. Home occupations permitted sign in conformity to sign allowed for other uses in the District.

    b. Fraternity and sorority houses.

    c. Orphanages and homes for aged.

    d. Rooming and boarding houses.

    e. Hotels, motels and guest lodges.

f. Hospitals or sanitariums for the treatment of human ailments, nursing or convalescent homes. Any building so used shall be not less than fifty (50) feet from any adjoining property. These uses shall be subject to a use permit.

g. Nursery schools subject to a use permit.

h. Private clubs and lodges, provided the chief activity is not a service customarily carried on as a business. A dining room and/or bar may be operated incidental thereto for the benefit only of the members and their guests, and provided no sign shall be displayed in connection with such accessory use, except the name thereof.

i. Mobile/Manufactured Home Developments when the R4 District is combined with a "T" District, subject to a site plan review and approval by the Zoning Inspector, and/or Planning and Zoning Commission and the issuance of a use permit. Non-compliance with the use permit and site plan will be cause for revocation of the Use Permit.

j. Revival tents and buildings.

k. Radio and transmitter stations and tower for automatic transmitting, wherein only maintenance personnel are employed, and provided further that no tower shall be located closer than its height to any adjacent property or public right-of-way.

l. Offices wherein professional, administrative, clerical and/or sales services only are rendered, subject to a use permit.

m. The following uses when conducted within a residence by the occupant thereof, and allowing two employees, not members of the household:
   i. Beauty and barber and massage.
   ii. Hand binding and tooling.
   iii. Photographic and art.
   iv. Teaching of individual or class instruction of the fine arts.
   v. Tailoring, including hand cleaning and spotting only.
   vi. Cleaner pick-up.
   vii. Clock, radio, television, precision and musical instruments; optical.

n. Signs: The following supplements sign permission from R3 District
   i. On Site Signs: Single or double-faced signs identifying the use and/or occupants thereof.
      a) Limited to a total aggregate panel area for such signs of one hundred twenty (120) square feet, except that same may be increased up to two hundred (200) square feet at the rate of one square foot of panel area for each lineal foot of lot width in excess of one hundred (100) feet. No one panel area shall exceed sixty (60) square feet.
      b) Signs exceeding six (6) square feet of panel area limited to an eight (8) foot minimum bottom height and a twelve (12) foot maximum top height.
      c) Placing of such signs other than flush to or forward of the front of the main building shall require the securing of a Use Permit.

ii. Structures containing five or more living units shall be permitted subject to a Use Permit.

4. Density and Intensity of Use:

a. Use density shall be limited to twenty (20) dwelling units per gross acre.

b. Where multifamily dwellings are confined to single lots, there shall be a lot area of no less than six thousand (6,000) square feet.

c. There shall be a minimum lot area of eight hundred (800) square feet per dwelling unit.

d. Lot coverage shall not exceed fifty percent (50%).

e. Minimum lot width shall be sixty (60) feet.

f. Front, rear and side yard setbacks shall conform to those applicable in the R1 District.

g. There shall be a minimum space between buildings of ten (10) feet for buildings up to two stories in height and an additional ten (10) feet for each additional story.

D. TRANSITIONAL RESIDENTIAL (TR)

1. Intent and Purpose:

a. To provide a degree of flexibility in land use in transitional areas where a mixture of residential and light commercial uses will be beneficial.

b. To allow for certain mixed-use developments subject to an approved site plan, provided such developments shall be in harmony with, and will result in a minimum disruption to, surrounding uses.

c. To create transitional zones to serve as buffers between residential districts and commercial or industrial districts.

2. District Stipulations**:** Shall conform to the stipulations of the Residence One District, with the following exceptions or additional provisions:

a. Retail, service and professional uses established within this District shall be limited to those primarily concerned with serving the incidental daily needs of adjacent residential uses.

b. Non-residential uses shall be conducted within a completely enclosed building.

c. No use shall be conducted in such a manner as to constitute an explosion or fire hazard, nor shall there be emitted into the atmosphere smoke, radiation, odor,

dust, noise, vibration, heat, glare, or toxic fumes to such an extent as to constitute a nuisance.

d. No commercial activity shall be permitted between the hours of 11:00 P.M. and 6:00 A.M.

e. Outdoor lighting for non-residential uses shall be hooded or shielded so as to deflect light away from adjacent residential area.

f. No outdoor area lighting shall be permitted between the hours of 11:00 P.M. and 6:00 A.M. except for a minimum necessary to provide for security and public safety.

g. Signage:
   i. The provisions of the Residence Four District shall apply to signs identifying non-single family residential uses.
   ii. No illuminated signs identifying non-residential uses shall be permitted between the hours or 11:00 P.M. and 6 A.M.
   iii. Additional or modified signage subject to an approved Development Plan.

3. Development Plan: Application for a change to the TR zoning classification or for a permit for construction or site work related to multi-family, commercial, professional or mixed use shall be subject to the approval by the Zoning Inspector or Board of Supervisors, as appropriate, of a Development Plan.

   a. Application for approval of a Development Plan shall be made on a form provided for such purpose by the Community Development Division and shall be accompanied by maps, drawings and such other materials necessary to show the following:
      i. A site plan, drawn to scale, showing the location and proposed use of all site improvements.
      ii. On-site parking arrangements, including loading areas.
      iii. Signage provisions for all proposed uses.
      iv. The location and treatment of landscaped areas.
      v. The purposed off-site circulation pattern including, as appropriate, right-of-way dedications, street improvements, traffic control measures, location and design of driveway openings, acceleration/deceleration lanes.
      vi. Such additional information as the Zoning Inspector may deem necessary to evaluate the impact of the proposed development on surrounding uses.

4. Permitted Uses:

   a. All uses permitted in the Residence Three District subject to the provisions of the section of this Zoning Ordinance entitled “Use Districts (Multi-Family Residential”, subsection “Density and Intensity of Use.”

b. Mobile/Manufactured Home Developments when the TR District is combined with the T District.

c. Administrative, professional and executive offices.

d. Financial institutions.

e. Medical, dental and related health services for humans, along with the sale of articles clearly incidental to the services.

f. Public utility service offices.

g. General retail business establishments engaged in selling goods and services to the public provided that the gross floor area of such establishments shall not exceed 2,500 square feet.

h. Specialty bakeries, confectionery and specialty food establishments with limited on-site food consumption.

i. Arts and crafts galleries and sales.

j. Bed and breakfast establishments under the provisions of the section of this Zoning Ordinance entitled "Use Districts (General Single Family Residential)", subsection "R1-Residence One District (Single Dwelling Units)", sub-sub section "Uses Subject to a Conditional Use Permit", but *not* subject to a Conditional Use Permit.

k. Home occupations and cottage industries.

l. Churches, convents and parish houses.

m. Private and semi-public golf courses when developed in conjunction with an approved residential development.

5. Uses Subject to a Use Permit: Shall be the same as the provisions of the Residence One District.

6. Uses Subject to a Conditional Use Permit: Shall be the same as the provisions of the Residence One District.

7. Temporary Uses: Subject to the provisions of the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts," subsection "Temporary Uses."

SECTION 104.4
USE DISTRICTS (COMMERCIAL)

A. C1 - COMMERCIAL ONE DISTRICT (NEIGHBORHOOD CONVENIENCE DISTRICT)

1. Intent and Purpose: To accommodate only those small-scale retail and service establishments which are directly concerned with serving the incidental daily convenience needs of immediately adjacent residential area. The size of any C1 area should be limited to that area necessary to serve a given neighborhood and should be developed contiguously. All neighborhood commercial areas should be located and developed in a manner to complement and be compatible with the residential character of the neighborhood.

2. District Stipulations and Provisions: Supplemental to and/or supplanting the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts" as follows:

    a. A shopping center or contiguous commercial area developed under the provisions of this section shall be limited to a maximum site area (gross land area) of four (4) acres and maximum gross floor area of thirty thousand (30,000) square feet.

    b. All operations and storage shall be conducted within a completely enclosed building or within an area enclosed by an opaque wall or fence six (6) feet high, or by an approved landscaping screen.

    c. There shall be a six (6) foot high opaque wall, fence, or approved landscape screen along rear and/or side property lines adjacent to any residential district.

    d. All outdoor lighting shall be hooded or shielded so as to deflect light away from adjacent residential districts.

    e. No use shall be conducted in such a manner as to constitute an explosion or fire hazard, nor shall there be emitted into the atmosphere smoke, dust, radiation, odor, noise, vibration, heat, glare, or toxic fumes to such an extent as to constitute a nuisance.

    f. Sales of junk as defined in the section of this Zoning Ordinance entitled "Definitions" shall be prohibited within the boundaries of this District.

    g. No commercial activity shall be permitted between the hours of 11:00PM and 6:00AM, except for a minimum necessary to provide for security and public safety.

    h. No outdoor area lighting or illuminated signs shall be permitted between the hours of 11:00PM and 6:00AM, except for a minimum necessary to provide for security and public safety.

    i. The sale of intoxicating beverages shall be restricted to that for off-site consumption only.

3. Permitted Uses:

    a. Retail establishments selling a line of convenience goods similar to that of supermarkets, but more limited in scale.

    b. Service establishments classified by S.I.C. two-digit code numbers as follows:

        72 Personal Services (Beauty & Barber Shops; Laundromats, etc)
        73 Business Services (Janitorial and Secretarial Services, Pest Control etc.)
        76 Miscellaneous Repair Services
        80 Health Services
        81 Legal Services
        82 Educational Services
        84 Museums, Art Galleries, Botanical & Zoological Gardens
        89. Miscellaneous Services (Tax Services and Similar)

    c. Insurance agencies and real estate sales and brokerage offices.

4. Uses Subject to a Use Permit:

    a. Banks, credit unions and personal finance companies.

    b. Gasoline service stations, subject to the following:
        i. Facilities for tire changing and repair, polishing, greasing, washing and minor repair and servicing of motor vehicles shall be entirely within an enclosed building.

    c. Structures shall be of a design that is appropriate to the area in which they are constructed.
        i. Such other limitations as the Zoning Inspector may deem appropriate to insure harmony with the surrounding neighborhood.

    d. Retail trade establishments classified by S.I.C. two-digit code numbers as follows:

        52 Building Materials
        56 Apparel and Accessory Stores
        57 Furniture, Home Furnishings and Equipment Stores
        58 Eating and Drinking Places

    e. Service establishments classified by S.I.C. two-digit code numbers as follows:

        78 Motion Pictures
        79 Amusement and Recreation Services, except Motion Pictures
        83 Social Services
        86 Memberships Organizations (Churches, Lodges, and similar)

5. Signs: (See the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts"). The following supplements sign permission from R4 District:

    a. On Site Signs: (Single or double-faced signs identifying the use and/or occupants thereof):
        i. Limited to a total aggregate panel area for all such signs of 200 sq. ft. except that same may be increased at the rate of one square foot of panel area for each lineal foot of lot width in excess of 50 feet, and provided that directional signs not exceeding 6 square feet of panel area shall not be counted against aggregate panel area. No one panel area to exceed 100 square feet.
        ii. Limited to 20 ft. maximum height and any sign portion extending into any required yard or parking area limited to a minimum 10 ft. bottom heights, and provided further that any directional sign shall be limited to a 6 foot maximum height.
        iii. May be illuminated except that any direct illumination must be located flush to or forward of the front of the main building, and is limited to a maximum transformer capacity of a constant 30 MA.
        iv. No sign other than a flush sign, all parts of which are on the front of the main building, shall be closer than 25 feet to a residential district.

6. Yards Required (Except as required under the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts" as follows:

    a. Front: A minimum of twenty (20) feet from any street.

    b. Side: None; provided, however, that no building shall be closer than twenty (20) feet to any residential district or any side street or intervening alley.

    c. Rear: A minimum of twenty (20) feet.

7. Parking: Subject to the provisions of the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts," subsection "Off-Street Parking."

8. Building Height: No building shall exceed a height of two stories or thirty (30) feet.

9. Building Density: The total gross area of all buildings shall not exceed fifty percent (50%) of the total area of the lot.

B. C2 – COMMERCIAL TWO DISTRICT (INTERMEDIATE COMMERCIAL)

1. Intent and Purpose: To permit most types of commercial activities oriented to a larger segment of population than the average neighborhood. This District is designed for cluster application along major streets or highways. Although uses within this District should be operated in such a manner as to be compatible with surrounding residential uses, this District is not intended for mixed residential and commercial uses.

2. District Stipulations and Provisions: Supplemental to and/or supplanting the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts" as follows:

    a. Shopping center development within this District shall be limited to 150,000 square feet of gross leasable area on sites no larger than twenty-five (25) gross acres.

    b. All operations and storage shall be conducted within a completely enclosed building or within an area contained by an opaque six (6) foot high wall, fence, or approved landscape screen.

    c. There shall be a six (6) foot high opaque wall, fence, or approved landscape screen on rear and side property lines adjacent to any residential district.

    d. All outdoor lighting shall be hooded or shielded so as to deflect light away from adjacent residential districts.

    e. No use shall be conducted in such a manner as to constitute an explosion or fire hazard, nor shall there be emitted into the atmosphere smoke, dust, radiation, odor, noise, vibration, heat, glare, or toxic fumes to such an extent as to constitute a nuisance.

    f. Sales of junk as outlined in the section of this Zoning Ordinance entitled "Definitions" shall be prohibited within the boundaries of this District.

3. Permitted Uses**:**

    a. All uses allowed in the C1 District.

    b. Retail sales of apparel and accessories; shoes; dry goods; foods; drugs and pharmaceutical; flowers and gardening supplies; hobby and craft supplies; jewelry; package liquor; music, records and related products; books, magazines, stationery and related products; paints, wallpaper and glass; sporting goods; toys; variety store goods; similar convenience goods which can be displayed and sold in accordance with the District stipulations.

    c. Office building uses related to any of the following: Government; executive; administrative; professional; accounting; estate; research; design and sales; banking, savings and loan, stock brokerage and related financial services.

    d. Health services such as hospital, clinics, medical and dental offices, veterinary clinics, nursing homes, and homes for the aged.

    e. Establishments serving food or beverages, indoors or out-of-doors, including entertainment and dancing, but excluding drive-in and carry-out services (see 4b, below).

f. Repair and construction service establishments having enclosed workshop combined with retail outlet or office, such as heating and plumbing, equipment, electrical fixtures and service, air conditioning, custom upholstering and furniture repair, auto body, tire retreading, tool sharpening, sign painting, auto, boat and truck parts, and similar activities no more objectionable in character.

g. Commercial recreation enterprises such as golf driving ranges, miniature golf, bowling alleys.

h. Signs: (See the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts," subsection "Signs." The following supplements sign permission from C1 District:

   i. On Site Signs: Single or double-faced signs identifying the use and/or occupants thereof:
      a) Limited to a total aggregate panel area for all such signs of three hundred (300) square feet, except that same may be increased at the rate of one (1) square foot of panel area for each lineal foot of lot width in excess of fifty (50) feet, and provided that directional signs not exceeding six (6) square feet of panel area shall not be counted against aggregate panel area. No one panel area shall exceed one hundred (100) square feet.
      b) Limited to twenty (20) feet maximum height, and any sign portion extending into any required yard or parking area limited to a minimum ten (10) feet bottom height.
      c) May be illuminated, except any direct illumination is limited to a maximum transformer capacity of thirty (30) MA.
      d) No sign other than a flush sign, all parts of which are on the front of the main building, shall be closer than twenty-five (25) feet to a residential district.
   ii. Deleted on February 5, 1998.

4. Uses Subject to Use Permits**:**

a. Indoor or outdoor sales or rental of new and used autos, trucks, boats, mobile/ manufactured homes, trailers, agricultural implements, lumber, lawn furniture, nursery stock and home gardening supplies and equipment; provided that no sales, rentals or displays are performed in the required front setback.

b. Drive-in establishments, including eating and drinking places and car washes; provided that all structures are architecturally compatible with the area in which they are constructed.

c. Hotels and motels, subject to the following:
   i. All direct vehicular access shall be from an abutting arterial street or highway.

ii. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns, landscaping, or recreational areas.

d. Gasoline service station, subject to the following:
   i. Facilities for tire changing and repair, polishing, greasing, washing and minor repair and servicing of motor vehicles shall be entirely within an enclosed building.
   ii. All structures shall be of unique design that is appropriate to the area in which they are constructed.
   iii. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns and landscaping. The frontage to any street shall be landscaped to a minimum depth of fifteen (15) feet from the right-of-way line. Drives of maximum width of thirty-three (33) feet may penetrate frontage landscaping.
   iv. Minimum lot size is twenty two thousand five hundred (22,500) square feet, and minimum frontage is two hundred (200) feet.
   v. All sources of artificial light shall be concealed from view, except for free standing standards, which shall have translucent covers so as to diffuse the light and eliminate glare.

e. Drive-in theaters, provided that:
   i. The screen surface is not visible from the street.
   ii. All direct vehicle access is from an abutting arterial street or highway.

5. Yards Required (Except as required under the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts." Same as C1 District.

6. Building Height: A Conditional Use Permit shall be required for any building exceeding three (3) stories or thirty-six (36) feet in height. Further, no building exceeding two (2) stories or thirty (30) feet in height shall be permitted within three hundred (300) feet of any residential district.

7. Building Density: The total of all buildings shall not exceed an area greater than fifty percent (50%) of the total lot area.

C. C3 – COMMERCIAL THREE DISTRICT (CENTRAL COMMERCIAL DISTRICT)

1. Intent and Purpose: To provide a district wherein a full range of sales, services, and office uses are permitted, and wherein the density of traffic and building area are not conducive to residential development.

2. District Stipulations and Provisions: Supplemental to and/or supplanting the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts" as follows:

a. There shall be a six (6) foot high opaque wall, fence, or approved landscape screen adjacent to any residential district.

b. All outdoor lighting shall be hooded or shielded so as to deflect light away from any residential district or public right-or-way within two hundred (200) feet of said lighting.

c. No use shall be operated in such a manner as to be an explosion or fire hazard, nor shall there be emitted into the atmosphere any smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, or toxic fumes to such an extent as to constitute a nuisance.

d. Sales of junk as outlined in the section of this Zoning Ordinance entitled "Definitions" shall not be conducted within three hundred (300) feet of any residential district; further, such sales shall be conducted within a fully enclosed building or within an area shielded by a six (6) foot high opaque wall, fence, or approved landscape screen.

3. Permitted Uses:

a. All uses allowed within the C2 District, with the exception that the following requirements shall be waived:
   i. Requirement for a use permit.

b. Multiple family dwellings or efficiency apartments provided that such are located above the first floor of commercial buildings.

c. Wholesaling, warehousing, and enclosed storage of food, household goods, and equipment; refrigerated warehousing; food lockers, general storage.

d. Commercial parking lots and garages.

e. Restaurants, nightclubs, and related activities, with on-site consumption of alcoholic beverages.

f. Body and fender work within a fully enclosed building, and related storage of vehicles and parts within a yard enclosed by a six (6) foot high opaque wall or fence or approved landscape screen.

g. Sexually oriented business, Subject to the provisions of Section 103.11.

4. On-Site Signs: Requirements shall be the same as those set forth in the "C2 District." [See "Off-Site Signs (Billboards)" requirements-below.]

5. Uses Permitted Subject to a Conditional Use Permit:

a. Facilities for the dismantling of automobiles and sale of used auto parts, with the further stipulation that such activity shall not be permitted within three hundred (300) feet of any residential district.

b. Sales of liquid petroleum gas, with the further provision that no above-ground storage tank in excess of one hundred (100) gallon capacity may be located within three hundred (300) feet of any residential district, hospital, school, or public facility.

c. Off-Site Signs (Billboards): Single or double-faced off-site signs may be permitted on a lot subject to the following conditions and restrictions:
   i. Off-site signs shall be located only along arterial roads that are designated as State highways.
   ii. Off-site signs shall not be located within 200 feet of a residential zone.
   iii. No such sign shall be located in any block in which the front third of any of the lots used for residential purposes comprise 50% or more of the block frontage.
   iv. Off-site signs shall not be located within 1500 feet of another off-site sign.
   v. Off-site signs shall not be located within 50 feet of any on-site freestanding sign located along the same side of the street. A site plan shall be required noting the proposed signs relation to existing signage and to insure the proposed sign will not impede the visibility of existing signage.
   vi. Off-site signs shall not be located on a designated scenic route.
   vii. Off-site signs shall not encroach upon or overhang any public right-of-way or adjacent property. In addition, off-site signs shall be setback a minimum of three feet from any structure or building on the same parcel and a minimum of three feet from any adjacent property line. Refer to Construction Standards Matrix for Off-Site Signs for additional information.
   viii. Off-site signs shall comply with Gila County's Dark Sky Ordinance and all applicable Building Codes and Regulations in place at the time of permit issuance.
   ix. Approval from the Arizona Department of Transportation shall be received prior to the issuance of any Gila County sign or building permits.
   x. It shall be the policy of Gila County to disallow rezoning of a property solely for the purpose of installing off-site signage.
   xi. In addition to the provisions of Section 103.8 – Signs, all off-site signs shall conform to the Construction Standards Matrix for Off-Site Signs.

<u>Construction Standards Matrix for Off-Site Signs (Billboards):</u>

Highway Speed Limit	Maximum Height	Maximum Panel Area	R.O.W. Setbacks
0 to 35 MPH	20 feet	72 sq. feet	10 feet

Highway Speed Limit	Maximum Height	Maximum Panel Area	R.O.W. Setbacks
36 to 55 MPH	22 feet	144 sq. feet	10 feet
56 to 75 MPH	24 feet	301 sq. feet	10 feet
76 MPH and up	To be determined in the future if / as necessary		

d. Other uses compatible with the intent and purpose of the District but not specifically enumerated herein.

i. Yard Required: There shall be no minimum yard requirement, with the exception that no structure except a required fence or wall may be closer than twenty (20) feet from any residential district.

ii. Building Height**:** Buildings exceeding three stories or forty (40) feet in height shall be subject to a Conditional Use Permit. Further, no building exceeding two stories or thirty (30) feet in height shall be permitted within three hundred (300) feet of any residential district.

iii. Building Density: There shall be no restriction on building density, provided, however, that all parking requirements for the permitted uses are met.

SECTION 104.5
USE DISTRICTS (INDUSTRIAL)

A. M1 – INDUSTRIAL ONE DISTRICT (LIGHT INDUSTRY)

1. Intent and Purpose: To provide the type of industrial uses which, while not necessarily attractive in operational appearance, such use is conducted in a manner so as not to cause inconvenience to neighboring properties.

2. District Stipulations and Provisions: Supplemental to and/or supplanting the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts" as follows:

a. No use shall be operated in such a manner as to be an explosion or fire hazard; nor shall there be emitted into the atmosphere any smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, or toxic fumes to such an extent as to constitute a nuisance.

b. Residential uses, other than one dwelling unit for occupancy by caretaker and family, are discouraged and shall be permitted under a use permit only where it is shown that such permission will not cause a shortage of land for future industrial development.

3. Permitted Uses:

   a. All uses permitted in C3 District, except residential, and except that, unless specifically provided herein to the contrary, the following limitations are waived:
      i. Use permits.
      ii. Maximum area to be occupied by any use.
      iii. Confining any use to closed buildings.

   b. All industrial uses wherein the operation of such complies with the "Intent and Purpose" and "Stipulation" of this District and do not impose hazard to health or property in the neighborhood.
      i. Where uncertainty exists as to compliance with the "Intent and Purpose" and "Stipulations," the Board of Adjustment shall determine.

   c. Fences or free-standing walls.

   d. Medical Marijuana Dispensaries, and/or Medical Marijuana Dispensary Offsite Cultivation Locations are subject to securing a Conditional Use Permit and the related provisions of the section in this Zoning Ordinance entitled "Application Procedures," subsection "Conditional Uses and Conditional Use Permits."

   e. Medical Marijuana Infusion (or Manufacturing) Facility Subject to the following:
      i. Applicant shall provide:
         a) Name(s) and location(s) of the offsite dispensary;
         b) a copy of the operating procedures adopted in compliance with A.R.S. §36-2804(B)(1)(c); and
         c) a survey sealed by a registrant of the State of Arizona showing the location of the nearest medical marijuana dispensary or cultivation location if within 1,500 feet.
      ii. The facility shall not be located within 1,500 feet of the same type of use. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
      iii. The facility shall not be located within 1,500 feet of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
      iv. The facility shall not be located within 1,500 feet of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or public community center.
      v. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
      vi. Medical Marijuana Infusion may be a part of a dispensary or cultivation location for a dispensary

vii. There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.

4. Signs: Requirements shall be the same as set forth in the C3 District.

5. Yard and Height Requirements (except as required under the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts:" None, except installations storing and/or dispensing inflammable fuels shall maintain such setbacks as required in the C3 District.

B. M2 – INDUSTRIAL TWO DISTRICT (HEAVY INDUSTRIAL)

1. Intent and Purpose: To provide all types of commercial and industrial uses except that controls may be imposed to minimize air pollution, radiation, and/or explosion dangers.

2. District Stipulations and Provisions: Supplemental to and/or supplanting the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts" as follows:

   a. Residential uses, other than one dwelling unit for occupancy by caretaker and family, are prohibited.

3. Permitted Uses:

   a. All uses permitted in the M1 District.

   b. All commercial or industrial uses and accessory uses, except that the Zoning Inspector must deny permission where a proposed use will cause to be exhausted or emitted into the air pollutants such as smoke, soot, dust, gases or toxic fumes, or where there is latent radiation or explosion danger within or without the District.

      i. In the event the Zoning Inspector denies a use for the reasons stated, an application may be filed to the Planning and Zoning Commission for a Conditional Use Permit. Each use requested shall be considered on its merits as to how the area shall be affected and, if granted, such stipulations may be invoked so as to maintain consideration for the promotion and protection of public health, peace, safety, comfort, convenience and general welfare.

         a) Such application must be heard by the Commission within thirty (30) days following such application, but after first receiving a report and recommendation from the Building Inspector and Health Officer.

         b) The procedure of application, notice and schedule of fees shall be the same as that required for hearings on rezoning applications by the Board and Commission. The notice postings may designate the hearing date for the Commission.

c) Any person aggrieved in any manner by any such Conditional Use Permit may, within thirty (30) days, appeal to the Board of Supervisors.

4. Yard and Height Requirements (except as required under the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts"): None, except that installations storing and/or dispensing inflammable fuels shall maintain such setbacks as required in the C3 District.

C. M3 – INDUSTRIAL THREE DISTRICT (UNRESTRICTED INDUSTRIAL)

1. Intent and Purpose: To provide all types of commercial or industrial uses without restrictions.

2. District Stipulations and Provisions: Supplemental to and/or supplanting the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts." Residential uses, other than one dwelling unit for occupancy by caretaker and family, are prohibited.

3. Permitted Uses: All commercial or industrial uses and accessory uses.

4. Yard and Height Requirements (except as required under the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts"): None.

SECTION 104.6
USE DISTRICTS (OVERLAY)

The following are "performance" type districts, and do not maintain any positions with respect to the other use districts.

A. PAD – PLANNED AREA DEVELOPMENT

1. Definition: The PAD District is an alternative to conventional land use regulations, substituting procedural protections for the requirements in the Zoning Ordinance. The PAD District is an overlay district that shall be used only in conjunction with other zoning districts described in this Zoning Ordinance, but which will allow flexibility in the requirements of the underlying zone and shall require approval by the Board of Supervisors of a specific plan of development.

2. Intent and Purpose**:** Gila County recognizes that in certain instances the objectives of the Zoning Ordinance may be best achieved by development of planned areas which may not conform in all respects to the underlying zoning district. Gila County further has determined that in the best interests of the health, welfare and safety of the citizens of Gila County, specific planned communities can provide better alternatives for some land development than the conventional zoning districts. The purpose of the PAD District is to encourage imaginative and innovative planning of neighborhoods, particularly with respect to diversification in the use of the land and flexibility in site design with respect to various features, including but not limited to, spacing, heights, density, open space, circulation, preservation of natural features, and innovation in residential development that results in the availability of a variety of housing opportunities, both in terms of afford-ability and lifestyle to all citizens and guests of Gila County; and to ensure the establishment of developments consistent with the goals and objectives of the Board of Supervisors of Gila County. All townhouse, condominium, and time-shares, together

with resort, recreational and commercial activities directly related thereto shall only be in a Planned Area Development District.

3. Location: A PAD may be established in any zoning district upon a finding that such a development would comply with the intent of this section of the Zoning Ordinance and that the PAD substantially complies with any previously approved area plans, by virtue of its unique character, topography or other features. If a proposed project requires rezoning, a request may be considered by the Planning and Zoning Commission simultaneously with its consideration of the development plan

4. Application Requirements: Each application for approval of a PAD District shall be filed in accordance with the provisions of Section 105 of this Zoning Ordinance. In addition to the filing fee established for amendments, an additional fee of $500.00 shall be paid by the applicant for processing the PAD request. The application shall be accompanied by such information and representations required by this Zoning Ordinance or deemed necessary by the Zoning Inspector which together shall comprise the application package.

5. Development Plan: The rezoning application shall be accompanied by a Development Plan which shall consist of:

    a. The proposed development shall be drawn at sufficient scale so as to not exceed a print size greater than 24" x 36." Lettering shall be of sufficient size to be reasonably legible when reduced to an 8 ½" x 11" clear print.

    b. Title of the project, such as "Planned Area Development for_____" in bold faced letters.

    c. Name of the landowner, developer, applicant and the firm or person who prepared the plan.

    d. North arrow, scale (written and graphic), and dates of plan preparation and subsequent revision dates.

    e. Inset vicinity map showing the relationship of the proposed project to existing area developments and surrounding zoning districts.

    f. Legal description of the entire property.

    g. Delineate and dimension by bearing and distance the exact boundaries of the proposed development.

    h. Show existing perimeter streets, including center lines, names, dimensions of existing dedications and proposed dedications.

    i. Show the general locations and scheme of proposed interior streets with proposed rights-of-way or easements. All points of ingress and egress to the site must be shown.

    j. Indicate the general location of proposed residential areas and types of housing proposed for each area. Show and label areas of open space, public areas,

drainage areas and any proposed facilities such as golf courses, parks, recreation center, sewage treatment facilities.

k. Indicate who will own, control and maintain landscaping, open areas, streets, recreation facilities, refuse disposal and private utility systems.

l. Show typical lots for each dwelling type, including typical lots in cul-de-sacs, on corners and in any unusual location. Show the arrangement of units which will be clustered, if applicable. These typical lots should show the building envelope, the proposed minimum setbacks, the minimum lot dimensions and individual walls and fences.

m. Indicate the location and width of any existing roadway or utility easements on the property.

n. Show existing contours; contour interval to vary according to grades as follows: grades up to 5%, 2'; over 5% to 10%, 5'; over 10%, 10'.

o. Indicate the general direction of storm water runoff. Identify by note or notes the existing drainage pattern and the proposed drainage plans for handling onsite and offsite storm water runoff. A preliminary drainage report will be required at the time of filing the tentative/preliminary plat.

p. Indicate the locations, type, height and material of proposed perimeter fences and/or walls. All proposed signs should also be located, identified and dimensioned.

q. Note the general location and type of existing and proposed landscaping on the site.

r. Show phase lines, if applicable.

6. Development Plan Data**:**

a. Land Use Table or Tables to include the following:

i. Total gross acreage of site.
ii. Total area of the streets, public and private.
iii. Total area of public open space, if applicable.
iv. Total area of open space which is designed for the exclusive use of the residents of the PAD area who receive an undivided ownership of such areas.
v. Maximum allowable density permitted under base zoning district.
vi. Total number of each dwelling type and the total number of all dwelling units.
vii. Average lot area per dwelling unit.
viii. The overall density proposed.

b. A table which compares the requirements of the existing zoning, the requirements of the base zoning requested, and the variations proposed under the PAD. The table should include lot area per dwelling unit, setbacks, maximum lot width, maximum building height, number of stories and parking requirements. A Conditional Use Permit shall be required for buildings exceeding three (3) stories or thirty-six (36) feet in height.

c. A table which lists the type and source of proposed utilities and services which include sewer, water, electric, telephone, police, fire, schools and solid waste disposal

d. A table which shows the proposed rights-of-way or easements and pavement widths for each type of street proposed for the planned area and perimeter.

7. Narrative Report: The following information shall be included in a supporting narrative report:

a. Title Page: The title page should clearly indicate "Planned Area Development for_____," the name of the applicant and date.

b. Purpose of Request: The first section of the report should explain why the project is being proposed, and why the site has been selected.

c. Description of Proposals: The character and type of development shall be thoroughly explained. All of the proposed non-residential buildings and structures and their intended uses should be described.

d. Relation to Surrounding Properties: Surrounding land use and zoning should be described. The impact of the proposal on surrounding properties in each direction should be discussed. The impacts on schools should be explained.

e. Location and Accessibility: The means of access, distance from major streets and surrounding road conditions should be described. Any proposed interior streets, drives or parking areas and proposed improvements should also be described.

f. Timing of Development: A section of the report should contain a schedule of development phasing.

g. Public Utilities and Services**:** Letters of serviceability from all public and private utilities and services shall be submitted with the report. Additionally, any correspondence involving transportation issues shall be included.

h. Maintenance of Streets and Common Areas: The provisions for the maintenance of the private streets, common areas and public and private landscaped areas should be discussed.

8. Waiver of Specific Submissions: Any information required under the section of this Zoning Ordinance entitled "Establishment of Zones (Use and Density Districts)," subsection "Use Districts (Overlay)," sub-sub section PAD-Planned Area Development – Development Plan" may be waived by the Zoning Inspector on the basis that the information is not necessary to a review of the proposed PAD. Such waiver shall be in writing, shall specify the reasons for such waiver and shall be included in the materials submitted to the Planning and Zoning Commission.

9. Public Hearings**:** After proper application has been made for a PAD, the Planning and Zoning Commission and Board of Supervisors shall hold public hearings as provided in the section of this Zoning Ordinance entitled "Amendment Procedures."

    a. The Planning and Zoning Commission and Board of Supervisors may approve the plan as submitted, may require the applicant to modify, alter, adjust or amend the plan in such manner and to such extent as it may deem appropriate to the public interest, or disapprove the plan.

    b. The Planning and Zoning Commission and Board of Supervisors may approve a plan even though the use of buildings and land, the location and height of buildings to be erected in the area, the nature of ownership, and the yards and open spaces contemplated by the plan do not conform in all respects to the regulations of the zoning district in which it is located or the plan does not conform in other particulars.

10. Findings Required**:** Before approval of an application for a PAD District, the Planning and Zoning Commission and the Board of Supervisors shall find that the development conforms to the following general criteria:

    a. That the location, design and size are such that the development can be well integrated with the surroundings; is planned and developed with the intention to harmonize with any existing or proposed development in the adjacent neighborhood; or in the case of a departure of character from surrounding uses, that the location and design will adequately reduce the impact of the development so that the project will not be detrimental to the adjacent property.

    b. That the streets and thoroughfares proposed are suitable and adequate to serve the proposed uses and the anticipated traffic which will be generated thereby and that proper provision for the maintenance of the streets has been provided.

    c. That the value of the use of the property adjacent to the area included in the plan will not be adversely affected to a significant extent and to this end, the Planning and Zoning Commission and Board of Supervisors may require, in the absence of an appropriate physical barrier, the uses of least intensity be arranged along the boundaries of the project. As further protection to adjacent properties, the Planning and Zoning Commission and Board of Supervisors may impose either or both of the following requirements:

        i. Structures located on the perimeter of the planned development be set back a distance sufficient to protect the privacy and amenity of adjacent existing uses.

ii. Structures located on the perimeter of the planned development be permanently screened in a manner sufficient to protect the privacy and amenity of the adjacent existing uses.

d. That suitable retention and drainage areas have been provided to protect the property and adjoining properties from hazards resulting from water falling on or flowing across the site, and that proper provision for maintenance of such retention and drainage areas has been provided.

e. That the location, design, size and uses are such that the residents or establishments to be accommodated will be adequately served by existing or planned public facilities and services.

f. That the location, design, size and uses are such that traffic generated by the development can be accommodated safely.

g. That adequate and visible refuse disposal has been provided for or exists for the development.

11. Implementation of Plan**:**

a. Once a plan has been approved, it can be amended, changed or modified only through the procedure prescribed herein for the initial application for approval. The Board of Adjustment may not grant any variances for an approved PAD.

b. A development schedule for residential uses shall be submitted as part of the project plan and the construction of provision of all the common open spaces and public and recreational facilities which are shown on the Development Plan must proceed at the same rate as the construction of dwelling units. If it is determined that the rate of dwelling unit construction is greater than the rate at which common open areas and public and recreational facilities are being constructed or provided, the developer will be notified that no building permits for dwelling unit construction will be issued until the rate of construction conforms with the development schedule.

c. The development schedule shall provide for stage construction of the Development Plan. Building permits will not be issued for any stage of the plan unless the common open space allocated to that stage by the development schedule has been conveyed to the appropriate parties.

12. Minimum Planned Area Development Requirements and Limits:

The following requirements and limits are mandatory for all Planned Area Developments and may not be waived or modified without amendment of this section by the Board of Supervisors.

a. No residential PAD, or the residential portion of any PAD including commercial, shall have less than fifteen (15%) percent of its gross total area allocated to open space or other common areas or facilities. Streets, sidewalks and entry areas shall not be included in the fifteen percent.

b. PADs that include manufactured home lots shall have an under-lying zone of MHS-Mobile/Manufactured Home Subdivision District.

c. Any private streets approved by the Planning and Zoning Commission and the Board of Supervisors as part of a PAD shall meet the minimum requirements as established by Gila County Engineering Services.

B. PM – PERFORMANCE INDUSTRIAL DISTRICT

1. Intent and Purpose: To promote the development and operation of certain uses, such as, but not limited to, laboratories, light manufacturing and assembly, in such a restricted and limited manner that, because of the limitations on type of structures and uses, control on height and density, prohibitions against open land facilities, omission of such nuisances as fumes, odors, noise, glare and vibration, prohibition of general retail sales and services or other uses that cater to the general public, and the landscaping requirements, so as to protect and foster residential desirability adjacent to such industries.

2. District Stipulations and Provisions: Supplemental to and/or supplanting the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts" as follows:

   a. Residential uses, other than one dwelling unit for occupancy by caretaker and family, are prohibited.

   b. General retail sales and service or other uses that cater to the general public are prohibited.

   c. All uses except parking, loading and unloading, as provided herein, shall be confined to within closed buildings.

   d. Space for automobile parking area shall be initially provided and kept available on the premises at the rate of two square feet of land area for each square foot of floor area. As the development of facilities progresses, there shall be installed and maintained no less than one parking space for each two employees. All ground area used for parking, loading, unloading, and vehicular movements shall be surfaced and maintained with dust-free surfacing, preferably hard surface.

   e. All development on any one parcel in the District must progress in accordance with general layout, architectural, and landscape plans for such parcel, all to be approved by the building inspector; the Board of Adjustment may modify the Building Inspector's requirements, provided such modifications do not defeat the intent and purpose of the District.

f. All outdoor lighting shall be hooded or shielded so as to deflect the light away from residential districts. Such lighting shall be the minimum required to illuminate the area needed to be lighted.

g. No use shall be operated in such a manner as to be an explosion or fire hazard; nor shall there be emitted into the atmosphere any smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, or toxic fumes to such an extent as to constitute the slightest nuisance.

h. The first fifty (50) feet of depth adjacent to any street or street easement must be used for landscaping purposes, and may not contain any other uses or structure, except for driveways, signs and lighting, as permitted in this District.

3. Permitted Uses: (provided such uses meet the intent and purpose of the District):

a. Manufacturing, machining, processing, assembly, compounding, fabrication, mixing, baking, equipping, printing and publishing, cooking, glazing, weaving, knitting, and sewing.

b. Research and testing laboratories.

c. Warehouses.

d. Motion picture production, radio and television studios.

e. In-plant restaurants as an appurtenant use, and including roof or landscaped patio dining facilities.

f. Facilities incidental to a construction project, including storage, all located on the project site for a period not to exceed twelve (12) months.

g. Churches or similar places of worship. Open land recreation facilities in connection with such project may be permitted subject to a use permit.

h. Accredited schools, colleges, universities, including dormitories, athletic fields, playgrounds and swimming pools on the same parcel of land. Private school playgrounds, athletic fields and swimming pools are subject to securing a use permit.

i. Public utility facilities, when necessary for serving the surrounding territory (but not storage yards).

j. Regulation type golf courses, but not miniature, pitch and putt courses, nor commercial driving ranges, and subject to securing a use permit.

k. Offices wherein professional, administrative, clerical or sales (other than to the general public) are rendered, including management and /or realty offices appurtenant to an industrial subdivision and located therein.

l. Publicly owned or operated buildings or properties.

m. Publicly owned or operated parks and playgrounds, and other recreational uses, including eating and drinking sales and service establishments (which may be operated on a concession basis) accessory to the use of such public facility; provided, however, that such shall be located no closer than three hundred (300) feet to any adjacent property.

n. Private parking space as provided for the District.

o. Railroad, mining, metallurgical, or general agricultural uses on five or more contiguous commercial acres under one ownership. Such uses are exempt from any restrictive provisions of this section.

p. Customary accessory uses and buildings, including private parks and swimming pools, provided such are incidental to the principal use.

q. Fences or free-standing walls (not to exceed eight (8) feet in height), provided same are not located closer than fifty (50) feet to any street or street easement line, except that when same are adjacent to a residential district, the height shall conform to the maximum height requirements for such residential property.

r. Signs**:** As follows, which may be lighted by indirect illumination:
   i. Signs appurtenant to or identifying a permitted use of the property upon which displayed and subject to the following additional provisions and stipulations:
      a) Limited to a total overall sign area of two hundred (200) square feet, in addition to one name plate and necessary informational or directional signs; provided, however, that each such name plate or other accessory sign shall not exceed an area of six (6) square feet. The name plate may be located at or within four (4) feet of a street line, provided same is unlighted and does not exceed a height of seven (7) feet.
      b) Any flush sign may have an area not to exceed one hundred sixty-eight (168) square feet. Signs pertaining to the name of the operating company will not be limited in size, provided such signs are incorporated into the architectural design as an integral part of the building, and shall have a minimum setback of one hundred fifty (150) ft. from any dedicated street or residential district, and shall not exceed a height of forty (40) feet above ground grade, and shall be subject to approval of the Zoning Inspector.

c) Any free-standing or extended sign may have a sign panel area not to exceed eighty-four (84) square feet.

ii. Temporary advertising signs pertaining to the sale or lease of land or buildings upon which property same are displayed and subject to the following additional provisions and stipulations:

a) Limited to one single or double-faced or V-shaped sign for each 300 lineal feet or fraction thereof of frontage on all street sides for each lot or establishment, provided no two signs on the same property are closer than one hundred (100) feet to each other nor closer than one hundred (100) feet to any residential property line.

b) If the portion of the property being advertised is unimproved, such sign not exceeding sixty (60) square feet of panel area and seven (7) feet in height may be displayed up to the street line, provided same be no closer than one hundred (100) feet to any building. Such signs, when located within one hundred (100) feet to developed land, must parallel the street.

c) If the portion of the property being advertised is improved, such signs shall be regulated by the provisions and stipulations of signs appurtenant to the use of the property, except that no panel area may exceed eighty-four (84) feet.

4. Lot Area and Dimensions**:**

a. No lot shall hereafter be subdivided to provide less than seventy two thousand (72,000) square feet (commercial two acres) of area, a width of one hundred (100) feet, nor a depth of three hundred (300) feet, and provided further that no lot shall exceed a depth of six hundred fifty (650) feet, unless it can be shown that deeper lots will not block a future street pattern.

5. Yards Required**:** There shall be a yard measuring from any street or street easement of not less than fifty (50) feet

a. There shall be a side yard of not less than twenty-five (25) feet from any common property line or alley, except that such side yard shall measure not less than fifty (50) feet from any residential district boundary.

b. There shall be a rear yard adjacent to any residential district of not less than fifty (50) feet to the residential side line and twenty-five (25) feet to the residential rear line or the rear alley centerline of what would be the centerline if a full alley existed.

6. Height Limits:

a. No structure shall exceed a height of thirty (30) feet plus one (1) foot for each additional ten (10) feet such structure is located beyond setback lines, provided such height does not exceed forty (40) feet, except that towers, poles and water tanks necessary to serve the lot and/or the area may exceed the height limitations

when the location of such exceeds a setback from any property line of twice its height.

7. Building Density**:** The total area of all buildings shall not exceed thirty percent (30%) of the total area of the lot.

8. Space and Between Buildings**:** No building shall be closer to any other building than thirty (30) feet, except when such are attached by a common wall so as to be treated as one building.

C. T – TRAILER DISTRICT

1. Intent and Purpose: To be combined with certain other use and density districts for the purpose of permitting Mobile/Manufactured Home Developments. Procedure for inclusion of the "T" District shall be the same as the provided for a change of zoning.

2. District Stipulations and Provisions**:** Supplemental to and/or supplanting the section of this Zoning Ordinance entitled "General Stipulations & Provision-All Districts." All provisions of the use and density district with which this District is combined shall maintain, except as enumerated to the contrary under this section.

3. Permitted Uses**:**

    a. All uses permitted by the use district with which this district is combined.

    b. Mobile/Manufactured Home Developments, subject to the approval of a site plan.
        i. Site plans and an application on a form supplied by the Community Development Division shall be submitted for review and approval. The Community Development Division shall refer the site plan to the County Engineering and Health Departments and any other affected department or agencies to check its compliance with pertinent County and State standards and regulations. Subsequent to review, the Zoning Inspector or his/her designee shall (1) approve the site plan as submitted, (2) approve the site plan with modifications, or (3) disapprove the site plan. The Zoning Inspector shall notify the applicant of the Commission's decision. If the application is disapproved, the Zoning Inspector shall notify the applicant of the reasons for disapproval and may state the modifications necessary for approval of the site plan.
        ii. An approved site plan shall be binding upon the applicants and their successors or assignees. Placement and/or erection of all structures within a Mobile/ Manufactured Home Development shall require the issuance of a building permit to be issued in accordance with the regulations of the Community Development Division. No building permit shall be issued for any building or structure not in accord with the site plan, except that temporary construction facilities shall be permitted for the purpose of developing the project. Individual installation permits shall be required for placement of ~~mobile~~/manufactured homes within approved spaces. The construction, location, use or operation of all land

and structures within the site shall conform to all conditions and limitations set forth in the site plan. No structure, use or other element of an approved site plan shall be eliminated, altered, or provided in another manner unless an amendment is approved in accord with paragraph "vi" of this section.

iii. In addition to the special requirements of this section, the Zoning Inspector may impose on a site plan such additional requirements as are necessary to safeguard the public welfare, safety and health. The Zoning Inspector may require the applicant to submit a revised plan incorporating the imposed requirements and modifications. When a site plan is submitted conforming to the stipulations of the Commission, one copy of the approved site plan shall be filed in the office of the Community Development Division and one copy sent to the applicant.

iv. An approved site plan may be revoked if construction of the Mobile/Manufactured Home Development is not begun within twelve (12) months of site plan approval. The Zoning Inspector may approve a twelve (12) month extension if warranted.

v. Failure to comply with the standards and guidelines for development and maintenance of Mobile/Manufactured Home Developments shall be considered by the Zoning Inspector as grounds for revocation of site plan approval. Such approval may be revoked by the subject to appeal as provided in paragraph "vii" below.

vi. Amendments**:** The holder of an approved site plan may request modification of the site plan or the conditions of approval by submitting an amended site plan which shall be filed and processed in the same manner as an original application.

vii. Appeals: A decision of the Zoning Inspector may be appealed to the Planning and Zoning Commission within fifteen (15) calendar days of the Zoning Inspector's decision.

a) Appeals shall be in writing on a form provided by the Community Development Division and shall include only those items not agreed upon.

b) An appeal will be heard at the next regular meeting of the Planning and Zoning Commission.

c) Any decision of the Planning and Zoning Commission shall be final unless a person aggrieved thereby, within seven calendar days after the decision of the Planning and Zoning Commission, appeals to the Board of Supervisors by filing a written notice of appeal with the Community Development Division.

1) Within thirty calendar days after service of a notice of appeal, the Community Development Division shall transmit to the Board of Supervisors a transcript with exhibits of the Planning and Zoning Commission's hearing. The Supervisors may require or permit corrections or additions to the transcript or exhibits.

2) The Board of Supervisors shall review the transcript and exhibits, if any, and may, at their discretion, affirm the

decision of the Planning and Zoning Commission remand the matter for further proceedings before the Planning and Zoning Commission, or reverse or modify the Planning and Zoning Commission's decision.

3) Any person aggrieved by a conclusive decision of the Planning and Zoning Commission or the Board of Supervisors shall have a right of appeal to a court of competent jurisdiction.
4) Neither the Zoning Inspector nor the Board of Adjustment shall have authority to modify the terms of this Section.

4. Minimum Standards for Development and maintenance of Mobile/Manufactured Home Developments Other than Subdivisions:

   a. Minimum dimensions and areas for mobile/manufactured home spaces shall be as follows:

      i. Single-wide Mobile/Manufactured Homes**:** Minimum space area shall be three thousand four hundred (3,400) square feet; minimum width shall be forty (40) feet and minimum depth shall be eighty-five (85) feet.
      ii. Double-wide Mobile/Manufactured Spaces**:** Minimum space area shall be four thousand six hundred seventy-five (4,675) square feet; minimum width shall be fifty-five (55) feet and minimum depth shall be eighty-five (85) feet.
      iii. Recreational Vehicle Spaces**:** Minimum space area shall be one thousand five hundred (1,500) square feet; minimum width shall be twenty-five (25) feet and minimum depth shall be sixty (60) feet.
      iv. A recreational vehicle may be located on a mobile/manufactured home space, provided all requirements of this Section are met and only one unit is placed on one space.

   b. Minimum setback dimensions for mobile/manufactured homes and recreational vehicles (hereinafter referred to as "mobile units") shall be deemed the shortest of horizontal dimensions measured from the nearest portion of the endwall or sidewall of the mobile unit or from the patio cover, carport, cabana, ramada, or similar appurtenance, and shall be as follows:
      i. Minimum setback from any interior street or rear, front, or non-main entry space line shall be five (5) feet.
      ii. An uncovered main entry side of a mobile unit shall be a minimum of fifteen (15) feet from the adjacent space line.
      iii. Where parking space is provided within the mobile unit space, a minimum of sixteen (16) feet width shall be provided between the space line and the nearest side or endwall of the mobile unit.
      iv. No mobile unit or accessory building may be placed closer than ten (10) feet from any exterior development boundary.

v. Minimum distance between mobile units within the same Development shall be ten (10) feet.

5. General:

a. All streets within a Mobile/Manufactured Home Development shall be private and shall be maintained by the owner.

b. Parking spaces within the boundaries of the development shall be provided at a rate of two per unit.

c. The Mobile/Manufactured Home Development shall be screened from adjoining parcels by an opaque wall or fence not less than four (4) feet no more than six (6) feet in height.

d. No accessory building may be placed within the required front side or street setback.

e. No mobile unit space, parking space, drive, street, or common area may be used for the dismantling and/or storage of inoperable motor vehicles.

f. Adequate common trash collection stations shall be provided at a rate of not less than one station per ten (10) spaces. Such stations shall be screened from view of adjacent spaces and constructed in such a manner as to prevent the spreading of trash due to wind or animals.

g. Development shall be maintained in a clean, safe and sanitary manner. No refuse, debris, trash, or uncontrolled vegetation shall be allowed to accumulate to such an extent as to constitute a nuisance or potential threat to the lives, health, or property of the development residents or surrounding property owners.

D. P1—PARKING ONE DISTRICT

1. Intent and Purpose**:** To serve one purpose only -- that of providing vehicular parking space either by preserving existing parking areas by zoning them to P1, or establishing similar zoning on areas to be used for providing parking requirements of this Zoning Ordinance.

2. District Stipulations and Provisions: Supplemental to and/or supplanting the section of this Zoning Ordinance entitled “General Stipulations & Provisions-All Districts” as follows:

a. All requirements under the section of this Zoning Ordinance entitled “General Stipulations & Provisions-All Districts,” subsection “Off-Street Parking” shall be adhered to when applicable, and provided further that other stipulations and provisions may be imposed at the time of such zoning for the protection of adjacent properties or in the interest of public welfare.

3. Permitted Uses:

    a. Open land parking area providing spaces to satisfy all or a portion of the off-street parking requirements of a permitted use or uses.
        i. Installation, operation and maintenance of such lots shall adhere to all provisions established elsewhere in this Zoning Ordinance for such required parking.
        ii. Such use is contingent upon first obtaining approval from the Traffic Engineer or other designated official as to ingress and egress and traffic circulation patterns.

    b. Signs (See the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts," subsection "Signs": Appurtenant use signs same as permitted under the R4 District.

    c. Other uses customarily accessory and incidental to the parking use provided same is located on the same lot or on the lot containing the principal use for which the parking is being provided.

E. REGIONAL DESIGN REVIEW PROGRAM GUIDELINES

1. Purpose and Intent

    The purpose of the design review program is to preserve and enhance the beauty and uniqueness of the region, facilitate incorporation of the region's culture and natural resources into property, increase the value of the property, pedestrian friendly planning, and to contribute to the further enhancement of the economic base of our area through increased awareness and appeal of the properties adjacent to the U.S. Highway 60-70 corridor benefiting all property owners, residents, and visitors to the region.

2. Applicability

    These guidelines, upon adoption by each respective government jurisdiction through ordinance, shall be applicable to all developable properties that front on the U.S. Highway 60/70 corridor from the west end of Miami to the east end of Globe. The Program's guidelines will also apply to all currently developed properties on that same corridor that undertake property and/or structure redevelopment involving modification of 50% or more of their present property or structure to include modification to design, layout, signage, or exterior appearance for which a building permit is required.

3. Exemptions

    a. The guidelines of this Design Review Program shall not apply to the following activities:
        i. Maintenance of the exterior of existing structures such as repainting, re-roofing, residing, where similar materials and colors~~,~~ are used.
        ii. Interior remodeling.
        iii. Existing nonconforming aspects of a building or site not addressed in an application for a design review permit.
        iv. Short-term/temporary preventative maintenance as a result of an emergency situation. i.e., fire, flood, natural disaster.

4. Application Procedures

    a. An application for a design review requires submission of nine (9) design packets for review by the government agency with jurisdiction over the property and the Regional Design Review Committee.

    b. Each packet must contain:
        i. Site Plan that provides the following:
            a) Pedestrian & vehicular circulation.
            b) Building floor plans showing orientation of windows & doors on the exterior walls of the proposed structure.
            c) Location and description of exterior signage.
            d) Landscape plan, including plant~~s~~ type and placement, and hardscape details.
            e) Exterior Lighting; location, type, and orientation.
            f) Fences and walls, (material and surface textures).
        ii. Building Elevations which provide the following:
            a) Façade Treatment.
            b) Architectural Design.
            c) Building Height.
            d) Building Materials.
            e) Design Detail for windows and doors.

5. Review Procedures

    Upon submittal of a completed application, the Design Review Committee shall review and prepare a written recommendation to the governmental agency having jurisdiction over the subject property regarding the following elements to which the Design Review Program's guidelines apply:

    a. Site Layout.
        i. Orientation and location of buildings, hardscape, natural features and landscaped areas in relation to physical characteristics of the site, neighborhood character, and the appearance and harmony of adjacent buildings. For the purpose of these guidelines a property not immediately adjacent to the corridor shall be considered as adjacent to the corridor if the property adjacent to the corridor is undeveloped.
        ii. The appearance and safety of the proposed pedestrian system.
        iii. Landscaping:
            a) The location, height and species of hedges, trees, and xeriscaping to ensure harmony with the ambiance of the area and the intent of these guidelines.
            b) The planting of groundcover to prevent dust and erosion.
            c) The preservation of existing healthy trees
        iv. Hardscaping: the location, height and material of walls, fences, and other artificial embellishments to ensure harmony with the ambience of the area and the intent of these guidelines
        v. Outdoor Signage: The number, location color, size, lighting, and landscaping of outdoor advertising devices as they relate to pedestrian and vehicular traffic, their appearance and harmony with the existing adjacent structures, and the intent of these guidelines.

b. Architectural Character
   i. The consistency of the applications of the proposed design with approved design guidelines.
   ii. The compatibility of the character of the proposed design with adjacent structures and the intent of these regulations.
   iii. Preservation of historical structures (if within registered Historic Districts).

c. Overall Compliance with Development Standards - The Design Review Committee or the Planning Staff of the government agency with jurisdiction over the said property, on a case-by-case basis, may make exceptions to the provisions of the following section entitled "Development Standards (Site Design)" due to unique characteristics of the site or economic hardship to the applicant.

6. Development Standards (Site Design)

a. Pedestrian and Vehicular
   i. Circulation patterns should be obvious and simple. All pedestrian routes should be considered in the design phase to eliminate "short cuts" that damage landscaped areas.
   ii. Circulation systems should limit conflicts between vehicular, bicycle and pedestrian traffic.
   iii. Where pedestrian routes cross vehicular traffic paths; a change in grade, materials, textures and/or colors should be provided.
   iv. Pedestrian routes/paths should be provided to the front entrance of a building from the public right of way.
   v. Bicycle parking facilities may be substituted for automobile parking spaces required at a ratio of five (5) bicycle spaces for one required vehicle parking space. A maximum of five (5) % of the total required parking spaces may be reduced from the total number of parking spaces required under the established parking spaces related requirements in the government agency's standards. Bicycle parking facilities should include provisions for locking of the bicycle in a secure rack.

b. Building Setbacks
   i. Buildings should be placed as close to the front property line as reasonable with consideration for the safe passage of vehicular and pedestrian traffic.
   ii. Where no side yard setback is provided, structural wall construction must be two-hour fire rated, and the roof must not drain directly onto adjoining property.
   iii. Rear yard setback is not required except when the adjoining property is residential. Where this occurs, a case-by-case review will determine appropriate setbacks that are compatible with the adjoining properties.
   iv. Overhead structures such as porches and balconies may be placed on the front property line except where adjoining structures have larger front yards.

c. Parking Facilities

Parking should not be positioned between the public sidewalk and the front of the building, here feasible. Parking at the side of the property must be landscaped and screened.

d. Multiple Buildings

Multiple buildings on the same property should be designed to create a cohesive visual relationship between buildings.

e. Driveways
   i. Shared or common driveways are encouraged.
   ii. There should be a maximum of one driveway per lot or parcel except where the lot has more than one hundred (100) feet of frontage on the Highway Corridor. Driveways should be separated by a minimum of one hundred (100) feet. Approval of the Arizona Department of Transportation must be obtained in each case. The State's jurisdiction and decision shall always prevail if different than the recommendation of the Design Review Committee.

f. Signage
   i. No roof sign should be permitted except where significant negative grade change exists from the roadway to the building site.
   ii. Portable free-standing signs must not exceed three (3) feet in height, six (6) square feet on each face, and must not obstruct pedestrian ways or cause line of sight problems.
   iii. Permanent free-standing signs should not exceed thirty-two (32) square feet on each face and must be low profile.
   iv. Marquee signs must not be installed in such a manner that the illumination from the sign causes distraction or hindrance to vehicles on the corridor nor occupants of nearby properties.
   v. Colors should be used from the approved color board.
   vi. Signs must be properly maintained.
   vii. Signs should be architecturally integrated with their surroundings in terms of size, shape, color, texture and lighting.
   viii. Signs should not be in visual competition with each other.
   ix. In the event that these signage guidelines are found to be in conflict with the adopted sign ordinance provisions of the government agency with jurisdiction, the established governmental sign ordinance requirements shall have precedence.

g. Lighting
   i. Colored lighting is allowed but should not:
      a) spill over onto adjacent properties;
      b) be the primary lighting theme; or
      c) contain moving or streaming lights or components.

   ii. Lighting fixtures should be historically appropriate to the area, and close in appearance to other installed historic lighting within the government jurisdiction.

h. Utility Equipment
   i. Mechanical systems equipment should be screened and sound attenuated, using approved building materials and positioned to maintain minimum intrusion on the public view.
   ii. Utility areas and equipment, such as trash receptacles, storage areas, service yards and loading/unloading areas should be screened from public view with approved building materials.
   iii. Permanently installed utility standards and communication equipment should blend into the surrounding environment. The use of earth colors and/or the installation of faux foliage, and/or the installation of equipment constructed to replicate a living plant, such as a palm tree, cactus, or other tree as appropriate to blend the equipment into the environment should be considered.

i. Landscaping
   i. Landscaping should soften the visual appearance of the site, and provide a pedestrian friendly environment.
   ii. Any planting within the rights of way should not create a line of sight nuisance, or be a nuisance to pedestrian and vehicular traffic in any way.
   iii. All undeveloped areas, within public view, should be landscaped or left with undisturbed natural vegetation.
   iv. Deciduous or evergreen shrubs and trees can be used.
   v. Planter boxes are encouraged for flowers.

j. Hardscape
   i. Colors, textures and materials selected for walkways, patios, and other ground plane enhancements must support the architectural character of the area.
   ii. Materials should not impede accessibility to those who are physically challenged.
   iii. The texture and color of hardscape should clearly differentiate between driveways, parking facilities, and those areas used by bicyclists or pedestrians.
   iv. Stone, brick, colored concrete, pavers, covered boardwalks, and concrete finishes are acceptable.
   v. Natural materials should be used to the maximum extent; Synthetic materials may be considered.

k. Street Furniture
   i. Street furniture should be of design and character consistent with municipal streetscape elements.
   ii. Synthetic or plastic elements are not permitted.

l. Fences and Walls

   When adding fences and walls, the building materials should comply with the approved building materials in this guideline.

m. Overhead Protection Structures
   i. Overhead protection structures should be installed on the façade of the ground floor above any installed or planned pedestrian pathways.
   ii. A minimum of seven (7) foot vertical clearance is required for overhead structures above potential pedestrian pathways.

7. Development Standards (Architectural and Structural Design)

   a. Architectural Features
      i. Architectural design should be compatible with the character of the area. Design compatibility should include complimentary building style, form, size, color and materials.
      ii. Diversity of architectural design is encouraged that portrays the historical and cultural influence~~s~~ of the area.
      iii. Detail is required at/around all doorways and windows that front on the street or are part of visible sidewalls.
      iv. Rough sawn wood reflecting "pioneer" look is encouraged.

   b. Building Materials
      i. The preferred building materials include wood, stone, brick, and adobe. Stucco and synthetic materials may be considered.
      ii. Metal buildings are permitted if the facade visible from the right-of way is composed of building materials specified in paragraph G.1.b above.

   c. Building Colors
      i. Exterior colors should be selected from the recommended color board, Historic Colors of America.
      ii. Trim and body colors should be complimentary, and brilliant, bold colors should be avoided.

   d. Roof Design

      Acceptable roof materials include galvanized and colored metal, or dimensional asphalt shingles. The use of composite material will be reviewed on a case-by-case basis. The use of natural wood shake roof material is highly discouraged.

   e. Facade Treatment
      i. The concealing of original facades as part of restoration/rehabilitation should be avoided.
      ii. Storefront restoration should return the façade to its original character as much as is reasonable and appropriate and meets design review requirements.
      iii. Reflective or mirrored glass should be avoided. Tinted glass should comply with Arizona Standards of 30% maximum reduction of transparency.
      iv. A minimum of 35% of the front first floor of the building at the front property line should be windows or doors.
      v. No new construction or remodeling of an existing building will use mill finished aluminum windows, doors, or display devices.
      vi. In new construction glass block windows visible from public walkways should be avoided.

8. Guideline Review

   This guideline is subject to continuous review by the Design Review Committee and the governmental agencies to which it applies. Significant changes to this document will require full concordance of all affected agencies before those changes are implemented.

SECTION 104.7
USE DISTRICTS (SPECIAL)

A. GU – GENERAL UNCLASSIFIED DISTRICT

1. Intent and Purpose: To provide for all the unincorporated areas of Gila County not otherwise designated for some other specific zone to be included in the "General Unclassified District" by this Zoning Ordinance.
2. District Stipulations and Provisions:
   a. No subdivision of land for sale, rent, or lease for residential, commercial, or industrial use shall be conducted or approved in the GU District without prior rezoning of the land so intended.
   b. Off-site signs (billboards) are not permitted in this District
   c. Sexually oriented businesses are not permitted in this District.
   d. Minimum density requirements shall be the same as D40 Density District.
3. Permitted Uses:

   Farm and non-farm residential uses; farms, ranches, recreational, and commercial uses.

SECTION 104.8
DENSITY DISTRICTS

Density districts shall be established in order to maintain a desirable amount of open space and regulate the intensity of use within conventionally designed, detached single-family residential subdivisions or those unplatted areas primarily devoted to detached single-family residential use.

A. GENERAL REGULATIONS

Except as enumerated to the contrary under any particular density district or the section of this Zoning Ordinance entitled "General Stipulations & Provisions-All Districts," the following, where applicable, shall apply to all density districts or to any residential use in use districts not combined with density districts:

1. Lot Area and Dimensions:
   a. Any lot which is substandard for the district in which it is located, either as to dimensions or area, that was legally established as such when it came under the influence of the minimum regulations of such district, shall be considered a legal lot in that district.
   b. No lot shall be further divided in such a manner that any division of such lot shall contain more living units and/or percent of lot coverage than is permitted on that area by the minimum regulations of the district in which such lot is situated.
2. Yard Dimensions/Space Between Buildings: Minimum yard requirements in all density districts shall be as follows:
   a. Front Yard - Twenty (20) feet.
   b. Rear Yard - Twenty (20) feet.

c. Street Side of Corner Lot - Ten (10) feet.

d. Interior Side Yard - **S**even (7) feet; nine (9) feet on one interior side yard if vehicular access is needed per the following sections entitled "Yard Deviations" and Projection into yards is prohibited, except as herein enumerated."

e. Distance Between Buildings - No dwelling shall be closer than six (6) feet to any other building on the same lot.

f. Detached Accessory Buildings - Shall conform to front and side yard requirements for main buildings and shall be at least seven (7) feet from rear lot line. (See the following sections entitled "Yard Deviations" and Projection into yards is prohibited, except as herein enumerated."

3. Yard Deviations (See yard definition for measure requirements):

   a. Side Yards -- On any lot where a garage or carport is not attached to the main building, one side yard must measure no less than nine (9) feet to provide vehicular access to rear parking.

4. Projection into yards is prohibited, except as herein enumerated:

   a. All Yards**:**
      i. Cornices, eaves, coolers, open balconies, open fire escapes, stairways, or fire towers may project not more than five (5) feet into any minimum yard, provided such projection shall be no closer than two (2) feet from any property line.
      ii. Sills, leaders, belt courses and similar ornamental and chimneys may project not more than two (2) feet into any minimum yard or court.

   b. Front Yard:
      i. A bay window, oriel, entrance or vestibule, which is not more than ten (10) feet in width, may project not more than three (3) feet into any minimum front yard.
      ii. An attached open porch, carport, or balcony may project not more than six (6) feet into any minimum front yard.

   c. Rear Yard:
      i. A bay window, oriel, entrance or vestibule, which is not more than ten (10) feet in width, may project not more than three (3) feet into any minimum rear yard.
      ii. An attached open porch, carport, or balcony may project not more than (10) feet into any minimum rear yard, provided no such projection shall be less than eight (8) feet from any common rear property line.

5. Building Height: Unless otherwise stipulated in the individual zoning district, a Use Permit shall be required for any building exceeding three (3) stories or thirty (30) feet in height.

6. Maximum Density: The maximum density within single-family detached residential subdivisions shall not exceed 6.6 dwelling units per gross acre, except as otherwise enumerated herein.

B. DENSITY DISTRICT REQUIREMENTS

1. D6 -- 6.6 Dwelling Units Per Acre

    a. Minimum Lot Area -- Six thousand (6,000) square feet.

    b. Minimum Lot Width at Front Setback Line -- Forty-four (44) feet.

    c. Minimum Lot Depth -- Sixty (60) feet.

    d. Maximum Building Coverage -- Fifty percent (50%) of gross lot area.

    e. Maximum Impervious Surface Coverage -- Sixty-five percent (65%) of gross lot area

2. D8 -- Five Dwelling Units Per Acre

    a. Minimum Lot Area -- Eight thousand (8,000) square feet.

    b. Minimum Lot Width at Front Setback Line -- Forty-eight (48) feet.

    c. Minimum Lot Depth -- Eighty (80) feet.

    d. Maximum Building Coverage -- Forty-five percent (45%) of gross lot area.

    e. Maximum Impervious Surface Coverage -- Sixty percent (60%) of gross lot area.

3. D10 -- Four Dwelling Units Per Acre

    a. Minimum Lot Area -- Ten thousand (10,000) square feet.

    b. Minimum Lot Width at Front Setback Line -- Fifty-two (52) feet.

    c. Minimum Lot Depth -- One hundred (100) feet

    d. Maximum Building Coverage -- Forty percent (40%) of gross lot area.

    e. Maximum Impervious Surface Coverage -- Fifty-five percent (55%) of gross lot area.

4. D12 -- 3.3 Dwelling Units Per Acre

    a. Minimum Lot Area -- Twelve thousand (12,000) square feet.

    b. Minimum Lot Width at Front Setback Line -- Fifty-six (56) feet.

    c. Minimum Lot Depth -- One hundred (100) feet

    d. Maximum Building Coverage -- Thirty-five percent (35%) of gross lot area.

    e. Maximum Impervious Surface Coverage -- Fifty percent (50%) of gross lot area.

5. D18 -- 2.2 Dwelling Units Per Acre

    a. Minimum Lot Area -- Eighteen thousand (18,000) square feet.

    b. Minimum Lot Width at Front Setback Line -- Sixty-eight (68) feet.

    c. Minimum Lot Depth -- One hundred (100) feet.

    d. Maximum Building Coverage -- Thirty percent (30%) of gross lot are

    e. Maximum Impervious Surface Coverage -- Forty percent (40%) of gross lot area.

6. D20 -- Two Dwelling Units Per Acre

    a. Minimum Lot Area -- Twenty thousand (20,000) square feet.

    b. Minimum Lot Width at Front Setback Line -- Seventy-two (72) feet.

    c. Minimum Lot Depth -- One hundred twenty (120) feet.

    d. Maximum Building Coverage -- Twenty-five percent (25%) of gross lot area.

    e. Maximum Impervious Surface Coverage -- Thirty-five percent (35%) of gross lot area.

7. D40 -- One Dwelling unit Per Acre

    a. Minimum Lot Area -- Forty thousand (40,000) square feet.

    b. Minimum Lot Width at Front Setback Line -- Ninety-two (92) feet.

    c. Minimum Lot Depth -- One hundred eighty (180) feet.

    d. Maximum Building Coverage -- Twenty percent (20%) of gross lot area.

e. Maximum Impervious Surface Coverage -- Twenty-five percent (25%) of gross lot area.

8. D70 -- .62 Dwelling Units Per Acre

a. Minimum Lot Area -- Seventy thousand (70,000) square feet.

b. Minimum Lot Width at Front Setback Line -- One hundred forty-five (145) feet.

c. Minimum Lot Depth -- Two hundred forty-Two (242) feet.

d. Maximum Building Coverage -- Fifteen percent (15%) of gross lot area.

e. Maximum Impervious Surface Coverage -- Twenty percent (20%) of gross lot area.

9. D175 -- .25 Dwelling Units/Acre

a. Minimum Lot Area -- One hundred seventy-five thousand (175,000) square feet.

b. Minimum Lot Width at Front Setback Line -- Two hundred thirty-four (234) feet.

c. Minimum Lot Depth -- Three hundred ninety (390) feet.

d. Maximum Building Coverage -- Eight and one-half percent (81/2%) of gross lot area.

e. Maximum Impervious Surface Coverage -- Twelve percent (12%) of gross lot area.

SECTION 105
AMENDMENT PROCEDURES

SECTION 105.1
AUTHORITY

The Board of Supervisors may, from time to time (after receiving a report thereupon by the Planning and Zoning Commission and after public hearings as prescribed herein), amend, supplement, or change the zoning map and/or Zoning Ordinance regulations. Any such proposed change may be initiated by the Planning and Zoning Commission or by the application of property owners or an authorized agent of a property owner.

SECTION 105.2
APPLICATION

Application for amendment shall be filed with the Community Development Division on forms provided therefore and shall be accompanied by the appropriate non-refundable fees. Upon submittal of a rezoning or specific plan application and prior to a public hearing, notification will be sent to adjacent landowners and other potentially affected citizens of the substance of the application. The applicant is responsible for written contact of all property owners within the notification area and of affected neighborhood associations, and shall offer to hold a meeting, with a specified date, for review of the proposed request.

The applicant shall provide written proof of contact and offer of meeting to the Community Development Division at least thirty days prior to the date of the public hearing by the Planning and Zoning Commission. The request shall not be set for public hearing without such written proof.

A. An application to establish or change a zoning classification shall be initiated by a property owner, an agent authorized by the owner. Proof of ownership of the subject property or a notarized 'authorized agent' form shall be required.

B. An application to change regulations of this Zoning Ordinance which are initiated by the Gila County Planning and Zoning Commission or Gila County staff shall not require the fee.

C. A complete application form may require:

    1. A detailed narrative justifying the application.

    2. A legal description of the subject property.

    3. A map showing the particular property or properties for which the change of zone is requested and substantially the adjoining properties and the public streets and ways within a radius of three hundred (300) feet of the exterior boundaries.

    4. A true statement revealing any restrictions of record that would affect the requested uses of the property and the applicable dates of expiration.

    5. A preliminary site plan, depicting the proposed development or land use which is intended with the proposed amendment.

    6. The Zoning Inspector shall determine requirements and may request other property information as he deems necessary to evaluate the proposed changes in land uses. Other information could include title reports, records of survey, easements establishing and depicting rights of use, existing topographic maps and similar.

SECTION 105.3
PLANNING AND ZONING COMMISSION ACTION

Upon receipt of any proposed amendment, the same shall be submitted to the Planning and Zoning Commission for a report. Prior to reporting to the Board of Supervisors, the Planning and Zoning Commission shall hold at least one public hearing thereon, after giving at least fifteen (15) days' notice thereof by publication at least once in a newspaper of general circulation in the County seat, by posting the area included in any proposed Zoning Map change and by noticing property owners according to state law requirements. It shall not be the responsibility of the Board of Supervisors to maintain such posting once erected.

A. Prior to publishing and posting a petitioned Zoning Map change the Planning and Zoning Commission may, on its own motion, delimit the extent and boundaries of such area so as to constitute a reasonable zone.

B. Should the Planning and Zoning Commission initiate a proposed zoning amendment at the request of a person or persons, notice of such proposed change shall not be processed until the required filing fee has been paid.

C. In the event an application is denied by the Planning and Zoning Commission and/or Board of Supervisors, the Planning and Zoning Commission shall reserve the right of refusal to consider a similar application within a year of the date of application.

D. Failure of the Planning and Zoning Commission to report to the Board of Supervisors within sixty (60) days after date of application shall be deemed to be approval.

SECTION 105.4
BOARD OF SUPERVISORS' ACTION

Upon receipt of the Planning and Zoning Commission's recommendation, the Board of Supervisors may hold at least one public hearing within a reasonable time after first noticing in the same manner as is required of the Planning and Zoning Commission, and may thereupon take appropriate action.

A. If twenty percent (20%) or more of the owners of property by area and number within the zoning area file a protest to such change, the change shall not be made except by unanimous vote.

SECTION 106
BOARD OF ADJUSTMENT

SECTION 106.1
BOARD STRUCTURE AND PROCEDURE

A. There shall be one or more boards of adjustment in each county. The Board of Supervisors may establish one board of adjustment that has jurisdiction countywide and that is composed of one member who is a resident of each supervisorial district or one board of adjustment in each supervisorial district that has jurisdiction in that supervisorial district and that is composed of not less than three nor more than five members, each of whom is a resident of that supervisorial district.

B. The members of each Board of Adjustment shall be appointed for staggered terms of four years each.

SECTION 106.2
POWERS AND DUTIES

A. The Board of Adjustment may:

1. Interpret this Zoning Ordinance if the meaning of any word, phrase or section is in doubt, if there is dispute between the appellant and enforcing officer or if the location of a district boundary is in doubt.

2. Allow a variance from the terms of the Zoning Ordinance if, owing to peculiar conditions, a strict interpretation would work an unnecessary hardship and if in granting the variance the general intent and purposes of this Zoning Ordinance will be preserved.

3. Any decision of the Board of Adjustment may be appealed to the Board of Supervisors.

SECTION 106.3
HEARING APPLICATIONS

A hearing application shall be filed in the office of the Zoning Inspector on forms provided therefor, together with any fee and/or charge as provided herein, none of which is refundable. Such application, together with any pertinent records, shall forthwith be transmitted to the Board of Adjustment, and shall be available for inspection during office hours.

SECTION 106.4
APPEALS

A. Appeals to the Board of Adjustment may be taken by any person who feels that there is error or doubt in the interpretation of the Zoning Ordinance or that, due to unusual circumstances attaching to his property, an unnecessary hardship is being inflicted on him.

B. The appeal shall state whether it is a plea for interpretation or for a variance, along with the grounds for the appeal.

C. Any person aggrieved by a decision of the Board of Adjustment shall have the right, within thirty (30) days, to appeal to the Superior Court. The appeal shall be based on the record before the Board of Adjustment.

SECTION 106.5
HEARING AND RULINGS

A. A hearing shall be held by the Board of Adjustment within a reasonable time after filing of an application, after first causing notice to be given to parties of interest and the public, by posting the property of application, if a property is involved, and publishing once in a newspaper of general circulation in the County at least seven days prior to the hearing. It shall not be the responsibility of the Board of Adjustment or its agents to maintain the posting once erected.

B. Rulings shall be rendered by the Board on any application not later than thirty (30) days after initial hearing on same, unless an extension is concurred in by the applicant.

    1. In approving an application, in all or in part, the Board may designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these Zoning Ordinance regulations, and may require guarantees in such a form as it deems proper under the circumstances to insure that such conditions be complied with. Where any such conditions are violated or not complied with, the approval shall cease to exist, and the Inspector shall act accordingly.

    2. The granting by the Board of permission to proceed on a specific development scheme or of a permit for a construction variance shall be contingent upon permits being obtained and work commencing within six months and being diligently pursued. Failure of such shall void the ruling unless a longer time has been granted by the Board.

SECTION 107
ENFORCEMENT

SECTION 107.1
ESTABLISHMENT OF THE POSITION OF COUNTY ZONING INSPECTORS

A. For the purpose of the enforcement of this Zoning Ordinance within the zoned area of Gila County, the position of Zoning Inspector is hereby established.

    1. The Zoning Inspector of the Gila County Community Development Division is hereby designated Zoning Inspector.

2. The Board of Supervisors may also designate such Deputy Zoning Inspectors as it deems necessary for the proper administration and enforcement of this Zoning Ordinance.

3. From and after the establishment and filling of this position, it shall be unlawful to erect, construct, reconstruct, alter or use any building or other structure within a zoning district covered by this Zoning Ordinance without first obtaining a building permit. Inspectors shall recognize the limitations placed on their authority and the exceptions to zoning and permitting regulations imposed by Arizona Revised Statutes Chapter 6, Article 2, § 11-815.

SECTION 107.2
VIOLATIONS

It is unlawful to erect, construct, reconstruct, alter, maintain, or use any structure or land in violation of any provision of this Zoning Ordinance, and any such violation constitutes a public nuisance.

A. Criminal Penalties: Any person, firm or corporation, whether as principal, owner, agent, tenant, employee or otherwise, who violates any provision of this Zoning Ordinance or violates or fails to comply with any order or regulation made hereunder is guilty of a Class 2 Misdemeanor pursuant to A.R.S. § 11-808. Each and every day during which the illegal activity, use or violation continues is a separate offense.

B. Civil Penalties: Any person, firm or corporation, whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of this Zoning Ordinance shall be subject to a civil penalty. Each day of a continuing violation is a separate violation for the purpose of imposing a separate penalty. The civil penalty for violations of this Zoning Ordinance shall be established by separate resolution of the Board of Supervisors, but shall not exceed the amount of the maximum fine for a Class 2 Misdemeanor. An alleged violator shall be entitled to an administrative hearing on his liability, and a review by the Board of Supervisors as provided in A.R.S. §11-808. Pursuant to that statutory Section, 107.2.A.B.C. the Board of Supervisors shall adopt written Rules of Procedures for such hearing and reviews.

C. Remedies**:** An alleged violator who is served with Notice of Violation subject to civil penalty shall not be subject to a criminal prosecution for the same factual situation. However, all other remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions or improvements nor prevent the enforcement, correction or removal thereof. In addition to the other remedies provided in this article, the Board of Supervisors, the County Attorney, the Zoning Inspector, or any adjacent or neighboring property owner who shall be damaged by the violation of any provision of this Zoning Ordinance, may institute, in addition to the other remedies provided by law, injunction, mandamus, abatement or any other appropriate action, proceeding or proceedings to prevent or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

SECTION 107.3
LEGAL PROCEDURE

A. The Zoning Inspector shall enforce the provisions of this Zoning Ordinance by means of the following:

1. Notification to the offending party of the nature and extent of the violation, together with a request for abatement of the violation within a stated period of time;

2. the withholding of a building permit; and

3. the initiation of criminal proceedings or the initiation of civil proceedings.

B. It shall be the duty of the Sheriff and County Attorney to join with the Zoning Inspector and Board of Supervisors or their legal representative in the enforcement of this Zoning Ordinance and all of the provisions of same.

C. Any use of property or erection, building, or maintenance of a building, structure, or improvement which is contrary to the provisions of this Zoning Ordinance shall be, and the same is hereby declared, unlawful and a public nuisance, and the County Attorney shall, upon request of the Zoning Inspector, order of the Board of Supervisors, or his or her own initiative, commence all necessary actions or proceedings for the abatement, enjoinment, and removal thereof in the manner provided by law.

SECTION 107.4
INSPECTION

The Zoning Inspector or any Deputy Zoning Inspector, or any other enforcement officer may, in the discharge of his or her duties as stated herein, and for good or probable cause, enter any premises, building, or structure at any reasonable hour to inspect the same in connection with any application made under the terms of this Zoning Ordinance, or for any investigation or inspection as to whether or not any portion of such premise, building or structure is being used in violation of this Zoning Ordinance. In all cases in which permission to inspect has been refused, the owner or occupant of any premises sought to be inspected shall be given written notice personally or by registered mail at least twenty-four (24) hours before such inspection takes place. Every person who denies, prevents, or obstructs access to such premises after receipt of such written notice, or so attempts, shall be considered guilty of misdemeanor.

SECTION 108
BUILDING PERMITS

A. Application for building permits shall be made in the office of Building Safety, Gila County Community Development Division. See the Gila County Building Code Ordinance for specific regulations and procedures that apply.

1. A Building Permit shall not be issued unless the application for development approval complies with the provisions of this Zoning Ordinance and other applicable Gila County regulations

2. No Building Permits shall be issued in a new subdivision until the Board of Supervisors has approved the Final Plat and accepted improvements.

SECTION 109
REPEAL OF INCONSISTENT PROVISIONS

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

SECTION 110
SEVERABILITY

This Zoning 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 Zoning Ordinance.

PASSED AND ADOPTED this 18th day of August 2014.

ATTEST: **GILA COUNTY BOARD OF SUPERVISORS**

_____ _____
Marian Sheppard, Clerk Michael A. Pastor, Chairman

APPROVED AS TO FORM:

_____
Bryan Chambers
Deputy Attorney Principal