



ORDINANCE NO. 2018-05

AN ORDINANCE OF THE GILA COUNTY BOARD OF SUPERVISORS TO AMEND SECTION 103.1 OF THE ZONING ORDINANCE FOR UNINCORPORATED AREAS OF GILA COUNTY ARIZONA (LAST AMENDED AS ORDINANCE NO. 2014-04) FOR THE ENCROACHMENT OF A BUILDING OR STRUCTURE INTO A REQUIRED YARD SETBACK; TO ADD UNSECURED HABITABLE STRUCTURES TO THE UNSAFE STRUCTURES LIST; TO CLARIFY PROHIBITED DANGEROUS USES AND NUISANCES; AND TO SPECIFICALLY DEFINE ACCESSORY STRUCTURES AND USES, AND THE METHODS OF OBTAINING APPROVAL TO ENCROACH INTO A REQUIRED SETBACK OR ESTABLISH AN ACCESSORY STRUCTURE OR USE WHEN A PRIMARY OR PRINCIPAL STRUCTURE OR USE IS NOT PRESENT.

WHEREAS, the Gila County Board of Supervisors adopted the Zoning Ordinance for Unincorporated Areas of Gila County, Arizona, on September 8, 1959; and

WHEREAS, the Zoning Ordinance for Unincorporated Areas of Gila County, Arizona, was last updated in its entirety on August 18, 2014, and adopted as Ordinance No. 2014-04; and

WHEREAS, in accordance with the Zoning Ordinance for Unincorporated Areas of Gila County, Arizona, (Ordinance No. 2014-04), the Gila County Board of Supervisors shall hear, review, and adopt amendments to the text of the Zoning Ordinance after a recommendation is provided by the Planning and Zoning Commission; and

WHEREAS, the Gila County Planning and Zoning Commission held a duly noticed public hearing on October 18, 2018, and unanimously recommended approval of the requested amendment; and

WHEREAS, the Gila County Board of Supervisors held a duly noticed public hearing on December 18, 2018, to consider the proposed amendment; and

WHEREAS, the Gila County Board of Supervisors has determined that the findings to amend Section 103.1 (as listed below) of the Zoning Ordinance for Unincorporated Areas of Gila County, Arizona, (Ordinance No. 2014-04) have been met, as follows:

1. The changes are consistent with the goals, objectives and policies of the Zoning Ordinance for Unincorporated Areas of Gila County, Arizona.
2. The changes are in the interest of or will further the public health, safety, comfort, convenience and welfare of Gila County residents.

**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, so as to exceed in height the limit hereinafter designated for the district in which the building or other structure is located, whether such height be designated in stories, number of feet or otherwise.
- C. No building or other structure shall be erected or added in such a manner as to encroach upon or reduce any open space, lot area, or parking area as is hereinafter designated for the district in which such building or structure is located. A building or structure may only encroach into a yard setback requirement subject to approval of a Variance or Administrative Variance according to the provisions of Section 101.3.H and Section 101.3.A, respectively. 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. that is 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 a County Building Official or 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 an otherwise habitable structure that is unsecured; or
6. that is determined by the Fire Marshall to be a fire hazard.

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

1. 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 a side or rear property line.

2. No accessory structure shall encroach into the required front yard except that an applicant can apply for an Administrative Variance to reduce the required front yard as specified in the zoning district in which a property is located. The amount an accessory structure can encroach into the front yard shall be dependent upon conditions specific to a property as listed in Section 101.3A.1 – ADMINISTRATIVE VARIANCE.

3. Accessory uses may be established without the principle or primary use through the use permit process where it can be clearly established that the use will not be a nuisance to surrounding neighbors or negatively impact the neighborhood.

4. Accessory structures may be established without the principal or primary structure through the Administrative Variance process where it can be clearly established that the structure will not be a nuisance to the 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.

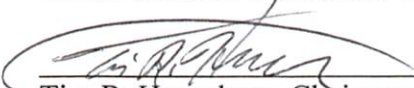
NOW, THEREFORE, BE IT RESOLVED THAT we, the Gila County Board of Supervisors, do hereby amend Section 103.1 of the Zoning Ordinance for Unincorporated Areas of Gila County, Arizona.

PASSED AND ADOPTED this 18th day of December 2018, at Globe, Gila County, Arizona.

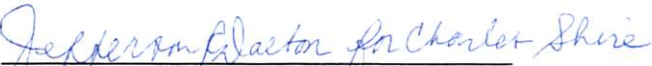
Attest:

GILA COUNTY BOARD OF SUPERVISORS


Marian Sheppard
Clerk of the Board


Tim R. Humphrey, Chairman

Approved as to form:


The Gila County Attorney's Office