



ORDINANCE NO. 2019-07

AN ORDINANCE OF THE GILA COUNTY BOARD OF SUPERVISORS TO AMEND SECTIONS 101.3 and 103.3 OF THE ZONING ORDINANCE FOR UNINCORPORATED AREAS OF GILA COUNTY, ARIZONA, (LAST AMENDED AS ORDINANCE NO. 2018-05) FOR THE ABILITY TO SEND DECISION NOTICES BY U.S. MAIL; ADD TO THE DEFINITION OF AGRICULTURAL USES; AND ALLOW A 540-DAY CONSECUTIVE TIME PERIOD FOR A NONCONFORMING BUSINESS TO DISCONTINUE ITS USE BEFORE IT IS DEEMED AS AN EXPIRATION OF NONCONFORMING STATUS.

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, 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 September 19, 2019, and with a vote of 6 to 2 in favor, recommended approval of the requested amendments; and

WHEREAS, the Gila County Board of Supervisors held a duly noticed public hearing on October 15, 2019, to consider the proposed amendments; and

WHEREAS, the Gila County Board of Supervisors has determined that the findings to amend Sections 101.3, and 103.3 (as listed below) of the Zoning Ordinance for Unincorporated Areas of Gila County, Arizona, 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 101.3
APPLICATION PROCEDURES**

A. ADMINISTRATIVE VARIANCE

4. Decision:

- a. Notice of the decision of the Zoning Inspector or designee shall be sent by first class U.S. mail to applicant and real property owners as shown on the last assessment. Notice shall also be sent by first class U.S. mail to real property owners of adjoining real properties to the addresses shown on the last assessment. All notices may be sent to an authorized agent.

**SECTION 103.3
RESTRICTION ON REGULATING THROUGH ZONING**

A. NOTHING CONTAINED IN THIS ZONING ORDINANCE SHALL:

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 five (5) or more contiguous commercial acres. General agricultural purposes do not include the cultivation of cannabis or marijuana. 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.

**B. BUSINESS USES, STRUCTURES AND BUILDINGS NOT CURRENTLY
CONFORMING WITH ZONING REGULATIONS (NONCONFORMING)**

1. EXPANSION:

- a. A nonconforming business use within a zoning district may expand, if such expansion does not exceed one hundred percent (100%) of the area of the original business.

2. DISCONTINUANCE:

- a. A consecutive 540-day (approximately 18 months) discontinuance of the operation of a nonconforming business use shall be deemed as an expiration of nonconforming status. Any further use shall be in conformity with the provisions of the zoning district in which same is located.
- b. Discontinuance of a nonconforming business use as determined by the Zoning Inspector or designee may be evidenced by removal of equipment, materials,

improvements or other indications that such nonconforming use has been discontinued for a period of time equal to or exceeding 540 days (approximately 18 months) whether or not any intention to abandon such use is present. Any and all future uses shall conform to this Zoning Ordinance.

3. RECONSTRUCTION:

a. If a nonconforming use, structure or building 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 360 days (approximately twelve months) of the event date.


4. CHANGE OF USE:

a. A nonconforming business use may not be changed to another business use unless the use is in conformance with the zoning district in which same is located.

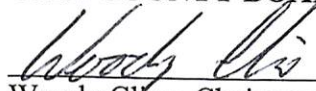
NOW, THEREFORE, BE IT RESOLVED THAT we, the Gila County Board of Supervisors, do hereby amend Sections 101.3, and 103.3 of the Zoning Ordinance for Unincorporated Areas of Gila County, Arizona.

PASSED AND ADOPTED this 5th day of November 2019, at Globe, Gila County, Arizona.

Attest:


Marian Sheppard, Clerk of the Board

GILA COUNTY BOARD OF SUPERVISORS


Woody Cline, Chairman

Approved as to form:


The Gila County Attorney's Office