

**GREENLEE COUNTY**

**ZONING REGULATIONS**

## ZONING REGULATIONS<sup>1</sup>

### Article 1

#### Title and Purpose

##### Sec. 101 Short Title

The provisions of this Ordinance shall be cited as the Greenlee County Planning and Zoning Regulations.

##### Sec. 102 Purpose

These Planning and Zoning Regulations are hereby approved and adopted for the purpose of promoting and protecting the public health, safety, convenience and general welfare of the citizens of Greenlee County by guiding development within the unincorporated area of the county.

##### Sec. 103 Declaration

In establishing the zoning districts, the boundaries thereof, and regulations applying within each district, due and careful consideration was given to the suitability of the land for particular uses, and to the character of the districts, with a view towards conserving the value of buildings and encouraging the most appropriate use of land throughout Greenlee County.

ARTICLE 2DefinitionsSec. 201 General Rules

- (a) The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (b) The word shall is mandatory and the may is permissive.
- (c) The word lot includes the words plot or parcel.
- (d) The word building includes the word structure.
- (e) The words used or occupied includes the words intended, designed or arranged to be used or occupied.
- (f) When not inconsistent with the context, the present tense includes the future tense, the singular number includes plural, and the plural number includes the singular.
- (g) All words and terms shall be interpreted according to their common usage unless otherwise defined.
- (h) Pertaining to land use, the standard system for identifying and coding land use activities in "Standard Land Use Coding Manual, U.S. Department of Transportation, Reprinted December 1969, Washington, D.C." shall be used as reference for determining the use of land for the purposes of the Planning and Zoning Regulations.

Sec. 202 Definitions<sup>2</sup>

Accessory Building A building on the same lot with, and of a nature customarily incidental and subordinate to, the principal building. An accessory building attached to the main building shall be considered to be a part of the main building and shall maintain any yards required for a main building.

Accessory Use A use on the same lot with, and of a nature customarily incidental and subordinate to, the principal use.

Acre An acre comprising forty three thousand five hundred sixty (43,560) square feet.

Acre, Commercial An acre comprising thirty-six thousand (36,000) square feet.

Agriculture, General A tract containing not less than five (5) contiguous acres which is used for the production of farm crops such as vegetables, fruit trees, cotton, grain, and other crops and their storage on the tract, as well as for the raising thereon of farm poultry and farm animals, such as horses, cattle, sheep, and swine. The term general agriculture includes the operating of such a tract for one (1) or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the products; provided, however, that the

operation of any such accessory uses shall be secondary to that of the farming activities and provided further that general agriculture does not include commercial pen feeding of garbage or offal to swine or other animals, commercial slaughter houses, meat packing plants, fertilizer yards, bone yards or plants for the reduction of animal matter.

Alley A way dedicated and open to the public which affords a secondary means of access to the back or side of properties otherwise abutting on a street.

Amendment A change in the wording context, or substance of these regulations, an addition or deletion, or a change in the planning & zoning district boundaries or classifications upon the official zoning map, which imposes any regulation not heretofore imposed or removes or modifies any such regulation theretofore imposed.

Area of Jurisdiction That part of Greenlee County outside the corporate limits of any incorporated municipality.

Board of Supervisors The Board of Supervisors of Greenlee County.

Building Area That net portion of the lot remaining after deducting all required yards from the gross area of a lot.

Building A structure having a roof supported by columns or walls for housing, shelter or enclosure of persons, animals, chattels or property of any kind.

Building Height The vertical distance from the bottom of the floor joists or slab of the first story to the highest point of the roof for flat roofs, to the highest point of mansard roofs, and the average height between eaves and ridge for gable, hip and gambrel roofs.

Carport An accessory building or portion of a principal building with two (2) or more open sides designated or used for the parking of motor vehicles. Enclosed storage facilities may be provided as part of a carport.

Commission The Greenlee County Planning and Zoning Commission.

Common Area An area designated to serve two (2) or more dwelling units or separate uses with convenient access to the area.

Dwelling Any building or portion thereof, which is designed or used exclusively for residential purposes.

Dwelling, Single-Household A detached residence designed for occupancy by one (1) household only.

Dwelling, Multi-Household A residence designed for occupancy by two (2) or more households, with separate housekeeping and cooking facilities for each.

Dwelling Unit One (1) or more rooms designed for occupancy by one (1) household for living purposes and having its own cooking and sanitary facilities.

Factory-Built Dwelling A dwelling unit or habitable room thereof which is either

wholly or in substantial part manufactured at an offsite location to be assembled on the site, except that it does not include a mobile home or recreational vehicle as defined herein.

Feedlot, Commercial A feeding operation on a parcel of land where livestock are kept or exchanged in corrals or yards on a sustained basis and where feed is brought to the yard. It is operated for the purpose of accommodating the needs of others in whole or in part for a fee or fees paid to the operator or owner for the accommodations, materials, and services received.

Fence, Sight-Obscuring A fence having a height of at least six (6) feet above grade, which permits vision through not more than ten percent (10%) of each square foot of the fence.

Fertilizer Plant A place where animal matter is collected, processed or stored on a commercial basis.

Floor Area The sum of the gross horizontal areas of every floor of all buildings on the lot measured from the exterior faces of the exterior walls or from the center line of walls separating the buildings, including a basement floor area, elevator shaft and stairwells at each floor, floor space used for mechanical equipment, penthouse, attic space whether or not a floor has been actually laid and having headroom of seven (7) feet or more, interior balconies and mezzanines and roofed porches but not including any space devoted to parking, or to loading and unloading.

Garage An accessory building or portion of the principal building designed or used for the shelter or storage of self-propelled vehicles owned or operated by occupants of the principal building.

Grade The average elevation of the finished ground surface adjacent to the exterior walls of a building.

Grazing The feeding of domestic livestock on an open range or fenced pasture for purposes and uses customarily incidental thereto.

Home Occupation An activity carried on by the occupant of a dwelling as a secondary use, including professional and semi-professional office, when conducted and entered from within the dwelling, in connection with which there is on public display of stock-in-trade upon the premises, not more than one (1) nonresident of the premises is employed and not more than one-fourth (1/4) of the floor area of one story of the principal building, or a detached home workshop of not more than two hundred (200) square feet in area is used for such home occupation; and provided that the residential character of the dwelling is not changed by said use and that such occupation does not cause any sustained change by said use and that such occupation does not cause any sustained or unpleasant or unusual noises, vibrations, noxious fumes, odors or cause and parking or traffic congestion in the immediate neighborhood.

Household An individual or two (2) or more persons related by blood, marriage, or adoption and usual servants living together as a single housekeeping unit in a dwelling unit or a group of not more than five (5) persons, who need not be related, living together as a single housekeeping unit in a dwelling unit.

Junkyard A place where scrap, waste, discarded or salvaged materials are brought, sold exchanged, baled, packed, disassembled, or handled or stored, including auto graveyards and yards for the storage of salvaged house wrecking and structural steel materials and equipment.

Landscaping The application or use of some combination of planted trees, shrubs, vines, ground cover, flowers or lawns. In addition, the combination may include rocks, and such structural features as fountains, pools, art works, screens, walls, fences or benches.

Lot A legally created parcel of land under one (1) ownership of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required by these regulations.

Lot Area The area of a horizontal plane within the lot lines of a lot.

Lot Corner A lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines meet at an interior angle of less than one hundred thirty-five (135) degrees.

Lot Coverage The percentage of the area of a lot which is occupied by all building or other covered structures.

Lot Depth The distance between the midpoints of straight lines in front and the rearmost points of the side lot lines in the rear.

Lot, Interior A lot other than a corner lot with only one (1) frontage on a street other than an alley.

Lot, Key A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and facing on the street which forms the side boundary of the corner lot.

Lot Lines The lines bounding a lot.

Lot Line, Front The boundary of a lot which separates the lot from the street. For the purpose of determining yard requirements on corner and through lots, all lot lines separating the lot from the street shall be considered front lot lines.

Lot Line, Rear The boundary of a lot which is most distant from, and is, or is most nearly, parallel to the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

Lot Line, Side The boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record A lot which is part of a subdivision, the plat of which has been recorded in the office of the Greenlee County Recorder; or a lot, parcel or tract of land described by metes and bounds, the deed of which has been recorded in the office of the Greenlee County Recorder.

Lot, Through A lot other than a corner lot with frontage on more than one (1) street other than an alley. Through lots with frontage on two (2) streets may be referred to as double frontage lots.

Lot Width The mean horizontal width of the lot measured at right angles to the depth, calculated by dividing the lot area by the lot depth.

Lot, Zoning A single parcel of land, of one or more lots of record, designated by its owner as a tract to be used, developed, or built upon as a unit, under single ownership or control, meeting all of the requirements set forth in these regulations.

***Medical Marijuana Designated Caregiver Cultivation Location An enclosed facility, that does not exceed 250 square feet of cultivation space, where a designated caregiver, as defined by A.R.S. §36-2801(5), cultivates medical marijuana if the designated caregiver's registration identification card provides that the designated caregiver is authorized to cultivate medical marijuana. The location must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.<sup>3</sup>***

***Medical Marijuana Qualifying Patient Cultivation Location An enclosed facility, that does not exceed 50 square feet of cultivation space for each location, where a qualifying patient, as defined by A.R.S. §36-2801(13), cultivates medical marijuana if the qualifying patient's registry identification card states that the qualifying patient is authorized to cultivate medical marijuana.<sup>4</sup>***

Metallurgical Use A metallurgical use includes the treatment and reduction of metal bearing ores by mechanical, physical or chemical methods on a commercial basis and uses incidental thereto but does not include a permanent residential housing or the fabrication of metals or metal materials.

Mining The extraction from the earth of gravel, stone, ore or minerals found in their natural state and the uses incidental thereto including the loading for transportation therefrom, but does not include permanent residential housing or the operating of a rock crusher.

Mobile Home A movable or portable dwelling unit over forty (40) feet in length or over eight (8) feet wide constructed to be towed on its own chassis and designed so as to be installed with or without a permanent foundation for human occupancy as a residence which may include one or more components that can be retracted for towing purposes and subsequently expanded for additional capacity, or two or more units separately towable but designed to be joined into one integral unit, except that it does not include a recreational vehicle as defined herein.

Modular Home A home manufactured elsewhere intended to be installed on permanent basis.

Mobile Home Park A parcel of land under single ownership on which three or more mobile homes or recreational vehicles are occupied as residences, regardless of whether or not a charge is made for such accommodations.

Mobile Home Space A plot of ground within a mobile home park or recreational vehicle park designed for the accommodation of one (1) mobile home or recreational vehicle together with its accessory structures.

Mobile Home Subdivision A subdivision designed and intended for sale of lots for residential occupancy in mobile homes or recreation vehicles.

Non-Conforming Lot A lot of record or parcel of land having less area, frontage or dimensions than required by these regulations for the zoning district in which it is located, but which was lawfully established and recorded prior to the effective date of these regulations or on the effective date of any applicable amendment to these zoning regulations or change in zoning district classification or boundary.

Non-Conforming Structure A building, structure or portion thereof, the placement, height or area of which does not conform to the standards of lot coverage, yard space, height, floor area or distance between structures applicable to the zoning district in which such building is situated, but which legally existed prior to the effective date of these regulations or on the effective date of any applicable amendment to these zoning regulations or change in zoning district classification or boundary.

Non-Conforming Use A use structure or parcel of land which does not conform to the requirement of these regulations but which lawfully existed prior to the effective date of these regulations or on the effective date of any applicable amendment to these zoning regulations or change in zoning district classification or boundary.

***Nonprofit Medical Marijuana Dispensary A not-for-profit entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses medical marijuana or related supplies and educational materials to cardholders as defined by A.R.S. §36-2801(5)(11).<sup>5</sup>***

***Nonprofit Medical Marijuana Dispensary Cultivation Location A location where medical marijuana is cultivated by a nonprofit medical marijuana dispensary (A.R.S. §36-2804(B)(1)(b)(ii)).<sup>6</sup>***

Obsolete vehicle Any vehicle normally licensed by the State which is visible from a public road or street and obviously displays any three (3) of the following conditions. 1) Does not have current vehicle license: 2) Any part of the drive train; the engine, transmission, or drive differential; is missing: 3) A minimum of two tires are flat or missing: 4) Any major body panel; door, hood, truck lid, fenders, etc); is missing from or not attached to the vehicle: or 5) Any glass is missing or broken.<sup>7</sup>

Parking Lot A parcel of land, other than a street or ally, devoted to unenclosed automobile parking spaces.

Permitted Use A use specifically permitted or a use analogous to those specifically permitted.

Planned Development A planned development is: (a) Land under unified control,



planned and developed as a whole; (b) In a single development operation or a definitely programmed series of development operations, including all lands and buildings; (c) For principal land accessory structures and uses substantially related to the character of the zoning district; (d) According to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans, floor plans, and elevations for all buildings as intended to be located, constructed, used, and related to each other (to the extent required for determinations to be made under these regulations), and detailed plans for other uses and improvements on the land as related to the buildings; and (e) With a program for provision, operation, and maintenance of such areas, improvements, facilities, and services as will be for common use by some or all of the occupants of the district but will not be provided, operated, or maintained at general public expense.

Planning Director The Planning Director of the Greenlee County Planning Department.

Prohibited Use A use not specifically permitted or a use analogous to those not specifically permitted.

Railroad Includes the land used for general railroad purposes, including mainline and switching trackage, repair shops, stations, communications equipment, roundhouses and storage facilities, but does not include railroad equipment (miniature or otherwise) operated by its owner as a hobby or as part of the equipment of an amusement resort.

Recreational Vehicle A movable or portable dwelling unit forty (40) feet or less in length and eight (8) feet or less in width, built on a chassis, designed primarily for temporary living quarters for recreational or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

Setback The shortest distance between the property line and the foundation, wall or main frame of a building or structure.

Sign Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public but excluding any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization, any official traffic control device, and any notice posted according to law; the display of any letter, numeral, figure, emblem, picture, outline, beacon, or spectacular, either in whole, in part, or in combination, whereby such display is made on, attached to, or is a part of a structure erected for the purpose, or is on, attached to, or a part of any other structure, surface or thing, including but not limited to, the ground or any rock, tree or other natural object, which display is visible beyond the boundaries of the lot or parcel in, or over which it is located.

Sign, Accessory A basic category of signs which direct attention to a business, profession or activity constructed on the premises on which the sign is located, including:

Name Plate Sign A wall or ground sign identifying the name and address of the occupant of the premises.

Home Occupation Sign A wall sign identifying a permitted home occupation on the premises.

Identification Sign A wall, ground or roof sign identifying a permitted principal use, but which bears no advertising or message other than the name, year established, street number and kind of business or activity conducted on the premises.

Real Estate Sign A temporary wall or ground sign advertising the premises for lease, rent or sale.

Subdivision Development Sign A temporary wall or ground sign advertising the sale of properties in a subdivision.

Developers' Sign A temporary wall or ground sign designating the use which will occupy the premises at some future date.

Bulletin Board A wall or ground sign announcing activities of a permitted educational, governmental religious institution or recreation area.

Utility Sign A wall or ground sign marking the entrance or exit to a parking lot or other permitted accessory use.

Contractor' Sign A wall or ground sign designating the name of persons or firms engaged in construction or repair on the premises.

Sign, Free-Standing A sign supported by uprights or braces placed upon or in the ground, and not attached to any building.

Sign, Non-Accessory A basic category of signs which direct attention to a business, commodity, service, entertainment, or other activity or thing, not exclusively related to the premises on which the sign is located, including directional signs as hereinafter defined:

Directional Sign A sign directing or informing the public as to the location of publicly-owned facilities; historical or scenic points of interest; educational, charitable or religious institutions; hospitals or sanatoriums; and major business districts.

Sign, Projecting A sign which is attached to a building or structure and extends beyond the wall of the building or line of the structure more than twelve (12) inches.

Sign, Roof A sign which extends above and is supported by the roof of a building.

Sign, Wall A flat sign placed against or attached to an exterior front, side or rear wall of a building, including signs placed parallel to and extending not more than twelve (12) inches horizontally out from the wall of a building.

Story That portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between such floor and the ceiling above. A basement shall be considered a story if its

ceiling is more than five (5) feet above the average established grade of its perimeter, or if it is used for business purposes by other than janitors or domestic servants in the same building.

Street All property dedicated, acquired or otherwise reserved for public or private street uses, or having thereon a public easement of such use, which provides direct vehicular and pedestrian access to abutting properties.

Street Line The dividing line between a lot, tract or parcel of land and a contiguous street, the right-of-way line of a street.

Structural Alterations Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls, or which expands the height or area thereof.

Structure Anything constructed or erected with fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to, buildings, towers, swimming pools, walls, fences and billboards.

Structure, Temporary Anything constructed or erected which is readily movable and intended to be used or used for a period not to exceed ninety (90) consecutive days. Such temporary structures shall be subject to all applicable requirements of these regulations for the zoning district in which it is located.

Use The purpose for which land or building is occupied or maintained, arranged, designed or intended.

Use, Principal The main use of land or a building as distinguished from an accessory use.

Use Permit A permit granted to a property owner by the County Zoning Inspector to construct a use as a permitted use in a zoning district subject to such use permit.

Use Permitted on Appeal A use specifically permitted on appeal to and written approval of a Planning and Zoning Commission.

Variance A relaxation or waiver of the terms of these regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these regulations would result in unnecessary and undue hardship.

Wall Any structure for screening purposes forming a physical barrier, which is so constructed that 100 percent (100%) of the vertical surface shall be closed solid, except for approved gates or other access ways.

Yard An open space unoccupied and unobstructed by any structure or portion of a structure from two and one-half (2 ½) feet above the general level of the graded lot upward, provided however that fences and walls may be permitted in any yard subject to height limitations as indicated herein.

Yard, Front A yard on the same lot with principal building extending across the full width of the lot between the front lot line and the nearest front wall line of the principal building. Any attached carport, porch, or structure, or part thereof shall be considered as a part of the principal building.

Yard, Rear A yard on the same lot with a principal building extending across the full width of the lot between the rear lot line and the nearest rear wall line of the principal building, any attached carport, porch, or structure, or part of the principal building. Where a rear yard abuts a street it shall meet front yard requirements.

Yard, Required The minimum open space unoccupied and obstructed as specified by these regulations for front, rear and side yards, as distinguished from any yard area in excess of the minimum required.

Yard, Side A yard on the same lot with a principal building extending from the front yard to the rear yard between the side lot line and the nearest side wall line of the principal building. Any attached carport, porch, or structure, or part thereof, shall be considered as a part of the principal building.

Zoning District Any portion of the unincorporated area of County in which the same zoning regulations apply.

### Article 3

#### General Provisions

##### Sec. 301 Conformance Mandatory

Except as otherwise provided by these Zoning Regulations, no building shall hereafter be used, erected, constructed, reconstructed, moved or altered, nor shall any land be used, except in conformity with these regulations for the zoning district in which the land or building is located.

##### Sec. 302 Resolution of Dispute

In any dispute concerning the application of any provision of these Zoning Regulations, that solution will be favored which is most reasonable with regard to the general purpose of these regulations and the established and accepted principal of American planning and zoning law. In any disputes the Board of Supervisors shall be the ultimate authority.

##### Sec. 303 Right of Petition

Every person affected by the application of these Zoning Regulations shall always have the right to petition and be heard.

##### Sec. 304 Fundamental Rights of Owners

The application of these Zoning Regulations shall be governed by all the particular facts of each case, and no individual owner shall be prejudiced by reason of his being in a minority, either in number or amount of land owned, and he shall be entitled to a balancing of the equities of all interests concerned.

##### Sec. 305 Special Privileges Forbidden

No special favors or privileges shall be granted to any person under the terms of these Zoning Regulations.

##### Sec. 306 Minimum Requirements

The provisions of these Zoning Regulations are minimum requirements. Where these regulations impose a greater restriction than is imposed or required by other provisions of law, the provisions of these Zoning Regulations shall control.

##### Sec. 307 Private Agreements

The provisions of these Zoning Regulations shall apply independently of any easement, covenant, or other agreement between private parties.

##### Sec. 308 Statutory Exemptions

(a) Nothing contained in these Zoning Regulations shall 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 not less than five (5) contiguous acres, as provided by Section 11-830 of the Arizona Revised Statutes.

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

#### Sec. 309 Continuing Existing Uses

Nothing contained in these Zoning Regulations shall affect existing uses of property or the right to its continued use or the reasonable repair or alternation thereof for the purpose for which used at the time these Zoning Regulations take effect. Uses which become non-conforming uses upon approval and adoption of these Zoning Regulations shall be subject to the provisions of this Ordinance.<sup>8</sup>

#### Sec. 310 Permitted Uses

Uses designated as permitted by any zoning district regulation shall be permitted upon approval of the County Zoning Inspector. No such approval shall be granted except upon compliance with all of the regulations specified for the zoning district in which the use is sought to be maintained.

#### Sec. 311 Uses Permitted on Appeal

***(Proposed) Uses designated as uses permitted on appeal by these zoning regulations may be permitted upon written approval of the Commission. The Commission may impose such stipulations and conditions as it determines are necessary or helpful in preserving and protecting the character of the zoning district in which the said uses are to located or to otherwise further the purpose of these Zoning Regulations.***

~~Uses designated as uses permitted on appeal by these zoning regulations may be permitted upon written approval of the Planning and Zoning in the Supervisorial district in which said uses are desired. Said Planning and Zoning may impose such stipulations and conditions as it determines are necessary or helpful in perceiving and protecting the character of the zoning district in which the said uses are to be located or to otherwise further the purpose of these Zoning Regulations.<sup>9</sup>~~

#### Sec. 312 Use Prohibited

Any use not specifically permitted in a district, either as a permitted use or a use permitted on appeal, is specifically prohibited from that zoning district.

#### Sec. 313 Jurisdiction in Respect to Pre-Zoned Lands

Lands which come under the jurisdiction of Greenlee County after these Zoning Regulations become effective, whether by operation of law, change in ownership, or for any other reason shall retain the zoning district classification designated by Greenlee County prior thereto on the official zoning district map. In the event lands come under the jurisdiction of Greenlee County which have not been so pre-zoned, public hearings

as required by law shall be held as soon as protocol thereafter for the express purpose of zoning such lands pursuant to these Zoning Regulations.

#### Sec. 314 Additional Exempt Uses

The following uses shall be permitted in any zoning district and exempted from the provisions and requirements of these Zoning Regulations, unless otherwise specified:

- (a) Public rights-of-ways for streets, alleys, and drainage ways, and other public rights-of-way;
- (b) Essential service of public utilities regulable by the Arizona Corporation Commission which are duly authorized to furnish to the public any of the following services: electricity, gas, steam, telephone or telegraph services, water, sewage disposal, and other pipelines by erecting, constructing, altering or maintaining underground, surface or overhead facilities and attendant appurtenances, including, but not limited to transmission, distribution, collector, feeder systems, poles, towers, wires, mains, drains, sewers, pipes, cables, alarm boxes, booster stations, substations, call boxes, traffic signals, hydrants, fences, walls, screens, and other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such utilities for the public health, safety, convenience or general welfare;
- (c) Essential services of other public agencies such as drainage, flood control, irrigation, fire and sanitary districts and including facilities, attendant appurtenances and accessories used by such agencies;
- (d) All non-communications equipment, transmitters, towers, and antennas; and
- (e) Facilities which are otherwise exempted herein shall conform to the minimum yard requirements for the district in which located.

#### Sec. 315 Splitting of Lots

No use permit shall be issued for a lot or parcel that has been reduced in size below the minimum lot area or lot width required by these Zoning Regulations when such reduction takes place after the effective date of these Zoning Regulations.

#### Sec. 316 Exceptions for Lots of Record

- (a) For any lot or parcel of record having less width or area than that required by the use regulations of the zoning district in which it is located and where such lot is shown on a tentative plat recorded prior to the effective date of these Zoning Regulations, or such lot or parcel had a bona fide deed or contract of sale in full force and effect at the time these Zoning Regulations became effective and said deed or contract of sale if of record in the office of the Greenlee County Recorder, then said lot or parcel of record may be used for any permitted use or use permitted on appeal in the zoning district, provided all use regulations are complied with, however, the minimum yards and distances between principal buildings maybe reduced, and the maximum lot coverage may be increased as shown below:

Minimum Front Yard	15 feet
Minimum Side Yard	5 feet
Minimum Rear Yard	20 feet
Minimum Distance Between Principal Buildings	7 feet
Maximum Lot Coverage	50 Percent

(b) For any lot shown upon a tentative subdivision plat duly approved by the Commission prior to the time these Zoning Regulations became effective for which declaration of covenants, or deed restrictions were submitted with said tentative plat recorded prior to the time these Zoning Regulations became effective for which bona fide declaration of covenants conditions, or deed restrictions is of record in the office of the Greenlee County Recorder, was in full force and effect at the time these Zoning Regulations became effective, and remain in full force and effect, therefore said lots the declared minimum yards and distances between principal buildings and maximum lot coverage may be used in place of those of the zoning district in which it is located, provided such minimum yards and distance between buildings, and such maximum lot coverage shall not be reduced below those minimum or increased above that maximum allowed respectively in Section 316 (a).

#### Sec. 317 Moving of Buildings

Every building or structure which has had prior use on any premises located either within or outside the area of jurisdiction of Greenlee County, shall conform to all provisions of these Zoning Regulations in the same manner as a new building or structure.

#### Sec. 318 Amendments

All amendments, including proper notification and public hearing(s), shall be subject to this Ordinance and to State Statutes.<sup>10</sup>



ARTICLE 4AdministrationSec. 401 County Zoning Inspector

The Greenlee County Planning Director is hereby designated as County Zoning Inspector, who together with such Deputy Zoning Inspector as maybe from time to time required, shall enforce the provisions of these Zoning Regulations.

Sec. 402 Permits and Licenses

The County Building Inspector, Sanitarian, County Zoning Inspector, County Assessor and County Engineer vested with the duty or authority to issue permits or licenses affecting land or buildings shall observe the provisions of these Zoning Regulations and shall issue no permit in conflict with any provision of these Zoning Regulations. Any permit in conflict with any provision of these Zoning Regulations shall be null and void.

Sec. 403 Use Permit Required

(a) It shall be unlawful to erect, construct, move alter or change the use of any building or structure within any part of the area of jurisdiction without first obtaining a use permit from the County Zoning Inspector. Issuance of a use permit shall, in no case, be construed as waiving any provision of these Zoning Regulations.

(b) A use permit shall be required when the value of changes, repairs or improvement exceeds five hundred (\$500) dollars as required by A.R.S. § 11-808.B. No permit fees shall be required for changes, repairs or improvements of a value less than ten thousand (\$10,000) dollars. The value of any such changes, repairs or improvements shall be the total of the retail price of equipment and materials used and labor costs as determined by the Planning Director. Even though no permit is required, all other provisions of these regulations shall be complied with in the performance of the changes, repairs or improvements which in fact constitute complete units, and shall not apply to any effort to change, repair or improve property piecemeal and by subterfuge, for the purpose of avoiding applying for a permit when the cost of the work actually exceeds ten thousand (\$10,000) dollars or when circumvention of the general purpose of these Zoning Regulations is intended.<sup>11</sup>

(c) A use permit shall be required prior to occupying any individual mobile home or recreational vehicle, provided, however, no use permit shall be required for individual mobile homes or recreational vehicles when occupied in a mobile home park or recreational vehicle park. A use permit shall be required of each mobile home park or recreational vehicle park prior to occupancy of said parks.

Sec. 404 Permit Procedures

(a) Application for any use permit required under these Zoning Regulations shall be made to the County Zoning Inspector on forms provided by him for this purpose. An application for a use permit shall be made by the owner or lessee, or agent of either, or the architect, engineer, or builder employed in connection

with the proposed work. If such application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, that the person making the application is authorized by the owner in fee to make such application as agent of the owner. Such application shall be accompanied by one (1) site plan drawn to scale of the proposed improvements or use containing sufficient information as may be required by the County Zoning Inspector for the purpose of determining whether a use permit may be issued under the provisions of these Zoning Regulations, provided, however, three (3) prints of the site plan shall accompany applications whenever site plan review and approval is required.

(b) It shall be the duty of the County Zoning Inspector to examine and act upon applications for use permits within ten (10) working days after filing. If the proposed plans conform with the provisions of these Zoning Regulation, the County Zoning Inspector shall issue the use permit. If the proposed plans do not conform with the provisions of these regulations, the County Zoning Inspector shall withhold approval of the application and so notify the applicant in writing, giving the reasons for not approving the permit. Whenever a permit is issued, the County Zoning Inspector shall return with the permit a copy of the submitted plans.

(c) Any use permit issued under the provisions of these Zoning Regulations shall become void unless the erection, construction, reconstruction, movement, alteration or change of use for which the permit is granted shall have been substantially begun within six (6) months from the date of issuance of the permit.

(d) No use permit shall be issued for the erection, construction, reconstruction, movement, alteration, or change of use of any building in any subdivision until such time as the plat of the subdivision has been duly approved by the Board of Supervisors and recorded in the office of the Greenlee County Recorder.

(e) With each use permit issued, the County Zoning Inspector shall provide the person receiving the permit with an easily identifiable placard which must be displayed in a noticeable spot on the premises for which the permit was issued.

(f) The County Zoning Inspector shall transmit a duplicate copy of each use permit application to the office of the County Assessor.

(g) The issuance or granting of a use permit or approval of plans or specifications under the authority of these Zoning Regulations shall not be deemed or construed to be a permit for, or an approval of any violation of any of the provisions of these regulations or of any other ordinance or law. No permit presuming to give authority to violate or cancel any of the provisions for these regulations or any existing law shall be issued, and if issued shall not be valid, except insofar as the work or use which it authorizes is lawful and permitted.

(h) The County Zoning Inspector may revoke a use permit or approval issued under the terms of these Zoning Regulations if there has been any false statement or misrepresentation as to fact in the application or plans on which the use permit or approval was based.

(l) Every use permit issued by the County Zoning Inspector under the provisions of these Zoning Regulations shall have his signature affixed thereto, but this

shall not prevent him from authorizing a subordinate to affix such signature.

(j) Nothing herein shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the use permit was sought. Such amendments, after approval, shall be filed with and deemed a part of the original application.

(k) It shall be unlawful to erect, construct, move, alter or change the use of any building or structure within any part of the area of jurisdiction if the use permit issued for such use of activity has expired by limitation or been revoked or declared invalid by the zoning inspector.

Sec. 405 Fees Each use permit application to erect, construct, reconstruct, move alter, or change the use of any building or other structure, including mobile home or recreation vehicle park space, shall be accompanied by a check made payable to the Greenlee County Treasurer or cash payment as shown in Fee Schedule. Such fee is non-refundable.<sup>12</sup>

#### Sec. 406 Site Plan Approval

When site plan approval is required by these Zoning Regulations, the following conditions when applicable shall be conformed to:

(a) Site Plan Three (3) prints of a site plan, drawn to scale, showing:

- (1) Lot dimensions;
- (2) All buildings and structures: their location size, height, proposed use and types of exterior material;
- (3) Yards and space between buildings;
- (4) Walls, fences and landscaping: location, height and materials;
- (5) Off-street parking: location, number of spaces, dimensions of parking area, arrangement of spaces, internal circulation pattern and landscaping;
- (6) Access: pedestrian, vehicular, service points of ingress and egress;
- (7) Signs: location, size, height, method of illumination;
- (8) Loading: location dimensions, number of spaces, internal circulation;
- (9) Lighting: location and general nature, shielding and filtering devices as required in Greenlee County Light Pollution Code;
- (10) Street dedications and improvements; including curbs and gutters;
- (11) Landscaping;
- (12) Outdoor storage and activities
- (13) Drainage and grading plan; and

(14) Waste disposal facilities.

(b) Basis of Approval

(1) All provisions of these Zoning Regulations are complied with;

(2) The location of buildings, structures and improvements, vehicular ingress, egress and internal circulation, yards height of buildings, location of service, walls and landscaping are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected, and there will be no adverse effect on surrounding property;

(3) Proposed lighting is so arranged as to prevent glare to adjoining properties and is in compliance with the requirements of the Greenlee County Light Pollution Code; and

(4) Proposed signs will not, by size, location, color or lighting, interfere with traffic or limit visibility.

(c) Procedure Site plan approval may be obtained upon review and approval by both the Planning Director and County Engineer. Their decision shall be binding unless the applicant requests in writing within ten (10) days after said decision a public hearing before the Planning and Zoning Commission<sup>13</sup>. If the Planning Director or County Engineer finds that the site plan is of such a nature as to warrant a public hearing, either may set for public hearing by the Planning and Zoning Commission<sup>14</sup> said site plan.

(d) Time Limit One (1) year from the date a use permit has been issued, said use permit shall become void, unless all conditions have been satisfactorily completed upon which site plan approval was made and said use permit issued. An extension may be granted upon review and approval by both the Planning Director and County Engineer.

(e) Driveways When a site adjoins or is within 1/4 mile of a state highway provide driveway clearance from Arizona Department of Transportation.<sup>15</sup>

ARTICLE 5Establishment of Zoning DistrictsSec. 501 Establishment of Zoning Districts

For the purposes of these Zoning Regulations, the following types of zoning districts are hereby established:

Rural Districts (RU-36, RU-4, RU-2)  
Transition Districts (TR-36, TR-18, TR-9)  
Single-Household Residential Districts (SR-43, SR-22, SR-2, SR-8)  
Multiple-Household Residential districts (MR-A, MR-B, MR-C, MR-D)  
Mobile Home District (MH-72, MH-54, MH-36, MH-18)  
Neighborhood Business District (NB)  
General Business District (GB)  
Light Industry District (LI)  
Heavy Industry District (HI)  
Airport Airspace District (AA)  
Planned Residential Districts PR-30, PR-40, PR-50, PR-60

Sec. 502 Establishment of Boundaries

The boundaries of the zoning districts established by these Zoning Regulations shall be those shown on the maps entitled the Official Greenlee County Zoning District Maps.

Sec. 503 Boundary Determination

When uncertainty exists as to the boundaries of districts shown on the official zoning district map, the following rules shall apply:

- (a) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed as following the center lines;
- (b) Boundaries indicated as approximately following platted lot lines shall be construed as following city limits;
- (c) Boundaries indicated as approximately following city limits shall be construed as following city limits;
- (d) Boundaries indicated as following railroad lines shall be construed as following to be midway between the main tracks;
- (e) Boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed to follow such center lines;
- (f) Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (e) above shall be so construed;
- (g) Distances not specifically indicated on the zoning district maps shall be determined by the scale of the map; and

(h) Where physical or cultural features existing on the ground are at variance with those shown on the zoning district map; or in other circumstances not covered by subsections (a) through (g) above, the Planning and Zoning Commission shall interpret the district boundaries.

#### Sec. 504 Official Zoning District Map

(a) The Official Greenlee County Zoning Map, together with all explanatory matter thereon, is hereby adopted by reference and declared to be an official record and part of these Zoning Regulations.

(b) Said map shall be identified as such by the signature of the Chairman of the Board of Supervisors and attested by the Clerk of the Board of Supervisors.

(c) Whenever amendments or changes are made in Zoning district boundaries such amendments or changes shall be made promptly on the official zoning district map.

(d) No changes of any kind shall be made in the official zoning district map except in conformance with the procedure set forth in these Zoning Regulations. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of these Zoning Regulations and punishable as provided herein.

(e) Regardless of the existence of purported copies of the official zoning district map which may from time to time be made or published, the official zoning district map shall be that set located in the office of the Clerk of the Board of Supervisors and which shall be the final authority as to the current zoning status of all lands and buildings in the area of jurisdiction.

(f) In the event that the official zoning district map becomes damaged, destroyed, lost or difficult to interpret because of the nature of number of changes and amendments thereto the Board of Supervisors may, by resolution adopt a new official zoning district map which shall supersede the prior official zoning district map. The new official zoning district map may correct drafting or other errors or omissions in the prior official zoning the effect of amending the original Zoning Regulations or any subsequent amendments thereof.

#### Sec. 505 Residential Districts

For purposes of these Zoning Regulations, the following zoning districts are hereby established as residential districts: TR-9, SR-43, SR-22, SR-12, SR-8, MR-A, MR-B, MR-C, MR-D, MH-72, MH-54, MH-36, MH-18, PR-30, PR-40, PR-50, and PR-60.

#### Sec. 506 Establishment of Zoning Districts

The zoning districts from the most restrictive to the least restrictive are as follows:

1. PR-30 Planned Residential District
2. PR-40 Planned Residential District
3. PR-50 Planned Residential District

4. PR-60 Planned Residential District
5. SR-43 Single Household Residential District
6. SR-22 Single Household Residential District
7. SR-12 Single Household Residential District
8. SR-8 Single Household Residential District
9. MR-A Multiple Household Residential District
10. MR-B Multiple Household Residential District
11. MR-C Multiple Household Residential District
12. MR-D Multiple Household Residential District
13. MH-72 Mobile Home District
14. MH-54 Mobile Home District
15. MH-36 Mobile Home District
16. MH-18 Mobile Home District
17. RU-36 Rural District
18. RU-4 Rural District
19. RU-2 Rural District
20. TR-36 Transition District
21. TR-18 Transition District
22. TR-9 Transition District
23. NB Neighborhood Business District
24. GB General Business District
25. LI Light Industry District
26. HI Heavy Industry District

ARTICLE 6RU, Rural DistrictsSec. 601 Intent

The purpose of the RU, rural district is to preserve resource conservation, resource production and urban reserve lands for their present values, until such time that their development for urban purposes is warranted. Minimum lot areas of thirty-six (36) acres, four (4) acres and two (2) acres are set to discourage small lot or residential subdivisions where public facilities and services are not available or could not reasonably be made available and to protect the quality of the natural environment as it relates to safeguarding in all life and welfare in Greenlee County.

Sec. 602 Divisions of RU Districts

The RU, rural district shall be further divided into the following density districts, as hereinafter described and regulated, and so designated on the official zoning district map: RU-36, RU-4 and RU-2.

Sec. 603 Permitted Uses

The following uses shall be permitted in RU, rural districts:

- (a) Single-Household Dwellings, including mobile homes and recreational vehicles;
- (b) Parks for general recreation, scenic or leisure purposes including picnic areas, swimming pools, play fields, hiking trails, camping grounds, children's play facilities;
- (c) Permanent lakes, man-made or natural, of one (1) acre or more surface area;
- (d) Motion picture production
- (e) Religious activities;
- (f) Business, professional, labor, civic, social and fraternal associations;
- (g) Cultural activities, including libraries, museums, and art galleries;
- (h) Nature exhibitions, including planetaria, aquariums, botanical gardens and arboretums and zoos;
- (i) Recreational activities, including sports activities, play grounds and athletic areas, swimming areas, and marinas;
- (j) Resorts and group camps, including general, dude and health resorts, hunting and fishing clubs, and organized camps;
- (k) Agricultural processing, including cotton ginning and compressing, grist milling services, corn shelling, hay baling, and threshing services, contract



sorting, grading and packing services;

(l) Animal husbandry services, including veterinarian, animal hospital and poultry hatchery services;

(m) Public assembly for entertainment including amphitheaters, motion picture theaters, drive-in movies, for sports including stadiums, arenas, field houses, race tracks, and for other public assembly including auditoriums and exhibition halls;

(n) Water well drilling and related pump repair services; and

(o) Commercial communications stations and studios with or without commercial towers transmitters, antennas and other communications equipment for radio, television, and other commercial communications services.

#### Sec. 604 Uses Permitted on Appeal

The following uses may be permitted on appeal in RU, rural districts:

(a) Retail eating and drinking places including alcoholic beverages;

(b) Professional services including physicians' dental laboratory, sanitariums, convalescent, rest homes, medical clinics, and other medical and health services, legal, engineering and architectural, educational and scientific research, accounting auditing and bookkeeping, and other professional services;

(c) Governmental services including executive, legislative and judicial functions, police, fire, civil defense, and other protective functions and their related activities, postal services, and prisons;

(d) Educational services, including nursery, primary and secondary education, university, college, junior college and professional school education and training and schooling;

(e) Welfare and charitable services; and

(f) The manufacture or processing of asphalt or asphalt products; operation of concrete batch plants; washing, screening, and sorting of sand and gravel after extraction; and rock crushing.

#### Sec. 605 Permitted Accessory Buildings and Uses

Any accessory building or use customarily incidental to a permitted use shall be permitted.

#### Sec. 606 Use Regulations

All uses permitted or permitted on appeal in RU, rural districts shall conform with the following use regulations:

(a) Lot Area

<u>District</u>	<u>Minimum Lot Area (Acres)</u>
RU-36	36
RU-4	4
RU-2	2

(b) Lot Width

<u>District</u>	<u>Minimum Lot Width(Feet)</u>
RU-36	330
RU-4	220
RU-2	120

(c) Building Height The maximum building height shall be thirty-five (35) feet, excluding farm structures.

(d) Yards

<u>District</u>	<u>Minimum Yards (Feet)</u>		
	<u>Front</u>	<u>Side</u>	<u>Rear</u>
RU-36	60	30	50
RU-4	60	30	50
RU-2	40	20	40

(e) Lot Coverage The maximum lot coverage shall be fifteen (15) percent.

(f) Lot Area Per Dwelling Unit

<u>District</u>	<u>Minimum Lot Area Per District Dwelling Unit (Acres)</u>
RU-36	36
RU-4	4
RU-2	2

(g) Distance Between Buildings The minimum distance between principal buildings on the same lot shall be fifteen (15) feet.

(h) Accessory Buildings The maximum height of accessory buildings shall be twenty-five (25) feet above grade. No detached accessory building shall be erected in any minimum required front or side yard.

(i) In an RU 36 District on a commercial ranch or farm (an agriculture use), the maximum dwelling unit density shall be one dwelling unit per four (4) acres.<sup>16</sup>

Article 7

TR, Transition Districts

Sec. 701 Intent

The TR transition districts are lands that are generally those which have been designated as urban transition or urban reserve in the General Development Plan. These rural communities or yet undeveloped land are zoned on an interim basis until more specific development plans are developed by either private owners or public agencies.

Sec. 702 Divisions of TR Districts

The TR transition district shall be further divided into the following density districts, as hereinafter described and regulated, and so designated on the official zoning district map: TR-36, TR-18, and TR-9.

Sec. 703 Permitted Uses

All permitted uses in RU rural districts shall be permitted in TR transition districts, with the exception of those uses listed under Section 603(0)

Sec. 704 Uses Permitted on Appeal

All uses permitted on appeal in RU rural districts may be permitted in TR transition districts, with the exception of those uses listed under Section 604(f).

Sec. 705 Permitted Accessory Buildings and Uses

Any accessory building or use customarily incidental to a permitted use shall be permitted.

Sec. 706 Use Regulations

All uses permitted or permitted on appeal in TR transition districts shall conform with the following use regulations:

(a) Lot Area

<u>District</u>	<u>Minimum Lot Area (Square Feet)</u>
TR-36	36,000
TR-18	18,000
TR-9	9,000

(b) Lot Width

<u>District</u>	<u>Minimum Lot Width(Feet)</u>
TR-36	100
TR-18	80

TR-9

60

(c) Building Height The maximum building height shall be thirty-five (35) feet, excluding farm structures.

(d) Yards

<u>District</u>	<u>Minimum Yards (Feet)</u>		
	<u>Front</u>	<u>Side</u>	<u>Rear</u>
TR-36	35	15/20	35
TR-18	30	12/15	30
TR-9	25	10/12	30

(e) Lot Coverage

<u>District</u>	<u>Maximum Lot Coverage</u>
TR-36	20%
TR-18	30%
TR-9	40%

(f) Lot Area Per Dwelling Unit

<u>District</u>	<u>Minimum Lot Area Per District Dwelling Unit (Acres)</u>
TR-36	36,000
TR-18	18,000
TR-9	9,000

(g) Distance Between Buildings The minimum distance between principal buildings on the same lot shall be fifteen (15) feet.

(h) Accessory Buildings The minimum height of accessory buildings shall be twenty-five (25) feet above grade. No detached accessory building shall be erected in any minimum required front or side yard.

(i) Minimum Frontage Along Street

<u>District</u>	<u>Distance Along Street Arc (Feet)</u>
TR-36	50
TR-18	40
TR-9	30

## ARTICLE 8

### SR, Single-Household Residential Districts

#### Sec. 801 Intent

The SR, single-household residential district comprise residential areas and certain open land areas where such development is desirable and appears likely to occur. The purpose of the SR districts is to stabilize and protect single-household residential development, to promote and encourage creation of a desirable environment for family life and to prohibit all incompatible activities.

#### Sec. 802 Divisions of SR Districts

The SR, single-household residential district shall be further divided into the following density districts as hereinafter described and regulated, and so designated on the official zoning district map: SR-43, SR-22, SR-12, and SR-8.

#### Sec. 803 Permitted Uses

The following uses shall be permitted in SR, single-household residential districts:

- (a) Single-household dwellings, other than mobile homes and recreational vehicles, except a modular home, or a Factory-Built Dwelling, or a mobile home that is installed on a fixed, structural foundation. The home shall be no older than, or remanufactured within, 10 years as of January 1 of the current year as determined by the manufacturers certificate.<sup>17</sup>
- (b) Parks for general recreation, scenic or leisure purposes including picnic areas, swimming pools, play fields, hiking trails, camping grounds and children's play facilities.

#### Sec. 804 Permitted Uses On Appeal

The following uses may be permitted on appeal in SR, Single-household residential districts:

- (a) Professional services, including physicians, dental, hospital, medical laboratory, dental laboratory, sanitariums, convalescent, rest home, services, legal, engineering and architectural, educational, and scientific research, accounting, auditing and bookkeeping, and other professional services;
- (b) Governmental services, including executive, legislative and judicial functions, police, fire, civil defense, and other protective functions and their related activities, postal services, and prisons and other correctional institutions;
- (c) Nursery, primary and secondary educational services;
- (d) Religious activities;
- (e) Welfare and charitable services; and

(f) Permanent lakes, man-made or natural, of one (1) acre or more surface area.

#### Sec. 805 Permitted Accessory Buildings and Uses

Any accessory building or use customarily incidental to a permitted use shall be permitted.

#### Sec. 806 Use Regulations

All uses permitted or permitted on appeal in SR single-household residential districts shall conform with the following use regulations:

##### (a) Lot Area

<u>District</u>	<u>Minimum Lot Area (Square feet)</u>
SR-43	43,560
SR-22	22,000
SR-12	12,00
SR-8	8,000

##### (b) Lot Width

<u>District</u>	<u>Minimum Lot Width(Feet)</u>
SR-43	120
SR-22	95
SR-12	70
SR-8	60

(c) Building Height The maximum building height shall be thirty (30) feet above grade.

(d) Yards

<u>District</u>	<u>Minimum Yards (Feet)</u>			
	<u>Front</u>	<u>Side Interior</u>	<u>Side Streetside</u>	<u>Rear</u>
SR-43	40	20	20	40
SR-22	35	15	20	35
SR-12	30	12	15	30
SR-8	25	10	12	25

(e) Lot Coverage

<u>District</u>	<u>Maximum Lot Coverage</u>
SR-43	20%
SR-22	25%
SR-12	33%
SR-8	40%

(f) Lot Area Per Dwelling Unit

<u>Minimum Lot Area Per District</u>	<u>Dwelling Unit (Square Feet)</u>
SR-43	43,560
SR-22	22,000
SR-12	12,000
SR-8	8,000

(g) Distance Between Buildings The minimum distance between principal buildings on the same lot shall be fifteen (15) feet.

(h) Accessory Buildings The maximum height of accessory buildings shall be fifteen (15) feet above grade. No detached accessory building shall be erected in any minimum front or side yard. All accessory buildings in aggregate shall occupy not more than thirty-three (33) percent of the minimum rear yard.

(i) Minimum Frontage Along Street

<u>District</u>	<u>Distance Along Street Arc (Feet)</u>
SR-43	60
SR-22	45
SR-12	35
SR-8	30



ARTICLE 9MR, Multiple-Household Residential DistrictsSec. 901 Intent

The MR multiple household residential districts comprise a compatible mixture of single-household, two-household and multi-household dwellings, and certain lands where such development is desirable and appears likely to occur. Regulations are designed to stabilize and protect the character of such districts, to promote and encourage creation of a favorable environment for family life, and to prohibit all incompatible activities.

Sec. 902 Divisions of District

The MR multiple household residential district shall be further divided into their following density districts, as hereinafter described and regulated, and so designated on the official zoning district map MR-A, MR-B, MR-C, MR-D.

Sec. 903 Permitted Uses

The following uses shall be permitted in MR multiple-household residential districts:

- (a) All uses permitted in SR single-household residential districts;
- (b) Multiple-household dwellings including duplexes, townhouses and condominiums, provided however, that such dwellings designed for three (3) or more households shall not be permitted in the MR-A district; and
- (c) Group quarters including rooming and boarding houses, membership lodgings, residence halls, dormitories, retirement houses, orphanages, religious quarters and residential hotels.
- (d) MR-D excludes mobile and modular homes.

Sec. 904 Uses Permitted on Appeal

The following uses may be permitted on appeal in MR multiple-household residential districts:

- (a) All uses permitted on appeal in SR single-household residential districts;
- (b) Transient lodgings including hotels, tourist courts and motels;
- (c) Automobile parking structures;
- (d) Business, professional, labor, civic, social and fraternal associations.
- (e) Personal services including laundering, dry cleaning and dyeing services, photographic services and cleaning and shoe repair services;
- (f) Cultural activities, including libraries, museums, and art galleries;
- (g) Nature exhibitions, including planetaria, aquariums, botanical gardens,

arboretums and zoos;

(h) Public assembly for entertainment including amphitheaters, motion picture theaters, drive-in movies, for sports including stadiums, arenas, field houses, race tracks, and for other public assembly including auditoriums, and exhibition halls; and

(i) Resorts and group camps, including general, dude and health resorts, ski resorts, hunting and fishing clubs and organized camps.

Sec. 905 Permitted Accessory Buildings and Uses

All accessory buildings and uses customarily incidental to a permitted use shall be permitted.

Sec. 906 Use Regulations

All uses permitted or permitted on appeal in MR multiple-household residential districts shall conform with the following use regulations:

(a) Lot Area

District	<u>Minimum Lot Area(Square Feet)</u>
MR-A	6,000
MR-B	6,000
MR-C	6,000
MR-D	6,000

(b) Lot Width

District	<u>Minimum Lot Width (feet)</u>
MR-A	60
MR-B	60
MR-C	60
MR-D	60

(c) Building Height The maximum building height MR-A districts shall be thirty (30) feet above grade. The maximum building height in MR-B, MR-C and MR-D districts shall be forty (40) feet above grade.

(d) Yards For all MR multiple-household residential districts, the minimum front yard shall be twenty (20) feet, the minimum interior side yard shall be seven (7) feet, the minimum street side yard shall be ten (10) feet, and the minimum rear yard shall be twenty-five (25) feet.

(e) Lot Coverage The maximum lot coverage shall be fifty (50) percent of the lot area for all MR multiple-household residential districts.

(f) Lot Area Per Dwelling Unit

<u>District</u>	<u>Minimum Lot Area Per Dwelling Unit (Square Feet)</u>
MR-A	3,000
MR-B	2,000
MR-C	1,500
MR-D	3,000

(g) Distance Between Buildings The minimum distance between principal buildings on the same lot shall be ten (10) feet.

(h) Accessory Buildings The maximum height of accessory buildings shall be fifteen (15) feet above grade. No detached accessory building shall be erected in any minimum required front or side yard. All accessory buildings shall be set back from the rear lot line a distance not less than three (3) feet.

(l) Minimum Frontage Along Street

<u>District</u>	<u>Distance Along Street Arc (Feet)</u>
MR-A	30
MR-B	30
MR-C	30
MR-D	30

#### Sec. 907 Site Plan Approval

Site plan approval shall be obtained prior to any insurance of a building or use permit in MR-A, MR-B, MR-C and MR-D multiple household districts.

ARTICLE 10MH, Mobile Home DistrictSec. 1001 Intent

The MH mobile home district comprises areas development or to be developed for placement and occupancy of mobile dwelling units and recreational vehicles for residential purposes on individually-owned lots in mobile home or recreational vehicle subdivisions and on rented or leased sites in mobile home and recreational vehicle parks, and certain lands where such development is desirable and appears likely too occur.

Sec. 1002 Divisions of Districts

The MH mobile home district shall be further divided into the following density districts, as hereinafter described and regulated, and so designated on the official zoning district map:

MH-72 Mobile Home Subdivisions  
MH-54 Mobile Home Parks  
MH-36 Recreational Vehicle Subdivisions  
MH-18 Recreational Vehicle Parks

Sec. 1003 Permitted Uses

The following uses shall be permitted in MH mobile home districts:

- (a) Single-household mobile dwelling units;
- (b) Recreational vehicles; and
- (c) All uses permitted in SR single-household residential districts.

Sec. 1004 Uses Permitted on Appeal

All uses permitted on appeal in SR single-household residential districts may be permitted on appeal in MH mobile home districts.

Sec. 1005 Permitted Accessory Buildings and Uses

The following accessory buildings and uses shall be permitted in MH mobile home districts:

- (a) All accessory buildings and uses customarily incidental to a permitted use;
- (b) Personal services and facilities intended primarily to serve the needs of persons within the MH district, which are of a nature permitted in the NB, neighborhood business district, and conform to the requirements of that district for such uses, which are designed and located to protect the residential character of the MH district and surrounding residential districts, and which occupy in total not more than five (5) percent of the area of the mobile home

subdivision or park.

Sec. 1006 Use Regulations

All uses permitted or permitted on appeal in MH, mobile home districts shall conform with the following use regulations:

(a) Lot or Space Area

<u>District</u>	<u>Minimum Area (Square Feet)</u>
MH-72	7,200
MH-54	5,400
MH-36	3,600
MH-18	1,800

(b) Lot or Space Width

<u>District</u>	<u>Minimum Width (Feet)</u>
MH-72	50
MH-54	35
MH-36	30
MH-18	25

(c) Building Height The maximum building height shall be thirty (30) feet.

(d) Yards

<u>District</u>	<u>Minimum Yards (Feet)</u>		
	<u>Front</u>	<u>Side</u>	<u>Rear</u>
MH-72	20	7/10	20
MH-54	15	7	15
MH-36	15	5/7	15
MH-18	10	5	10

(e) Lot or Space Coverage The maximum lot or space coverage shall be forty (40) percent of the lot or space.

(f) Subdivided Lot or Park Area Per Dwelling Unit

<u>District</u>	<u>Minimum Area Per Dwelling Unit Square Feet</u>
MH-72	7,200
MH-54	5,400
MH-36	3,600

MH-18

1,800

(g) The minimum distance between principal buildings on the same lot shall be fifteen (15) feet.

#### Sec. 1007 Site Planning, External Relationships

Site planning within MH districts shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding area from potentially adverse influences within the development. In particular:

(a) Vehicular Access Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets shall not be connected with streets outside the MH district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within a mobile home subdivision or park or recreational vehicle subdivision or park shall have direct vehicular access to a street bordering the development.

(b) Pedestrian Access Access for pedestrians and cyclists entering or leaving the MH district shall be by safe and convenient routes. Such ways need not be adjacent to, or limited to the vicinity of, vehicular access points. Where there are crossings of such ways and vehicular routes at edges of mobile home subdivisions or parks or recreational vehicle subdivisions or parks, such crossings shall be safely located, marked, and controlled and, where such ways are exposed to substantial vehicular traffic at edges of MH districts, safeguards may be required to prevent crossings except at designated points. Bicycle and/or bridle paths, if provided, shall be so related to the pedestrian way system so that street crossings are minimized.

(c) Protection of Visibility No material impediment to visibility more than two and one-half (2 ½) feet above grade shall be created or maintained at the intersection of any street in the MH district and any street at the edge of the district within triangles constructed as follows: beginning at the intersection of the edges of the rights-of-way (projected if corners are rounded), thence fifty (50) feet in the direction of oncoming traffic along the right-of-way line of the street at the edge of the MH district, thence to a point twenty-five (25) feet toward the interior of the development along the intersecting right-of-way line, and thence to the point of beginning. Where there is pedestrian or bicycle access from within the development to a street at its edges by paths or across yards or other open space without a barrier to access to the street, no material impediment to visibility more than two and one-half (2 ½) feet above grade shall be created or maintained within areas appropriate to the circumstances of the particular case.

#### Sec. 1008 Site Planning, Internal Relationships

The plan shall provide for safe, efficient, convenient, and harmonious groupings of structures, uses, and facilities and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:

(a) Streets Streets, drives, parking and service areas shall provide safe and

convenient access to dwelling units and project facilities, and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the development on minor streets, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks. In general, block size shall be the maximum consistent with the use and shape of the site and the convenience and safety of the occupants.

(b) Vehicular Access Vehicular access from off street parking and service areas may be made directly to local streets from dwelling units. Vehicular access to other streets from off-street parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes marginal traffic friction and promotes free traffic flow on streets without excessive interruptions.

(c) Pedestrian Access Walkways shall form a logical, safe, and convenient system for pedestrian access to all dwelling units, project facilities, and principal offsite pedestrian destinations. Walkways to be used by substantial numbers of children as play areas or routes to school or other destinations shall be so located and safeguarded as to minimize conflicts with normal automotive traffic. Street crossings shall be held to a minimum on such walkways, located and designed to provide safety, and appropriately marked and otherwise safeguarded. Pedestrian ways, appropriately located and designed and constructed, may be combined with other easements and used by emergency or service vehicles, but shall not be used by other automotive traffic.

(d) Protection of Visibility Protection of visibility for automotive traffic, cyclists and pedestrians shall be as provided in Section 1007 (c), except that visibility triangles shall be provided at the intersection of any streets within the development, within triangular areas formed by the intersecting edges of the rights-of-way (as projected if corners are rounded) and a line joining points twenty-five (25) feet along both intersecting edges from such point of intersection.

#### Sec. 1009 Recreational Facilities

Not less than eight (8) percent of the gross area of any mobile home park or recreational vehicle park established under these Zoning Regulations shall be devoted to common recreational areas and facilities, such as playgrounds, swimming pools and community buildings. Where only one recreational area is provided, it shall be in a central location conveniently accessible to all dwellings. Recreational areas and facilities shall be so located, designed and improved as to minimize traffic hazards to users and adverse effects on surrounding uses. Adequate provisions shall be made by the developer of a mobile home park or recreational vehicle park for operation and maintenance of such recreational areas and facilities.

#### Sec. 1010 Street Improvements

Mobile home and recreational vehicle subdivisions shall in all respects conform with the Greenlee County Subdivision Regulations.

#### Sec. 1011 Exterior Yards

(a) Mobile Home and Recreational Vehicle Subdivisions An exterior yard of at least twenty (20) feet in depth shall be provided along the entire perimeter boundaries of mobile home recreational vehicle subdivisions. Requirements for screen planting walls or fences may be made a condition of site plan approval, to provide protection of dwelling within the development and adjacent properties from adverse effects. Such exterior yards may be included in individual lots and used to meet yard or area requirements for dwelling units thereon, if appropriately located and improved. No off-street parking facilities or recreation facilities for common use shall be located in any such required exterior yard.

(b) Mobile Home and Recreational Vehicle Parks An exterior yard of at least eight (8) feet in depth shall be provided along the entire perimeter boundaries of mobile home and recreational vehicle parks. Approved screen planting, walls or fences of a minimum height of six (6) feet shall be required to provide protection of dwellings within the development and adjacent properties from adverse effects. Such exterior yards may be included in individual lots and used to meet yard or area requirements for dwellings units thereon, if appropriately located and improved. No off-street parking facilities or recreation facilities for common use shall be located in any such required exterior yards.

#### Sec. 1012 Lot Identification

In mobile home and recreational vehicle subdivisions, all lots shall be marked as required by the Greenlee County Subdivision Regulations. In mobile home and recreational vehicle parks, the corners of each lot or space shall be clearly marked on the ground by permanent flush stakes, markers or other suitable means. For the purposes of these Zoning Regulations, the spaces so marked for the occupancy of mobile homes or recreational vehicles in such parks shall be considered as the equivalent of a subdivision lot.

#### Sec. 1013 Site Plan Approval

Site plan approval shall be obtained prior to any issuance of a use permit in mobile home and recreational vehicle parks.



ARTICLE 11NB, Neighborhood Business DistrictSec. 1101 Intent

The NB, neighborhood business district provides areas for retail trade shops and services in convenient locations to meet the daily needs of households in nearby neighborhoods. The regulations are intended to preserve the essential neighborhood character of the district, to prevent the encroachment by more intensive commercial uses, to provide for compact business arrangements for maximum shopping convenience, to minimize periphery conflicts with abutting residential properties, and to avoid any undue concentration of vehicular traffic on local streets.

Sec. 1102 Permitted Uses

The following uses shall be permitted in NB, neighborhood business districts:

- (a) All uses permitted and permitted on appeal in MR, multiple-household residential districts;
- (b) Retail trade of general merchandise including department stores, mail order houses, limited price variety stores, merchandise vending machine operators and direct selling organizations;
- (c) Retail trade of food including groceries, meats and fish, fruits vegetables, candy, nut, confectionery, dairy products and bakery goods;
- (d) Retail trade of drug and proprietary products, liquor, antiques and secondhand merchandise, books and stationery, sporting goods, bicycles, farm and garden supplies, jewelry, and other miscellaneous retail trade products;
- (e) Finance, insurance and real estate services;
- (f) Mobile home and recreational vehicle dwelling units, including mobile home parks and recreational vehicle parks; and
- (g) Commercial communications stations and studios.

Sec. 1103 Uses Permitted on Appeal

The following uses may be permitted on appeal in NB, neighborhood business districts:

- (a) Retail trade of building materials and hardware including lumber, heating, plumbing, paint, glass, wallpaper, electrical supplies and hardware; and
- (b) Retail eating and drinking places including alcoholic beverages.

Sec. 1104 Permitted Accessory Buildings and Uses

Any accessory building or use customarily incidental to a permitted use shall be permitted.

### Sec. 1105 Use Regulations

All uses permitted on appeal in NB neighborhood business districts shall conform with the following use regulations:

(a) Lot Area Any lot used for dwelling purposes shall have a minimum lot area of six-thousand (6,000) square feet.

(b) Lot Width Any lot used for dwelling purposes shall have a minimum lot width of sixty (60) feet.

(c) Building Height The height of buildings shall not exceed thirty (30) feet.

(d) Yards are not required except as follows:

(1) Front Yard Where a lot is adjacent to a residential district there shall be a front equal to the front yard required in the adjoining residential district but such yard need not exceed twenty-five (25) feet in depth.

(2) Side Yard If a lot is occupied by a dwelling, there shall be a minimum interior side yard of seven (7) feet and minimum street side yard of ten (10) feet. Where a lot is adjacent to a residential district, there shall be a side yard on the side of the lot adjacent to such residential district of not less than five (5) feet in width. If a side yard is otherwise provided, it shall have a width of not less than three (3) feet.

(3) Rear Yard If a lot is occupied by a dwelling, there shall be a rear yard having a depth of not less than twenty-five feet. Where a lot abuts a residential district, whether or not separated by an alley, there shall be a rear yard having a depth of not less than twenty-five (25) feet.

(e) Lot Coverage The maximum lot coverage shall be fifty (50) percent of the lot area.

(f) Lot Area Per Dwelling Unit The minimum lot area per dwelling unit shall be one-thousand (1,000) square feet.

(g) Accessory Buildings Incidental or accessory storage and display area shall be within a completely enclosed building and the space required for the storage shall not constitute more than forty (40) percent of the floor area.

(h) Addition Regulations The additional regulations are as follows:

(1) Any lighting shall be placed so as to reflect the light away from adjoining residential districts and in accordance with the Greenlee County illumination ordinance.

(2) Any part of the lot not otherwise surfaced shall be landscaped.

### Sec. 1106 Site Plan Approval

Site plan approval shall be obtained prior to any issuance of a building or use permit in NB neighborhood business district.

ARTICLE 12GB, General Business DistrictSec. 1201 Intent

The GB general business district provides areas for the sale of commodities and the performance of services and other activities in locations for which the market area extends beyond the nearby neighborhoods. It also provides for commercial uses concerned with wholesaling or distribution activities in locations where there is adequate access to major streets or highways. These Regulations are designed to encourage a concentrated development limited by standards to prevent traffic congestion, and to protect the district from incompatible uses.

Sec. 1202 Permitted Uses

The following uses shall be permitted in GB general business districts:

- (a) All uses permitted or permitted on appeal in NB neighborhood districts;
- (b) Motor vehicle transportation facilities and services including bus passenger terminals, bus garaging and equipment maintenance, motor freight garaging and equipment maintenance, taxicab transportation, freight forwarding services, packing and crating services, travel arranging services, and transportation ticket services;
- (c) Wholesale trade including motor vehicles and automotive equipment, drugs, chemicals and allied products, dry goods and apparel, groceries and related products, electrical goods, hardware, plumbing, heating equipment and supplies, machinery and other wholesale trade;
- (d) Retail trade of automotive, marine craft, aircraft and modular units and accessories;
- (e) Automobile service stations;
- (f) Retail trade of apparel and accessories;
- (g) Retail trade of furniture, home furnishings, household appliances and equipment;
- (h) Funeral and crematory services
- (i) Business services including advertising services, consumer and mercantile credit reporting services, adjustment and collection services, duplicating, mailing and stenographic services, swelling and other building services, news syndicate services and employment services;
- (j) Repair services including automobile repair and wash services, electrical, radio and television, watch, clock, jewelry, reupholstery and furniture repair, armature rewinding services and other repair services;
- (k) Contract construction services including general building construction services and special construction trade services, concrete services, and water

well drilling services;

(l) Special and higher educational services including university, college, junior college and professional school education, vocational, trade, business, stenographic, barber and beauty schools, art and music, dancing, driving and correspondence schools;

(m) Veterinary offices, small animal hospitals and clinics, subject to:

(1) Animals shall not be boarded or lodged except for short periods of observation incidental to care and treatment;

(2) All building shall be completely enclosed and shall be so constructed and maintained as to prevent objectionable noise and odor outside the walls of the building;

(3) No open kennels or exercise runs shall be permitted; and

(4) All refuse shall be stored within the enclosed building.

(n) Commercial towers, transmitters, antennas and other communications equipment for radio, television, cable television and other commercial communications services.

#### Sec. 1203 Uses Permitted on Appeal

The following uses may be permitted on appeal in GB general business districts:

(a) Motion picture production;

(b) Warehousing and storage services including household goods warehousing, refrigerated food lockers and general warehousing and storage; and

(c) Amusement parks, fairgrounds, and other amusements.

**(d) NONPROFIT MEDICAL MARIJUANA DISPENSARY as long as the medical marijuana law remains in full force and effect,<sup>18</sup>**

**(e) NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION as long as the medical marijuana law remains in full force and effect.<sup>19</sup>**

#### Sec. 1204 Permitted Accessory Building and Uses

Any accessory building or use customarily incidental to a permitted use shall be permitted.

#### Sec. 1205 Use Regulations

All uses permitted or permitted on appeal in GB general business districts shall conform with the following use regulations:

(a) Lot Area Any lot used for dwelling purposes shall have a minimum lot area of

six-thousand (6,000) square feet.

(b) Lot Width Any lot used for dwelling purposes shall have a minimum lot width of sixty (60) feet.

(c) Building Height The height of buildings shall not exceed forty (40) feet.

(d) Yards Minimum yard requirements shall be the same as those of NB neighborhood business districts.

(e) Lot Coverage The maximum lot coverage shall be fifty (50) percent of the lot area.

(f) Lot Area Per Dwelling Unit The minimum lot area per dwelling unit shall be one-thousand (1,000) square feet.

(g) Additional Regulations The additional regulations are as follows:

(1) Any use, including incidental or accessory storage, not within a completely enclosed building shall be screened from adjoining residential districts by a solid fence or wall at least six (6) feet in height.

(2) Any lighting shall be placed so as to reflect the light away from adjoining residential districts.

(3) Any part of the lot not otherwise surfaced shall be landscaped.

#### Sec. 1206 Site Plan Approval

Site plan approval shall be obtained prior to any issuance of a building or use permitted in GB general business districts.

ARTICLE 13LI, Light Industry DistrictSec. 1301 Intent

The LI light industry district provides for light industrial uses in locations which are suitable and appropriate taking into consideration the land uses on adjacent or nearby properties, access to a major street or highway, rail service or other means of transportation, and the availability of public utilities. Regulations are intended to encourage development of such manufacturing, fabricating, processing, packaging, and other industries as can be operated in a relatively clean, quiet and safe manner compatible with adjoining uses, and without serious adverse effect, danger or hazard by reason of smoke, soot, dust, odor, radiation, noises, vibration, heat, glare, toxic fumes or other conditions detrimental to the public health, safety and general welfare.

Sec. 1302 Permitted Uses

The following uses shall be permitted in LI light industry districts:

- (a) Manufacturing of apparel and other finished products made from fabrics, leather and similar materials;
- (b) Manufacturing of furniture and fixtures;
- (c) Printing, publishing and allied industries;
- (d) Manufacturing of professional scientific and controlling instruments; photographic and optical goods, watches and clocks;
- (f) Motion picture production;
- (g) Motor vehicle transportation facilities and services including bus passenger terminals, bus garaging and equipment maintenance, motor freight terminals, motor freight garaging and equipment maintenance, taxicab transportation, freight forwarding services, packing and crating services, travel arranging services, and transportation ticket services;
- (h) Automobile parking structures;
- (i) Wholesale trade including motor vehicles and automotive equipment, drugs, chemicals and allied products, dry goods and apparel, groceries and related products, electrical goods, and supplies, machinery and other wholesale trade;
- (j) Warehousing and storage services including household goods warehousing, refrigerated warehousing, food lockers and general warehousing and storage; and
- (k) Permanent lakes, man-made or natural, of one (1) acre or more surface area.

Sec. 1303 Uses Permitted on Appeal

The following uses may be permitted on appeal in LI light industry districts:

- (a) Contract construction services including general building construction services and special construction trade services, concrete services, and water well drilling services;
- (b) Public assembly for entertainment including amphitheaters, motion picture theaters, drive-in movies, for sports including stadiums, arenas, field houses, race tracks and for other public assembly including auditoriums and exhibition halls; and
- (c) Amusement parks, fairgrounds, and other amusements.

#### Sec. 1304 Permitted Accessory Building and Uses

Any accessory building or use customarily incidental to a permitted use shall be permitted.

#### Sec. 1305 Use Regulations

All uses permitted or permitted on appeal in LI light industry districts shall conform with the following use regulations:

(a) Building Height The height of buildings shall not exceed forty (40) feet.

(b) Yards

(1) Front Yard There shall be a front yard of not less than fifty (50) feet on all lots abutting residential districts or adjacent to arterial or collector streets, of which the front twenty (20) feet shall be utilized for landscaping and entrance drives.

(2) Side Yards A side yard of not less than thirty (30) feet shall be maintained where the side of the lot abuts a residential district, of which the exterior ten (10) feet shall be utilized for landscaping.

(3) Rear Yard Where a lot abuts a residential district, whether or not separated by an alley, there shall be a rear yard having depth of not less than twenty-five (25) feet.

(c) Lot Coverage The maximum lot coverage shall be fifty (50) percent of the lot area.

(d) Additional Regulations The additional regulations are as follows:

(1) All operations and storage adjacent to residential or business districts or adjacent arterial or collector streets shall be conducted within a completely enclosed building or within an area enclosed by a solid fence or wall at least six (6) feet in height, and provided that no objects shall be stacked higher than the wall so erected.

(2) Any lighting shall be placed so as to reflect the light away from adjoining residential areas and in accordance with the Greenlee County illumination ordinance.

Sec. 1306 Site Plan Approval

Site plan approval shall be obtained prior to any issuance of a building or use permit in LI light industry districts.



ARTICLE 14HI, Heavy Industry DistrictSec. 1401 Intent

The HI heavy industry district provides for heavy industrial uses in locations which are suitable and appropriate taking into consideration land uses on adjacent or nearby properties, access to a major street or highway, rail service or other means of transportation, and the availability of public utilities. Regulations are intended to allow within safe limits industrial uses and structures having physical and operational characteristics which may be offensive or hazardous or which might otherwise adversely affect the economic welfare of nearby properties and uses.

Sec. 1402 Permitted Uses

The following uses shall be permitted in HI heavy industry districts:

- (a) All uses permitted and permitted on appeal in LI light industry districts:
- (b) Manufacturing of food and kindred products;
- (c) Manufacturing of textile mill products;
- (d) Manufacturing of lumber and wood products;
- (e) Manufacturing of paper and allied products;
- (f) Manufacturing of chemical and allied products;
- (g) Manufacturing of petroleum refining and related industries;
- (h) Manufacturing of rubber and plastic products;
- (i) Manufacturing of stone, clay and glass products;
- (j) Manufacturing of primary metals; and
- (k) Manufacturing of fabricated metal products.

Sec. 1403 Uses Permitted on Appeal

The following uses may be permitted on appeal in HI heavy industry districts:

- (a) Canneries;
- (b) Fertilizer plants;
- (c) Commercial feed lots;
- (d) Meat packing plants;
- (e) Tallow works;
- (f) Junkyards; and
- (g) Airports and Heliports

Sec. 1404 Permitted Accessory Building and Uses

Any accessory building or use customarily incidental to a permitted use shall be permitted.

Sec. 1405 Use Regulations

All uses permitted or permitted on appeal in HI heavy industry districts shall conform with the following use regulations.

- (a) Building Height The height of buildings shall not exceed the height established during the site plan approval.
- (b) Yards Minimum required yards shall be the same as those of LI light industry districts.
- (c) Lot Coverage The maximum lot coverage shall be fifty (50) percent of the lot area.
- (d) Additional Regulations The additional regulations are as follows:

- (1) There shall be a solid wall or sight-obscuring fence at least six (6) feet in height on the rear and/or side property lines that are adjacent to any residential districts.
- (2) Any lighting shall be placed so as to reflect the light away from adjoining residential areas.

Sec. 1406 Site Plan Approval

Site plan approval shall be obtained prior to any issuance of a building or use permit in HI heavy industry districts.

Article 15AA, Airport Airspace District<sup>20</sup>Sec. 1501 Intent

An AA Airport Airspace District, to be superimposed over existing zoning districts, is established for the purposes of regulating and restricting the height of structures and objects of natural growth, and otherwise regulating the use of property, in the vicinity of airports designated on the official zoning district map by creating airport approach, transitional horizontal and conical zones, and establishing the boundaries thereof. It is hereby found that the creation or establishment of an airport hazard is a public nuisance and that it is necessary in the interest of the public health, safety, convenience and welfare that the creation or establishment of airport hazards be prevented, so as to not endanger the lives and property in the airport's vicinity.

Sec. 1502 Definitions

As used in this Article, unless the context otherwise requires, the following words and phrases shall have the following meanings:

- (a) Airport Any landing area locality, either land or water, which is used or intended to be used for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing or repair of aircraft, or for receiving or discharging passengers or cargo.
- (b) Airport Elevation The established elevation in feet above mean sea level of the highest point on the usable landing area.
- (c) Airport Hazard Any structure or object of natural growth located on or in the vicinity of an airport, or any use of land near such airport, which obstructs the airspace required for, or is otherwise hazardous to, the flight of aircraft in landing or take-off at such airport.
- (d) Height For the purpose of determining the height limits in all zones set forth in this Article and shown on the official zoning district map, the datum shall be mean sea level elevation unless otherwise specified.
- (e) Landing Area The area of the airport used for landing, taking-off or taxiing of aircraft.
- (f) Non-Instrument Runway A runway other than an instrument runway. Generally, a runway intended solely for the operation of aircraft using visual approach procedures.
- (g) Non-Instrument Runway A runway intended for the operation of aircraft using straight-in non-precision instrument approach procedures utilizing air navigation facilities with horizontal guidance or area type navigation equipment.
- (h) Precision Instrument Runway A runway intended for the operation of aircraft even under conditions of restricted visibility using precision instrument approach procedures utilizing Instrument Landing System (ILS) or Precision Approach Radar (PAR) electronic navigation aids.

(i) Runway The improved surface, whether paved or not, of an airport prepared for landing and take-off of aircraft along its length.

(j) Structure An object constructed or installed by man, including but without limitation, buildings, towers, smokestacks, earth formation, and overhead transmission lines.

(k) Tree Any object of natural growth.

### Sec. 1503 Establishment of Zones

In order to carry out the provisions of this Article, there are hereby created and established certain zones which include all of the area under the approach, transitional horizontal, and conical surfaces defined hereinafter and shown on the official zoning district map. An area located in more than one (1) of the following zones is considered to be in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

(a) Non-Instrument Approach Zone A non-instrument approach zone is established at each end of all non-instrument runways. The non-instrument approach zone surface shall have a width of five-hundred (500) feet at a distance of two-hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of two-thousand (2,000) feet at a distance of five-thousand two-hundred (5,200) feet beyond each end of the runway; its centerline being the continuation of the centerline of the runway. The non-instrument approach zone surface slopes upward uniformly and outward from the runway on (1) foot vertically for each twenty (20) feet horizontally, beginning at the same elevation as the end of the runway.

(b) Non-Precision Instrument Approach Zone A non-precision instrument approach zone is established at each end of all non-precision instrument runways. The non-precision instrument approach zone surface shall have a width to one-thousand (1,000) feet at a distance of two-hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of four-thousand (4,000) feet at a distance of ten-thousand two-hundred (10,200) feet beyond each end of the runway; its centerline being the continuation of the centerline of the runway. The non-precision instrument approach zone surface slopes uniformly and outward from the runway one (1) foot vertically for each thirty-four (34) feet horizontally, beginning at the same elevation as the end of the runway.

(c) Precision Instrument Approach Zone A precision instrument approach zone is established at each end of all precision instrument runways. The precision instrument approach zone surface shall have a width of one-thousand (1,000) feet at a distance of two-hundred (200) feet beyond each end of the runway, widening thereafter uniformly to a width of sixteen-thousand (16,000) feet at a distance of fifty-thousand two-hundred (50,200) feet beyond each end of the runway; its centerline being the continuation of the centerline of the runway. The precision instrument approach zone surface slopes upward uniformly and outward from the runway one (1) foot vertically for each fifty (50) feet horizontally for a distance of ten-thousand (10,000) feet and thence on (1) foot vertically for each forty (40) feet horizontally, beginning at the same elevation as the end of the runway.

(d) Transition Zone A transition zone is hereby established adjacent to each and every runway and approach zone. The transition zone surface extends outward and upward at right angles from lines two-hundred fifty (250) feet on both sides of the centerline of a non-instrument runway, for the length of such runway plus two-hundred (200) feet on each end of the runway; and five hundred (500) feet on both sides of the centerline of a non-precision or precision instrument runway, for the length of such runways plus two-hundred (200) feet on each end of the runways. The transition zone surfaces along runways begin level with such runway elevations and slope upward and outward one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the horizontal and conical zones. Further, transition zones are established adjacent to all approach zones. Such transition zone surfaces extend from both sides of the approach zone and slope upward and outward at right angles at the rate of one (1) foot vertically for each seven (7) feet horizontally to the points where they intersect the surfaces of the horizontal and conical zones. Additionally, transitional zones for those portions of the approach zones which project through and beyond the limits of the conical surface, the transitional zone surface extends outward and upward at the rate of one (1) foot vertically for each seven (7) feet horizontally for a distance of five-thousand (5,000) feet measured horizontally from both edges of the approach zone and at right angles to the extended runway centerline.

(e) Horizontal Zone The horizontal zone is hereby established as the area within arcs of five-thousand (5,000) feet radii for non-instrument runways and arcs of ten-thousand (10,000) feet radii for instrument runways made from a point on the extended centerline of the runways and two-hundred (200) feet beyond the end of the runway, and connecting the adjacent arcs by straight lines tangent to such arcs. The horizontal zone surface is established at a uniform height of one-hundred fifty (150) feet above the airport elevation. The horizontal zone does not include the approach and transitional zones.

(f) Conical Zone A conical zone is hereby established as the area under the conical zone surface that commences at the periphery of the horizontal zone and extends outward and upwards at a rate of one (1) foot vertically for each twenty (20) feet horizontally for a horizontal distance therefrom of four-thousand (4,000) feet. The conical zone does not include the instrument approach zones and the transitional zones.

#### Sec. 1504 Height Limitations

No structure or tree shall be erected, altered, allowed to grow or be maintained in any zone created by this Article to a height in excess of the applicable height limit herein established as the surface boundaries of any approach, transitional, horizontal or conical zone, except as otherwise provided in this Article. Where an area is covered by more than one (1) height limitation, the more restrictive limitation shall prevail.

#### Sec. 1505 Use Regulations

The provisions and regulations of the zoning districts over which AA Airport Airspace districts are superimposed, if more restrictive, shall prevail. No use shall be made of land underlying the surface boundaries of any zone created by this Article in such a manner as to create electrical interference with radio

communication of the airport or aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport or otherwise endanger the landing, taking-off, or the zoning of aircraft. Furthermore, regardless of the zoning district over which AA Airport Airspace districts are superimposed, the following uses are strictly prohibited on land within the horizontal and conical zones:

(a) Hospitals, sanitariums and convalescent and rest homes; and

(b) Nursery, primary and secondary educational services.

#### Sec. 1506 Hazard Marking

Any use permit that is granted for property underlying the surface boundaries or any zone created by this Article, may be so conditioned as to require the owner of the property for which said permit is desired, at the owner's expense, to install, operate, and maintain such markings and lights as may be necessary to indicate to flyers the presence of an airport hazard, where such action is deemed advisable due to the presence of such hazard in order to effectuate the intent of this Article.

ARTICLE 16

PR, Planned Residential Districts

Sec. 1601 Intent

It is intended to permit, on application and on approval of detailed site, use and building plans, creation of PR planned residential districts to promote by unified planning and development economical and efficient land use, an improved level of amenities, appropriate and harmonious variety in physical development, creative design and a better neighborhood environment.

Sec. 1602 Divisions of District

The PR, planned residential district shall be further divided into the following intensity districts, as hereinafter described and regulated, and so designated on the official zoning district map: PR-30, PR-40, PR-50 and PR-60.

Sec. 1603 Permitted Uses

The following uses shall be permitted in PR planned residential districts:

- (a) All uses permitted in MR multiple-household residential districts.

Sec. 1604 Uses Permitted on Appeal

The following uses may be permitted on appeal in PR planned residential districts:

- (a) All uses permitted on appeal in MR multiple-household residential districts.

Sec. 1605 Permitted Accessory Buildings and Uses

All accessory buildings and uses customarily incidental to a permitted use and all accessory buildings and uses permitted in SR single-household residential districts, subject to all SR district regulations shall be permitted in PR planned residential districts.

Sec. 1606<sup>21</sup> Establishment of PR Districts

PR planned residential districts may be established by amendment to the official zoning district map in accordance with the requirements and procedures set forth in these Zoning Regulations

Sec. 1607 Minimum Area Requirements

Where a PR planned residential district is established, minimum area of the district shall be as follows:

<u>District</u>	<u>Minimum Area (Acres)</u>
PR-30	20

PR-40	10
PR-50	5
PR-60	2

#### Sec. 1608 Site Suitability Requirements

(a) Physical Character The physical character of the site shall be suitable for development in the manner proposed without in due hazards to persons or property, on or off the site, from flooding, erosion, subsidence, or slipping of the soil, or other dangers, annoyances, or inconveniences.

(b) Location Requirements The location of the site shall be so situated that direct access to collector or arterial streets can be made without creating traffic on local residential streets outside the district. The location shall be appropriately related to existing and proposed patterns of development in the General Development Plan and to public and private facilities and services, existing or clearly to be available by the time development reaches the stage where they will be required.

#### Sec. 1609 Site Planning, External Relationship

Site planning within PR planned residential districts shall provide protection of the development from potentially adverse surrounding influences and protection of surrounding areas from potentially adverse influences within the development. In particular:

(a) Vehicular Access Principal vehicular access points shall be designed to encourage smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Merging and turnout lands and/or traffic dividers shall be required where existing or anticipated heavy flows indicate need. In general, minor streets outside the PR district in such a way as to encourage the use of such minor streets by substantial amounts of through traffic. No lot within a planned residential district shall have direct vehicular access to a street bordering the development.

(b) Pedestrian Access Access for pedestrians and cyclists entering or leaving the PR district shall be safe and convenient routes. Such ways need not be adjacent to, or limited to the vicinity of, vehicular access points. Where there are crossings of such ways and vehicular routes at edges of planned residential districts, such crossings shall be safely located, marked, and controlled and, where such ways are exposed to substantial guards may be required to prevent crossings except at designated points. Bicycle and/or bridle paths, if provided, shall be so related to the pedestrian way system so that street crossings are minimized.

(c) Protection of Visibility No material impediment to visibility more than two and one-half (2 ½) feet above grade shall be created or maintained at the intersection of any street in the PR district and any street at the edge of the district within triangles constructed as follows: beginning at the intersection of the edges of the rights-of-way (projected if corners are rounded), thence fifty (50) feet in the direction of oncoming traffic along the right-of-way line of the street at the edge of the PR district, thence to a point twenty-five (25) feet toward the interior of the development along the intersecting right-of-way line, and thence to



the point of beginning. Where there is pedestrian or bicycle access from within the development to a street at its edges by paths or across yards or other open space without a barrier to access to the street, no material impediment to visibility more than two and one-half (2 ½) feet above grade shall be created or maintained within areas appropriate to the circumstances of the particular case.

(d) Screening Fences, walls or vegetative screening shall be provided along edges of planned residential districts where needed to protect residents from undesirable views, lighting, noise, or other off-site influences or to protect occupants of adjoining residential districts from similar adverse influences within the PR district. Extensive off-street parking areas and service areas for loading and unloading vehicles other than passenger and for storage and collection of trash and garbage shall be screened.

#### Sec. 1610 Site Planning, Internal Relationships

The site plan shall provide for safe, efficient, convenient, and harmonious grouping of structures, uses, and facilities and for appropriate relation of space inside and outside buildings to intended uses and structural features. In particular:

(a) Street Streets, drives, parking and service areas shall provide safe and convenient access to dwelling units and project facilities, and for service and emergency vehicles, but streets shall not be so laid out as to encourage outside traffic to traverse the development on minor streets, nor occupy more land than is required to provide access as indicated, nor create unnecessary fragmentation of the development into small blocks. In general block size shall be the maximum consistent with the use and shape of the site and the convenience and safety of the occupants.

(b) Vehicular Access Vehicular access from off-street parking and service areas may be made directly to local streets from dwelling units. Vehicular access to other streets from off-street parking and service areas shall be so combined, limited, located, designed and controlled as to channel traffic from and to such areas conveniently, safely, and in a manner which minimizes marginal traffic friction and promotes free traffic flow on streets without excessive interruptions.

(c) Pedestrian Access Walkways shall form a logical, safe, and convenient system for pedestrian access to all dwelling units, projects facilities, and principal off-site pedestrian destinations. Walkways to be used by substantial numbers of children as play areas or routes and safeguarded as to minimize contacts with normal automotive traffic. Street crossings shall be held to a minimum on such walkways, located and designed to provide safety, and appropriately marked and otherwise safeguarded. Pedestrian ways, appropriately located, designed, and constructed, may be combined with other easements and used by emergency or service vehicles, but shall not be used by other automotive traffic.

(d) Protection of Visibility Protection of visibility for automotive traffic, cyclists and pedestrians shall be as provided in Section 3-1007 (c), except that visibility triangles shall be provided at the intersection of any streets within the development, within triangular area formed by the intersecting edges of the rights-of-way (as projected if corners are rounded and a line joining points twenty-five (25) feet along both intersecting edges from such point of

intersection.

Sec. 1611 Use Regulations

All uses permitted or permitted on appeal in PR planned residential districts shall conform with the following use regulations:

(a) Intensity of Use The intensity of use within any PR planned residential district shall be limited in general by requirements for streets, common recreation areas, spacing between units, open space adjacent to units, and the like, but intensity of use shall conform with the following requirements:

(1) Floor Area Ratio The maximum square footage of total floor area permitted for each square foot of land area:

<u>District</u>	<u>Floor Area Ratio</u>
PR-30	0.1
PR-40	0.2
PR-50	0.4
PR-60	0.8

(2) Open Space Ratio The minimum square footage of open space required for each square foot of floor area:

<u>District</u>	<u>Open Space Ratio</u>
PR-30	8.00
PR-40	3.90
PR-50	1.80
PR-60	0.86

(3) Livability Space Ratio The minimum square footage of non-vehicular outdoor space required for each square foot of floor area:

<u>District</u>	<u>Livability Space Ratio</u>
PR-30	6.40
PR-40	2.60
PR-50	1.10
PR-60	0.05

(4) Recreation Space Ratio The minimum square footage of recreation space required for each square foot of floor area:

<u>District</u>	<u>Recreation Space Ratio</u>
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PR-30	0.25
PR-40	0.18
PR-50	0.13
PR-60	0.10

(b) Building Height Maximum height for buildings shall be seventy-five feet above grade.

(c) Exterior Yards Where PR districts adjoin public streets, an exterior yard at least twenty-five (25) feet in depth shall be provided along the tract boundaries adjoining such streets. When PR districts adjoin another residential districts without an intervening street or alley, an exterior yard at least twenty (20) feet in depth shall be provided adjacent to such boundaries. Where PR districts adjoin any other non-residential districts without an intersecting street or alley, a yard at least ten(100 feet in depth shall be provided within PR districts. Greater depth and/or approved screen planting, walls or fences may be required in any exterior yard where necessary to provide protection of dwellings in the development from traffic noise and lights or from other adverse influences outside the development. Except as otherwise specifically provided, any such exterior yard may be included in individual lots and used to meet yard or area requirements for dwelling units thereon, if appropriately located and improved. No group parking facilities for common use shall be located in any required exterior yard adjoining lots in residential use.

#### Sec. 1612 Preliminary Plan and Report

The preliminary plan and report shall contain and include the following:

- (a) Proposed land uses and types of structures, with approximate locations of buildings, their function and visual impact;
- (b) Relation to existing or probable future development outside the PR district;
- (c) Proposed automotive and pedestrian circulation systems, including designation of streets by type, and any existing or platted streets to be vacated, major off-street parking and loading areas;
- (d) Proposed parks, playgrounds, school sites, pedestrian parkways, and other major open spaces not for automotive traffic;
- (e) General location of utilities, easements and other service facilities;
- (f) If development is to be in stages, indication as to anticipated location, order and timing; and
- (g) Proposals for providing public facilities, utilities and services.

#### Sec. 1613 Final Plan and Report

The final plan and report shall contain and include the following:

- (a) Plats as required by the Subdivision Regulations, but with such modifications of subdivision requirements as are provided generally or planned development, or as permitted or specified by the Board of Supervisors in its action in the particular case;
- (b) A final plan indicating the location and purposes of all features and improvements, including items required to be included in the preliminary plan and report as specified details as will permit the Planning Director to make a determination concerning conformity with these Zoning Regulations.
- (c) Proposed final drafts of all agreements, contracts, dedications, deed restrictions, sureties, or other instruments to be provided; and
- (d) Detailed plans of proposed individual buildings and groups of buildings and their sites, including floor plans, elevations, and indications as to yards and open spaces between buildings or portions of buildings to the extent necessary to permit the planning Director to make a determination concerning conformity with these Zoning Regulations.

ARTICLE 17Supplemental RegulationsSec 1701 Intent

It is the intent of this Article to set forth supplementary and qualifying conditions which must be complied with, in connection with uses permitted within a zoning district or districts.

Sec. 1702 Swimming Pools

Swimming pools shall be permitted in all zoning districts; however, no swimming pool shall be located in any minimum required front or side yard, nor shall any such pool be closer than seven (7) feet to any lot line. Every swimming pool shall be enclosed by a fence or wall not less than five (5) feet in height which is so constructed, gated and locked as to discourage unauthorized entry to such pool.

Sec. 1703 Solid Wastes Disposal

The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish, refuse or other solid waste, or of ashes, slag, or other industrial wastes or by-products, shall be considered a use permitted on appeal in every zoning district and approval of such use may be conditioned by the Planning and Zoning Commission<sup>22</sup> by reasonable sureties and other requirements to ensure establishment, operation and maintenance that is compatible to permitted uses in the district in which such disposal site is located and that such use is not potentially injurious to public, health, convenience or safety and not otherwise a nuisance of any kind whatsoever.

Sec. 1704 Exceptions to Height Limitations

(a) Height regulations established elsewhere in these Zoning Regulations shall not apply to the following in any district, provided, however, the AA airport airspace district height limitations shall apply regardless of these exceptions:

Barns; chimneys; cupolas, domes; flagpoles; parapet walls extending not more than four (4) feet above the height limit of the building; aerials; non-commercial antennas, receivers, and transmitters; power transmission towers and poles; private windmills; church spires; monuments; belfries; elevator penthouses, and water tanks; provided that such structures above the height limit specified for the zoning district shall not in the aggregate occupy more than twenty-five (25) percent of the lot area.

(b) Height regulations established elsewhere in these zoning Regulations may be exceeded for the following structures, when otherwise permitted within a zoning district, only upon a finding by the Commission that the public health, safety and welfare will not be adversely affected.

Conveyors; derricks; observation towers; commercial towers, transmitters, antennas and other communications services; masts; silos; smokestacks; commercial windmills; bulkheads; fire and hose towers; cooling towers;

gas holders; grain elevators; refineries and other structures not for human occupancy or where manufacturing processes require a great height; provided that such structures above the height limit specified for the zoning district shall not in the aggregate occupy more than twenty-five (25) percent of the lot area, and shall be located so that if any structure should collapse, its reclining length would still be contained on the property on which it was erected.

Before constructing such a structure, the applicant shall submit a site plan, with supporting statement, to the Commission for its review, a public hearing, and recommendation. Notice and procedures for public hearings this Ordinance and State Statutes.<sup>23</sup>

#### Sec. 1705 Elevated Storage Facilities

Any elevated storage facility, water tower or other structure where a large weight would be supported by legs, structural wall or other supports shall be so located that if it should collapse, its reclining length would still be contained on the property on which it was erected.

#### Sec. 1706<sup>24</sup> Flammable Storage

The following minimum regulations apply to the dispensing and bulk storage of all flammable products in all zoning districts except RU rural districts:

- (a) Retail storage tanks shall be underground or shall be allowed above ground with approval of the State Fire Marshall.
- (b) Storage tanks shall bear the valid label of a recognized approving agency or be approved by the County Engineer.
- (c) Fill stems and header pipes shall enter through the top and shall be designed to slope to the tank.
- (d) Each tank shall be vented to the atmosphere, outside of any building, by means of an independent pipe.
- (e) Fill pipes shall be located outside of and five (5) feet or more from the nearest building opening.
- (f) Dispensing devices, including delivery hoses and containers, shall bear the valid label of a recognized approving agency.

#### Sec. 1707 Gasoline Station Pumps

In any district, no service station gasoline pump shall be located closer than twelve (12) feet to any street line, or closer than fifty (50) feet to any residential district. In determining setback requirements, a gasoline pump shall be considered a building.

#### Sec. 1708 Future Street Lines

Where future street lines have been officially established by the Board of

Supervisors, all required setbacks shall be measured from such projected street lines.

#### Sec. 1709 Projections Into Required Yards

In all residential districts, the following regulations of projections into required yard shall apply:

(a) Awnings, open fire balconies, fire escape stairs, window-type refrigeration units, suspended or roof evaporative coolers, and forced air furnaces, may project not more than five (5) feet over any required yard, provided that they are no closer than two (2) feet to any lot line.

(b) Except as provided elsewhere, no compressor unit, condensing unit, cooling tower, evaporative condenser, or similar device, shall be located to any interior lot line than the minimum setback required for the main building.

(c) Cornices and eaves may project no more than three (3) feet over any required yard provided that they are no closer than two (2) feet to any lot line.

(d) Sills, leaders, belt courses and similar ornamental features, may project not more than one (1) foot over or into any required yard; a chimney or pilaster may project not more than two (2) feet into any required yard, provided that it is not more than eight (8) feet in dimension paralleling the nearest lot line.

(e) Unroofed terraces, patios, steps or similar features not over three (3) feet in height above grade, any project into any required yard.

#### Sec. 1710 Fences, Walls, and Hedges

In all residential districts, the following regulations of fences, walls and hedges shall apply:

(a) No fence, wall or hedge exceeding three (3) feet in height above grade shall be erected, placed, planted or allowed to remain in or along the front or side lot line of any required front yard.

(b) No property line fence shall contain barbed wire, electrical current or charge of electricity, broken glass, or similar hazardous materials or devices.

#### Sec. 1711 Yard Space for One Building Only

No required yard or other open space around an existing building, which is needed to comply with the provisions of these Zoning Regulations, shall be considered as providing a yard or open space for any yard or other required open space on an adjoining lot be considered as providing a yard or open space on the lot where a building is to be erected or established.

#### Sec. 1712 Every Dwelling to be on a Zoning Lot

Every building which contains dwelling space shall be located and maintained on a zoning lot as defined in these Zoning Regulations.

Sec. 1713 Sale or Lease of Required Space Prohibited

No space needed to meet the width, yard, area, coverage, parking, frontage on a public street, or other requirement of these Zoning Regulations for a lot or building may be sold, bequeathed, or leased apart from such lot or building unless other space so complying with all of the provisions of these Zoning Regulations.

Sec. 1714 Storage of Junk Prohibited in Residential Districts

No yard or other open space surrounding an existing building in any transitional or residential district, or which is hereinafter provided around any building in any transitional or residential district, shall be used for the storage of junk, debris, or obsolete vehicles; and no land shall be used for such purposes, except as specifically permitted herein.

Sec. 1715 Storage of Trucks Prohibited in Residential Districts

The storage of more than one (1) truck having a rated capacity of more than one and one-half (1-1/2) tons (except farm trucks) and the storage of construction equipment such as bulldozers, graders, cement mixers, compressors, dump trucks and others shall not be permitted on any lot in residential districts; provided, however, that such construction equipment may be stored on a lot during construction of building thereon, but not to exceed one (1) year.

Sec. 1716 Mutual Garages Across Lot Lines

An accessory building such as a detached carport or garage may be constructed across a common lot line by written agreement between the two adjoining property owners when such agreement is recorded in the office of the county recorder.

Sec. 1717 Mutual Dwelling Across Lot Lines

In districts in which two-household dwellings are permitted, a two-household dwelling may be constructed across a common lot line when separated on the line by a dividing wall, provided a written agreement between the two adjoining property owners is recorded in the office of the county recorder.

Sec. 1718 Roof Drainage

Surface water from roof tops shall not be allowed to drain directly onto adjacent lots except after written agreement between the two adjoining property owners is recorded in the office of the county recorder.

Sec. 1719 Temporary Uses and Structures

The following regulations shall govern the operation of certain transitory or seasonal uses:

(a) Permits Application for a temporary building or use permit shall be made to the Zoning Inspector, and shall contain the following information:



- (1) A description of the property to be used, rented or leased for the temporary use, including all information necessary to accurately portray the property;
- (2) A description of the proposed use; and
- (3) Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to service the proposed use.

(b) Uses The following are temporary uses and are subject to the following specific regulations and time limits, in addition to the regulations to any district in which the use is located:

- (1) Carnival, Circus or Music Festival When authorized by the Board of Supervisors, a temporary use permit for a carnival, circus or music festival may be issued in any district, for a period not longer than fifteen (15) days.
- (2) Christmas Tree Sales A temporary use permit, when authorized by the Board of Supervisors, may be issued for the display and open-lot sales of Christmas trees for a period not longer than forty-five (45) days.
- (3) Contractor's Office In any district, a temporary use permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. The permit shall be valid for not more than one year but shall be renewable for one year. The office and/or shed shall be removed upon completion of the construction project.
- (4) Real Estate Sales Office In any district, a temporary use permit may be issued for a temporary real estate sales office in any new subdivision which has been approved in accordance with the Greenlee County Subdivision Regulations. The permit for such office shall be valid for not more than one (1) year, but is renewable for up to three (3) years. The office shall be removed upon completion or the development. A model home may be used as a temporary sales office.

#### Sec. 1720 Mobile Homes and Recreational Vehicle

Mobile homes and recreational vehicles shall be prohibited as permanent dwellings within the SR-43, SR-12, SR-8, MR-A, MR-B, MR-C, MR-D, PR-30, PR-40, PR-50, and PR-60 zoning districts, provided however, this prohibition shall not restrict the parking or storing of recreational vehicles in any zoning district.

#### Sec. 1721 Permitted Home Occupations

A home occupation, as defined, may be permitted upon appeal in any zoning district.

#### Sec. 1722 Custodial Mobile Home

The owner of a parcel of land within industrial district, upon which a manufacturing establishment is located, may have one (1) custodial mobile home on the parcel for the occupancy of such persons as the owner may designate but whose occupation shall be directly connected with the operation or protection of the industry upon the following terms and conditions:

- (a) The owner of the premises or the occupant of the modular home shall obtain a custodial mobile home permit from the Zoning Inspector in January of each year; and
- (b) Approval of the County Sanitarian must be obtained prior to any issuance of a permit.

#### Sec. 1723 Outdoor Theaters

The following minimum regulations shall apply to outdoor theaters:

- (a) The minimum lot area shall be ten (10) acres;
- (b) No outdoor thereafter shall be located within three-hundred (300) yards of any residential district;
- (c) The face of the screen shall be located a minimum of seven-hundred (700) feet back from the highway or street right-of-way line, if visible from said highway or street;
- (d) Only one-way traffic shall be permitted on the site of an outdoor theater;
- (e) There shall be at least one (1) emergency exit;
- (f) Entrance lanes shall be capable of handling a minimum of thirty (30) percent of theater capacity; and
- (g) Landscaping shall be provided.

#### Sec. 1724 Cemeteries

For purposes of these Zoning Regulations, cemeteries shall be considered as a use permitted upon appeal in any district. The application for such use permit shall indicate among other things the total number of lots, roads, and landscaping and maintenance provisions.

#### Sec. 1725 Automobile Service Stations

No building or use permit shall be approved for an automobile service station unless accompanied by the following:

- (a) A site plan showing the building area, service area, and sales area;
- (b) Rendering of buildings the construction of which shall be in reasonable conformity thereto. All structures shall be of a design character that is appropriate to the area in which they are to be constructed. All canopies shall be connected to the roof of the main structure unless otherwise approved;
- (c) A detailed landscape plan showing plan type, size and spacing;
- (d) A solid wall or fence at least six (6) feet in height shall be required between all automobile service stations sites and adjoining residential districts; and

(e) All signs and outdoor lighting shall be placed in such a manner so as not to interfere or confuse traffic or present any hazard to traffic.

#### Sec. 1726 Outdoor Light Fixtures

Installations of all outdoor lighting fixtures shall comply with the standards of the Greenlee County Light Pollution Code in addition to any specific requirements set forth within these regulation, including the following: all onsite residential outdoor light fixtures shall be installed no higher than 20 feet above ground level, unless there are special problems on poles, including but not limited to existing equipment or conductors, in which case fixtures may be installed at a height not to exceed 27 feet above ground level. All residential lighting fixtures shall be shielded in accordance with the Greenlee County Light Pollution Code and shall be arranged so as to reflect light away from and prevent glare to adjoining residential properties.

#### Sec. 1727 Keeping of Livestock and Pets

Livestock, poultry and other animals, including horses in rural districts on appeal and household pets may be kept in all zoning districts unless otherwise prohibited or regulated by these Zoning Regulations. Such animals shall be kept confined by fences or other restraints of sufficient strength and durability, or be otherwise under the control of its owner or keeper, to prevent such animals from roaming at large, unless otherwise exempted by Section 308 of these Zoning Regulations or the Arizona Revised Statutes. Nothing contained therein shall relieve the owner or keeper of such animals from complying with all applicable rules and regulations of the County Health Department or others having jurisdiction.

#### ***Sec. 1728 Medical Marijuana Qualifying Patient Cultivation Location***<sup>25</sup>

***(A) The qualifying patient cultivation location may be located a minimum of twenty five (25) miles from a Nonprofit Medical Marijuana Dispensary in any District as a permitted use or as an accessory use to the qualifying patient's primary residence.***

***(B) Medical Marijuana Qualifying Patient cultivation location must not be detectable from the exterior of the building in which the cultivation takes place. The qualifying patient cultivation location must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.***

#### ***Sec. 1729 Medical Marijuana Designated Caregiver Cultivation Location***<sup>26</sup>

***(A) The Medical Marijuana Designated Caregiver Cultivation Location may be located a minimum of twenty five (25) miles from a Nonprofit Medical Marijuana Dispensary in any District as a permitted use or as an accessory use to the caregivers primary residence.***

***(B) Medical Marijuana Designated Caregiver Cultivation Location must not be detectable from the exterior of the building in which the cultivation takes place. The qualifying patient cultivation location must comply with the security requirements of A.R.S. Title 36, Chapter 28.1.***

ARTICLE 18Sign RegulationsSec. 1801 Intent

Signs are herein regulated in the interest of promoting traffic safety, safeguarding public health and comfort, facilitating police and fire protection and preventing adverse community appearance. Regulations are designed to permit maximum legibility and effectiveness of signs, and to prevent their over concentration, improper placement, and excessive height, bulk and area.

Sec. 1802 General Regulations

The following regulations regarding signs shall pertain to all zoning districts:

- (a) No sign shall be supported, in whole or in part, from within any street, alley or other public right-of-way.
- (b) No part of any free-standing sign shall be erected within or project over any part of a street, alley or other public right-of-way unless such sign location is granted by a valid permit issued by the Planning and Zoning Commission.
- (c) No sign shall erected, relocated or maintained so as to prevent free ingress to or egress from any door, window or fire escape, nor shall any sign be attached to a standpipe or fire escape.
- (d) No sign shall be erected or maintained at or near any intersection of streets, alleys or other public right-of-way in such a manner as to obstruct free and clear vision; or at any location where, by reason of its position, shape, color, or illumination, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device, or with any device mounted on a police or fire protection vehicle; or which makes use of the words, "Stop", "Look", "Danger", or any other word phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.
- (e) Every illuminated sign shall be so placed as to prevent glare or reflection from being cast on any adjoining residential district, or any beam or ray of light from being directed at any portion of a public street, alley or other right-off-way; provided, further that any illuminated non-accessory sign shall be illuminated only with lighting along the top edge of the sign or from within.
- (f) The regulations of this Article shall not apply to tablets of metal, stone or other incombustible material when built into or attached to the walls of a building or structure; provided that such tablets shall not exceed twelve (12) square feet in area.
- (g) If any sign is permitted to be illuminated, such illumination shall be neither intermittent nor flashing and it shall not be a nuisance in any manner.
- (h) Other sign regulations not with standing, the provisions of this Article shall not be construed to prohibit or restrict the erection and maintenance of traffic control, directional or informational signs by governmental and utility officials.

(i) Upon receipt of application and proof of need, an extension of removal time may be approved for subdivision development and contractor's signs, provided that such extension shall not exceed six (6) months beyond their removal date otherwise required by these Zoning Regulations.

(j) Other sign regulations notwithstanding, the provisions of this Article shall not be construed to prohibit or restrict the erection and lighting of Christmas displays, or the campaign signs of persons seeking public office.

#### Sec. 1803 Measurement of Signs

(a) The area of signs composed of individual fabricated or painted letters mounted directly on a building facade without painted or other background shall be computed by measuring the squared-off area of individual letters and adding fifty (50) percent.

(b) For all other types of signs, the area shall include the entire area within a single continuous perimeter enclosing the extreme limits of the sign; provided, however, that such perimeter shall not enclose any structural elements located outside the limits of the sign and not forming an integral part of the display.

(c) A spherical, double-faced or multi-faced sign shall be counted as one (1) sign, and its measured area shall be the maximum surface which is visible from any single viewing position on or above the ground.

#### Sec. 1804 Permitted Signs, RU and TR Districts

No sign shall be erected or maintained in any RU rural or TR transition district except as hereinafter provided:

(a) Name Plate and Home Occupation Signs One (1) illuminated name plate not exceeding one (1) square foot in area; or one (1) non-illuminated home occupation sign not exceeding two (2) square feet in area.

(b) Real Estate Signs Temporary, non-illuminated wall or free-standing signs advertising the premises for lease, rent, or sale no such sign shall exceed three (3) square feet in area, nor shall any such sign be placed closer than ten (10) feet to an adjoining lot or closer than five (5) feet to any street right-of-way line. Each real estate firm shall be limited to one (1) such sign on each lot or parcel for which such firm has a bona fide listing, unless it is a corner lot on which each such firm shall be limited to two (2) such signs. Each such sign shall be removed from the premises within ten (10) days subsequent to the leasing, rental or sale of the premises.

(c) Bulletin Boards One (1) illuminated sign, not exceeding fifteen (15) square feet in area.

(d) Utility Signs One illuminated sign at each entrance or exit, none of which exceeds two (2) square feet in area.

(e) Contractor's Signs One (1) non-illuminated sign, not exceeding three (3) square feet in area per contractor or sub-contractor listed, nor exceeding six (6) square feet in aggregate area; provided, however, that each such sign shall be

removed from the premises within twenty (20) days subsequent to completion of such contracted work.

(f) Identification Signs for permitted Non-Residential Uses One (1) illuminated sign not exceeding thirty-two (32) square feet in area, located not closer than ten (10) feet to any adjoining lot.

(g) Directional Signs Non-accessory directional signs, as herein defined, may be permitted, provided such signs are placed within three-hundred thirty (330) feet of a public right-of-way if within view, directed at, or intended to be read from said roadway; size shall not exceed thirty-two (32) square feet in area; shall not be placed within one-hundred fifty (150) feet of any other permitted sign; and shall not exceed twelve (12) feet in height above grade.

(h) Subdivision Development Signs Three (3) non-illuminated signs, none of which exceeds forty-eight (48) square feet in area or twelve (12) feet in single dimension; provided that such signs shall be located not less than two-hundred feet apart and not closer than one-hundred (100) feet to any adjoining property; and further provided that all such signs shall be removed from the premises when one (1) year has expired from the date of issuance of permit.

(i) Subdivision Name Signs Permanent, non-illuminated free-standing signs containing only the name of the subdivision; one (1) such sign on each side of any entrance to a subdivision; subject to the approval of design, size, and location by the Commission.

#### Sec. 1805 Permitted Signs, SR Districts

No sign shall be erected or maintained in any SR single household residential district except as hereinafter provided:

(a) Any accessory sign permitted in a RU rural district, subject to all regulations for RU districts.

(b) Directional Signs Non-accessory directional signs, as herein defined, may be permitted, provided such signs do not exceed fifteen (15) square feet in area and are not placed within fifty (50) feet of any other permitted sign.

(c) General Regulations Projecting signs, roof signs and non-accessory signs other than directional signs, shall be prohibited. No wall sign shall extend above the height of the eaves of the building to which it is attached; or in the case of a flat-roofed building, above the highest point of the roof or parapet wall. No free-standing sign shall be placed nearer than two (2) feet to any building or other sign; no part of any of-way line than one-half ( $\frac{1}{2}$ ) the minimum required setback for the lot on which it is located, except as otherwise provided in these Zoning Regulations. No free-standing sign shall exceed four (4) feet in height above grade.

#### Sec. 1806 Permitted Signs, MR, MH, and PR Districts

No sign shall be erected or maintained in an MR multiple-household residential, MH mobile home or PR planned residential district except as hereinafter provided:

(a) Any sign permitted in a MH multiple-household residential district, subject to all regulations for MR districts.

(b) Identification Signs Permanent wall or free standing signs designating the name of the principal permitted use; one (1) such sign on each street frontage, not exceeding eight (8) square feet in area.

(c) Developers Signs One (1) non-illuminated sign, not exceeding fifteen (15) square feet in area, nor located closer to any street right-of-way line than the minimum required setback for the lot on which it is located; provided, however, that such sign shall be removed from the premises within twenty (20) days subsequent to occupation of the premises.

#### Sec. 1807 Permitted Signs, NB Districts

No sign shall be erected or maintained in a NB neighborhood business district except as hereinafter provided:

(a) Any sign permitted in a MH multiple-household residential district, subject to all regulations for MR districts.

(b) Business Identification Signs One (1) or more illuminated wall, free-standing or projecting signs having an aggregate area not exceeding two (2) square feet for each one (1) lineal foot of street frontage.

(c) General Regulations Every projecting sign shall have a minimum clearance of ten (10) feet above grade; no such sign shall extend above the height of the building from which it projects, and may extend up to five (5) feet away from the front wall of the building to which it is attached.

#### Sec. 1808 Permitted Signs, GB Districts

No signs shall be erected or maintained in a GB general business district, except as hereinafter provided.

(a) Any sign permitted in an NB neighborhood business district, subject to all regulations for NB districts, provided however, the free standing business identification signs may stand up to four (4) feet above grade or may stand up to the maximum building height permitted provided such signs have a clear space of at least ten (10) feet between the bottom of the sign and the ground.

(b) Parking Lot Signs Subject matter shall be limited to off street parking directions and instructions. Where a parking lot is accessory to a principal use on the same lot; one (1) illuminated wall or free stranding sign at each entrance or exit, each such sign not exceeding six (6) square feet in area. Where a parking lot is a principal use; one (1) illuminated wall or free-standing sign at each entrance or exit, each such sign not exceeding twenty (20) square feet in area.

(c) Shopping Center Identification Signs Permanent free-stranding signs identifying the name of the shopping center on the premises; one (1) such sign permitted on each street frontage, each not exceeding one (1) square foot in area for each one (1) lineal foot of lot frontage on that street. Each such sign shall have an open space not less than ten (10) feet between the base line of the

sign and the grade, and no such sign shall have a height greater than the maximum building height permitted on the lot; provided, however, that the size, shape and location of such signs shall be approved by the Commission.

(d) Non-Accessory Signs One (1) or more non-accessory signs with advertising copy having a maximum area of any single face not exceeding six-hundred (600) square feet; no such sign shall be located closer than three hundred (300) feet to any other such sign on the same side of a street; no sign shall exceed thirty-five (35) feet in height above grade; and such signs may be illuminated. Spacing distances shall be measured along the nearest edge of the pavement to a point directly opposite the non-accessory sign.

#### Sec. 1809 Permitted Signs, LI and HI Districts

No sign shall be erected or maintained in a LI light industry district or a HI heavy industry district except as hereinafter provided.

(a) Business Identification Signs One (1) or more illuminated wall, free-standing, projecting, or roof signs having an aggregate area not exceeding four (4) square feet for each one (1) lineal foot of street frontage.

(b) Real Estate, Contractor's and Developers; Signs One (1) or more wall or free-standing signs, having an aggregate area of all faces not exceeding fifty (50) square feet on the premises of an already developed use, or not exceeding one-hundred (100) square feet on premises not developed; may be illuminated; may be located on premises of, and identifying or advertising structures being built, sold, leased, rented or remodeled thereon; permitted for a period not exceeding six (6) months with a permit renewable upon application for additional periods of six (6) months each; provided, however, that no single sign shall be authorized for a consecutive period of more than two (2) years.

(c) Non-Accessory Signs One (1) or more non-accessory signs with advertising copy having a maximum are of any single face not exceeding six-hundred (600) square feet; no such sign shall be placed closer than three-hundred (300) feet to any other such sign on the same side of a street; no sign shall exceed thirty-five (35) feet in height above grade; and such signs may be illuminated. Spacing distances shall be measured along the nearest edge of the pavement to a point directly opposite the non-accessory sign.

#### Sec 1810 Sign Permits Required

It shall be unlawful for any person, firm or corporation to erect, alter, or relocate within the unincorporated area of Greenlee County any sign as defined herein, except as provided by these Zoning Regulations without first obtaining a sign permit from the County Zoning Inspector; provided, however, sign permits shall not be required for name plate signs, home occupation signs, utility signs real estate signs in residential districts, or for minor repairs, maintenance or painting of any permitted sign.

(a) Application Applications for permits for signs shall include: position of sign in relation to lot boundaries, nearby buildings or structures; two copies of plans and specifications, including type of construction and method of attachment to the building or ground; name of person, firm or corporation erecting the sign; and written consent of the owner of the building, structure or premises on which the



sign is to be erected.

(b) Issuance of Permit When upon examination of plans, specifications and premises on which erection of the sign is proposed, within ten (10) working days the Zoning Inspector finds that the proposed sign complies with all provisions of these Zoning Regulations and with all other ordinances of Greenlee County, he shall issue a sign permit. If the work so authorized has not been completed within six (6) months thereafter, said permit shall become null and void.

(c) Sign Identification Every sign hereafter erected, which is subject to issuance of a building permit, shall have painted in a conspicuous place thereon, in lettering not less than one (1) inch in height, the date of erection, the permit number, and the voltage of any electrical apparatus used in connection therewith.

(d) Removal of Certain Signs Any sign existing on or after the effective date of these Zoning Regulations which no longer advertises bona fide business conducted, a product sold, or services rendered, shall be removed by the owner, agent or person having the beneficial use of the property or building on which such sign is located within ten (10) days after written notification from the Zoning Inspector. Upon failure to comply with such notice within the time specified, the Zoning Inspector is hereby authorized to cause removal of such sign at the expense of the owner of the building or property on which such sign is located.

(e) Liability The granting of a sign permit shall not be deemed to be a permit for or approval of any violation of these Zoning Regulations. The provisions of these Zoning Regulations shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation, his or its agents, employees or workmen, in the construction, maintenance, repair, or removal of any sign erected in accordance with a permit issued hereunder. Nor shall issuance of such permit be construed as imposing upon Greenlee County or its officers or employees, any responsibility or liability by reasons of the approval of any signs, material or devices under the provisions of these Zoning Regulations.

(f) Each application for a sign permit to erect, construct, reconstruct, move or alter a sign shall be accompanied by a check made payable to the Greenlee County Treasurer or cash payment in the amount as shown in Fee Schedule. Such fee is non-refundable.<sup>27</sup>

## ARTICLE 19

### Off-Street Parking and Loading Regulations

#### Sec. 1901 General Off-Street Parking Regulations

In all zoning districts, off-street parking facilities shall be provided in an amount not less than that herein specified, for the parking of motor vehicles, for the use of occupants, employees patrons, members and clients of buildings, and uses erected or established after the effective date of the Zoning Regulations, and of existing buildings and uses which are extended, enlarged or changed thereafter.

(a) Buildings and uses in existence at the effective date of these Zoning Regulations shall be exempt from parking requirements hereinafter specified; provided, however, that whenever the usable floor area of such an existing building is changed, or an existing use of premises is extended, off-street parking for the increased floor area or use shall be provided in the minimum amount hereinafter specified for that kind of use.

(b) The owner or occupant of any building or use subject to off-street parking requirements under these Zoning Regulations shall not discontinue or reduce any existing required parking space in replacement therefor, which replacement space meets all requirements of these Zoning Regulations.

(c) The use of off-street parking space as required under these Zoning Regulations, for the storage of merchandise, vehicles for sale or rent, or repair of vehicles, shall be expressly prohibited.

#### Sec. 1902 Computation of Off-Street Parking Requirements

When a principal building or use includes several different types of activities which generate different levels of parking need, according to the schedule set forth hereinafter the minimum required number of off-street parking spaces shall be the sum of individual requirements for the several uses computed separately. When computation of parking requirements results in a fractional requirement, any fraction of less than one-half ( $\frac{1}{2}$ ) shall be disregarded, and any fraction of one-half ( $\frac{1}{2}$ ) or more shall be counted as one (1) space.

#### Sec. 1903 Measurement of Off-street Parking Space

Every required off-street parking space shall have a minimum width of nine (9) feet and a minimum length of twenty (20) feet, exclusive of access drives and aisles. When used as a unit of measurement of unmarked parking lots, each required space shall constitute an area of not less than three hundred (300) square feet, which shall include drives and aisles.

#### Sec. 1904 Location of Required Off-Street Parking

(a) For Residential Uses Required off-street parking shall be located on the same lot or parcel as the use it is intended to serve; provided, however, that parking in multiple-household residential, mobile home and planned residential districts may be provided in a parking area not farther than two-hundred (200)

feet from an entrance to each dwelling unit it is intended to serve.

(b) For Non-Residential Uses Required off-street parking shall be located within three-hundred (300) feet of the building or use it is intended to serve, the distance being measured from the nearest point of the building or use; provided, however, that parking facilities for public assembly for outdoor entertainment and sports, recreational activities and resorts and group camps or similar use shall be located not farther than thirteen-hundred (1,300) feet from the nearest point of such building or use.

Sec. 1905 Methods of Providing Required Off-Street Parking

Required off-street parking may be provided by any one or combination of the following methods:

(a) By providing the required parking space on the same lot as the building or use being served;

(b) By the collective provision of required parking for two (2) or more buildings or uses, whereupon the total of such parking shall be not less than the sum of the requirements for the several buildings or uses computed separately; provided, however, that if two (2) or more of such buildings or uses have operating hours that do not overlap, the Commission may grant a reduction of individual and collective requirements based upon the special circumstances involved. A written contract for joint use of such facilities shall be executed between the parties concerned and a copy filed with the Zoning Inspector; and/or

(c) By securing the consent to use off-street parking facilities under another's ownership, which is not otherwise used during the principal operating hours of the building or use in question; provided, however, that consent shall be in written form and a copy filed with the Zoning Inspector.

Sec. 1906 Schedule of Required Off-Street Parking

The minimum number of off-street parking spaces required for building, and uses shall be determined according to the schedule herein set forth. For a use not specifically listed, requirements shall be the same as those for the most similar use listed.

<u>Use</u>	<u>Minimum Required Spaces</u>
Single-household dwellings	1 ½ per dwelling unit
Multiple-household dwellings	1 ½ per dwelling unit
Transient lodgings and group quarters	1 ½ per room
Manufacturing	1 per 1,000 square feet of floor area
Motor Vehicle Transportation facilities and services	1 per 500 square feet of floor area
Wholesale Trade	1 per 1,000 square feet of floor area
Retail trade; eating and drinking	1 per 50 square feet of floor area

Retail trade; other than real estate, personal, business, repair, professional, and contract construction	1 per 150 square feet of floor area
Services; governmental and educational	1 per 500 square feet of floor area
Services; religious activities, welfare and charitable, and miscellaneous	1 per 500 square feet of floor area
Cultural, recreational activities and nature exhibitions	1 per 500 square feet of floor area
Public assembly for entertainment	1 per 4 seats
Animal husbandry services and Agricultural processing	1 per 500 square feet of floor area
Resorts and group camps	1 per 500 square feet of floor area
Automobile service stations	1 per 150 square feet of floor area
Funeral and crematory services	1 per 250 square feet of floor area
Amusement parks	1 per 1,000 square feet of lot area
<b>NONPROFIT MEDICAL MARIJUANA DISPENSARY<sup>28</sup></b>	<b>Minimum of 10 spaces or 1 per 100 square feet of floor area which ever is greater</b>
<b>If not co-located with a NONPROFIT MEDICAL MARIJUANA DISPENSARY, NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION<sup>29</sup></b>	<b>Minimum of 5 spaces or 1 per 400 square feet of floor area which ever is greater</b>

#### Sec. 1907 Parking Lot Placement Regulation

(a) Setback from a street Where a parking lot abuts a residential district across a street or street, no part of the parking lot shall be closer than fifteen (15) feet to the street right-of-way line. Where a parking lot is in a residential district or abuts a residential district on the same side of the street and in the same block, no part of the parking lot shall be closer to the street right-of-way line than minimum required front setback for residential properties in the same block. Regardless of the district in which it is located, every part of a parking lot shall be curbed or set back from every lot line a sufficient distance to insure that no part of any parked vehicle will project over any lot line.

(b) Setback from an Interior Lot Line Where a parking lot is in a residential district or abuts a residential district along its interior side lot line, and is not separated therefrom by an alley, no part of the parking lot shall be closer than three (3) feet to said lot line.

(c) Rear Setback Where a parking lot is in a residential district or abuts a residential district along its rear lot line and is not separated therefrom by an alley, no part of the parking lot shall be closer than three (3) feet to said lot line. Where the rear lot line is contiguous to an alley, no setback is required.

(d) Access to Parking from an Alley Any parking lot may use an abutting alley for direct access to parking spaces; provided that the alley is dedicated to the public.

(e) Access to Parking from an Street Access to a parking lot from a street shall be limited to entry and exit driveways and there shall be no direct access to any off-street parking space from a street.

(f) Ingress and Egress No entrance or exit to a parking lot shall be located closer to an abutting residential district than fifteen (15) feet.

Sec. 1908 Required Improvements - Non Residential Parking Lots

(a) Surfacing and Drainage Every driveway to a public street which has a bituminous and surface parking lot shall be constructed and improved so as to provide an all-weather, dust-free surface, properly drained to prevent impoundment of surface water. If the parking lot and driveway is within ten (10) miles of an incorporated city or town, double bituminous surface treatment (modified pavement) shall be required. The driveway and parking lot shall be designed by and shall be constructed in accordance with an approved plan prepared by a registered civil engineer<sup>30</sup>

(b) Screening Where the interior side lot line or rear lot line of a parking lot abuts a residential district and is not separated therefrom by an alley, a solid wall not less than five (5) feet in height above grade shall be erected abutting the lot line provided however, that in no case shall such a wall extend closer to a street line than the minimum required setback for residential properties in the same block.

(c) Landscaping The area between the street line and the parking lot shall be suitably landscaped and maintained by the owner or operator of the parking lot.

(d) Lighting Parking lots used during hours of darkness shall be lighted. The overall height of lighting fixtures shall not exceed twelve (12) feet above grade, and fixtures shall be so constructed and arranged as to reflect light away from any adjacent residential district.

Sec. 1909 Off-Street Loading Requirements

In all GB general business districts, LI light industry districts and HI heavy industry districts, for every non-residential building or part thereof, erected or enlarged after the effective date of these Zoning Regulations, there shall be provided and maintained on the same premises, as the building or use adequate off-street loading space meeting the minimum requirements hereinafter specified. Loading space shall not be considered as satisfying requirements for off-street parking space.

Sec. 1910 Schedule of Loading Space Requirements

Total Floor Area of Building Number of Loading (Square Feet)	<u>Spaces Required</u>
1,000 to 10,000	1
10,000 to 30,000	2

30,000 to 50,000

3

For each 100,000\_additional

1 additional

#### Sec. 1911 Location of Loading Space

Required off-street loading space may occupy any part of the buildable area of a lot or any part of a required rear yard, except as provided elsewhere in these Zoning Ordinances, and may be partially or entirely enclosed within a building. Where a side yard abuts may be located in that side yard.

#### Sec. 1912 Measurement of Loading Space

Every required off-street loading space shall have a minimum width of twelve (12) feet a minimum length of forty-five (45) feet and a minimum clear height of fourteen (14) feet, exclusive of access aisles and maneuvering space.

#### Sec. 1913 Use of Alley for Maneuvering Space

Where a building or use in a non-residential district requiring off-street loading space abuts an alley, such alley may be used for maneuvering space for loading and unloading spaces; provided, however, that no alley abutting any residential district may be so used.

#### Sec. 1914 Required Plans

Plans shall be submitted to and approved by the Zoning Inspector showing how the required parking and loading spaces are to be arranged in the area provided for the purpose. Such plans shall show access streets, alleys and drives, location of all points of ingress and egress, parking spaces, loading spaces aisles and maneuvering space, and location and design of all screen walls, landscaping and lighting. Before issuance of an occupancy permit, the Zoning Inspector may obtain the approval of the County Engineer.

ARTICLE 20Non Conforming UseSec. 2001 Intent

This article is intended to limit the number and extent of non-conforming uses by prohibiting their enlargement, their re-establishment after abandonment, substantial alteration of the structures they occupy, or their replacement upon obsolescence, except that nothing herein shall affect the right to the continued use or the reasonable repair or alteration thereof of lawful non-conforming uses for the purpose used at the time they became non-conforming. This article is also intended to limit the number and extent of non-conforming structures and non-conforming lots.

Sec. 2002 Expansion

No non-conforming structure shall be enlarged, expanded reconstructed or structurally altered unless the enlargement, extension, or further use of the premises conforms with the provisions of these Zoning Regulations for the zoning district in which the property is located, except that a non-conforming business may expand if such expansion does not exceed one-hundred (100) percent of the area of the original business, applicable requirements for placement, height or area for the zoning district in which the premises is located. Area of original business is defined as being any land or structure, or both improved for a business purpose.

Sec. 2003 Substitution

A non-conforming use shall not be changed to another non-conforming use whatsoever. Changes in use shall be made only to a conforming use.

Sec. 2004 Change to a Conforming Use or Structure

Whenever a non-conforming use or non-conforming structure has been changed to a conforming use or structure, such use or structure shall not thereafter be changed again to any non-conforming use or structure.

Sec. 2005 Discontinuance of Non-Conforming Use

In the event that any non-conforming use of land or a structure or a portion thereof is discontinued or abandoned for a period of twelve (12) consecutive months, any future use of the abandoned land or structure shall be in conformity with the provisions of these Zoning Regulations.

Sec. 2006 Relocation of Non- Conforming Structures

Should any non-conforming use structure be moved for any distance whatever on the same zoning parcel, it shall thereafter conform to the standards of placement, height, and area for the district in which the structure is located.

Sec. 2007 Damage

In the event that non-conforming structure use or a non-conforming structure is damaged or destroyed by fire, flood, or other calamity or act of nature, said use or

structure may be resumed or restored, provided that such resumption shall not increase the floor space or land area devoted to such non-conforming use over that which existed at the time damage or destruction occurred. If such resumption or restoration does not take place in the manner and time period specified above, further use of building shall thereafter conform to all provision of these Zoning Regulations.



ARTICLE 21Planning and Zoning CommissionSec. 2101 Scope

A Planning and Zoning Commission has been created and established in Greenlee County.

Sec. 2102<sup>31 32</sup> Procedures

(a) Each Planning and Zoning Commission shall hold at least two (2) regular meetings each year in January and July and such additional meetings each year as the Chairman or a majority of the ~~members~~ quorum deem necessary for the transaction of business. All regular and special meetings shall be open to the public. (March 9, 1994, P&Z Recommendation, August 1, 1994, BOS Approval)

(b) Each Planning and Zoning Commission shall adopt its own by-laws and rules of procedure; elect its own officers; and submit the report, as required, to the Board of Supervisors. The Planning Director shall serve the Planning and Zoning Commission as Executive Secretary.

(c) The Planning and Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the Clerk of the Board of Supervisors and shall be available for public inspection during customary office hours.

(d) A majority of the commission shall constitute a quorum for the transaction of business and a majority vote of the quorum shall be required for any official action. (March 9, 1994, P&Z Recommendation, August 1, 1994, BOS Approval)

(e) The Planning and Zoning Commission may call upon any Greenlee County officer, department, board, commission or agency for assistance in the performance of its duties, and it shall be their duty to render such assistance as may be reasonably required.

Sec. 2103 Jurisdiction

(a) Powers The Planning and Zoning Commission shall have the following powers:

(1) Interpretation To interpret these Zoning Regulations when the meaning of any word, phrase or section is in doubt, when there is a dispute between the appellant and the County Zoning Inspector.

(2) Variances Upon appeal in specific cases, the Planning and Zoning Commission may authorize such variances from the terms of these Zoning Regulations as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of these Zoning Regulations would result in unnecessary hardship. A variance shall not be granted by the Planning and Zoning Commission unless and

until:

(A) A written application for variance is submitted, demonstrating:

(I) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district;

(II) That literal interpretation of the provisions of these Zoning Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these Zoning Regulations;

(III) That the alleged hardships caused by literal interpretation of the provisions of these Zoning Regulations include more than personal inconvenience and financial hardship, and do not result from the actions of the applicant;

(IV) That granting the variance requested will not confer upon the applicant any special privilege that is denied by these Zoning Regulations to other lands, structures, or buildings in the same zoning district;

(V) That granting the variance requested will not interfere or injure the rights of other properties in the same zoning district;

(B) The Planning and Zoning Commission finds that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure;

(C) The Planning and Zoning Commission finds that granting of the variance will be in harmony with the general purpose and intent of these Zoning Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with these Zoning Regulations. Failure to fulfill such conditions and safeguards, when made a part of the terms under which a variance is granted, shall be deemed a violation of these Zoning Regulations.

(3) Uses Permitted on Appeal To permit those uses specified as uses specified as uses permitted on appeal subject to such regulations, restrictions, conditions and stipulations as the Planning and Zoning Commission may require to preserve and protect the character of the district when the use, if controlled as to number, area, location or relation to the neighborhood would promote the public health, safety, convenience or general welfare of Greenlee County.

(4) To grant use permits upon appeal from the County Zoning Inspector.

(5) To exercise any other power specifically conferred by any provision of these Zoning Regulations.

(b) Planning and Zoning Commission Actions In exercising any of the above mentioned powers, the Planning and Zoning Commission, may, so long as such action is in conformity with the terms of these Zoning Regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the County Zoning Inspector or other administrative official from whom the appeal was taken.

(c) Findings of Fact Every decision of the Planning and Zoning Commission shall be based upon findings of fact, and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to exist on any matter upon which the Planning and Zoning Commission is authorized to pass under these Zoning Regulations shall be construed as limitations on the power of the Planning and Zoning Commission to act. A mere finding or recitation of the enumerated conditions, unaccompanied by the findings of specific fact shall not be deemed in compliance with these Zoning Regulations.

#### Sec. 2104 Decisions

The Planning and Zoning Commission shall render a decision on all applications and appeals within thirty (30) days after the final hearings. A certified copy of the decision shall be transmitted to the applicant or appellant, and to the County Zoning Inspector. The decision shall be binding upon the County Zoning Inspector and observed by him, and he shall incorporate its terms and conditions in any permit authorized by the Planning and Zoning Commission.

#### Sec. 2105 Fees<sup>33 34</sup>

- (a) Each application for a variance or application for use permitted on appeal shall be accompanied by a check made payable to the Greenlee County Treasurer or a cash payment in the amount as shown in Fee Schedule. Such fee is non-refundable.
- (b) Each application for non conforming use permit shall be accompanied by a check made payable to the Greenlee County Treasurer or a cash payment in the amount-as shown in fee schedule. Such fee is non-refundable.

#### Sec. 2106 Application for Variance

Any person that feels due to unusual circumstances attaching to his property an unnecessary hardship is being inflicted on him, or any Greenlee County officer, department, board, commission or agency, may file with the County Zoning Inspector an application for a variance. Said application shall be filed with the County Zoning Inspector upon forms provided by him. Upon receiving the application, the County Zoning Inspector shall assign said application to the Planning and Zoning Commission for hearing.

### Sec. 2107 Applications for Use Permitted on Appeal

Any property owner, his agent, or authorized representative, or any Greenlee County officer, department, board, commission or agency, may file with the County Zoning Inspector an application shall be filed with the County Zoning Inspector upon forms provided by him. Upon receiving the application, the County Zoning Inspector shall assign said application to the Planning and Zoning Commission for hearing.

### Sec. 2108 Appeal from County Zoning Inspector

Any person who feels there is error or doubt in the interpretation of these Zoning regulations, who has been denied a use permit by the County Zoning Inspector, or who in any other manner has been aggrieved by any action of the County Zoning Inspector or any Greenlee County officer, department, board, commission or agency affected by any decision of the County Zoning Inspector may appeal to the Planning and Zoning Commission. The appeal shall be made within thirty (30) days after the decision or act complained of by filing a notice of appeal with the County Inspector upon forms provided by him. The County Zoning Inspector shall, within ten (10) days from the date of the filing of the notice of appeal, assign the appeal to the Planning and Zoning Commission.

### Sec. 2109 Hearings

(a) Upon receipt of a notice of appeal, or an application for a variance, use permitted on appeal, or any other application properly invoking its jurisdiction, the Planning and Zoning Commission shall schedule a meeting to take place within not more than sixty (60) days from the date of the receipt of the notice of appeal or application. Notice shall be given at least fifteen (15) days in advance of the meeting to the person filing the application or making the appeal.

(b) The applicant or appellant at hearing shall present a statement and adequate evidence in such form as the Planning and Zoning Commission may require showing.

(1) A list of the names and addresses of the owners of all properties within, wholly or in part, three hundred (300) feet distance, measured from the boundaries of the property in question, as they appear on the most current roll of the Greenlee County Assessor.

(2) Complete and accurate plot plan and description of the property involved, description of existing and proposed use, preliminary floor plans and elevations of all proposed buildings, and an estimate of the proposed improvements.

(3) Satisfactory evidence of the ability and intention of the applicant or appellant to proceed with actual construction work in accordance with said plans within six (6) months after allowing any variance or granting of any use permit.

(4) That there are unusual circumstances or conditions applicable to the property in question which do not prevail on other property in that same zoning district.

(5) That the strict interpretation of these Zoning Regulations would work an unnecessary hardship and that the granting of the appeal of application is necessary for the preservation and enjoyment of substantial existing property rights.

(6) That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will materially detrimental to the public welfare or injurious to property or improvements in the neighborhood.

(c) In approving any variance or granting any use or building permit under the provisions of these Zoning Regulations, the Planning and Zoning Commission shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the provision to such variance is allowed to maintenance of the integrity and character of the zoning district in which such variance is allowed or use or building permit is granted.

(d) Where necessary, the Planning and Zoning commission may require securities be deposited with the Greenlee County Treasurer, in such form and amount as it may deem proper under the circumstances, to insure compliance with the conditions designated in connection therewith. If any regulation restriction, condition or stipulation is violated, the said securities shall be forfeited to Greenlee County, and, in addition, the decision allowing the variance or granting the use or building permit shall be null and void.

#### Sec. 2110 Time Limitations

Any decision of the Planning and Zoning Commission allowing variance or granting a use permitted on appeal shall expire by time limitation and become null and void if substantial construction, in accordance with the plans for which such variance or use permitted on appeal was granted, has not been initiated within six (6) months from the date of granting said variance or use permitted on appeal.

#### Sec. 2111 Appeal from Planning and Zoning Commission

Any person aggrieved in any manner by an action of the Planning and Zoning Commission may within thirty (30) days appeal to the Board of Supervisors.

ARTICLE 22Violation and PenaltySec. 2201 Legal Procedure

Any building, structure or improvement set up, erected, built, or maintained or any use of property contrary to the provisions of these Zoning Regulations shall be and the same is hereby declared to be unlawful public nuisance, and the Greenlee County Attorney shall upon order of the Board of Supervisors or on his own initiative, immediately commence all necessary actions or proceedings for the abatement, enjoinder, and removal thereof in the manner provided by law; shall take such other lawful steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin and remove such building or use and restrain and enjoin any person, firm building, moving or maintaining any such building or using any property contrary to the provisions for these Zoning Regulations or to otherwise violating these Zoning Regulations.

Sec. 2202 Penalties

Any person, firm or corporation whether as principal, owner, agent, tenant, employee or otherwise, who violates any provisions of these Zoning Regulations or who violates or fails to comply with any order or regulation made hereunder shall be guilty of a misdemeanor, upon conviction thereof shall be fined (\$300.00) per day. Such person, firm or corporation, shall be deemed guilty of a separate offense for each and every day during which such violation or failure to comply with these Zoning Regulations is committed continued, or permitted.

Sec. 2203 Remedies

All remedies provided for herein shall be cumulative and exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions or to remove prohibited conditions or to remove prohibited building, structures or improvements nor prevent the enforcement correction or removal thereof. In addition to the other remedies provided herein, any adjacent or neighboring property owner who shall be especially damaged by the violation of any provision of these Zoning Regulations, may institute, in addition to the other remedies provided by law, injunction, mandamus, abatement or any other appropriate action, proceedings to prevent or abate or remove such unlawful erection, construction, reconstruction alteration, maintenance or use.

ARTICLE 23

Validity

Sec. 2301 Severability

The various parts of these Zoning Regulations are hereby declared to be severable. If any article, section, subsection, sentence, clause, phrase, or word of these Zoning Regulations is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of these Zoning Regulations.

Sec. 2302 Repeal of Conflicting Regulations

All regulations or ordinances or a portion of same in conflict with these Zoning Regulations, or inconsistent with the provisions of these Zoning Regulations are hereby repealed to the extent necessary to give the Zoning Regulations full force and effect.

Sec. 2303 Effective Date

The Zoning Regulations shall become effective beginning on

\_\_\_\_\_ and remain in full force thereafter.

APPROVED AND ADOPTED BY THE GREENLEE COUNTY BOARD OF SUPERVISORS THIS \_\_\_\_\_.

\_\_\_\_\_  
H. J. Miller, Chairman

\_\_\_\_\_  
Jackie D. Cooper, Member

\_\_\_\_\_  
Angel R. Cueto, Member

ATTEST: \_\_\_\_\_  
Deborah K. Gale, Clerk

Article 24<sup>35</sup>Fee ScheduleSec. 2401 Fees

An application fees shall be collected in the amount listed in the Schedule. An application is not complete until the fee in paid. An application will be held until noncash payment has cleared. Fees are cumulative. Failure to secure any permit before commencing activity shall cause the application fee to be doubled. No fee shall be charged for filing a request for an interpretation of these Zoning Regulations.

Sec. 2402 Schedule

Section	Application Description	Fee	Double Fee
401	Use permit	\$45.00	\$90.00
1810(f)	Sign Permit	\$45.00	\$90.00
2105 (a)	Variance or application for use permitted on appeal	\$90.00	\$180.00
2105 (b)	Non conforming use permit application	\$90.00 plus advertising and posting costs	\$180.00 plus advertising and posting costs
<b>2503(a)(5)</b>	<b><i>Nonprofit Medical Marijuana Dispensary Supplemental Permit Application</i></b>	<b>\$750.00</b>	<b>NA</b>
<b>2503(b)(5)</b>	<b><i>Nonprofit Medical Marijuana Dispensary Cultivation Location Supplemental Permit Application</i></b>	<b>\$750.00</b>	<b>NA</b>



**Article 25<sup>36</sup>****MM, Medical Marijuana District****Sec. 2501. Intent**

***A MM, Medical Marijuana District, to be superimposed over existing zoning districts, is established for the purposes of regulating and restricting the location and operation of a NONPROFIT MEDICAL MARIJUANA DISPENSARY and of a NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION.***

**Sec 2502. Location**

***The MM, Medical Marijuana District, shall be over Section 35, T5S, R30E, Section 1 and the E1/2 of the E1/2 Section 2 T6S, R30E, and over Sections 6, 7, 8, 11, 12, 13, and 14 T6S R31E as shown on Figure 1.***

**Sec 2503. Use Regulations**

***Underlying zoning district conditions, use conditions, and permitting requirements shall be met. A NONPROFIT MEDICAL MARIJUANA DISPENSARY and a NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION (either onsite or offsite) shall be two separate uses and shall be permitted separately. A NONPROFIT MEDICAL MARIJUANA DISPENSARY and a NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION MAY ADJOIN. A NONPROFIT MEDICAL MARIJUANA DISPENSARY and a NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION shall be separated from any and all other business activities.***

**(a) NONPROFIT MEDICAL MARIJUANA DISPENSARY.**

***(1) Minimum Notification Area. The minimum notification area for a NONPROFIT MEDICAL MARIJUANA DISPENSARY is 2,640 feet.***

***(2) Supplemental Permit Application. In addition to the application required by Sec. 311 Use Permitted on Appeal, by Sec. 403 Use Permit Required, and to the Site Plan required by Sec. 404 Permit Procedures; an applicant for a NONPROFIT MEDICAL MARIJUANA DISPENSARY must complete a supplemental permit application that will be considered by the Board of Supervisors which includes all of the following information:***

***(A) If the supplemental application is by an agent for the land owner the authorization must include an explicit acknowledgment from the land owner that the land owner knows that the proposed use of the property is as a NONPROFIT MEDICAL MARIJUANA DISPENSARY.***

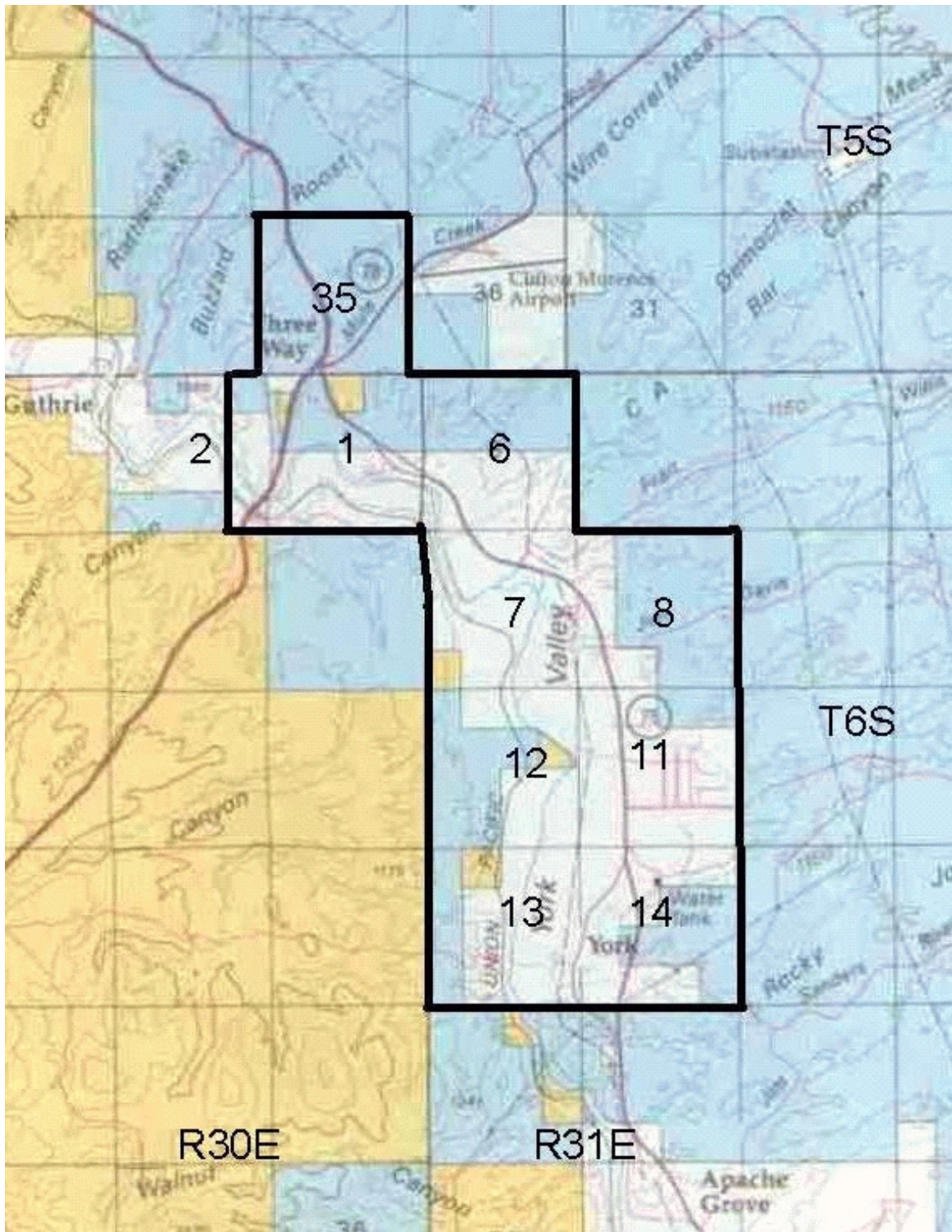


Figure 1. Medical Marijuana Overlay District

**(B) The legal name of the NONPROFIT MEDICAL MARIJUANA DISPENSARY.**

**(C) The name, address, and date of birth of each principal officer and board member of the NONPROFIT MEDICAL MARIJUANA DISPENSARY and the name, address, and date of birth of each medical marijuana dispensary agent.**

**(D) A copy of the operating procedures adopted in compliance with A.R.S. §36-2804(B)(1)(C) and a copy of the dispensary registration certificate as issued by the Arizona Department of Health Services.**

**(E) A notarized certification that none of the principal officers or board members has been convicted of one of the following offenses:**

**(1) A violent crime as defined in A.R.S. §13-901.03(B) that was classified as a felony in the jurisdiction where the person was convicted;**

**(2) A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten or more years earlier or an offense involving conduct that would be immune from arrest, prosecution or penalty under A.R.S. §36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.**

**(F) A notarized certification that none of the principal officers or board members has served as a principal officer or board member for a registered NONPROFIT MEDICAL MARIJUANA DISPENSARY that has had its registration certificate revoked.**

**(G) A floor plan showing the location, dimensions and type of security measures demonstrating that the NONPROFIT MEDICAL MARIJUANA DISPENSARY will meet the definition of enclosed locked facility contained in A.R.S. §36-2801(6).**

**(H) A complete digital listing of land owners with a paper copy within the notification area from current Assessor Records and a digital map. Digital format shall be as required by County. The list shall be dated within 14 calendar days of the application.**

**(3) Development Standards.**

**(A) A NONPROFIT MEDICAL MARIJUANA DISPENSARY shall be located:**

**(I) in a permanent building and shall not be located in a trailer, cargo container or motor vehicle; or,**

**(II) as allowed by Arizona Revised Statutes; or,**

**(III) as allowed by Arizona Regulations.**

**(B) A NONPROFIT MEDICAL MARIJUANA DISPENSARY shall be a minimum of 1,000 feet measured from the parcel boundaries**

**(I) from a public, private, parochial, charter, dramatic, dancing, music or other similar school or educational or activity facility where children may be enrolled;**

**(II) from a childcare center;**

**(III) from a library or park; and,**

**(IV) from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.**

**(C) A NONPROFIT MEDICAL MARIJUANA DISPENSARY shall not have a drive-through service;**

**(D) A NONPROFIT MEDICAL MARIJUANA DISPENSARY shall not have outdoor seating areas;**

**(E) The maximum floor area of a NONPROFIT MEDICAL MARIJUANA DISPENSARY shall be two thousand (2,000) square feet.**

**(F) The secure storage area for the nonprofit medical marijuana stored at the NONPROFIT MEDICAL MARIJUANA DISPENSARY shall not exceed 400 square feet;**

**(G) The NONPROFIT MEDICAL MARIJUANA DISPENSARY will be considered a Public Building under A.R.S. §34-461. Applicability of local codes; exception; definition.**

**(4) Permit Conditions. All nonprofit medical marijuana Supplemental Applications shall be approved by the Board of Supervisors. The Board of Supervisors shall include, but is not limited to, the following permit conditions for issuance of a Supplemental permit appeal for a NONPROFIT MEDICAL MARIJUANA DISPENSARY;**

**(A) An expiration date for the Supplemental Permit for the NONPROFIT MEDICAL MARIJUANA DISPENSARY that requires reapplication or renewal of the permit after a specified period of time;**

**(B) A requirement that the NONPROFIT MEDICAL MARIJUANA DISPENSARY meets security requirements adopted by the Arizona Department of Health Services;**

**(C) A requirement that the storage facilities for the nonprofit medical marijuana stored or grown on site prevent the emission of dust, fumes, vapors or odors into the environment;**

**(D) A requirement that the owner secure a certification from the State Fire Marshall or from another acceptable entity responsible for fire safety in the area in which the NONPROFIT MEDICAL MARIJUANA DISPENSARY is to be located stating that the structure complies with all fire code requirements and supply that certification to the Planning Director;**

**(E) A requirement that the NONPROFIT MEDICAL MARIJUANA DISPENSARY is prohibited from permitting anyone to consume marijuana on the premises or any adjoining public areas;**

**(F) A requirement for the submittal of a Certificate of Occupancy signed by a Certificated Inspector. Certification shall be issued by an organization issuing Building Code or other approved organization. dispensary registration certificate dispensary registration certificate**

**(G) A Conditional Supplemental Permit may be issued and will automatically convert to a Supplemental Permit when all condition herein are met.**

**(5) Fees. The fee for a supplemental permit application is shown in the Planning and Zoning fee schedule. The fee is nonrefundable.**

**(b) NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION.**

**(1) Minimum Notification Area. The minimum notification area for a NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION is 2,640 feet.**

**(2) Supplemental Permit Application. In addition to the application required by Sec. 311 Use Permitted on Appeal, by Sec. 403 Use Permit Required, and to the Site Plan required by Sec. 404 Permit Procedures; an applicant for a NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION must complete a**

**supplemental permit application that will be considered by the Board of Supervisors which includes all of the following information:**

**(A) If the application is by an agent for the land owner the authorization must include an explicit acknowledgment from the land owner that the land owner knows that the proposed use of the property is as a NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION.**

**(B) The legal name of the NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION.**

**(C) The name, address, and date of birth of each principal officer and board member of the NONPROFIT MEDICAL MARIJUANA DISPENSARY and the name, address, and date of birth of each medical marijuana dispensary agent.**

**(D) A copy of the operating procedures adopted in compliance with A.R.S. §36-2804(B)(1)(C) and a copy of the dispensary registration certificate as issued by the Arizona Department of Health Services.**

**(E) A notarized certification that none of the principal officers or board members has been convicted of one of the following offenses:**

**(I) A violent crime as defined in A.R.S. §13-901.03(B) that was classified as a felony in the jurisdiction where the person was convicted;**

**(II) A violation of state or federal controlled substance law that was classified as a felony in the jurisdiction where the person was convicted except an offense for which the sentence, including any term of probation, incarceration or supervised release, was completed ten or more years earlier or an offense involving conduct that would be immune from arrest, prosecution or penalty under A.R.S. §36-2811 except that the conduct occurred before the effective date of that statute or was prosecuted by an authority other than the state of Arizona.**

**(F) A notarized certification that none of the principal officers or board members has served as a principal officer or board member for a registered NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION that has had its registration certificate revoked.**

**(G) A floor plan showing the location, dimensions and type of security measures demonstrating that the NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION**

**LOCATION will meet the definition of enclosed locked facility contained in A.R.S. §36-2801(6).**

**(H) A complete digital listing of land owners with a paper copy within the notification area from current Assessor Records and a digital map. Digital format shall be as required by County. The list shall be dated within 14 calendar days of the application.**

**(3) Development Standards.**

**(A) A NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION shall be located:**

**(I) in a permanent building and shall not be located in a trailer, cargo container or motor vehicle; or,**

**(II) as allowed by Arizona Revised Statutes; or,**

**(III) as allowed by Arizona Regulations.**

**(B) A NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION shall be a minimum of 1,000 feet measured from the parcel boundaries**

**(I) from a public, private, parochial, charter, dramatic, dancing, music or other similar school or educational or activity facility where children may be enrolled;**

**(II) from a childcare center;**

**(III) from a library or park; and,**

**(IV) from a residential substance abuse diagnostic and treatment facility or other drug or alcohol rehabilitation facility.**

**(C) A NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION may not have a drive-through service;**

**(D) A NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION may not have outdoor seating areas;**

**(E) The maximum floor area of a NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION is ten thousand (10,000) square feet.**

**(F) The secure storage area for the NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION stored at**



***the NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION shall not exceed 400 square feet;***

***(G) The NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION will be considered a Public Building under A.R.S. §34-461. Applicability of local codes; exception; definition.***

***(4) Permit Conditions. A NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION Supplementary Permit shall be approved by the Board of Supervisors. The Board of Supervisors may include, but is not limited to, the following permit conditions for issuance of a Supplementary Permit for a NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION ;***

***(A) An expiration date for the Supplementary Permit for the NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION that requires reapplication or renewal of the permit after a specified period of time;***

***(B) A requirement that the NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION meets security requirements adopted by the Arizona Department of Health Services;***

***(C) A requirement that the storage facilities for the nonprofit medical marijuana stored or grown on site prevent the emission of dust, fumes, vapors or odors into the environment;***

***(D) A requirement that the owner secure a certification from the State Fire Marshall or from another acceptable entity responsible for fire safety in the area in which the NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION is to be located stating that the structure complies with all fire code requirements and supply that certification to the Planning Director; and,***

***(E) A requirement that the NONPROFIT MEDICAL MARIJUANA DISPENSARY CULTIVATION LOCATION is prohibited from permitting anyone to consume marijuana on the premises.***

***(F) A requirement a for the submittal of a Certificate of Occupancy signed by a Inspector having approved and current Building Code Certifications.***

***(5) Fees. The fee for a supplemental permit application is shown in the Planning and Zoning fee schedule. The fee is non refundable.***



1. All changes will be tracked in this version of the Planning Regulations. Original language of Section will be placed after the action dates of the Commission and the Board of Supervisors. Changed language will be included in the Ordinance.
2. *(March 28, 2011, P&Z Recommendation, July 5, 2011, BOS Approval)* Remove letters and number from definitions.
3. *(March 28, 2011 and June 27, 2011, P&Z Recommendations, May 14, 2012, BOS Approved)*
4. *(March 28, 2011 and June 27, 2011, P&Z Recommendations, May 14, 2012, BOS Approved)*
5. *(March 28, 2011 and June 27, 2011, P&Z Recommendations, May 14, 2012, BOS Approved)*
6. *(March 28, 2011 and June 27, 2011, P&Z Recommendations, May 14, 2012, BOS Approved)*
7. *Obsolete vehicle was not defined in Zoning Regulations (March 9, 1994, P&Z Recommendation, August 1, 1994, BOS Approval)* Sec 202 Definition added.
8. *(July 26, 2010, P&Z Recommendation, August 3, 2010, BOS Approval)* Sec. 309 Continuing Existing Uses Nothing contained in these Zoning Regulations shall affect existing uses of property or the right to its continued use or the reasonable repair or alternation thereof for the purpose for which used at the time these Zoning Regulations take effect. Uses which become non-conforming uses upon approval and adoption of these Zoning Regulations shall be subject to the provisions of Article 20 hereinafter.
9. *(June 27, 2011, P&Z Recommendation, Pending, BOS)* Sec. 311 Proposed Uses designated as uses permitted on appeal by these zoning regulations may be permitted upon written approval of the Planning and Zoning Commission in the Supervisorial district in which said uses are desired. Said Commission may impose such stipulations and conditions as it determines are necessary or helpful in perceiving and protecting the character of the zoning district in which the said uses are to be located or to otherwise further the purpose of these Zoning Regulations.
10. *(July 26, 2010, P&Z Recommendation, August 3, 2010, BOS Approval)* Add Sec. 318 Amendments All amendments, including proper notification and public hearing(s), shall be subject to this Ordinance and to State Statutes.
11. *(March 28, 2011, P&Z Recommendation, July 5, 2011, BOS Approval)* Changed (b) No permit shall be required for repairs or improvements of a value not exceeding five thousand (\$5,000) dollars. The value of any such repairs or improvements shall be the total of the retail price of materials used and labor costs. Even though no permit is required, all other provisions of these regulations shall be complied within the performance of the repairs or improvements which in fact constitute complete units, and shall not apply to any effort to repair or improve property piecemeal and by subterfuge, for the purpose of avoiding applying for a permit when the cost of the work actually exceeds five-thousand (\$5,000) dollars or when circumvention of the general purpose of these Zoning Regulations is intended.
12. *(March 28, 2011 P&Z Recommendation, July 5, 2011 Approval)* Sec. 405 Refer to Fee Schedule. Article 24.

*(March 9, 1994, P&Z Recommendation, August 1, 1994, BOS Approval)* Sec. 405 Fees Each use permit application to erect, construct, reconstruct, move alter, or change the use of any building or other structure, including mobile home or recreation vehicle park space, shall be accompanied by a check made payable to the Greenlee County Treasurer or cash payment in the amount of thirty (\$30.00) dollars. Such fee is non-refundable. No fee shall be charged for filing a request for an interpretation of these Zoning Regulations. Failure to secure a permit before commencing an activity shall cause the use permit fee to be sixty dollars (\$60.00).

Original Ordinance Text February 1985 Sec. 405 Fees For each use permit application to erect, construct, reconstruct, move, alter, or change the use of any building or other structure within the area of jurisdiction of Greenlee County covered by these Zoning Regulations, a nonrefundable fee of \$5.00 shall be charged including \$5.00 for each mobile home or recreational vehicle park space.

13. *(March 28, 2011 P&Z Recommendation, July 5, 2011, BOS Approval)* Section 406(c) Changed "Board" to "Commission."

14. *(March 28, 2011 P&Z Recommendation, July 5, 2011, BOS Approval)* Section 406(c) Changed "Board" to "Commission."

15. *(March 28, 2011 P&Z Recommendation, July 5, 2011, BOS Approval)* Added Section 406(e).

16. *(July 26, 2010, P&Z Recommendation, August 3, 2010, BOS Approval)* Add Sec. 606 Use Regulations (i)

17. (July ,2008, P&Z Recommendation, August 18, 2008, BOS Approval )Sec 803 (a) Single-household dwellings, other than mobile homes and recreational vehicles;

18. *(March 28, 2011 and June 27, 2011, P&Z Recommendations, May 14, 2012, BOS Approved)*

19. *(March 28, 2011 and June 27, 2011, P&Z Recommendations, May 14, 2012, BOS Approved)*

20. *(July 26, 2010, P&Z Recommendation, August 3, 2010, BOS Approval)* Extended the AA Overlay Zoning to include the N½ of Section 1 T6S R30E east of US 191, and the N½ Section 25 and Section 35 T5S R30E, and Section 29, Section 30, the E½ Section 31, and Section 32 T5S R31E.

21. *(July 26, 2010, P&Z Recommendation, August 3, 2010, BOS Approval)* Sec. 1606 Establishment of PR Districts PR planned residential districts may be established by amendment to the official zoning district map in accordance with the requirements and procedures set forth in Article 20 of these Zoning Regulations.

22. Need to change Board to Commission

23. *(July 26, 2010, P&Z Recommendation, August 3, 2010, BOS Approval)* Change the last paragraph of Sec. 1704 Exceptions to Height Limitations Before constructing such a structure, the applicant shall submit a site plan, with supporting statement, to the Commission for its review, a public hearing, and recommendation. Notice and procedures for public hearings shall conform to Article 24.

24. (August 23, 2010, P&Z Recommendation, \_\_\_\_\_, BOS Approval) Sec. 1706 Flammable Storage The following minimum regulations apply to the dispensing and bulk storage of all flammable products in all zoning districts except RC resources conservation and RU rural districts: (a) Retail storage tanks shall be underground.

25. (March 28, 2011 and June 27, 2011, P&Z Recommendations, May 14, 2012, BOS Approved)

26. (March 28, 2011 and June 27, 2011, P&Z Recommendations, May 14, 2012, BOS Approved)

27. (January 31, 2011, P&Z recommendation, July 6, 2011, BOS Approval) Sec 1810

(Approved by Board August 1, 1994.) Sec 1810 Sign Permits Required (f) Each application for a sign permit to erect, construct, reconstruct, more or alter a sign shall be accompanied by a check made payable to the Greenlee County Treasurer or cash payment in the amount of thirty (\$30.00) dollars. Such Fee is non-refundable. No fee shall be charged for filing a request for an interpretation of these Zoning Regulation. Failure to secure a permit before commencing an activity shall cause the use permit fee to be sixty dollars (\$60.00).

Original Text Sec 1810(f) For each sign permit application to erect, construct, reconstruct, move or alter a sign located within the area of jurisdiction of these Zoning Regulations, a nonrefundable \$10.00 fee shall be charged for each sign permit issued.

28. (March 28, 2011 and June 27, 2011, P&Z Recommendations, May 14, 2012, BOS Approved)

29. (March 28, 2011 and June 27, 2011, P&Z Recommendations, May 14, 2012, BOS Approved)

30. (January 31, 2011, P&Z recommendation, July 6, 2011, BOS Approval) Sec. 1908 Required Improvements - Non Residential Parking Lots

(a) Surfacing and Drainage Every parking lot shall be constructed and improved so as to provide an all-weather, dust-free surface, properly drained to prevent impoundment of surface water. If the parking lot is within three (3) miles of an incorporated city or town, double bituminous surface treatment (modified pavement) shall be required.

31. (March 9, 1994, P&Z Recommendation, August 1, 1994, BOS Approval) Change Sec. 2102 Procedures (a) Each Planning and Zoning Commission shall hold at least two (2) regular meetings each year in January and July and such additional meetings as the Chairman or a majority of the members deem necessary for the transaction of business. All regular and special meetings shall be open to the public.

(a) The Planning and Zoning Commission shall hold its regular monthly meetings as needed and such additional special meetings each year as the Chairman or a majority of the quorum deem necessary for the transaction of business. All regular and special meetings shall be open to the public.

32. (July 26, 2010, P&Z Recommendation, August 3, 2010, BOS Approval) Change Sec. 2102 Procedures (a) The Planning and Zoning Commission shall hold its regular monthly meetings as needed and such additional special meetings each year as the

Chairman or a majority of the quorum deem necessary for the transaction of business. All regular and special meetings shall be open to the public.

33. *(March 9, 1994, P&Z Recommendation, August 1, 1994, BOS Approval)* Sec. 2105 Fees Each application for use permitted on appeal or appeal from the County Zoning Inspection shall be accompanied by a check in the amount of fifteen (\$15.00) dollars made payable to the Greenlee County Treasurer, or a cash payment of that amount. Such fee is non-refundable. No fee shall be charged for filing a request for an interpretation of these Zoning Regulations as provided in Section 23-2302(a)(1).

34. *(January 31, 2011, P&Z recommended, July 6, 2011, BOS Approval)* Sec. 2105

*(March 9, 1994, P&Z Recommendation, August 1, 1994, BOS Approval)* Sect 2105

- (a) Each application for a variance or application for use permitted on appeal shall be accompanied by a check made payable to the Greenlee County Treasurer or a cash payment in the amount of sixty (\$60.00) dollars. Such fee is non-refundable. No fee shall be charged for filing a request for an interpretation of these Zoning Regulations as provided in Section 2103(a)(a) or 2108. Failure to secure a variance or use permit on appeal before commencing activity shall cause the permit fee to be one hundred twenty dollars (\$120.00).
- (a) Each application for a non conforming application for use permitted on appeal shall be accompanied by a check made payable to the Greenlee County Treasurer or a cash payment in the amount of one hundred twenty six (\$120.00) dollars. Such fee is non-refundable. No fee shall be charged for filing a request for an interpretation of these Zoning Regulations as provided in Section 2103(a)(a) or 2108. Failure to secure a variance or use permit on appeal before commencing activity shall cause the permit fee to be two hundred forty dollars (\$240.00).

Original Text Sec. 2105 Each application for a variance, application for use permitted on appeal or appeal from the County Zoning Inspector shall be accompanied by a check in the amount of fifteen (\$15.00) dollars made payable to the Greenlee County Treasurer, or a cash payment of that amount. Such fee is non-refundable. No fee shall be charged for filing a request for an interpretation of these Zoning Regulations as provided in Section 2302(a)(1).

35. *(June 27, 2011, P&Z Recommendation, July 6, 2011, BOS Approval)* Article 24 added except Medical Marijuana Dispensary and Medical Marijuana Cultivation Site fees. May 14, 2012 BOS Approved Medical Marijuana Dispensary and Medical Marijuana Cultivation Site fees

36. *(March 28, 2011 and June 27, 2011, P&Z Recommendations, May 14, 2012 BOS Approved)* Regarding all Medical Marijuana text and fees.