

City of Eloy

Zoning Ordinance & Subdivision Regulations Update

Module 2
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Prepared for:



City of Eloy
1137 W. Houser Road
Eloy, AZ 85131

Prepared By:

Michael Baker

INTERNATIONAL

2929 N Central Ave
Suite 800
Phoenix, AZ 85012

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SECTION 3 - SUPPLEMENTAL USE STANDARDS

A vibrant, self-sustaining community must have a mixture of land uses to satisfy the range of activities for its residents, workers and visitors. Largely due to their specific and/or unique operational characteristics, many of these land uses benefit from the inclusion of additional standards to both leverage the positive attributes they add to the community fabric, while also minimizing their potential adverse impacts on adjacent and proximate properties.

It is the intent of this Section to identify such land uses and to provide specific criterion and conditions to ensure that, if permitted, these land uses will maintain the health, safety, and general welfare of the City. The criterion and conditions specified herein are in **addition** to those specified in the underlying zoning district (Section ____). In the event that conflict(s) between these standards and the underlying zoning district standards occur, the provisions of this Section shall apply.

3.1 Supplemental Use Standards

3.1.1 Additional Regulations for Specific Uses

3.1.2 Adult Entertainment Businesses

In addition to the requirements of Section 6.X, Conditional Use Permits, a Conditional Use Permit shall not be issued for an Adult Entertainment Business unless it meets all of the following additional conditions:

- A. The adult entertainment business is located a minimum of 1,320 feet, as measured from the exterior parcel boundaries of any Residential Zoning District or existing residential use.
- B. The adult entertainment business is located a minimum of 1,320 feet, as measured from the exterior parcel boundaries of any existing and/or planned public or private educational institution consisting of a pre-school or kindergarten curriculum or any institution consisting of one or more grades 1 through 12.
- C. The adult entertainment business is located a minimum of 1,320 feet, as measured from the exterior parcel boundaries of any existing and/or planned public or private park, playground or recreation open space area.
- D. The adult entertainment business is located a minimum of 1,320 feet, as measured from the exterior parcel boundaries of any existing and/or planned place of religious assembly or non-commercial establishment owned or operated by a bona fide religious organization.
- E. The adult entertainment business is located a minimum of 2,000 feet from any other existing/planned adult entertainment business.
- F. The adult entertainment business may not display any sign, that in part or is entirely visible from the exterior of the business except for a sign identifying the title of the business.

- G. The adult entertainment business will not allow on its premises persons less than 18 years of age at any time.
- H. No materials depicting specific sexual activities or specific anatomical areas shall be either partially or entirely visible from the exterior of the adult entertainment business.
- I. All minimum distances specified in this Section shall be measured in a straight line, without regard to intervening structures or objects, from the parcel line of any adult entertainment business to the nearest parcel line of any other adult entertainment business, school, church, public facility, residential district or other land use, as specified in this Section.

3.1.3 Agriculture, General – (Eloy 21-56 3 a-i)

- A. Farms/farming activities and ranch/ranching activities but not including: commercial ranches; dairies; CAFOs; swine, ratites or poultry farms. Farm and ranch uses shall be in compliance with the following standards:
 - 1. There shall be an open space buffer area, not less than sixty feet (60') in width, between agricultural crop production fields and any adjacent residentially zoned land or existing residential land uses if the agricultural crop requires the application of pesticides either mechanically sprayed or by aerial application.
 - 2. Raising, breeding, training and feeding of agricultural animals provided there are no more than four (4) animal units (AU) per acre with a total of no more than two hundred fifty (250) animals under any circumstance.
 - 3. Animals must be contained and the containment apparatus may only be located within the buildable area of the lot.
 - 4. Under no circumstances will the animals be allowed within the required setback areas. ~~Only pasture and grazing activity may occur outside of the buildable area of the lot.~~
 - 5. Ranch uses may include the following equine activities: boarding, breeding, training, and the sale of animals owned by the rancher.
 - 6. Ranch uses do not include: liveries; the storage and/or retail sale of hay, feed or tack; or equine activities open to the general public.
 - 7. A specific plan for the physical containment and location of manure storage and/or disposal, which minimizes odor and vector impacts on adjacent lots or parcels, must be provided and approved by the City. The spreading and tilling of manure into the soil of the paddock, pasture or arena areas may be considered appropriate manure disposal.
 - 8. A specific program for vector control in barn and stable areas, which minimizes the attraction and breeding of flies, must be provided and approved by the City.
 - 9. All activity and pasture areas shall be grassed, irrigated or treated with regularly tilled organic soil mix for dust suppression.

10. All feeding areas and the structures used to house or cover the animals shall conform to the setback regulations of **Section X.**

3.1.4 Animal Hospital

- A. No animals under care may be boarded outside, except for facilities located in the General Industrial (I-2) district. Those areas in which animals are boarded shall be fully enclosed structures and shall be sufficiently insulated so no unreasonable noise or odor may be detected off the premises.
- B. All boarded animals shall be contained within a totally enclosed part of a structure between the hours of 9:00 p.m. and 6:00 a.m., unless under the direct supervision associated with non-exercise or training related activities. All outside exercise or training of animals shall be prohibited during these hours. The provisions of this paragraph shall not apply to facilities located in the General Industrial (I-2) district.
- C. Outdoor dog runs, exercise, or training activity areas shall be located a minimum of 200 feet, as measured from the parcel boundary of a residentially zoned parcel or existing residential use.
- D. Outdoor dog runs and exercise areas shall be enclosed by a minimum six (6) foot fence.
- E. Suitable control and maintenance shall be exercised over the use, structure or animals so that a nuisance condition is not created in terms of excessive noise, dirt, or odor.
- F. In association with a required Conditional Use Permit approval process, the City may establish other conditions and requirements, as necessary to prevent possible nuisances (i.e., location and/or size of activity areas, fencing height and/or material, screening, sound-proofing, sanitary requirements, or limits on the number of animals that are serviced or boarded) as deemed necessary.
- G. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured.

3.1.5 Assisted Living Center

- A. All facilities shall comply with all applicable federal, state and local requirements for the location and operation of such facilities and the provision of safe outdoor recreation areas and gross floor areas for every person that the facility is licensed to accommodate.
- B. The facility shall have direct vehicular access from an arterial or collector street.
- C. Notwithstanding the foregoing, if the State has adopted laws or rules for the regulation of an assisted living center, then any such State law or rule shall apply in addition to the conditions listed herein and shall preempt any conflicting condition listed herein.

3.1.6 Automotive Repair, minor and major

- A. All Major Repair facilities shall be subject to the site plan review process. In addition to standard site plan information, the applicant shall provide a plan which shows an ability to control on-site and prevent off-site nuisance conditions such as noise, dust, odors, vectors and wind-blown debris.
- B. Accessory uses may include, but are not limited to assembly and repair buildings, machine shops, paint facilities, fueling and supply facilities, parking areas, automobile/boat lifts and incidental retail sales associated with the principal uses.
- C. A use may combine major repair with automobile/boat sales, outside storage or service stations only if these uses are permitted or conditionally permitted and approved in that zoning district. If combined with said uses, Major Repair facilities shall also comply with the provisions of **Section 3.1.7 Automobile/Boat, Sales and Leasing, 3.1.21 Outside Storage and/or 3.1.27 Service Station.**
- D. Major Repair facilities shall be located with direct access to paved collector or arterial roadways that are suitable in size to allow for the efficient delivery of automobile and boats for repair. The paved roadway requirement of this paragraph shall not apply to Major Repair facilities located in the General Industrial (I-2) district.
- E. Outdoor repair areas shall be paved in compliance with City standards. The provisions of this paragraph shall not apply to Major Repair facilities located in the General Industrial (I-2) district.
- F. Major Repair facilities must be fully screened from view by a 100% opaque fence or engineered concrete/masonry block wall that is no less than 6 feet, but no more than 8 feet in height, as determined by the Zoning Administrator.
- G. As part of any Conditional Use Permit process within the General Commercial (C-2) or Business Park (BP) District, a landscaped screen of plantings will be required in combination with a required fence or wall to provide vegetative buffering and/or shield repair activities from public view or adjacent residential districts. See **Section 4.3** for additional screening regulations. The provisions of this paragraph shall not apply to Major Repair facilities located in the General Industrial (I-2) district.
- H. No temporary or long term parking, outdoor repair activities, or outdoor supply/material storage in support of Major Repair activities that exceed the height of the screen wall may occur within the required setback areas of the zoning district in which the Major Repair facility is located. The provisions of this paragraph shall not apply to Major Repair facilities located in the General Industrial (I-2) district.

- I. Outdoor repair related activities shall be limited to the hours between 6:00am and 9:00pm within the General Industrial (I-2) district, unless modified through the CUP process.
- J. No pending, under repair, or repaired automobile/boat shall be utilized for overnight lodging or as continuous living accommodations.
- K. All exterior lighting shall comply with the lighting standards provided within **Section 4.6.**
- L. Any lawful Major Repair facility in existence as of **XXXX 2018**, that could not be permitted or rebuilt thereafter pursuant to these zoning district requirements shall be considered a permitted use and, accordingly, shall not be subject to this subsection, unless the facility is proposed to be expanded beyond the building or facility use footprint, whichever is greater, that existed as of **XXXX 2018**. If the building or facility use footprint exceeds the allowed threshold or if the intensity of uses increases beyond that which existed as of **XXXX 2018**, the Major Repair facility shall be required to be brought into compliance with all current, applicable zoning ordinance provisions.
- M. A use may combine a minor repair facility with a service station only if the uses are permitted or conditionally permitted and approved in that zoning district. If combined with said uses, Minor Repair facilities shall additionally comply with the provisions of **Section 3.1.XX, Service Station.**
- N. Service bay doors for minor repair facilities may not face designated gateway roadways, or residential neighborhoods.
- O. Any lawful Minor Repair facility in existence as of **XXXX 2018**, that could not be permitted or rebuilt thereafter pursuant to these zoning district requirements shall be considered a permitted use and, accordingly, shall not be subject to this subsection and/or shall not be required to obtain conditional approval, unless the facility is proposed to be expanded beyond the building or facility use footprint, whichever is greater, that existed as of **XXXX 2018**. If the building or facility use footprint exceeds the allowed threshold or if the intensity of uses increases beyond that which existed as of **XXXX 2018**, the Minor Repair facility shall be required to be brought into compliance with all current, applicable zoning ordinance provisions.

3.1.7 Concentrated Animal Feeding Operation (Eloy 21-57 A 5 a-d)

- A. **Concentrated Animal Feeding Operation and poultry or ratite farms, but not including swine; shall be located on a minimum of six hundred forty (640) acre parcel(s) and only after compliance has been confirmed with the following standards:**
 - 1. **There shall be no more than one animal unit (AU) per acre with a total of no more than one thousand (1,000) animal units (AU) per facility at any time under any circumstance. Poultry facilities shall not be permitted to contain more than two hundred (200) AU of poultry (10,000 chickens) per facility at any time under any circumstance.**

2. All animals must be confined to pens, coops, buildings and enclosures that are a minimum of two hundred feet (200'), as measured to any parcel line, street, highway or residence district; other than open pasture.
3. A specific plan for the locations of animal waste defecation, collection and disposal, shall be prepared and approved by the City to effectively minimize odor and vector impacts on adjacent lots or parcels.
4. Agricultural composting may not be conducted within one thousand three hundred twenty feet (1,320'), as measured to the parcel boundary of an existing residential use.

3.1.8 Campground

These regulations apply to Campgrounds where campsites are rented for the placement and occupancy of tents and/or recreational vehicles on a temporary basis. The installation or development of any campground, shall comply with the following minimum criteria:

- A. All campgrounds shall be designed in accordance with the provisions of this Ordinance and administered through the Overlay District, Conditional Use Permit and/or Site Plan Review process.
- B. Campgrounds shall not be used as permanent residences except for that of the owner, manager and/or permanent maintenance personnel. The maximum length of stay in any campground shall be one-hundred-eighty (180 days) or six (6) months, per calendar year.
- C. One recreational vehicle (RV) shall be permitted on each designated camp site. Manufactured homes or dwelling units of conventional construction shall not be permitted within the Campground for living purposes except for that of the owner, manager, and/or permanent maintenance personnel.
- D. The minimum lot or parcel size for a campground shall be five (5) gross acres.
- E. The maximum number of individual camping sites allowed shall be ten (10) per gross acre.
- F. Each camp site shall be clearly marked with an alpha or numeric symbol on a sign which is clearly visible from an access road. All camp sites shall be labeled on a map, which shall be provided to each campground occupant; local police, fire, and emergency service provider; and 911 dispatch center.
- G. All roads within a campground shall be well-drained, graveled or paved, and maintained in good condition by the park owner or manager. One-way roads shall be a minimum of twelve (12) feet in width, all other roads shall have a minimum travel surface of eighteen (18) feet or as required by the International Fire Code, whichever is greater. Parking shall be prohibited on as well as both sides of all roads within the park.
- H. Each camp site shall be provided with two off-street parking spaces.

- I. Street improvements for any public roads bounding the campground shall be designed and constructed as approved in advance by the City Engineer.
- J. Vehicular access to all camp sites shall occur from the interior of the campground. There shall be no individual access to any camp site from a public street.
- K. A preserved natural or planted buffer strip, measuring a minimum of fifty (50) feet shall be provided along the front, side, and rear lot lines of the campground in which no camping may take place. This buffer strip will provide a visual buffer to minimize any adverse impact on abutting land use. The Community Development Director may require an additional setback, based on extenuating circumstances.
- L. Each campground must provide an adequate and easily identifiable office or registration area immediately upon passing its primary entrance. The location of the office shall not interfere with the normal flow of traffic into and out of the campground.
- M. Recreational amenities or social centers, which may be used for crafts, hobbies, games, meeting, banquets and similar recreational uses may be of conventional site-built construction of a manufactured home
- N. Each campground may provide a place to procure food, drink, sundries, supplies or souvenirs to patrons of the campground only.
- O. Service buildings with toilet, bathing and other sanitation facilities and utilities shall be provided as required by the City of Eloy.
- P. Provision for on-site storm water retention / drainage and off-site storm water drainage both entering and leaving the property shall be as required by the City Engineer.
- Q. All utilities shall be placed underground. The placement of utilities will be up to the developer. However, all utility services shall meet all requirements specified by the City of Eloy, as well as the respective utility companies.
- R. All lighting shall be in conformance with **Section 4.6** of this ordinance.
- S. All landscaping shall be in conformance with **Section ___** of this ordinance.
- T. Designated areas for boat and recreational vehicle storage within the park shall be for the sole use of tenants of the campground.
- U. All refuse collection areas shall be completely enclosed via a solid 6 foot wall and view obstructing gate and located on a concrete surface. Refuse collection areas shall be readily accessible to collection vehicles, without substantially encumbering adjacent parking and vehicular access. If the refuse collection area can be viewed from the exterior of the park, the enclosure should be screened with landscaping on its most visible side(s).

- V. A site plan approval application for a campground shall include the following information:
 - 1. A written description of the proposed operation, including proposed months of operation; desired number, types, and characteristics of different desired camping sites; other ancillary uses existing or proposed for the site; operational procedures (e.g., noise and nuisance control, clean-up); and emergency access plan.
 - 2. A campground plan map, drawn to scale, and including the existing and proposed layout; location of camp sites and camping units, roads, parking areas, and site boundaries; existing and proposed topography (grading); minimum required yards; existing and proposed buildings and other structures; common recreational facilities; water and sewer systems; and on and off site stormwater management.

3.1.9 Caretaker Quarters (Eloy code 21-56 4 a-g)

- A. One caretaker living quarters may be permitted on the same lot as a principal residence, provided the caretaker living quarters complies with the following standards:
 - a. The caretaker living quarters must conform to all minimum density, area, building and yard regulations that pertain to the principal structure.
 - b. The caretaker living quarters shall be located in the buildable area of the lot.
 - c. A single common driveway shall serve both the principal residence and the caretaker living quarters.
 - d. The caretaker living quarters may not exceed fifty percent (50%) of the gross square footage of the livable area of the primary structure.
 - e. The caretaker living quarters must be connected to all of the primary structure's electric, water and gas meters.
 - f. The caretaker living quarters may not be used for any commercial or nonresidential uses.
 - g. A caretaker living quarters may not be used for rental purposes and/or otherwise used for income purposes.

3.1.10 Carnivals, Circuses, Revivals, Rodeos and Similar Activities

Carnivals, Circuses, Concerts, Revivals, Rodeos and Similar Activities may be permitted, provided the following conditions are met:

- A. A Temporary Use Permit (private property) shall be obtained when a Special Event Permit is submitted to the City, which shall occur on either private or public property.

- B. City staff shall ensure that health and fire safety is considered and shall solicit the comments of the Pinal County Health Department and Eloy Fire District as necessary.
- C. City staff shall ensure that land area is adequate for the proposed use's parking; and shall ensure that traffic safety is considered.
- D. City staff shall require measures to adequately protect surrounding property.
- E. Permanent structures shall not be allowed.
- F. A Special Events Permit or a Temporary Use Permit shall pertain to the allowable activity permitted during the time limit of the permit. A change in ownership or sponsor applicant for the same activity during the time limit of the permit shall not constitute grounds for extending the time granted for the activity in the original permit.

3.1.11 Child Care, Center

- A. A Child Care Center shall be licensed, certified or approved by the State of Arizona,
- B. Adequate off-street parking shall be provided in accordance with **Section 4.2.**
- C. All Child Care Centers shall provide adequate drop-off areas and waiting space so that parents' cars are not required to loiter in a public right-of-way. At least one (1) drop-off space, or its equivalent shall be provided for each five (5) children enrolled or cared for at the facility during the largest scheduled class. Child drop-off areas shall have direct, unobstructed pedestrian access to the building entrance.
- D. A minimum of one hundred (100) square feet of outdoor play area shall be provided per child utilizing the outdoor play area at any given time. The total outdoor play area shall not be less than one thousand two hundred (1,200) square feet, unless a larger area is required by the State. Outdoor play areas shall be located in the rear or side yard, fenced and screened in accordance with **Section 4.X.**

3.1.12 Child Care, Home

- A. A Child Care, Home shall be licensed, certified or approved by the State of Arizona.
- B. Child Care, Home vehicles belonging to employees and residents are required to park onsite, in the garage or on an approved paved driveway.
- C. Signage for advertising or notification of use shall not be permitted on or off the site.

- D. A minimum of six hundred (600) square feet of open space shall be provided for an outdoor play area, none of which shall be located in the required front setback.
- E. All outdoor recreation areas shall be completely screened and enclosed by a six (6) foot high solid masonry wall or wood fence with solid self-closing and self-latching gates.

3.1.13 College/University/Vocational School

- A. The facility shall meet current City fire code, building code and any other applicable regulations.
- B. All access for colleges and/or universities shall be provided from an arterial or collector roadway; vehicular ingress and egress to local streets, except in the Downtown District, is prohibited.
- C. A separate Conditional Use Permit shall be required for any additional accessory uses customarily found in conjunction with schools, including dormitories, stadiums, outdoor recreational lighting, and auditoriums which were not specifically identified when the CUP was originally approved.
- D. Colleges or universities shall comply with the building setback and building height requirements established by the zoning district for which the college/university is located; but may be modified as part of the CUP process.

3.1.14 Commercial Riding Stables (Eloy 21-57 A 6 a-k + B 1 a-c)

- A. Commercial riding stables, boarding stables, and/or a commercial ranch may be permitted only after compliance has been determined with the following standards:
 - 1. There shall be no more than eight (8) animal units (AU) per acre with a total of no more than one hundred (100) animals/facility at any time under any circumstance.
 - 2. An attendant must be a full time resident on the property of any commercial ranch.
 - 3. All livestock structures, containment areas of facilities used for the stabling, storing, showing or training of livestock and for temporary manure storage shall be set back a minimum of seventy five feet (75') from any parcel line. Normal setbacks apply to all other structures and uses.
 - 4. Shows Performances or other activities that would generate more vehicular traffic than is normal to an area with single-family residences are not permitted unless the site has direct access to a major or Collector Street. Occasional small performances may be allowed, as per the stipulations of the conditional use permit. Adequate parking for daily activities and additional parking, as determined by the Zoning Administrator, must be provided for shows or other special events.

5. All livestock turnout areas and pens shall be enclosed with fences at least five feet (5') in height. The design of these enclosures shall be provided on drawings submitted with the conditional use permit application.
 6. A specific plan for the physical containment and location of manure storage and/or disposal, which minimizes odor and vector impacts on adjacent lots or parcels, must be provided. The spreading and tilling of manure into the soil of the paddock, pasture or arena areas may be considered as adequate manure disposal.
 7. The applicant must provide a specific program for vector control in barn and stable areas that minimizes their attraction and breeding.
 8. All activity and pasture areas shall be grassed, irrigated or treated with regularly tilled organic soil mix for dust suppression.
 9. With the exception of the principal residence and its accessory structures, upon revocation of the commercial ranch conditional use permit or abandonment of the operation, all structures shall be removed.
 10. Failure to maintain any of the standards described above is grounds for revocation of the conditional use permit.
 11. In the review for commercial riding stables, boarding stables, and/or a commercial ranch, the City may also consider lighting, landscaping, hours of operation, signage, plan of operation, and neighborhood impact.
- B. The following uses are permitted in the RR-20 and RR-5, and RR-2.5 single residence district only after review and approval of a conditional use permit in accordance with Section X.X of this chapter. Conditional uses are subject to all other applicable standards of this chapter and those requirements that may reasonably be imposed by the City Council. If a specific use is not listed as either a permitted use or a conditional use it is prohibited.
1. Commercial riding stables, boarding stables, and/or commercial ranch only after it has been determined to be in compliance with the following standards:
 - a. The site contains at least ten (10) acres (gross).
 - b. There shall be no more than four (4) animal units (AU) per acre with a total of no more than forty (40) animals contained within the facility at any time under any circumstance.
 - c. Shall comply with the standards outlined in subsection A1 through A11 of this section.

3.1.15 Convenience Store

- A. The maximum total square footage of the building shall be five-thousand (5,000) square feet; unless modified through the CUP process.

- B. A use may combine a convenience store with a drive-through facility and/or service station only if both uses are permitted or conditionally permitted and approved in that district. If combined with said uses, convenience stores shall additionally comply with the provisions of Section 3.1.12 Drive-Through Facility and/or 3.1.27 Service Station.

3.1.16 Dairy Farms (Eloy 21-57 A 4 a-e)

- A. Dairy farms provided that they have a minimum of six hundred forty (640) acres and only if in compliance with the following standards:
 1. There shall be no more than two (2) animal units (AU) per acre with a total of no more than five hundred (500) bovine animals per facility or seven hundred fifty (750) AU at any time under any circumstance.
 2. Pens, buildings, corrals and yards other than open pasture shall be located a minimum of three hundred feet (300') to any parcel line.
 3. The spreading and tilling of manure into the soil of the paddock, pasture or arena areas may be considered as adequate manure disposal if approved by the City.
 4. Agricultural composting may not be conducted within one thousand three hundred twenty feet (1,320') of an existing residential use.
 5. A specific program for vector control in barn and animal containment areas, which minimizes the attraction and breeding of vectors, must be provided and approved by the City.

3.1.17 Detention/Correctional Facilities

- A. Public or private detention and correctional facilities, provided that they have a minimum of three hundred twenty (320) acres and only after it has been found to be in compliance with all applicable federal and state regulations.
- B. Said facilities should maintain a 1,320 foot buffer from any existing residential dwelling unit and/or planned residential land use.

3.1.18 Drive-Through Facility

- A. This section shall apply to all principal uses that include a drive-through facility. Uses may include, but not be limited to; financial institutions, fast food restaurants, coffee shops, convenience stores, drug stores, and liquor stores.
 1. Menu boards shall not be placed facing the primary street. In addition, every effort shall be made to avoid placing payment and/or pick-up windows adjacent to public streets. Payment and/or pick-up windows shall not face I-10, Frontier Street or Sunshine Blvd.
 2. Drive through aisles that face or are adjacent to public streets shall be screened from public view by a minimum three (3) foot tall masonry wall that matches the primary structure or a landscape berm.

3. No drive-through aisles shall exit directly onto a public right-of-way.
4. Drive through queuing length shall be approved in accordance with **Section 4.2** of this Ordinance.
5. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access point to the facility that is located adjacent to a drive-through lane(s). Pedestrian crosswalks shall avoid crossing drive through lanes.

3.1.19 Extractive Industries (Eloy, 10 a-g)

- A. Extractive industries, including the removal of sand, rock, soil, gravel and including concrete or asphalt batch plants as an accessory use only after it is in compliance with the following standards:
 1. No excavation or processing of excavated materials shall be permitted within thirty feet (30') of the exterior boundaries of its parcel and within one hundred twenty five feet (125') of any residential zoned property or existing residence. The City may require enhanced setbacks if, in the opinion of the Zoning Administrator, it is justified.
 2. Material shall be excavated in such a manner so as to assure the convenient, efficient, and successful restoration of the land and to minimize any adverse effects to adjacent and surrounding land as a result of piling or storing the overburden material.
 3. Material shall be excavated in such a manner that allows a minimum of two feet (2') of undisturbed sand, gravel, or soil over the entire excavation tract, thereby providing a water bearing strata for any groundwater; or more, if the required geological report indicates that it is necessary.
 4. The excavation operator shall maintain haul roads within the premises covered by the permit and the perimeter public roads in a dust free condition.
 5. The hours of operation, unless otherwise specified by the City, shall occur only between the hours of six (6:00) A.M. and ten (10:00) P.M. unless the City grants special permission, for a temporary increase.
 6. Operations shall be conducted in such a manner that excavated areas will not collect or permit stagnant water to remain therein.
 7. The required development plan shall indicate compliance with the above standards and shall be prepared on a topographic map exhibiting a minimum of five foot (5') contour intervals:
 - a. Pre-excavation contours;
 - b. Proposed excavation contours;
 - c. Degree of topographic slope for all excavations;
 - d. Location of any public facilities, irrigation canals, ditches, or streambeds;

- e. Post excavation reuse plan and contours.

3.1.20 Farms/Ranching Activities (Eloy, 21-56 (A) 3

- A. Farms/farming activities and ranch/ranching activities but not including: commercial ranches; dairies; CAFOs; swine, ratites or poultry farms. Farm and ranch uses shall be in compliance with the following standards:
 - 1. There shall be an open space buffer area, not less than sixty feet (60') in width, between agricultural crop production fields and any adjacent residentially zoned land or residential land uses if the agricultural crop requires the application of pesticides either mechanically sprayed or by aerial application.
 - 2. Raising, breeding, training and feeding of agricultural animals provided there are no more than four (4) animal units (AU) per acre with a total of no more than two hundred fifty (250) animals under any circumstance.
 - 3. Animals must be contained and the containment must be within the buildable area of the lot. Only pasture and grazing activity may occur outside of the buildable area of the lot.
 - 4. Ranch uses may include the following equine activities: boarding, breeding, training, and the sale of animals owned by the rancher.
 - 5. Ranch uses do not include: liveryes; the retail sale of hay, feed or tack; or equine activities open to the general public.
 - 6. A specific plan for the physical containment and location of manure storage and/or disposal, which minimizes odor and vector impacts on adjacent lots or parcels, must be provided and approved by the City. The spreading and tilling of manure into the soil of the paddock, pasture or arena areas may be considered adequate manure disposal.
 - 7. A specific program for vector control in barn and stable areas, which minimizes the attraction and breeding of vectors, must be provided and approved by the City.
 - 8. All activity and pasture areas shall be grassed, irrigated or treated with regularly tilled organic soil mix for dust suppression.
 - 9. All feeding areas and the structures used to house or cover the animals shall conform to the yard setback regulations of Section X.X, Table X of this article.

3.1.21 Group Care Homes

- A. A completed registration form shall be submitted to the Community Development Department on a form established by the Zoning Administrator. Registration shall become effective upon issuance of zoning clearance for the home and shall terminate when the home use ceases. No registration/clearance shall be accepted or approved for a home that does not comply with the conditions listed within this subsection.

- B. Group care homes shall comply with all applicable federal, state and local requirements for the location, development and operation of such homes and the provision of safe outdoor recreation areas and gross floor areas for every person that the home is licensed to accommodate.
- C. Group care homes shall not be located within one thousand two hundred (1,200) feet, as measured from the parcel lines, of another group care home or assisted living home facility.
- D. The group care home shall not undertake modifications in the exterior appearance of any structure or necessitate equipment that is not related to the primary residential use. Signage is prohibited.
- E. All administrative activities, including staffing, counseling, and other visitations, shall serve only residents of the group care home.

3.1.22 Home Occupations

A home occupation shall be considered a permitted accessory use in all residential zoning districts provided that such use does not materially change the character of the surrounding residential area by generating added traffic, noise, odors, visual impacts, or storage of materials than would normally be expected in a residential zoning district. Home occupations shall comply with all of the following regulations:

- A. All home occupations shall be clearly incidental and subordinate to the use of the property and dwelling unit for residential purposes. A valid City business license shall be maintained for the home occupation use.
- B. Each dwelling unit shall be limited to one (1) permitted home occupation. Any additional home occupation(s) shall require a conditional use permit.
- C. All home occupations shall be conducted entirely from within the principal residence or enclosed accessory buildings (i.e. detached garage) except for home occupations that require the use of accessory structures allowed within the subject zoning district (i.e. the use of swimming pools for swimming lessons, play structures for day care, or horse corals for horseback riding lessons) as long as they do not diminish the quality of life for neighboring properties.
- D. No more than twenty-five (25) percent of the gross floor area of the principal dwelling or accessory building shall be devoted to the home occupation. Areas devoted to the home occupation use shall maintain a residential character and appearance.
- E. There shall be no employees of the home occupation other than members of the immediate family residing in the dwelling unit where the home occupation is being operated.
- F. There shall be no external evidence of the home occupation such as greater volumes of traffic, noise, dust, odors, fumes, vibration, electrical interference

or fluctuation or other nuisances discernible beyond the property lines than would normally be expected in a residential neighborhood.

- G. A home occupation shall not be conducted in a way that is perceptible in external effects (such as but not limited to noise, odors, traffic) from beyond the parcel line from 8:00 p.m. to 6:00 a.m. This time limit shall also apply to any loading or unloading of vehicles on the property or on a local street that generates noise to adjoining residents.
- H. There shall be no use of show windows, business display or advertising visible from the exterior of the building, except as is specifically permitted in **Section 4.5: Signs**, that indicates the premises are being used in part for any purpose other than a dwelling.
- I. The home occupation shall not generate excessive levels of solid waste or use utilities and public facilities in amounts greater than normally provided for residential use.
- J. The address of the home occupation shall not be advertised in such a way that would encourage customers or salespersons to visit the property without an appointment.
- K. Customer/patron trip generation shall not exceed five (5) visits a day and no more than two (2) visits at the same time. Exceptions may be allowed for music, art, craft or similar lessons, swim lessons, hair or nail appointments, and home day care providers, as determined by the Zoning Administrator
- L. Shipping/receiving trip generation shall not involve the use of a vehicle with an aggregate gross vehicle weight of more than 10,000 pounds for more than the occasional receiving/delivery of materials to or from the premises.
- M. Any parking incidental to the home occupation shall be provided only in the residential driveway, subject to compliance with the off-street parking requirements of **Section 4.2**.
- N. The home occupation shall not involve the parking or storage of more than two (2) vehicles having a gross vehicle weight over 10,000 pounds on the lot or on adjacent streets at any period of time. However, in the RR-20, RR-5 and RR-2.5 zoning districts, the parking and storage of up to two (2) vehicles, directly related to the home occupation, with a gross vehicle weight of more than 10,000 pounds shall be allowed within a fully screened side or rear yard.
- O. Storage of goods and materials necessary for the home occupation shall be fully enclosed within a building or structure and shall not include flammable, combustible or explosive materials except where private on-site utility fuel tanks are used for home heating, cooking or other residential type utilities.
- P. The following are examples of uses which would be acceptable as home occupations provided they comply with the above regulations:
 - 1. Home offices with few or no client vehicular visits to the home;

2. Catering for off-site consumption;
 3. Personal services such as a beauty shop, barbershop, and seamstress;
 4. Artists, sculptors, jewelry makers, and composers not selling their artistic product to the general public on the premises;
 5. Fine arts lessons (music, art, crafts, dance), tutoring and swimming lessons limited to no more than four (4) students at any one time;
 6. Income tax preparation;
 7. Computer programming and software development; and,
 8. Day care (maximum of four (4) persons).
- Q. A home occupation shall not include and not be limited to, the following uses:
1. Medical offices, clinics, and laboratories, except for psychologists, speech therapists, acupuncturists, licensed massage therapists, and other professionals with one-on-one counseling, therapy, or treatment that do not exceed 6 clients within 24 hours.
 2. Motor vehicle sales, repair, painting, upholstery, storage, restoration or conversion, tire and/or engine repair, wheel polishing, or similar uses conducted outside and/or on vehicles not registered to a person currently residing at the home.
 3. Veterinarian office or animal care kennels or boarding facilities. Except in the RR-20, RR-5 and RR-2.5 zoning districts such uses may be permitted by Conditional Use Permit.
 4. Welding or Machine shop.
 5. Retail sales (other than the occasional sale of custom crafts and art produced on the premises);
 6. Restaurants;
 7. Contractors shop or storage; and,
 8. Body piercing and/or tattoo studio.
- R. Complaints by citizens or local residents may be cause for termination of the home occupation.
1. All complaints or violations of the above conditions shall be registered with and reviewed by the Zoning Administrator.
 2. The burden of proof shall be upon the home occupation to prove that the standards of this Section are being met, especially regarding possible nuisances and vehicle traffic.
 3. If appropriate measures cannot be undertaken to mitigate the complaint or violations, the Zoning Administrator may determine that a particular type or intensity of use is unsuitable to be a home occupation and require

immediate termination of the use. Appeals of the Zoning Administrator's decision can be made to the Board of Adjustment.

3.1.23 Animal Kennel/Shelter (Eloy code, page 34)

- A. Kennels for the boarding or lodging, breeding, or training of small domesticated animals, such as dogs and cats, provided the animals are maintained within the confines of an exercise area and sound attenuation measures are in place. Animals shall not run at large and shall not number more than four (4) animals per acre with a total of no more than eighty (80) animals under any circumstance. A specific plan for the physical containment and location of waste storage and/or disposal, which minimizes odor and vector impacts on adjacent lots or parcels, must be provided. All kennels shall comply with city and/or state licensing requirements.

3.1.24 Medical Marijuana Cultivation (Eloy code 21-56 A (9))

- A. Medical marijuana cultivation, may be permitted, subject to the following conditions and limitations:
 - 1. Applicant shall provide:
 - a. The name(s) and location(s) of the offsite medical marijuana dispensary associated with the cultivation operation.
 - b. A copy of the operating procedures adopted in compliance with Arizona Revised Statutes section 36-2804(9) (1) (c).
 - c. A survey sealed by a registrant of the state of Arizona showing the location of the nearest medical marijuana dispensary or cultivation location, if within five thousand two hundred eighty feet (5,280').
- B. Retail sales of medical marijuana is prohibited.
- C. Shall not be located within one thousand three hundred twenty feet (1,320') of the same type of use or a medical marijuana dispensary. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
- D. Shall not be located within one thousand three hundred twenty feet (1,320') of a residentially zoned property. This distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation business is conducted or proposed to be conducted to the parcel boundary line of the residentially zoned property.
- E. Shall not be located within one thousand three hundred twenty feet (1,320') of a preschool, kindergarten, elementary, secondary or high school, place of worship, Public Park or community center. This distance shall be measured from the exterior walls of the building or portion thereof in which the cultivation business is conducted or proposed to be conducted to the parcel line of the protected use.

- F. With Regard to a Medical Marijuana Cultivation location, applicants seeking a conditional use permit shall provide the name and location of the off-site dispensary, a copy of operating procedures adopted in compliance with ARS §36-2804(B) (1) (c), procedures for proper disposal of marijuana remnants or by-products (not to be the facility's exterior refuse container), a security plan, and a plan to prohibit the emission of odors from the facility into the environment.
- G. The cultivation location must be a permanent building (not a habitable trailer, cargo container or motor vehicle) with a maximum area not to exceed two thousand (2,000) square feet unless otherwise shown by the applicant and approved through the conditional use permit process that additional area is needed to provide necessary medical marijuana to the identified dispensary.
- H. The cultivation location shall not be open to the public.
- I. Marijuana shall not be consumed on the premises, including any accessory structures, parking lot or parking areas.

3.1.25 Medical Marijuana Dispensary (Eloy 21-78 B (28))

- A. Applicant shall provide:
 - 1. The name(s) and location(s) of the off-site medical marijuana dispensary associated with the cultivation operation.
 - 2. A copy of the operating procedures adopted in compliance with Arizona Revised Statutes section 36-2804(8) (1) (c).
 - 3. A survey sealed by a registrant of the state of Arizona showing the location of the nearest medical marijuana dispensary or cultivation location if within five thousand two hundred eighty feet (5,280').
 - 4. Site plan, floor plan, building permits for occupancy change, and a security plan.
- B. Shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle.
- C. Shall have a maximum occupant load requirement that will not exceed limitations for single exit floor plan in accordance with table 1014.1 of the 2003 International Building Code.
- D. Shall not be located within one thousand three hundred twenty feet (1,320') of the same type of use. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
- E. Shall not be located within one thousand three hundred twenty feet (1,320') of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.

- F. Shall not be located within one thousand three hundred twenty feet (1,320') of a preschool, kindergarten, elementary, secondary or high school, place of worship, Public Park, or public community center. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
- G. Shall have maximum operating hours from 8:00 A.M. to 6:00 P.M.
- H. Drive-through services are prohibited.
- I. Cultivation of medical marijuana is prohibited.
- J. Shall provide for proper disposal of marijuana remnants or byproducts, which shall not be placed within the facility's exterior refuse containers.
- K. With regard to a Medical Marijuana Dispensary, on-site and drive through services are prohibited. Applicants seeking a conditional use permit shall provide the name and location of the off-site cultivation location or source, a copy of operating procedures adopted in compliance with ARS §36-2804(B) (1) (c), procedures for proper disposal of marijuana remnants or by-products (not to be the facility's exterior refuse container), a security plan, and a plan to prohibit the emission of odors from the facility into the environment. The dispensary must be a permanent building (not a habitable trailer, cargo container or motor vehicle) with a maximum area not to exceed 1,000 square feet. Operating hours shall not be earlier than 8 a.m. and not later than 6 p.m. Marijuana shall not be consumed on the premises of the dispensary, including any accessory structures, parking lot or parking areas.

3.1.26 Medical Marijuana Infusion (Eloy 21-89 A (14))

- A. Medical marijuana infusion (or manufacturing) production facility.
 - 1. Applicant shall provide:
 - a. Name(s) and location(s) of the off-site dispensary.
 - b. A copy of the operating procedures adopted in compliance with Arizona Revised Statutes section 36-2804(9)(1)(c).
 - c. A survey sealed by a registrant of the state of Arizona showing the location of the nearest medical marijuana dispensary or cultivation location if within five thousand two hundred eighty feet (5,280').
 - 2. The facility shall not be located within one thousand three hundred twenty feet (1,320') of the same type of use. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
 - 3. The facility shall not be located within one thousand three hundred twenty feet (1,320') of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion

thereof in which the businesses are conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.

4. The facility shall not be located within one thousand three hundred twenty feet (1,320') of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or public community center. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
5. There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.

3.1.27 Microbrewery, Craft Distillery or Tasting Room

- A. Must provide evidence of a valid State license before commencing operations or at any time upon the request of the Zoning Administrator. The conditions of any such license shall be satisfied by the operator of the establishment at all times.
- B. Pure manufacturing and storage uses not associated with a retail or restaurant function are not allowed in the C-2 or MU zoning districts.
- C. All manufacturing and processing activity shall be conducted within a completely enclosed building.
- D. In the C-2 and MU zoning districts, outdoor storage shall be limited to grain silos designed to be screened from public view or integrated into the design of the principal building through the use of compatible materials and colors. No other materials, including products ready for shipping, or equipment shall be stored outdoors unless approved through a Conditional Use Permit.
- E. Outdoor seating and serving is permitted. The location and placement of outdoor dining and serving facilities shall meet all performance standards in **Section 4.1.**

3.1.28 Nursing Home

- A. A completed registration form shall be submitted to the Community Development Department on a form established by the Zoning Administrator. Registration shall become effective upon issuance of zoning clearance for the home and shall terminate when the nursing home use ceases operation. No registration/clearance shall be accepted or approved for a nursing home that does not comply with the conditions listed within this subsection.
- B. Nursing homes shall comply with all applicable federal, state and local requirements for the location, development and operation of such homes and the provision of safe outdoor recreation areas and gross floor areas for every person that the home is licensed to accommodate.

- C. Nursing care homes shall not be located within one thousand two hundred (1,200) feet, as measured from the property lines, of another nursing home, group care home or a residential care home facility.
- D. The nursing home shall not involve changes in the exterior appearance of any structure or necessitate equipment that is not related to the primary residential use.
- E. All administrative activities, including staffing, counseling, and other visitations, shall serve only residents of the nursing home.

3.1.29 Commercial Entertainment, Outdoor

Outdoor commercial entertainment (i.e. music/concerts) may be a permitted conditional use in the C-2, MU, BP and I-1 zoning districts subject to the following:

- A. A business or property desirous of providing outdoor musical entertainment shall be required to obtain a Conditional Use Permit (CUP) within those zoning districts that permit the use as a CUP. The CUP shall be applicable only to the permittee and to the specific business/property identified. It shall not be transferable. A new Conditional Use Permit shall be obtained if the business/property is sold, leased, or conveyed by the permittee; or if the permittee moves to a new location.
- B. Outdoor Musical Entertainment Conditional Use Permits shall be subject to an annual review, based on the initial approval date, to ensure the use is conducted in accordance with all of the terms, conditions and restrictions of this Ordinance, and the approved CUP or any other applicable laws. If the use is found to be in compliance, an administrative renewal shall be issued by the Community Development Department. Any use found to be in violation of the terms, conditions, or restrictions of this Ordinance, the CUP or any other applicable laws shall be subject to revocation and scheduled for a formal public hearing in accordance with [Section 6](#), Zoning Procedures. Following the formal public hearing process, the City Council may elect to renew, renew with additional stipulations, or revoke the CUP.
- C. Amplified outdoor musical entertainment, live or recorded, shall not be permitted within 600 feet of a single-family residentially zoned property or existing residential dwelling.
- D. Outdoor musical entertainment will not be permitted within public rights-of-way.
- E. Outdoor musical entertainment will be limited to the hours of 8:00 am to 11:00 pm.
- F. No retail or wholesale over-the-counter sale of goods or products are permitted to be sold in conjunction with the entertainment, other than the products or service being provided by the permitted business, unless accompanied by an Arizona Transaction Privilege Tax License.

- G. The performer will not use in their show any flammable items, fireworks, electronic light displays, or laser-operated device.
- H. Outdoor musical entertainment shall be restricted to music and/ or singing which is not excessive or disturbing to the community as prescribed by **City Code X.X.**
- I. If the sound is of sufficient volume and duration that it would cause discomfort or annoyance to a reasonable person of normal sensitivities, it shall be prohibited.

3.1.30 Outdoor Storage Facilities

- A. All outside storage facilities shall be subject to the CUP process in the I-1 zoning district and the site plan review process as a permitted use in the I-2 zoning district. In addition to standard site plan information, the applicant shall provide a plan which demonstrates the ability to control on-site and prevent off-site nuisance conditions such as noise, dust, odors, vectors and wind-blown debris.
- B. A use may combine outside storage with automobile/boat major repair and automobile/boat sales only if both uses are permitted or conditionally permitted and approved in that district. If combined with said uses, outside storage facilities shall additionally comply with the provisions of **Section X.X Automobile/Boat Major Repair and/or Section X.X Automobile/Boat Sales and Leasing.**
- C. Outside storage facilities shall be located with direct access to paved roadways that are suitable in size to allow for the efficient delivery of automobiles and boats for storage. The paved roadway requirement of this paragraph shall not apply to outside storage facilities located in the I-2 zoning district.
- D. Outside storage areas shall be paved in compliance with City standards. The provisions of this paragraph shall not apply to outside storage facilities located in the I-2 zoning district.
- E. Outside storage facilities must be fully screened from view by a 100% opaque fence or engineered concrete/masonry block wall that is no less than 6 feet, but no more than 8 feet in height.
- F. As part of the Conditional Use Permit process within the I-1 zoning district, a landscaped screen of plantings may be required in combination with a required fence or wall to provide additional buffer and/or shield storage activities from public view or adjacent residential districts. See **Section 4.3.X** for additional screening regulations. The provisions of this paragraph shall not apply to Major Repair Facilities located in the I-2 zoning district.
- G. No outside storage that exceeds the height of the screen wall may occur within the required setback areas. The provisions of this paragraph shall not apply to outside storage facilities located in the I-2 district.

- H. No stored automobile/boat shall be utilized for overnight sleeping or as continuous living accommodations.
- I. All exterior lighting shall comply with the lighting standards provided within **Section 4.6**.
- J. Any lawful outside storage facility in existence as of **XXXX 2018**, that could not be permitted or rebuilt thereafter because of zoning district requirements shall be considered a permitted use and, accordingly, shall not be subject to this subsection, unless the facility is proposed to be expanded beyond the building or facility use footprint, whichever is greater, that existed as of **XXXX 2018**. If the building or facility use footprint exceeds the allowed threshold, or if the intensity of uses increases beyond that which existed as of **XXXX 2018**, the outside storage facility shall be required to be brought into compliance with all current, applicable provisions of this zoning ordinance.

3.1.31 Outdoor/Mobile Vending

A. Requirements

- 1. A business or individual desirous in providing outdoor vending shall obtain a Conditional Use Permit for use in the C-1, C-2, MU, BP and I-1 zoning districts.
- 2. Outdoor vendors shall only be permitted to operate on City specified property or on private property C-1, C-2, MU and I-1 zoning districts. The owner or lessee of a property shall give written consent to outdoor vendors to utilize their property for outdoor vending purposes and vendors shall have said written consent available at all times for review by City inspectors.
- 3. Outdoor vending businesses are considered to be temporary in nature and are not to be permanently affixed on a property.
- 4. Outdoor vending will only be permitted on properties that have been established with principal uses.
- 5. All signs shall be affixed to the vending cart, stand or stall. Standalone signs on any one side of the cart, stand or stall, shall be approved as part of the CUP process. This type of sign will not require the issuance of a separate sign permit.
- 6. Vending carts, stands or stalls shall not block a driveway, sidewalk or other point of emergency vehicular access, including emergency access points.
- 7. All vending carts, stands or stalls shall be located at least 5' from any sidewalk and/or 10' from any street whichever is the least measured distance. If located near a street intersection, the vending cart, stand or stall must maintain an unobstructed visibility triangle **per Section 4.3.X**.
- 8. Vending carts, stands or stalls located in parking areas shall not reduce the number of parking spaces required for the principal use if said principal use is in operation during the same hours as the outdoor vendor. Additional off-street parking spaces must be provided for all employees of the outdoor vending operation unless employees arrive in the vending cart.

9. Vending carts, stands or stalls must be constructed of durable and high quality materials. Vending carts, stands or stalls must be maintained in good condition and repair. Vending carts, stands or stalls that are in disrepair shall be replaced or removed at the request of the Zoning Administrator.
10. Outdoor Vending will be conducted with proper licensing, certification and registration required under the State of Arizona, Pinal County and the City of Eloy, if required. The application shall include the applicant's name of business and State Tax License number.
11. Every applicant, before being granted a permit for outdoor vending shall submit the following:
 - a. A Conditional Use Permit application and non-refundable application fee per the approved City of Eloy fee schedule.
 - b. Site plan showing the location where the vending cart, stand or stall will be placed, and compliance with parking and setback and other code standards.
 - c. Information providing support that the vending operation is in conformance with the regulations outlined in this section.
 - d. Business Registration for vending business and State Tax License number.
 - e. If Permit will be on City Property, proof of liability insurance for \$1,000,000.00, naming the City of Eloy listed as additionally insured.
12. Renewal and Revocation
 - a. Outdoor Vendor Conditional Use Permits shall be subject to an annual review, based on the initial approval date, to ensure the use is conducted in accordance with all of the terms, conditions and restrictions of this Ordinance, the approved CUP or any other applicable laws. If the use is in compliance, an administrative renewal shall be issued by the Community Development Department. Any use in violation of the terms, conditions, or restrictions of this Ordinance, the CUP or any other applicable laws shall be subject to revocation and scheduled for a formal public hearing in accordance with **Section 6**, Zoning Procedures. Following the formal public hearing process, the City Council may elect to renew, renew with additional stipulations, or revoke the CUP.

3.1.32 Non-Chartered Financial Institution (Payday Loan Facility)

- A. Non-chartered financial institutions shall require a CUP in the C-2 and I-1 zoning districts only.
- B. Non-chartered financial institutions shall not be permitted on a forward pad of a principal corner of two arterial roadways. They may be permitted, with a CUP,

as an in-line tenant within a commercial center located at the intersection of two arterial roadways.

- C. Non-chartered financial institutions shall not be located within one thousand two hundred (1,320) feet of another non-chartered financial institution.
- D. Non-chartered financial institutions shall not be located within one thousand two hundred (1,320) feet of a residential zoning district or existing residential dwelling unit.
- E. Non-chartered financial institutions shall not be located within one thousand two hundred (1,320) feet of school or place of religious assembly.

3.1.33 Religious Assembly

- A. All direct vehicular access for the facility shall occur on an arterial or collector road.
- B. Wherever an off-street parking area is adjacent to a residential use, a continuously obscuring wall, fence and/or landscaped area at least six (6) feet in height shall be provided.

3.1.34 Resident Care Home (see “Group Care Home” for persons without disabilities)

- A. A completed registration form shall be submitted to the Community Development Department on a form established by the Zoning Administrator. Registration shall become effective upon issuance of zoning clearance for the home and shall terminate when the home use ceases. No registration/clearance shall be accepted or approved for a home that does not comply with the conditions listed within this subsection.
- B. Resident care homes shall comply with all applicable federal, state and local requirements for the location, development and operation of such homes and the provision of safe outdoor recreation areas and gross floor areas for every person that the home is licensed to accommodate.
- C. Resident care homes shall not be located within one thousand two hundred (1,200) feet, as measured from the parcel lines, of another resident care home or a group care home facility.
- D. All administrative activities, including staffing, counseling, and other visitations, shall serve only residents of the residential care home.
- E. As a reasonable accommodation for persons with a disability, strict compliance with the standards set out in this Section may be waived by the Zoning Administrator in accordance with the requirements stated herein. A request for such a reasonable accommodation waiver must be in writing and filed with the Zoning Administrator. In all cases, the Zoning Administrator, or his/her designee, shall make findings of fact in support of his/her determination and shall render his/her decision in writing. The Zoning Administrator may meet with and interview the person making the request in order to ascertain or clarify

information sufficiently to make the required findings and/or may request additional information such as a site plan, floor plan, maximum number of residents, transportation methods or description daily activities. To grant a reasonable accommodation waiver, the Zoning Administrator shall find affirmatively all of the following:

1. The request will be in compliance with all applicable building and fire codes.
2. The request will not create traffic impacts, parking impacts, impacts on water or sewer systems, or other similar adverse impacts.
3. Profitability or financial hardship of the owner/service provider of a facility shall not be considered by the Zoning Administrator in determining to grant a reasonable accommodation waiver. An appeal of the decision of the Zoning Administrator may be made regarding reasonable accommodation to the Board of Adjustment pursuant to Section 6.2.11 of this Ordinance.

3.1.35 Schools

- A. The facility shall meet fire code, building code and any other applicable regulations.
- B. All access for high schools, middle schools, boarding schools, or colleges shall be from an arterial or collector roadway; vehicular ingress and egress to local streets is prohibited, except in the Downtown District.
- C. Elementary schools shall not be located adjacent to arterial or other higher functional classification roads.
- D. A separate Conditional Use Permit shall be required for any additional accessory uses customarily located in conjunction with schools, including dormitories, stadiums, outdoor recreational lighting, wireless communication facilities and auditoriums which were not specifically described when the CUP was originally approved.
- E. Schools shall comply with the building setback and building height requirements established by the zoning district for which the School is located; unless modified as part of the CUP process.

3.1.36 Self Service Storage

- A. All storage shall occur entirely within enclosed buildings.
- B. A use may combine indoor storage with outside storage only if both uses are permitted or conditionally permitted and approved in that district. If combined with said use, indoor storage facilities shall additionally comply with the provisions of **Section 3.X.X**, Outside Storage.
- C. Doors to individual storage units shall not face any abutting public street frontage, or, if the site is located on a corner parcel, shall not face the primary public street frontage.

- D. No business activity other than rental of storage units shall be conducted on the premises.
- E. All self-storage rental contracts shall include clauses prohibiting, (a) the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and (b) the use of the property for purposes other than dead storage.
- F. An accessory structure for a management office may be allowed on site, subject to regulations specified in **Section 3.X**, Accessory Buildings, Structures and Uses.
- G. All storage uses shall be screened with a solid six (6) foot or eight (8) foot wall, provide appropriate landscaping in accordance with the requirements of the underlying zoning district and provide outdoor lighting in accordance with Section X.X.

3.1.37 Service Station

- A. Service stations shall not include:
 - 1. Any outdoor service or repair operations, other than the dispensing or installation of gasoline or other minor services for customers as related to such dispensing or installation;
 - 2. There shall be no sale, rental, display, long-term parking, or storage of vehicles, boats, trailers, machinery or other similar equipment; or
 - 3. There shall be no outdoor storage or display of vehicle components and parts, supplies or equipment, except within an area defined on the project approved site plan and which extends no more than ten (10) feet beyond the building.
 - 4. There shall be a good faith effort to screen service bay doors from adjacent public streets.
 - 5. All fuel pumps and/or pump islands shall be covered by a canopy that matches or complements the design of the main structure.
 - 6. Electric charging stations may count towards required parking spaces.
 - 7. Under canopy mounted lights shall be recessed with the underside of the canopy. All additional outdoor lighting shall be subject to the requirements of **Section 4.6**, Outdoor Lighting.
 - 8. Any signs, logo or identifying paint scheme on the primary building, canopy or gas price signs shall adhere to the applicable sign regulations provided in **Section 4.5**.

3.1.38 Solar Generation Facility (Eloy pg 34)

- A. ~~Solar generation stations.~~ All solar generation facilities stations must comply with the following standards:
 - 1. Lot Size:

- a. A minimum lot size of one hundred sixty (160) acres shall be established and maintained.
 - i) **Setbacks:** A building, structure, or lot shall not be developed, used, or occupied unless it establishes and maintains minimum yard setbacks of forty feet (40').
- b. **Lot Coverage:** Maximum lot coverage percentage shall be ten percent (10%) except that freestanding, ground mounted solar devices shall not count toward the lot coverage percentages.
- c. **Building Height:** Building height shall not exceed the height limitations designated for the zone in which such building is located, except that thermal towers may extend up to two hundred feet (200') in height from the finish grade, provided that the tower is centrally located on the property and maintains a safe fall zone equal to or greater than the height of the tower.

3.2 General Development Standards for Accessory Uses, Buildings and Structures

3.2.1 Purpose

The purpose of this section is to identify and regulate accessory buildings, structures and uses in all zoning districts that are incidental and customarily subordinate to principal uses.

3.2.2 Establishment of Accessory Buildings, Structures and Uses

- A. All principal uses allowed in a zoning district shall be deemed to include those accessory buildings, uses, structures, and activities typically associated with the use as described in the principal uses definition provided in Section 9: Definitions, unless otherwise specified or specifically prohibited within this Section.
- B. Accessory buildings, uses or structures not specifically defined within this Ordinance, shall be subject to **Section X.X and X.X**, Non-Specified Uses.
- C. No accessory building, structure, use or conditional use, shall be erected or permitted on any lot or parcel until the principal building or use has been established or erected; unless both principal and accessory buildings and conditional uses are being established simultaneously.

3.2.3 General Development Standards for Accessory Buildings, Structures and Uses

- A. Unless otherwise expressly stated, accessory buildings, structures and uses are subject to the same lot and building regulations that apply to principal uses and buildings.
- B. Accessory structures and uses shall be designed as an integral part of the principal structure and should be similar in architectural style, materials, colors, and similar features.
- C. Accessory buildings shall not exceed the height regulations of the underlying zoning district for said lot within any part of the permitted buildable lot area, and shall not exceed fifteen (15) feet in height in any required side or rear yard.
- D. Accessory buildings and structures, except for accessory dwelling units defined in **Section 3.2.6.A**, shall not be used for continuous living or sleeping quarters.
- E. If the principal building or use is destroyed, removed or ceases to exist, the utilization of the accessory building, use or structure shall no longer be allowed.
- F. In the case of any conflict between the accessory building, use or structure standards of this section and any other requirement of this Code, the more restrictive standards shall control.

3.2.4 Location Standards for Accessory Buildings, Structures and Uses

- A. Accessory uses and structures must be operated and maintained under the same ownership and located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated. Accessory structures shall be prohibited on vacant parcels with no principal use established.
- B. Accessory buildings, uses or structures shall not be erected in any right-of-way, easement, street side yard building setback, or required front yard setback.
- C. No accessory building (e.g. freestanding garage, carport, workshop, pool house, etc.) shall be located within ten (10) feet of the site's principal building. If attached by any part of a common wall or covered roof to the principal building, said building shall be deemed a part of the principal building and shall conform to the development standards of the principal building.
- D. Accessory structures (e.g. fence, deck, trellis, sun shade, etc.) may be attached or detached from the principal building. All required separation for applicable building and fire codes shall also be met.
- E. The accessory building, use or structure shall exhibit a minimum setback of five (5) feet from every side and rear property line, except that the setback shall be the same as required for the principal building in the zoning district in which the accessory building or structure is located whenever the accessory building or structure exceeds fifteen (15) feet in height. This includes movable structures, for single-family residential lots, such as children's play equipment and domesticated farm animal shelters.

1. Exceptions. The following structures are exempt from the accessory structure setback requirements:
 - a. Trash enclosures, tool sheds, and pet shelters for single-family residential lots, that are six (6) feet or less in height may be placed within a required rear or side yard setback without limitation on location, provided in no event shall the roof of said structures be designed to allow water to drain onto adjacent property.

3.2.5 Size Standards for Accessory Buildings and Structures

- A. The maximum gross floor area of any accessory building or structure shall not exceed the building footprint of the principal building. However, the provisions of this paragraph shall not apply to the RR-20, RR-5 and RR-2.5 or any of the commercial and industrial zoning districts, which may exceed the building footprint of the principal building.
- B. Both principal and accessory buildings/structures together must comply with the applicable lot coverage requirements established by this Zoning Ordinance.

3.2.6 Additional Standards for Specific Accessory Buildings, Structures and Uses

A. Accessory Dwelling Unit

1. No more than one accessory dwelling unit may be located on any lot.
2. For residential uses, an accessory dwelling unit shall be permitted only on a minimum lot area of eight thousand (8,000) square feet.. The accessory dwelling unit shall exhibit architectural design and exterior building materials that are compatible with the principal building.
3. Mobile homes, manufactured housing, or recreational vehicles shall not be used as accessory dwelling units.
4. The accessory dwelling unit and the principal residence shall share utilities. Separate utility meters shall not be allowed.
5. A maximum of one separate bedroom shall be permitted per accessory dwelling unit.
6. At least one off-street parking space shall be provided for each accessory dwelling unit.

B. Watchman's Quarters

In order to provide increased security within the industrial zoning districts, a watchman's quarters may be provided as an accessory use under the following conditions:

1. Watchman's quarters shall only be permitted within the BP, I-1 and I-2 zoning districts subject to the approval of Administrative Approval by the

Zoning Administrator. Before granting an Administrative Approval, the Zoning Administrator shall determine that there is a direct link to the principal use and there is a bona fide need for the increased residential presence. Additional conditions of approval beyond those listed in this subsection may be required to ensure compatibility with adjacent uses.

2. The watchman's quarters must clearly be accessory to the principal use, which must also be active at the time of Administrative application and approval.
3. Only one watchman's quarters per lot shall be permitted.
4. Watchman's quarters shall be attached units and must be an integral part of the principal building and may not exceed forty (40) percent of building floor area, with a maximum quarter's size of one thousand (1,000) square feet.
5. Watchman's quarters shall meet fire code, residential building code and any other applicable codes or regulations.
6. A watchman's quarters shall consist of sleeping, kitchen, and bathroom facilities, and for the purposes of this Section, shall not be considered an accessory dwelling unit.
7. There shall be no payment of rent by the occupant of the quarters.
8. The watchman's quarters and the principal building or use shall share utilities. Separate utility meters shall not be allowed.
9. At least one (1) off-street parking space shall be provided for a watchman's quarters.
10. If the principal building or use is destroyed, removed or ceases to exist, the utilization of the watchman's quarters shall no longer be allowed.

3.2.7 Cargo Containers

Cargo Containers are permitted as an accessory use in all single family residential districts, General Commercial (C-2), Business Park (BP), Light Industrial (I-1), General Industrial (I-2) and Airport Overlay (AP) Zoning Districts subject to the following conditions:

- A. A building permit shall be obtained at the Community Development Department prior to installation of a Cargo Container as a permanent accessory use. Temporary placement of cargo containers, solely used for the transport or storage of goods, in conformance with permitted uses of the subject property shall not require a building permit.
- B. Cargo Containers shall be located on the side or rear of the principal building and must meet all development standards including setbacks, lot coverage and height regulations for the zoning district in which it lies and must also meet Fire Code requirements for placards as is necessary.
- C. There shall be no more than one (1) cargo container situated upon any one single family residential parcel.

- D. Cargo Containers may not occupy any required off-street parking spaces with the exception of temporary use during construction activities authorized by a City of Eloy building permit.
- E. Cargo Containers may not be stacked, except when used for cargo purposes in the Light Industrial (I-1) or General Industrial (I-2) districts.
- F. Cargo Containers shall not be connected to any utilities.
- G. Licensed building contractors may use Cargo Containers in any zoning district for temporary storage of equipment and/or material at a construction site that has a valid building permit.
- H. Cargo Containers shall be painted in an earth tone color, shall not be used for advertisement, and shall be screened from public view with landscaping or an opaque screen wall/fence, as determined by the City of Eloy Zoning Administrator.
- I. Containers that are designed to be used for storage and appear to be Cargo Containers, yet do not meet the specifications for commercial shipping, packing or transportation of freight, shall comply with the requirements of this section.

3.2.8 Domesticated Animals

1. Permitted in any zone: The keeping, in connection with each permitted dwelling, of not more than three (3) pets, such as dogs, cats, Vietnamese potbellied pigs and similar household pets, exclusive of animals under the age of six (6) months, and exclusive of birds, fish and other pets which at all times are kept within a fully enclosed building or accessory building and which do not create odor or sound which is detectable on an adjoining lot.
2. The keeping of large livestock is allowed in the RR-20, RR-5 and RR-2.5 zoning districts. Large livestock shall be limited to four (4) large animals per acre. Any shelter, stables, stalls, corals, or pens for the animals shall adhere to the same development standards as required for the principal use in the zoning district in which the animals are located.
3. Chicken hens and pullet are allowed in all residential zoning districts subject to any applicable health, sanitation, and nuisance laws. Roosters shall only be allowed in the RR-20, RR-5 and RR-2.5 zoning districts. Chickens shall be kept within enclosed coops, pens, or cages that comply with all applicable accessory provisions of **Section X.X**. All lots under ten-thousand (10,000) square feet shall be limited to no more than five (5) chickens per lot.
4. Places where animals are kept shall be maintained so that flies, insects, or vermin, rodents, odors, ponded water, the accumulation of manure, garbage, refuse or other noxious material does not disturb the peace, comfort, or health of any person.
5. No person shall keep or maintain any poisonous reptile, or dangerous, carnivorous, wild exotic animal without having approval from the Arizona Game and Fish Department and meeting all County and City animal control

regulations. The animals or reptiles shall be safely penned or caged and kept in accordance with all requirements of State, County and City regulations.

3.2.9 Outdoor Display and Sales

- A. Outdoor display and/or sale of merchandise may be allowed as an accessory use for all commercial, mixed-use and industrial uses, provided that the display meets the following guidelines and regulations:
 - 1. Outdoor display and/or sale area shall be clearly defined on a site plan and approved by the Zoning Administrator and may be subject to appropriate conditions by the Administrator to ensure compliance with the provisions of this subsection.
 - 2. Exceptions: A permanent outdoor retail display area which is an integral part of a business, including but not limited to, Garden Centers and Auto, Boat, and RV Dealership display lots, pottery, metal sculptures/ornamentation, holiday decoration, engraving and custom stone works, and residential yard sales shall obtain plan approval with all applicable site development/improvements.
- B. Shall be a fixed location that does not disrupt the normal function of the site or its circulation, and does not encroach upon required driveways, landscaped areas, parking lots, sidewalks, loading zones, or fire lanes. Displays shall not obstruct any entrance to a building or traffic safety sight visibility triangle areas or otherwise create hazards for pedestrian or vehicle traffic.
- C. Display/sale of goods shall not occur in any public right-of-way.
- D. Shall directly relate to a business occupying a permanent structure on the same site, and shall display only goods of the primary business on the same site, unless associated with a non-profit organization.
- E. Shall be limited to the hours of operation of the business and portable and removed from public view at the close of each business day, unless otherwise permitted through the site plan or development review process.
- F. No merchandise shall be affixed to the exterior of a building or displayed so as to impede or interfere with the reasonable use of the store front windows for display purposes.
- G. Shall be managed so that display structures and goods are maintained at all times in a clean and neat condition, and in good repair.
- H. All signage shall adhere to **Section 4.5**, Signage.

3.2.10 Outdoor Storage

- A. Outdoor storage associated with an on-site primary use is permitted subject to the following conditions; however, the provisions of this paragraph shall not apply to outdoor storage associated with industrial or agricultural uses:

1. Storage areas must be fully screened from view by an opaque fence or concrete/masonry block wall that is no less than six (6) feet, but no more than eight (8) feet in height. A landscaped earthen berm may be used instead of, or in combination with, a required fence or wall.
2. The storage area screen fence/wall shall incorporate exterior colors and/or finishes to match the primary building.
3. Stored materials shall not exceed the height of the lowest screen fence/wall, except as provided elsewhere in this ordinance.
4. Storage area gates must be opaque.
5. Storage areas shall be paved in compliance with City standards.
6. Storage areas shall not be located within a required off-street parking or loading area.
7. No storage of any items may occur within the front setback area or within the street side yard building setback if not properly screened with a solid fence.

B. Outdoor Vehicle Storage

The intent of Outdoor Vehicle Storage standards is to protect the health, safety, and welfare and ensure neighborliness and aesthetic quality for the residents and business owners within the City's zoning jurisdiction. The following standards apply:

1. Non-Residential Districts.
 - a. The on-site outdoor storage of any personal vehicles, commercial vehicles, a boat and trailer, recreation vehicle, motor home, truck tractor, semi-trailer, trailer or equipment of a similar nature when it is not associated with the business of the property shall be prohibited in non-residential districts for a period greater than forty-eight (48) consecutive hours, except where expressly permitted by other provisions of this Ordinance.
2. Residential Districts
 - a. No person shall store any vehicle not owned or leased by that person or a member of that person's family, or household, on any property in a residential zoning district.
 - b. In all residential zoning districts, it shall be prohibited for any person to park or store any personal or commercial vehicle having a gross vehicle weight rating (GVWR) exceeding ten thousand (10,000) pounds (Class 1 or Class 2 vehicle),(diagram here) except:
 - i) temporary parking is permitted for the purpose of delivery or the loading and unloading of household or permitted home occupation goods; and
 - ii) The storage of recreational vehicles shall also be subject to **Section X.X**, Recreational Vehicles.

C. Vehicle Service

1. No person shall dismantle, repair, restore or otherwise perform any work on any vehicle, machine, motor, or similar device not owned or leased by that person or a member of that person's family, or household, on any property in a residential district. In addition, any work performed beyond basic maintenance shall be:
 - a. Incidental to a permitted use and conducted completely within a an enclosed garage or carport; or
 - b. Completely within a paved area wholly enclosed from the view of surrounding properties and rights-of-way by a solid structural barrier (either a wall or fence of ornamental block, brick, wood, or combination of those materials) of six (6) feet in height.

D. Inoperable or Unregistered Vehicles

1. Any personal vehicles, commercial vehicles and/or personal recreational vehicles, motor homes, utility trailers, camp trailers, boats and similar equipment which is inoperable and/or currently unregistered shall be parked or stored consistent with the following standards.
 - a. Parking of operable vehicles, trailers, and vessels with registration expired three (3) months or less is permissible under a carport, in a garage, or in an interior paved side yard or rear yard when screened by a solid six (6'0") foot tall fence, wall or landscape barrier. No parking shall be allowed in the required front yard setback or street side yard setback without the presence of a six foot solid fence.
 - b. Inoperable vehicles, trailers, and vessels and/or those vehicles, trailers, and vessels with registration expired for a period greater than three (3) months shall be stored within an enclosed building or structure contained within the in rear yard with a minimum of seven (7) feet from any property line and be sufficiently screened behind a solid fence.

E. Recreational Vehicles

1. The parking and/or storage of boats, campers, travel trailers, motor homes, and personal recreational vehicles and trailers is permitted on any residential lot, subject to the following:
 - a. Such equipment shall adhere to the provisions of Section X.X: Special Parking Requirements for Residential Uses.
 - b. Parking and/or storing in a required front yard, driveway, or street side yard shall be prohibited unless all of the following conditions exist:

- i) The vehicle is parked on the designated driveway that provides direct access to the garage from the street or on an improved area having an asphalt, concrete, rock, gravel or other similar surface which is intended for the parking of vehicles;
 - ii) The vehicle does not extend over a sidewalk or street, or equestrian path;
 - iii) The vehicle is fully operable and legally registered; and
 - iv) No more than two (2) such vehicles or trailers are parked or stored in the combined front or street side yard setback areas.
- c. Temporary parking of more than two (2) recreational vehicles/trailers or recreational vehicles that each exceed a gross vehicle weight of ten thousand (10,000) pounds in a required front yard, driveway, or street side yard is permitted for loading/unloading or repairs for no more than forty-eight (48) hours within seven (7) consecutive days. The Code Compliance Officer may authorize a longer period of time if an emergency exists, up to a maximum of five (5) days.
- d. Parking of such equipment is permitted within side and rear yards when screened by a solid six (6' 0") foot tall fence, wall, and/or landscape barrier as approved by the Zoning Administrator. Such equipment shall be stored so as to maintain a minimum three (3) foot clearance on at least one side for emergency access.
- e. Such equipment shall be prohibited for human occupancy as a permanent residence. Temporary occupancy is allowed for periods of no more than four (4) weeks per twelve (12) month period. A temporary occupancy permit must be issued by the Community Development Department. See Section X.X: Temporary Uses for additional provisions and exceptions.
- f. Such equipment shall not be used for the storage of goods, materials, or equipment other than those items considered to be a part of the recreational vehicle or essential for its use as a recreational vehicle.

3.2.11 Swimming Pools (Eloy section 21-166)

- A. Any swimming pool, along with incidental installations, such as pumps, heaters and filters, shall be enclosed by a permanent fence, wall or barrier in conformance with this section, and applicable provisions of the International Residential Code and International Building Code as adopted by the City of Eloy and amended from time to time.
- B. Swimming pools, along with incidental installations, such as heater, pump and filter or other mechanical equipment used in association with a private swimming pool, may be located in the rear or side yard provided such pool sits back from all lot lines a minimum distance of three feet (3') from property lines and or easements Any such mechanical equipment shall be situated so that no exhaust, vibration, noise, or other nuisance creates a disturbance to the adjoining property.

- C. The protective pool enclosure and barrier shall not contain openings that might be used for foothold or handhold climbing purposes and shall not be less than five (5) feet nor more than six (6) feet in height.
- D. Residential structure walls containing exterior entry doors into a pool enclosure area shall comply with the standards in the City's adopted International Residential Code and International Building Code.
- E. Access to the swimming pool enclosure area from all gates shall be equipped with a minimum five (5) foot high self-closing and self-latching gate which shall open outward away from the pool with the latch/lock placed at least fifty four inches (54") above the underlying finish grade and with the closing device (spring, pneumatic) at least thirty six inches (36") above the underlying finish grade. Any vertical openings at the ground level in a pool enclosure fence (e.g., wrought iron) shall be of such size that a spherical object four inches (4") in diameter cannot pass through the openings. Wrought iron or wood barriers or enclosures shall be constructed with at least fifty four inches (54") between the top surfaces of the horizontal members.
- F. In all residential districts, contained bodies of water, either above or below ground level, with the container being eighteen (18) or more inches in depth and/or wider than eight (8) feet at any point, measured perpendicular to the long axis, shall conform to the location and fencing requirements for swimming pools. Irrigation and stormwater retention facilities, and the water features in public parks and golf courses are exempt from the fencing requirements of this section. (Ord. 04-569, 6-7-2004; Ord. 08-738, 8-11-2008; Ord. 13-820, 8-12-2013)

3.3 Temporary Uses - Eloy section 21-170

3.3.1 Purpose

This Section allows for the establishment of temporary uses and/or activities that may not comply with the identified development or use standards of the applicable zoning district, but may be considered acceptable due to their short term use. These activities are regulated to ensure that basic health, safety, and community welfare standards are met, while also ensuring that compatibility is maintained between the proposed activity and surrounding areas.

3.3.2 Temporary Use Approval

All allowed temporary uses shall obtain a Temporary Use permit (TUP), (unless otherwise stated in Section 3.3.3 or exempt as identified in subsection 3.3.4), pursuant to **Section 6.X** Temporary Use Permit, of this Ordinance and provided that the temporary use complies with the standards and/or conditions specified in subsection 3.3.3 below.

3.3.3 Allowed Temporary Uses

All temporary uses and structures, unless otherwise specified, shall comply with the dimensional and development standards of the zoning districts in which they are located. In the case of any conflict, the more restrictive standards, as determined by the Zoning Administrator, shall apply. The following may be permitted Temporary Uses:

- A. A construction trailer/yard may be permitted in any zoning district during the construction of a permanent building when a valid building permit is in effect, provided the following conditions are met:
 - 1. The uses are only associated with the developer/owner and subdivision or project in which they are located.
 - 2. Off-street parking shall be provided for the office and construction staff.
 - 3. Such structures and uses shall be located on the site no more than thirty (30) days prior to the start of construction and removed no more than thirty (30) days after completion of the project or expiration of the approved TUP, whichever occurs first, unless satisfactory evidence is provided by the property owner/contractor justifying the need for the extension of these time limitations.
 - 4. The construction trailer/yard complex shall be permitted for no longer than one (1) year from the date of such approval, and may be renewed for like periods thereafter upon submittal of satisfactory evidence from the property owner indicating that the need for the use continues to exist on the property.

- B. A temporary sales office, leasing office or model home may be permitted, provided the following conditions are met:
 - 1. Such offices shall be located on the property being offered for sale or lease. The temporary use shall be limited to the sale or lease of on-site subdivided lots, dwelling units, or other types of on-site real property.
 - 2. Off-street parking shall be provided for the sales office or model home.
 - 3. All structures must meet all building code and permit requirements for the appropriate category of construction.
 - 4. Any Temporary Use Permit (TUP) approved for such office shall be limited to a period of time not to exceed two (2) years from the date of issue and said permit may be renewed for like periods thereafter if the real property being offered for sale or leased on the site has not been sold or leased.
 - 5. Upon sale of the development, cessation of the need for the use (90% buildout) or termination of TUP, whichever occurs first, all modifications to structures and uses shall be removed.

- C. Carnivals, Circuses, Concerts, Revivals, Rodeos and Similar Activities may be permitted, provided the following conditions are met:
 - 1. A Special Events Permit shall be obtained when the event is held on City property.
 - 2. Staff shall ensure that health and fire safety is considered and shall solicit the comments of the County Health Department and Eloy Fire District as necessary.

3. Staff shall ensure that the land area is adequate for the proposed use's parking; and shall ensure that traffic safety is considered.
 4. Staff shall require measures to adequately protect surrounding property.
 5. Permanent structures shall not be allowed.
 6. A Special Events Permit shall pertain to the allowable activity permitted during the time limit of the permit. A change in ownership or sponsor applicant for the same activity during the time limit of the permit shall not constitute grounds for extending the time granted for the activity in the original permit.
- D. Seasonal and holiday sales, such as Christmas tree or pumpkin sales on any open lot or parking lot in commercial or industrial zones are limited to one (1) sale per seasonal event, lasting no longer than forty-five (45) consecutive days of site occupation and operation.
 - E. Outdoor arts and crafts shows and exhibits subject to not more than fifteen (15) days of operation or exhibition in any ninety (90) day period.
 - F. Outdoor parking lot sale events sponsored by businesses shall be located on paved areas on the same lot as the structure containing the business holding the event and are limited to one (1) sale per calendar quarter, lasting no longer than one (1) week in duration. Rummage and other outdoor sales sponsored by local non-profit organizations are limited to one (1) sale in each six (6) month period.
 - G. Farmer's market subject to not more than two (2) days of operation per seven (7) day period.
 - H. Stands for the sale of produce products are subject to not more than thirty-six (36) days a calendar year. Said stands shall not be located within any public right-of-way and shall be kept free of litter and debris. The provisions of this subsection do not apply to the sale of produce raised on the premises.
 - I. A temporary second dwelling unit on a single legal parcel, for guests, relatives, and/or caretakers in a recreational vehicle, for a period of no more than four (4) weeks per calendar year. A temporary occupancy permit must be issued by the Zoning Administrator. The Zoning Administrator may authorize a longer period of time if an emergency exists, up to a maximum of four additional (4) weeks. There shall be no extensions allowed and no re-application permitted within twelve (12) months of the expiration of such permits. Such temporary second dwelling units shall not be used as rentals.
 - J. Other temporary uses or structures may be approved using the process established in [Section X.X](#) Temporary Use Permit Procedures.

SECTION 4 - GENERAL DEVELOPMENT REGULATIONS

4.1 Off-Street Parking and Loading

4.1.1 Purpose

The purpose of this section is to establish minimum standards for the provision of adequate off street parking, loading and maneuvering for the uses permitted by this chapter in a manner which is safe, efficient, convenient and visually attractive. The parking standards are intended to provide for adequate ingress and egress by motor vehicles, recreational vehicles, boats and busses. These regulations shall apply to new construction and expansion of, or changes to, existing uses permitted by this chapter. The regulations set forth in this article shall supplement the district regulations set forth elsewhere in this chapter. (Ord. 04-569, 6-7-2004)

4.1.2 Applicability

Every use and structure, including a change or expansion of a use or structure, shall provide accessory parking and loading areas as set forth below. Except when specifically exempted, the requirements of this Section shall also apply to all parking lots that support the principal use on a site.

A. New Buildings and Land Uses

Off-street parking and loading shall be provided as required by this Section at the time any new building or structure is erected or any new land use is established.

B. Expansion of Existing Nonresidential Buildings

When the floor area of an existing structure is increased, additional off-street parking and loading shall be provided as required by this Section for the additional floor area only, provided that the existing parking was legally established and has not been reduced. If the number of existing parking and loading spaces is greater than the requirements for such use, the number of spaces in excess of the prescribed minimum may be counted toward meeting the parking and loading requirements for the addition or enlargement.

C. Addition of Use to Existing Nonresidential Buildings

When a new use locates on a parcel with an existing use, all off-street parking shall be provided to meet the total number of spaces required for the existing use and the new use, unless the combined uses meet the requirements of **Section 4.2.5.D**, Shared Parking or alternative guidelines that are expressly allowed by other provisions of this Ordinance.

D. Change in Use of Existing Nonresidential Buildings

When a change in use requires additional off-street parking spaces than the previous use, such parking and loading spaces shall be provided equivalent to the difference between the number of spaces required by this Section for the immediately previous use and the total number of spaces required by the new use. A change in occupancy is not considered a change in use unless the new occupant is in a different use classification than the former occupant.

E. Alterations That Increase the Number of Dwelling Units

The creation of additional dwelling units through the alteration of an existing building or construction of an additional structure or structures requires added off-street parking, as required by this Section, to serve the new dwelling units. This requirement does not apply when sufficient off-street parking exists to provide the number of spaces required for the existing and new dwelling units.

F. When Required

Off-street parking and loading facilities required by this Section shall be constructed or installed prior to the issuance of a certificate of occupancy for the uses that they serve.

4.1.3 General Parking and Loading Regulations

A. Parking and Loading Spaces to be Permanent

Parking and loading spaces shall be permanently available, marked and maintained in good repair/condition for parking or loading purposes for the use they are intended to serve during the life of the use.

B. Reduction in Parking Area

The owner or occupant of any building or use subject to off-street parking requirements under this Section shall not discontinue or reduce any existing required parking without first having established other parking spaces which meet all requirements of this Section to replace those being lost or except after proof that, by reason of reduction in floor area, seating area or other factors, the proposed reduced area for off-street parking or loading will conform to the requirements of this Section.

C. Restriction of Parking Area Use

Required off-street parking, circulation, and access areas shall be used exclusively for the temporary parking and maneuvering of motorized, operative vehicles. In all non-residential zones, parking areas shall not be used for the sale, lease, display, repair, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the provisions of this Ordinance. In all residential districts parking shall be restricted per **Section 4.2.10**, Special Parking Requirements for Residential Uses.

D. Located on Same Site

Parking and loading facilities shall be located on the same site with the use the facilities serve or on a contiguous, identically zoned lot that is incorporated into the development site. Off-site parking facilities may be permitted subject to the requirements of Section 4.2.5.E, Off-Site Parking.

E. Located Off-Street

All parking and loading facilities required by this Section shall be provided off-street and shall not be located within any public right-of-way, sidewalk, alley, or parkway, unless expressly allowed by other provisions of this Ordinance.

F. Surplus Parking

The provisions of this Section shall also apply to parking and loading facilities provided in excess to those required, unless otherwise expressly stated in this Ordinance.

G. Surfacing and Maintenance

With the exception of required parking in the RR-20, RR-5 and RR-2.5, R1-54, and R1-43 zoning districts, all off-street parking shall be paved with asphalt or concrete, and be graded and drained as approved by the City Engineer and shall be maintained in good condition free of weeds, dust, trash and debris. Compacted decomposed granite or similar equivalent may be approved by the City Engineer for parking upon parcels in the RR-20, RR-5 and RR2.5, R1-54, and R1-43 zoning districts. Asphalt surfaces shall, at a minimum, consist of four (4) inches of Aggregate Base Course (ABC) plus two (2) inches of bituminous wearing surface. In cases of certifiable short term or temporary use, parking lot surfaces may be constructed to a lesser standard if approved during the development review process by the City Engineer. In the case of allowed temporary surfacing, the owner shall provide written guarantees for the development of the parking area within these guidelines with time lines and deadlines specifying the closure of the use, if the deadlines are not met. Concrete surfaces may be substituted and shall, at a minimum, be concrete that is four (4) inches thick with a strength of not less than three thousand (3,000) pounds per square inch (PSI)

4.1.4 Number of Parking Spaces Required

Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with Table 4.2-1: Parking Spaces Required.

Table 4.2-1: PARKING SPACES REQUIRED		
Use Category	Specific Use Type	Minimum Vehicle Spaces Required
Residential Use Categories	Single-Family Detached and Attached; Modular; Duplex; Manufactured Home	2 spaces per dwelling unit
	Multi-Family; Residential component of Mixed Use	Studio and 1 bedroom unit – 1.5 space per unit (Current =1, but no additional visitor parking required)
		2 bedroom units – 1.5 spaces per unit (Current =2)
		3 or more bedroom units – 2 spaces per unit
	Live/Work	2 spaces per dwelling
	Manufactured Home, park; Recreational Vehicle Park	2 spaces per dwelling unit + 1 space for every 10 dwelling units/lots for guests
	Assisted Living Center	0.5 space per residential room/unit + 1 space for every 4 rooms/units for guests and employees
	Assisted Living Home; Child Care Home; Group Care Home; Resident Care Home; Vacation Home Rental	Same as Single-Family Residential
	Boarding/Shelter Care	1 space per 3 beds + 1 space per employee
Nursing Home	1 space per 4 beds (based on maximum capacity)	
Public and Semi Public Use Categories	Arboretum or Botanical Garden	See Section 4.2.4.C
	Assembly Hall/Auditorium; Community Center; Country Club Library; Fraternal or Social Club; Social Service Facility	1 space per 4 fixed seats or 1 space per 300 SF GFA where fix seating is not provided (Current = 1 per 4 seats or 1 per 100 SF GFA)
	Bus Terminal	6 spaces per 1,000 SF of waiting area
	Campground	1 space per camp site
	Cemetery	Minimum 5% of the gross area shall be made available for parking
	Child Care Center	1 space per 400 SF GFA
	College or University	See Section 4.2.4.C
	Crematorium or Funeral Parlor	1 space per 4 fixed seats or 1 space per 300 SF GFA where fix seating is not provided (Current = 1 space per 75 SF GFA)
	Community Playfields and Parks	See Section 4.2.4.C (Current = 30 spaces per athletic field...maybe keep this? Always a nebulous metric for parks.)
Government Office and/or Civic Building	1 space per 300 SF GFA	

Table 4.2-1: PARKING SPACES REQUIRED		
Use Category	Specific Use Type	Minimum Vehicle Spaces Required
	Hospital	1 spaces per 2 inpatient beds + 1 per employee on a normal shift (Current = 1 space per 400 SF GFA)
	Medical clinic	1 space per 250 SF GFA (Current = 1 per 200 SF GFA plus 1 space per 2 employees)
	Museum	1 space per 300 SF of display area
	Public Safety Facility	1 space per employee + 1 space per fleet vehicle + 1 space per 350 SF of usable office/meeting space
	Religious Assembly	1 space per 4 fixed seats or 1 space per 300 SF GFA where fix seating is not provided
	School, public or private, K-8	1 space per classroom + 1 space for each 200 SF of indoor assembly area (Current = 1 per class + 1 per 600 SF GFA)
	School, public or private, 9-12	1 space per 200 SF of classroom and office area (Current = 1 per employee plus 1 space per 300 SF GFA)
	Solar generation facility	1 space per employee
	Telecommunication facility (including tower and supporting facilities)	none
	Utility facility and service yard	1 space per employee + 1 space per fleet vehicle if present at site
	Agriculture Use Categories	Agriculture, General
Market Garden		1 per 5,000 SF of lot area
Ranching, Commercial		See Section 4.2.4.C
Commercial Use Categories	Adult oriented business	1 space per 200 SF GFA
	Animal Services, (kennel, veterinary)	1 space per 400 SF GFA
	Commercial Entertainment: <i>Indoor</i>	1 space per 4 fixed seats or 1 space per 300 SF GFA, whichever is greater
	<i>Movie Theater</i>	1 space per 3 seats
	<i>Outdoor</i>	See Section 4.2.4.C
	Commercial Recreation: <i>General Recreation, Indoor</i>	1 space per 200 SF GFA (Current = 1 space per 100 SF GFA)
	<i>General Recreation, Outdoor</i>	5 spaces per acre of facility + 1 space per 4 persons of total maximum capacity of facility
	<i>Fitness & Sports Center</i>	1 space per 200 SF GFA
	<i>Tour Services</i>	See Section 4.2.4.C
	<i>Bowling Alley</i>	3 spaces per lane + required spaces for ancillary uses (Current = 4 spaces per lane)
	<i>Billiards</i>	2 spaces per table + required spaces for ancillary uses (Current = 2 spaces per table)
<i>Golf course</i>	4 spaces per hole + required spaces for ancillary uses (Current = 4 spaces per home plus 1 space per 200 SF clubhouse)	

Table 4.2-1: PARKING SPACES REQUIRED		
Use Category	Specific Use Type	Minimum Vehicle Spaces Required
	<i>Golf driving range</i>	1 spaces per tee + required spaces for ancillary uses (Current = 1 space per tee plus 1 per 200 SF clubhouse)
	Personal Services	1 space per 300 SF GFA
	Financial Institution	1 space per 250 SF GFA (Current = 1 space per 300 SF GFA)
	Food and Beverage Services <i>Bar, Lounge, or Tavern</i>	1 space per 75 SF patron space + 1 space per 200 SF of outdoor seating area (Current = 1 space per 75 SF GFA + outdoor space)
	<i>Microbrewery, distillery, and/or Tasting Room</i>	1 space per 150 SF patron space
	<i>Nightclub</i>	1 space per 75 SF patron space + 1 space per 200 SF of outdoor area
	<i>Restaurant, Full Service</i>	1 space per 50 SF patron space + 1 space per 400 SF of outdoor seating area
	<i>Restaurant, Limited Service</i>	1 space per 75 SF patron space + 1 space per 400 SF of outdoor seating area
	Medical Marijuana Dispensary, Operation or Cultivation	See Section 4.2.4.C
	Office: <i>Business or Professional; Research Laboratory</i>	1 space per 300 SF GFA
	<i>Medical and Dental</i>	1 space per 250 SF GFA (Current = 1 space per 200 SF GFA plus 1 space per 2 employees)
	Retail Sales: <i>Alcoholic beverages; Convenience Store; Retail, General; Business Services</i>	1 space per 300 SF GFA
	<i>Retail, Large</i>	1 space per 300 SF GFA
	<i>Nursery, commercial; Feed Store</i>	1 space per 400 SF of sales and display area
	<i>Outdoor Vending</i>	1 space per employee + principal use
	<i>Farmers market; Flea Market</i>	1 space per 500 SF of designated vendor area
	Self-Storage, Indoor	1 space per 50 units or 1 space per 5,000 SF of storage area, whichever is greater (Current = 4 spaces plus 2 spaces for manager quarters)
	Instructional Services or Trade Schools	1 space per 200 SF GFA
Vehicle Services: <i>Automobile/Boat, Sales and Leasing; Rentals</i>	1 space per 400 SF of sales and service buildings + 1 space per 10,000 SF of outdoor display area	

Table 4.2-1: PARKING SPACES REQUIRED		
Use Category	Specific Use Type	Minimum Vehicle Spaces Required
	<i>Automobile/Boat, Repair</i>	3 spaces per service bay + 1 space per 350 SF of additional retail sales and service area (service bay shall not be counted as a parking space)
	<i>Car wash, full service</i>	1 space per 200 SF of sales, office and lounge area
	<i>Car wash, self-serve</i>	0.5 spaces per bay + Stacking (4.2.11.F)
	<i>Service Station</i>	Space at pump + 1 space per fueling position
	<i>Service Station with Convenience Store</i>	1 space per fueling position + 1 space per 300 SF GFA
	Visitor Services <i>Bed and Breakfast Homestay</i>	2 spaces per dwelling unit + 1 space per guest room
	<i>Hotel or motel</i>	1 space per guest room + 1 space per 4 persons of total maximum capacity of banquet room (1 RV/Boat/Bus space per 6 guest rooms (1 minimum) shall be provided, but may count towards total required spaces) (Current = 1 space per room plus ancillary use requirements)
Industrial Use Categories	Building Materials; Wholesale	1 space per 500 SF of sales related area + 1 space per 350 SF of office area (Current = 1 space per 900 SF GFA)
	Distribution Warehouse/Yard	1 space per 2,000 SF of warehouse and/or 5,000 SF of yard related area + 1 space per 350 SF of office area
	Manufacturing/Assembly: <i>Light</i>	1 space per 500 SF of warehouse area + 1 space per 350 SF of office area (Current = 1 space per 600 SF GFA)
	<i>Heavy</i>	1 space per 1,000 SF of warehouse area + 1 space per 350 SF of office area
	Resource Extraction	See Section 4.2.4.C
	Outdoor Storage (Boat/RV)	Minimum 4 spaces + 1 space per employee
	Truck Stop	See Section 4.2.4.C
Waste, Salvage and Recycling Facility	See Section 4.2.4.C	

A. Multiple Uses

Unless otherwise specified, lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all activities.

B. Non-specified Parking Requirements

It is recognized that specifying a single parking requirement for some uses listed in Table 4.2-1 is not always feasible due to the diversity and variation in land use characteristics that can exist within that specific use type. For those uses listed in Table 4.2-1 that do not have a specific parking requirement identified, the Zoning Administrator shall determine a parking requirement based upon the requirements for the most similar comparable land use, the particular characteristics of the proposed land use, and any other relevant data regarding parking demand. In order to make this determination, the Zoning Administrator may require the applicant to

submit a parking demand study or other information, at the applicant's cost. The parking demand study may include, but is not limited to, estimates of parking demand based on recommendations of the Institute of Transportation Engineers (ITE), or other acceptable sources as approved by the Zoning Administrator, and should include other reliable data collected from uses or combinations of uses that are the same as, or comparable with, the proposed use.

C. Unspecified Uses

Where buildings are constructed without uses specified (i.e. shell buildings), the use with the greatest parking requirement among all uses specified for the zoning district where the site is located shall be used to calculate off-street parking requirements.

D. Uses in the Downtown District Overlay

The parking requirements for uses in the Downtown District Overlay zoning district shall be one-half of those listed in Table 4.2-1, with the exception of service stations, grocery and supermarkets, laundries, and motels and hotels, each of which shall meet all requirements listed in Table 4.2-1.

E. Basis of Calculation

When the calculation to determine the required number of parking spaces results in a fractional number, any fraction exceeding one half (0.5) shall be rounded up to the nearest whole number.

F. Occupancy- or Capacity-based Standards

For the purpose of computing parking requirements based on employees, students, residents or occupants, calculations must be based on the largest number of persons working on any single shift, the maximum enrollment or the maximum fire-rated capacity, whichever tabulation results in the greatest number of spaces required.

4.1.5 Alternative Parking Provisions

Where conditions preclude the compliance of the number of off-street parking spaces required by Table 4.2-1, the following alternative parking provisions may be available, subject to City approval:

A. Compact Spaces

Up to ten (10) percent of the total number of required parking spaces for non-residential uses may be designated as compact spaces when clearly labeled.

B. On-Street Parking

On-street parking spaces in the right-of-way along the property line, between the lot lines of the site, may be counted to satisfy the minimum off-street parking requirements for non-residential uses. One (1) on-street parking space may be substituted for each required off-street space. These provisions only apply to street

frontages where on-street parking is allowed and provided. The parking space credit shall be determined at the time of site plan approval.

C. Tandem Parking

Shall mean a space where one (1) vehicle parks behind another, so that one vehicle must be moved before the other can be accessed. Accessible parking spaces shall not be used for tandem parking spaces. Tandem parking shall be limited to a maximum of two cars in depth and no less than 9' wide and 40' long. Tandem parking stalls are only allowed for:

1. Residential Uses. Tandem parking spaces shall be allowed for single-family, duplex and townhome residential with spaces and access paved in accordance with requirements of this chapter to the satisfaction of the Zoning Administrator.
2. Multifamily Residential Uses. Tandem parking spaces shall be allowed for condominium and multifamily residential uses, subject to the following conditions.
 - a. The tandem spaces shall be reserved for and assigned to dwelling units which are required to have two or more parking spaces.
 - b. Tandem spaces shall not be used for guest parking.
3. Nonresidential Uses. Tandem parking spaces shall not be allowed for new, non-residential construction.

D. Shared Parking

The Zoning Administrator may approve shared parking arrangements for adjacent and or proximate developments or uses with different operating hours or different peak business periods if the shared parking complies with all of the following standards:

1. Eligible Developments or Uses. Shared parking arrangements shall only be allowed for nonresidential uses with different hours of operation or different peak business periods.
2. Location.
 - a. Shared parking facilities shall be located on the subject property of the specified principal uses proposing to use shared facilities.
 - b. All shared parking facilities shall be located within six (600) hundred feet from the subject site to the primary entrance of each principal use. The distance of the off-street parking area to the principal uses shall be measured along the shortest legal and acceptable pedestrian route. Acceptable pedestrian routes are defined within **Section 4.2.11.G, Pedestrian Safe Access.**
3. Parking Study Required. Those proposing to use shared parking to satisfy off-street parking requirements shall submit a shared parking study to City staff clearly demonstrating the feasibility of shared parking. At a minimum, the study must address the size and type of the proposed development,

the composition of tenants, the anticipated rate of parking turnover and the anticipated peak parking and traffic loads for all uses that will be sharing off-street parking spaces.

4. Design and Improvement Standards. All newly-constructed shared parking facilities shall conform to the same standards of access, configuration, landscaping, lighting, layout, location, and size as are required by this Section for off-street parking spaces.
5. Covenant Required. A City-approved covenant shall be recorded with Pinal County that includes a description of the shared parking arrangement, a requirement that all current and future tenants are notified of, and shall adhere to, the same hours of operation and conditions of the shared parking approval. Recordation of the agreement must take place before issuance of a Building Permit and/or Business License/Renewal for any use to be served by the off-site parking area. The Zoning Administrator may grant permission to dissolve a shared parking agreement only if all required off-street parking spaces will be provided, in accordance with Section 4.2.4 and 4.2.5

E. Off-Site Parking

The Zoning Administrator may approve the location of required off-site parking spaces on a separate lot from the lot on which the principal use is located, if the off-site parking complies with all of the following standards:

1. Ineligible Uses. Unless expressly permitted, off-site parking may not be allowed for residential uses or other convenience-oriented uses.
2. Location.
 - a. Off-site parking may be allowed only in the Downtown District, or outside the Downtown District upon issuance of a permit for a special event.
 - b. All off-site parking spaces shall be located within six hundred (600) feet from the subject site to the primary entrance of the principal use, unless a remote shuttle bus or valet parking service is provided. The distance of the off-site parking area to the principal use shall be measured along the shortest legal and acceptable pedestrian route. Acceptable pedestrian routes are defined within **Section 4.2.11.G.**
 - c. Required parking spaces for persons with disabilities may not be located off-site.
3. Design and Improvement Standards. All newly-constructed off-site parking spaces shall conform to the same standards of access, configuration, landscaping, lighting, layout, location, and size as are required by this Section for off-street parking spaces.
4. Terms of Off-site Parking.
 - a. A City-approved covenant shall be recorded with Pinal County that includes a description of the off-site parking, and a requirement that the

owner of the separated lot maintain the required parking for the life of the use to which it is converted.

- b. The owner or operator of a business that uses approved off-site space to satisfy the parking requirements of this Chapter shall immediately notify the Zoning Administrator of any change of ownership or use of the property for which the spaces are required, and of any termination or default of the agreement between the parties.
- c. Should an agreement for required off-site parking expire or otherwise terminate, the Zoning Administrator shall determine a reasonable time in which one of the following shall occur:
 - i) Substitute parking is provided that is acceptable to the City; or
 - ii) The size or capacity of the use is reduced in proportion to the parking spaces lost.
- d. If the above conditions are not met in the timeframe identified, the use for which the off-site parking was provided shall be considered nonconforming and any and all approvals, including Conditional Use Permits shall be subject to revocation.

F. Electric vehicle charging stations

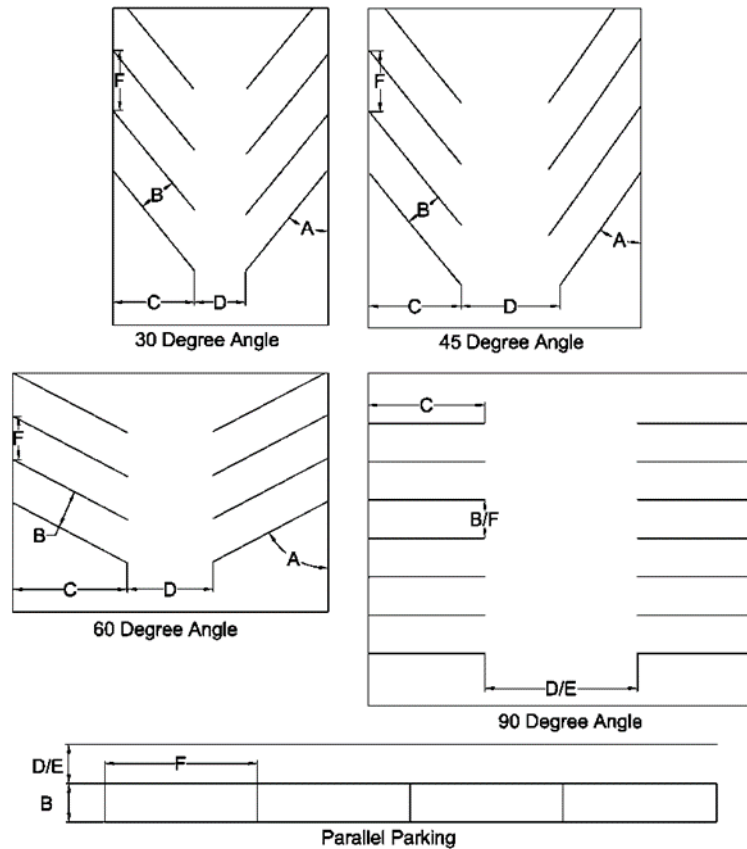
- 1. For each electric vehicle charging station provided, the minimum number of required off-street parking spaces may be reduced by two (2). Each charging station counts toward the minimum number of required parking spaces.

4.1.6 Parking Space Dimensions

A. Vehicular Parking Space Dimensions

All vehicular parking areas shall comply with the minimum dimension requirements as set forth in Table 4.2-2 and as illustrated in **Figure X**.

Table 4.2-2: VEHICLE PARKING DIMENSIONS					
A	B	C	D	E	F
Parking Angle	Parking Space Width ⁽¹⁾	Parking Space Length ⁽²⁾	Aisle Width (1-Way)	Aisle Width (2-Way)	Curb Length
90	9'	20'	23'	26'	9'
60	9'	21'	18'	24'	10'5"
45	9'	19'10"	13'	24'	12'9"
30	9'	17'4"	12'	20'	18'
Parallel	9'	n/a	12'	20'	22' ⁽³⁾
⁽¹⁾ The width of a parking space shall be increased by 2'-0" when adjacent to fences, walls, or planters. ⁽²⁾ The length of a parking space can be reduced subject to meeting the requirements of Section 4.3.11.F , Curbing and Wheel Stops. The length of the parking space and use of wheel stops shall be implemented in a manner that assures vehicle overhang will avoid contact with abutting objects such as landscaping, irrigation, or walls and vehicle intrusion on walkways. ⁽³⁾ A single parallel parking space shall have a curb length of twenty-six (26) feet					



B. Compact Vehicle Parking Dimensions

1. Compact vehicle parking spaces shall, at a minimum, measure seven (7) feet six (6) inches in width by fifteen (15) feet in length.
2. Compact spaces shall be restricted for use by compact vehicles and identified with pavement stenciling and/or signage.

C. Recreational Vehicle and Bus Parking Space Dimensions

All recreational vehicle, boat, personal watercraft or bus parking areas shall be a minimum of twelve (12) feet in width and thirty-five (35) feet in length.

4.1.7 Accessible Parking

Off-street handicapped accessible parking spaces shall be provided in accordance with Table 4.2-3 for all uses that provide off-street parking. All disabled accessible parking spaces shall count toward fulfilling the off-street parking requirements of this Section.

- A. Required Number of Spaces for Residential uses. Handicapped-accessible parking for residential uses shall be provided at the rate of one (1) space per each dwelling unit that is designated for occupancy by the handicapped.

- B. Required Number of Spaces for Non-Residential Uses. Handicapped-accessible parking for non-residential uses shall be in accordance with the rate shown in the table below:

Table 4.2-3: ACCESSIBLE PARKING REQUIREMENTS	
Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100 spaces, or fraction thereof, over 1000 spaces

1. Where more than one (1) parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated separately according to the number of spaces required for each parking facility.
 2. For every six (6) or fraction of six (6) parking spaces required by Table 4.2-3, at least one (1) shall be a van parking space.
- C. Dimensions of Accessible Parking Space. Vehicle accessible spaces shall be at least eight (8) feet wide and have at least a five (5) foot wide access aisle abutting the designated parking space. Van accessible spaces shall be at least eight (8) feet wide and have at least an eight (8) foot wide access aisle abutting the designated parking space.
- D. Location of Accessible Parking Spaces. Accessible parking spaces shall be located on the shortest accessible and unobstructed route from the parking space to an accessible building or facility entrance. In parking facilities where the accessible route must cross vehicular traffic lanes, the route shall be designated and marked as a crosswalk. Where possible, it is also preferable that the accessible route not pass behind parked vehicles.

4.1.8 Loading Area Requirements

A. Passenger Loading Areas

A passenger loading area is the space a vehicle occupies while loading or unloading passengers. Passenger loading areas shall be provided in accordance with the following table of minimum requirements. The required passenger loading spaces are required in addition to the spaces used to satisfy the off-street parking requirements.

Table 4.2-4: PASSENGER LOADING AREA REQUIREMENTS	
Use Type	Loading Spaces Required
Cultural or Public Facility	2
Day Care Center, Commercial	3
Hospital	3
Medical Offices	1 per 5,000 sq. ft.
Hotel or Motel	3
Religious Assembly	1 per 50 required parking spaces
Multi-Family Residential	1 per 50 units
Other (i.e. schools, transit stops)	Determined by Zoning Administrator

1. **Location.** Passenger loading areas shall be provided adjacent to the main entrance of the use or structure they are intended to serve, unless another entrance serves as the main point of access from the parking area to the structure or use.
2. **Maneuvering.** Passenger loading areas shall consist of a vehicle turnout area that does not interfere with the circulation of vehicles, pedestrians or bicycles within the parking area.
3. **Dimensions.** A passenger loading space shall be a minimum of twelve (12) feet in width and twenty-five (25) feet in length, unless off-street loading will involve the use of recreation vehicles or other vehicles in excess of twenty-five (25) feet in length, in which case loading spaces shall be at least twelve (12) feet in width and sixty-five (65) feet in length. A minimum vertical clearance of fourteen (14) feet shall be maintained.

B. Material Loading Areas

Whenever the operation of any use requires that goods, merchandise, or equipment be delivered to, or shipped from that use, such as grocery stores, furniture or appliance stores, plant nurseries, retail uses, hospitals, educational uses, and manufacturing and processing centers, off-street material loading and unloading areas shall be provided in accordance with the following table of minimum requirements. The required material loading spaces shall not be part of the spaces used to satisfy the off-street parking requirements.

Table 4.2-5: MATERIAL LOADING AREA REQUIREMENTS	
Gross Floor Area (sq. ft.) ¹	Loading Spaces Required
0 – 15,000	1
15,001 – 40,000	2
40,001 – 90,000	3
90,001 – 150,000	4
Over 150,000	5
(1) Outdoor storage, sales or display areas are included as part of the calculation of gross floor area if these areas contain materials that are received or distributed via trucks.	

1. Location. Material loading areas shall be on the same lot or parcel of land as the use or structure they are intended to serve. They shall be located as near as possible to the building door openings providing loading access.
2. Dimensions. Required loading space dimensions depend upon the size of delivery vehicles serving the site. Minimum sizes are as follows:
 - a. Ten (10) feet wide, thirty (30) long, fourteen (14) feet overhead clearance: Spaces serving single-unit trucks and similar delivery vehicles.
 - b. 12' wide, 65' long, 15' overhead clearance: Spaces serving larger freight vehicles.
3. Maneuvering. Minimum required maneuvering areas depend upon the size of delivery vehicles serving the site. Minimum maneuvering sizes are as follows:
 - a. 30': Spaces serving single-unit trucks and similar delivery vehicles.
 - b. 50': Spaces serving larger freight vehicles.

Maneuvering areas for loading spaces must not conflict with parking spaces or with the maneuvering areas for parking spaces. All maneuvering shall be contained on-site and shall not interfere with any public right-of-way.

The provisions of this subsection **4.2.8.B.3** shall not apply to uses located in the Downtown Overlay District.

4. Setbacks and Screening. Loading areas may not be located in a required setback. See **Section 4.3.3.F**, Loading Area Screens for specific guidelines regarding screening of loading areas.

C. Exceptions

Exceptions may be granted by the Zoning Administrator when a traffic or parking study demonstrates the need for lower loading requirements.

4.1.9 Bicycle Parking

- A. **Bicycle Parking Requirement.** Bicycle parking is required for multi-family residential and non-residential development. The number of bicycle parking spaces provided shall be at least equal to five percent (5%) of the number of vehicle parking spaces required under this Section. (Current = 1 bicycle space for every 20 vehicle spaces)
- B. **Bicycle Location Requirement.** Bicycle parking facilities shall be located on the same lot as the use for which it is intended to serve, have convenient access to the main entrance of the principal building or structure, and maximize visibility from the main entrance and/or other high activity areas.
- C. **Bicycle Space Dimensions.** Bicycle spaces shall measure two (2) feet in width by six (6) feet in length or demonstrate a feasible alternative.
- D. **Bicycle Parking Design.** Bicycle parking racks shall support each bicycle in a method that does not use a wheel as the primary means of support and connection to the rack. Bicycle parking racks shall also be securely anchored to a hard surface.

4.1.10 Special Parking Requirements for Residential Uses

A. Type of Required Residential Parking Spaces

- 1. Required spaces for all non-multi-family residential uses may be either side-by-side or tandem as specified in **Section 4.2.5.C**. Side-by-side parking areas shall, at a minimum, measure eighteen (18) feet wide by twenty (20) feet deep with no obstructions. Tandem spaces shall, at a minimum, measure nine (9) feet wide by forty (40) feet deep with no obstructions.

B. Residential Driveway Design

- 1. All residential lots except in the RR-20, RR-5, RR-2.5, R1-54 and R1-43 zoning districts shall provide a paved driveway between a local public street or private drive and all required parking spaces. If access to a public street is provided via an alley, the alley and drive shall be fully paved.
- 2. Residential driveways shall not be less than twenty (20) feet in length, as measured from the back of sidewalk, or right-of-way line, if no sidewalk is provided, to the front face of a required parking space (i.e. garage or carport).
- 3. Residential driveways which provide access from a garage to an alley may be less than twenty (20) feet in length, provided that the total width of the alley and the total length of the driveway combine to provide a minimum length of twenty-three (23) feet for the maneuvering area.
- 4. Residential lots in the RR-20, RR-5, RR-2.5, R1-54 and R1-43 zoning districts, accessed from a paved street shall include a paved apron that extends from the street to the edge of the public right-of-way/property line.

C. Location of Residential Parking Spaces

1. Parking spaces for residential uses, as specified in Table 4.2-1, may be allowed in the front yard setback area.
2. The portion of a residential driveway or maneuvering area located within the front setback of lots zoned R1-54, R1-43, R1-12, R1-6, R-2, R-3, and the Manufactured Home subdivision overlay may be used for parking of vehicles for occupants and guests, subject to the following requirements:
 - a. Parking of vehicles shall occur only on paved areas meeting the standards of this Ordinance.
 - b. The placement of covered excess parking areas within the front setback is prohibited.
 - c. The combined extent of residential driveway, maneuvering, and parking areas shall not occupy more than 50% of the required front yard setback area or 3 stalls (9'x20') for lot width above 50', whichever is greater.
3. For all lots zoned R1-54, R1-43, R1-12, R1-6 and R-2, parking of vehicles within any interior side or rear yard is permissible, provided the area is paved and is not located closer than three (3) feet to an abutting side property line, unless a shared driveway is utilized.

D. Parking or Storing of Commercial or Recreational Vehicles and Trailers in Residential Zoning Districts (from Eloy Ordinance 17-36)

1. **Commercial Vehicle; Permit; Criteria:** It is a civil traffic violation to park or store a commercial vehicle with a gross vehicle weight rating (GVWR) in excess of sixteen thousand (16,000) pounds, or a tractor, semitrailer, trailer or bus, on any thoroughfare, alley, parking lot, garage or lot in a residential area or residential zoning district, except as may be necessary to carry out lawful commercial purposes to load, unload, deliver or make a service call, or except as may be necessary in an emergency. The owner of a tractor trailer may park the tractor, ~~excluding~~ including trailer, on his or her private residential property. ~~The planning and zoning director~~ Zoning Administrator shall issue a special parking permit; provided, that the following criteria are met
 - a. The owner shall pay a permit fee as identified by the City for each calendar year.
 - b. No more than one tractor shall be parked on said property at any one time.
2. **Motor Home, Recreational Vehicle; Permit; Criteria:** The owner of a motor home, or recreational vehicle may park said vehicle on his or her private residential property; provided, that the following criteria are met:
 - a. The vehicle shall not be parked on a vacant lot, public right of way or easement.
 - c. The vehicle shall be parked only in a side yard or rear yard of any one lot.

- d. The vehicle shall not be located closer than seven feet (7') to any side or rear lot line.
- e. The vehicle shall not be used for business purposes.
- f. The vehicle shall not be used for living quarters or connected to utilities for more than thirty (30) days in any calendar year.
- g. The vehicle shall be parked in a manner that complies with the uniform fire code adopted by the City of Eloy.
- h. No more than two (2) motor homes or recreational vehicles are allowed to be parked on any single lot.

i. The placement of a recreational vehicle is permitted for temporary loading and unloading in the City right-of-way for a period not to exceed forty-eight (48) consecutive hours for each occurrence

3. **Parking on Residential Property Owned by Another; Permit:** An owner of a motor home or recreational vehicle may park said vehicle on residential property owned by another person upon issuance of a special parking permit. The ~~Zoning Administrator~~ **Zoning Administrator** ~~planning and zoning director~~ shall issue a special parking permit provided that the following criteria are met:

- a. The owner shall pay a permit fee for each calendar year and for each permit.
- b. The owner shall produce written permission from the residential property owner.
- c. The vehicle shall not be parked on a vacant lot.
- d. The vehicle shall be parked only in a side yard or rear yard of any one lot.
- e. The vehicle shall not be located closer than seven feet (7') to any side or rear lot line.
- f. The vehicle shall not be used for business purposes.
- g. The vehicle shall not be used for living quarters or connected to utilities for more than thirty (30) days in any calendar year.
- h. The vehicle shall be parked in a manner that complies with the **Uniform Fire Code** adopted by the City of Eloy.
- i. No more than two (2) motor homes or recreational vehicles are allowed to be parked on any one lot.

4. **Watercraft, Utility Trailer, Truck Camper Storage:** The owner of a watercraft, utility trailer or any nonvehicle mounted camper shell or truck camper may store said craft, trailer, camper shell or camper on his or her private residential property provided **all of** the following criteria are met:

- a. No more than three (3) of the items listed above shall be stored on any one lot.

- b. The watercraft, trailer, camper shell or camper shall not be stored on a vacant lot, public right of way or easement.
- c. The watercraft, trailer, camper shell or camper shall be stored only in a side yard or rear yard of any one lot. Each of the aforementioned shall be stored in a manner that complies with the Uniform Fire Code of the City of Eloy. (Ord. 84-216 § 1, 4-9-1984; Ord. 00-490, 9-11-2000)
- d. The watercraft, trailer, camper shell or camper shall be a minimum of seven feet (7') as measured to any side or rear property line. (from Eloy 21-168)
- e. Outdoor storage of any watercraft, trailer, camper shell or camper shall be screened from public view by a six foot (6') high solid masonry fence or a view obscuring fence with no storage visible above the wall or fence. (from Eloy 21-168)
- f. The placement of the watercraft, trailer, camper shell or camper is permitted for temporary loading and unloading in the City right-of-way for a period not to exceed forty-eight (48) consecutive hours for each occurrence.

4.1.11 Parking Area Design and Layout Standards

In addition to meeting the applicable off-street parking requirements of this Section, the following parking area design and layout regulations apply to each use allowed in each zoning district; excluding individual residential lots in the RR-20, RR-5, RR-2.5, R1-54, R1-43, R1-12, R1-6 and R-2 zoning districts, unless expressly modified in the following provisions.

A. Access to Parking Areas and Parking Spaces

- 1. All parking areas shall provide access to a public street by means of a paved driveway that extends on-site to a point not less than twenty (20) feet from the property line.
- 2. If an off-street parking area utilizes a publicly dedicated alley for access to a public street, the alley shall be paved the full length of the alley. The use of an alley for access to a multi-family, commercial or industrial site opposite any single family detached zoning district is prohibited.

B. General Parking Design and Maintenance

- 1. All parking areas shall be designed, constructed, and drained in accordance with all applicable City ordinances and regulations.
- 2. Vehicles are prohibited from parking in the visibility triangle and are subject to a citation by the Code Compliance Officer. The visibility triangle is located at the intersection of two (2) streets or the intersection of a street and a driveway. The visibility triangle is present on all corner lots and is measured by extending the property lines until they intersect. Each of the two legs of the visibility triangle shall measure thirty (30) feet in length along the property line and/or driveway and shall be connected by the third side

of the triangle. No curb cuts, driveways, maneuvering areas, and minimal landscaping shall be permitted within the described triangular area.

3. All parking spaces shall be permanently marked. Circulation aisles, approach lanes, and turning areas shall be clearly marked with directional arrows and lines to ensure safe traffic movement.
4. All required off-street parking areas shall be maintained in a debris-free, pothole-free, and excessive crack-free condition; as determined by the Zoning Administrator.

C. Parking Circulation Design

1. Drive aisles and maneuvering areas shall be designed to facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.
2. Parking areas that accommodate ten (10) or more vehicles must maintain continuous circulation patterns, with no dead-ends, and safe access to public streets.
3. Ninety (90) degree parking areas that accommodate less than ten vehicles and terminate in a dead-end shall provide a five (5) foot maneuvering area for the width of the aisle to assist in turning movements.
4. All off-street parking areas shall be designed to provide ingress and egress from a public street by the forward motion of the vehicle. Required off-street parking spaces shall be accessible without backing into, or otherwise reentering, a public right-of-way.
5. All off-street parking areas must have the necessary dimensions for the on-site maneuvering of solid waste collection and fire trucks. If off-site maneuvering is necessary, a permanent, recorded cross-access easement must be filed with the City of Eloy Public Works Department prior to the issuance of a building permit.

D. Shared Access

1. Parking areas shall provide reasonable internal driveway connectivity to adjacent parking areas, when requested by the City Engineer to promote convenience, safety and efficient circulation. A cross access easement guaranteeing the continued availability of the shared access driveway between the properties, and running with the land, shall be recorded by the owners of the abutting properties.

E. Curbing and Wheel Stops

1. Continuous curbing at least six (6) inches high and six (6) inches wide shall be provided around the perimeter of all parking and drive aisle areas. Curbing located adjacent to stormwater facilities may contain curb cuts to allow for necessary drainage.
2. To avoid conflicts or safety hazards, concrete wheel stops at least four (4) inches high and six (6) inches wide shall be located at least two (2) feet from any adjacent wall, pole, fence, property line, walkway, sidewalk, landscape area or any other obstruction over four (4) inches in height

where parking is located, unless other provisions within this Section are met. The two (2) foot overhang area shall be measured from the front end of the space to the rear of the wheel stop.

3. The curbs adjacent to walkways or sidewalks may be used as wheel stops, allowing the car to extend into or overhang the sidewalk, only if a sidewalk with a width of six (6) feet or greater is provided. Where such overhang is used, the length of the parking space may be reduced by two feet. Under no circumstances shall vehicles be allowed to extend into or overhang abutting right-of-way and/or private property.
4. The curbs around landscape areas and/or planters may be used as wheel stops, allowing the car to overhang the landscape area, only if the landscape area is a minimum of two (2) feet wide for single row parking or a minimum of seven (7) feet wide for opposing parking rows. Where such overhang is used, the length of the parking space may be reduced by two (2) feet. Any plants or landscape materials within the two (2) foot overhang may not extend more than two (2) inches above the six (6) inch curb. All sprinklers should be placed outside of the bumper overhang or aligned with the parking space stripe so they are out of range of car bumpers. Use of such bumper overhangs reduces impervious surfaces and is encouraged. Under no circumstances shall vehicles be allowed to extend into or overhang abutting right-of-way and/or private property.

F. Stacking Spaces

1. Required Stacking Spaces
 - a. In addition to meeting the off-street parking requirements of this section, all drive-through facilities shall provide vehicle stacking spaces in accordance with the following Table:

Table 4.2-6: VEHICLE STACKING REQUIREMENTS	
Use Type	Stacking Space Requirement
Automated Teller Machine	2 per machine
Bank Teller	3 per teller or window (Downtown District – 2 per teller or window)
Car Wash	3 per bay at entrance (Downtown District – 2 per bay entrance)
	1 per bay at exit
Retail Business (dry cleaning, liquor store, etc.)	2 per window
Pharmacy	2 per window
Restaurant, fast food	3 behind menu board (Downtown District – 2 behind menu board)
	3 behind window (Downtown District – 2 behind first window)

Table 4.2-6: VEHICLE STACKING REQUIREMENTS	
Use Type	Stacking Space Requirement
Other	Zoning Administrator shall determine a stacking requirement based upon the requirements for the most similar comparable use, the particular characteristics of the proposed use, and any other relevant data regarding stacking demand.

2. Design and Layout of Stacking Spaces
 - a. Stacking spaces shall be a minimum of nine (9) feet by twenty (20) feet in size
 - b. Stacking spaces shall not interfere with on- or off-site traffic movements or movements into or out of off-street parking spaces
 - c. Stacking spaces must be separated from other internal driveways by striping, curbing or raised medians, if deemed necessary by the Zoning Administrator.
3. Exceptions

Exceptions may be granted when a traffic or parking study demonstrates the need for reduced stacking requirements.

G. Pedestrian Safe Access

1. Parking lots shall provide direct and continuous pedestrian networks within and adjacent to parking areas to connect building entrances, parking spaces, public sidewalks, transit stops and other pedestrian destinations.
2. A safe and direct pedestrian pathway must be provided from the street or sidewalk through the parking area to the primary building entrance. These pathways must be ADA compliant, and either be completely separated from vehicular traffic or clearly designated, such as through a raised surface or distinctive paving and/or striping.
3. Pedestrian pathways within parking areas that cross driveways must be clearly marked, such as through a raised surface or distinctive paving and/or striping.
4. Whenever possible, parking rows should be aligned perpendicular to the main building, providing for a safer and more direct pedestrian route. ~~Discussed parking shade structure and pedestrian crossings through the parking lot.~~

4.1.12 Parking Area Landscaping

The perimeter and interior of parking lots shall be landscaped pursuant to the requirements in **Section X.X.**

4.1.13 Parking Area Lighting

Off-Street Parking and loading areas shall adhere to the lighting requirements in **Section 4.6, Outdoor Lighting.**