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section 1 - TITLE, PURPOSE AND SCOPE

1.1 AUTHORITY

This Zoning Ordinance is enacted based on the authority granted by the Eloy City Code and the laws of the State of Arizona, including but not limited to, Arizona Revised Statutes §9-461 and §9-462, which provide for municipal planning and municipal zoning in Arizona.

1.2 TITLE

This Ordinance shall be known as the City of Eloy Zoning Ordinance and is referred to throughout this document as "this Ordinance".

1.3 PURPOSE

The purpose of this Ordinance is to:

- A. Promote the health, safety, convenience and general welfare of the citizens of the City of Eloy, Arizona;
- B. Facilitate the orderly growth of Eloy and ensure the adequate provision of transportation, water, sewerage, schools, parks and other public facilities;
- C. Provide the minimum requirements for the implementation of the City of Eloy General Plan;
- D. Establish and utilize procedures that respond uniformly and consistently to development proposals;
- E. Enhance the character and the stability of the residential, commercial, industrial, and recreational areas of the City.
- F. Preserve open space, provide adequate light and air, avoid overcrowding of land and the excessive concentration of population by establishing zoning districts; and
- G. Impose regulations on the use of land, on the location, height and bulk of buildings and structures and establish standards for design and development.

1.4 APPLICABILITY

- A. The provisions of this Chapter shall administer the public and private use and development and the uses of all buildings, structures, and land within the corporate limits of the City of Eloy.
- B. Any use not described and included in this Chapter as a permitted use, a use subject to conditions, or a use subject to a conditional use permit within a specific zoning district shall be prohibited and is a violation of this Chapter.

- C. No building, structure, or land shall be used or occupied, and no building, structure, or land shall be developed or expanded upon, and no permit shall be issued for any building, structure, or land unless it is in conformity with all applicable provisions of this Chapter. Any permit issued in conflict with the terms or provisions of this Chapter is subject to revocation and/or work stoppage order.
- D. This Chapter is intended to benefit the public as a whole and not any specific person or class of persons. Through the implementation, administration and enforcement of this Chapter, benefits and detriments will be enjoyed or suffered by specific individuals, such conditions are merely byproducts of the overall benefit to the whole community. Therefore, unintentional breaches of the obligations of administration and enforcement imposed on the City of Eloy shall not be enforceable in tort.

1.5 CONSISTENCY WITH THE ELOY GENERAL PLAN AND OTHER ADOPTED REGULATIONS

This Chapter is intended to implement the goals, objectives and implementation strategies of the "Eloy General Plan" and other applicable adopted regulations and is hereby deemed to be in conformance with the adopted General Plan. Any amendments to, or actions pursuant to this Chapter, shall be in conformance with the Eloy General Plan, as it may be amended from time to time.

1.6 TRANSITIONAL PROVISIONS

The following rules shall apply to all properties in the City as of the effective date of this Zoning Ordinance:

1.6.1 Violations Continue

Any violation of the Zoning Ordinance previously in effect (2004 Zoning Ordinance) will continue to be a violation under this Zoning Ordinance and shall be subject to the penalties and enforcement provisions provided in Section 7, unless the use, development, construction or other activity complies with the provisions of this Zoning Ordinance.

1.6.2 Uses Rendered Nonconforming Under Prior Ordinance

Any legal nonconformity existing under the previous Zoning Ordinance shall also remain a legal nonconformity under this Ordinance, so long as the condition(s) that resulted in the legal nonconforming status under the previous Ordinance continues to exist. If a legal nonconformity under the previous Ordinance becomes conforming because of the adoption of this Ordinance, then said use or structure will no longer be considered a nonconformity.

1.6.3 Uses Rendered Nonconforming Under This Ordinance

- A.** When a building, structure, or lot is used for a purpose that was a lawful use before the effective date of this Zoning Ordinance, and this Zoning Ordinance no longer classifies such use as an allowed use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by Section 8.
- B.** Where any building, structure, or lot that legally existed on the effective date of this Zoning Ordinance, and now does not meet all standards set forth in this Zoning Ordinance, such building, structure, or lot shall be considered nonconforming and shall be controlled by Section 8.

1.6.4 Applications Filed Prior to the Effective Date

A. Pending Applications Filed Prior To the Effective Date

1. Complete applications for new developments or amendments including, but not limited to Site Plan Review and Approval, Conditional Use Permits, and Rezoning filed prior to the effective date of this Zoning Ordinance may be approved under the provisions of the Zoning Ordinance previously in effect (2004 Zoning Ordinance).
2. Applicants who have submitted an application that has been deemed complete, but upon which no formal action has been determined prior to the effective date of this Zoning Ordinance, may request review under this Zoning Ordinance by submitting a written letter to the Community Development Director.
3. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements in accordance with the Zoning Ordinance in effect on the date the application was deemed complete, the application shall expire and subsequent applications shall be subject to the requirements of this Zoning Ordinance.

B. New Applications Filed After the Effective Date

1. All applications for new developments including, but not limited to, Site Plan Review and Approval, Conditional Use Permits, and Rezoning, filed on or after the effective date of this Zoning Ordinance, including modifications and amendments, shall conform to the provisions of this Zoning Ordinance.

1.6.5 Developments with Approvals or Permits

A. Conditional Use Permit Approved Prior to Effective Date

An applicant for a use for which a Conditional Use Permit has been approved prior to the effective date of this Ordinance may file an application for a Building Permit, even if the use does not fully comply with the provisions of this Zoning Ordinance. If a Building Permit application is not filed within one (1) year from the date of approval of the Conditional Use Permit, it shall expire. No time extensions shall be permitted. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

B. Site Plan Approved Prior to Effective Date

An applicant whose development has received Site Plan Approval prior to the effective date of this Ordinance may file an application for a Building Permit in compliance with the approved site plan and any conditions of approval, even if the development does not comply with the provisions of this Zoning Ordinance. Upon approval of construction plans for the development, a Building Permit may be issued. Site Plan approval for developments approved prior to the effective date of this Zoning Ordinance shall be valid for one (1) year from the date of Plan Approval. No time extensions shall be permitted. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

C. Preliminary Subdivision Plat Approved Prior to Effective Date

A project which has a preliminary plat approved prior to the effective date of this Ordinance may file an application for a final subdivision plat and improvement plan approval, even if the subdivision does not fully comply with the provisions of this Ordinance. If a final plat application is not filed within eighteen (18) months as provided by the Subdivision Regulations, of the date of preliminary plat approval, the preliminary plat shall expire. No time extensions shall be permitted. Subsequent preliminary plat applications shall comply with this Zoning Ordinance and the Eloy Subdivision Regulations.

D. Building Permit Reviewed or Issued Prior to Effective Date

1. Any building, structure, or sign for which a lawful Building Permit is issued or for which a complete Building Permit or Sign Permit application, as determined by the Community Development Director, has been filed prior to the effective date of this Zoning Ordinance, may be constructed and completed in conformance with the permit and other applicable approvals, permits and conditions, even if such building, structure or sign does not fully comply with this Zoning Ordinance. If construction is not commenced in compliance with the applicable permit terms, the Building Official may grant an extension in compliance with the provisions of the Building Code. If the building, structure, or sign has not been completed before the building permit or any extension of the permit expires, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with this Ordinance.
2. For any building, structure, or development for which plans have been reviewed and approved by the City, under the terms of the previous ordinance, the applicant has one hundred eighty calendar (180) days from the date the City notifies him/her that the plans are approved and permits are ready to be issued; and to pay for said permit and commence construction; said building, structure, or development shall be in compliance with this Chapter.

1.6.6 Waiver of Requirements

- A.** Properties for Which the Owner Believes the Adoption of this Ordinance has a Direct Effect Upon and has caused a Diminution of Value. (A.R.S. §12-1134)
- B.** If a property owner has reason to believe the adoption of this Ordinance and the requirement(s) related to this Ordinance have directly reduced the fair market value of their property, a Waiver of Requirements from this Ordinance, in favor of all requirements of the Zoning Ordinance in effect previous to June 6, 2004, may be applied. Actions establishing the initiation of this waiver must be made before 3 years from the date of adoption, June 25, 2018.

1.7 CONFLICTING PROVISIONS

1.7.1 Provisions Interpreted as Minimum Requirements

The standards and regulations established by this Ordinance shall be construed to be the minimum requirements necessary for the promotion of public health, safety, or other general welfare. Minimum values are not intended to be target values. In some instances, conditions may create the need to exceed stated minimum standards.

1.7.2 Relation to Other Regulations

The regulations of this Ordinance and requirements or conditions imposed pursuant to this Ordinance shall not supersede any other regulations or requirements adopted or imposed by the State of Arizona, or any federal agency that has jurisdiction by law over uses and development authorized by this Ordinance. All uses and development authorized by this Ordinance shall comply with all other such regulations and requirements. Where conflict occurs within this Ordinance or between the provisions of this Ordinance and any other City Ordinance, chapter, resolution, guideline or regulation, (such as, but not limited to, fire codes, building codes, or engineering standards) the more restrictive provisions shall control, as determined by the Community Development Director, unless otherwise specified herein.

1.7.3 Relation to Private Agreements

The provisions of this Ordinance shall apply regardless of any private agreements in the event that the provisions of this Ordinance are more restrictive. Otherwise, this Ordinance shall not interfere with, affect or annul any recorded easement, covenant, or other private agreement now in effect, unless a Development Agreement has been authorized by the City Council and executed by recording said agreement with the Pinal County Recorder's Office, pursuant to A.R.S §9-500.05.

1.8 RULES FOR INTERPRETATION

1.8.1 Zoning/Land Use Regulations

- A. Where uncertainty exists regarding the interpretation of any provision of this Ordinance or its application to a specific site, the Zoning Administrator shall determine the intent of the provision as defined under Section 5.5. The determination of the Zoning Administrator may be appealed in accordance with the provisions of Section 6.2.11.
- B. This Chapter is not intended to interfere with, abrogate, or annul any existing provisions of other laws or ordinances, except those zoning and building ordinances specifically repealed by this Chapter, and provided that they are not in conflict with this Chapter. In the event of a conflict, the provisions of this Chapter shall govern. This Chapter also is not intended to interfere with, abrogate, or annul any private agreements between persons, such as easements, deeds, and /or covenants, except that if this Chapter imposes higher standards or a greater restriction on land, buildings or structures than an otherwise applicable provision of a law, ordinance, or a private agreement, the provisions of this Chapter shall prevail.
- C. Where other laws, ordinances, or private restrictions are more restrictive, the City cannot enforce the more restrictive laws, ordinances, or private restrictions as a part of this Chapter.
- D. This Chapter amends the entire contents of all other Zoning Ordinances previously adopted by the City of Eloy, Arizona.

1.8.2 Official Zoning Map

Where uncertainty exists regarding the boundary of a zoning district, the provisions and rules set forth in Section 2.1.3 shall apply.

1.9 SEVERABILITY

- A. If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Chapter to a particular property, building, or other structure, such judgment shall not affect the application of said provision to any other property, building or structure not specifically included in said judgment.

section 2 - ZONING DISTRICTS

2.1 ZONING DISTRICTS AND MAP ESTABLISHED

2.1.1 Zoning Districts Established

All lands located within the incorporated limits of the City of Eloy are hereby zoned and organized into a coordinated set of residential and non-residential zoning districts and overlay districts. These districts are established to implement the goals, objectives and policies of the Eloy General Plan and to conserve and promote the public health, safety and general welfare. Residential zoning districts are primarily intended to create, maintain and promote a variety of neighborhoods that allow a range of compatible densities to accommodate the desired physical character of the City. Nonresidential districts uses are also allowed to improve the overall quality of life by providing a convenience of services and goods for Eloy residents and provide public facilities necessary to create a healthy and safe environment in which to live.

Table 2.1-1: Zoning Districts Established		
Abbreviation	Zoning District	Previous Zoning
Residential Districts		
(RR-20)	Rural Residential; min. 20 acres per du	Rural Residential
(RR-5)	Rural Residential; min. 5 acres per du	Rural Residential
(RR-2.5)	Rural Residential; min 2.5 acres per du	New
(R1-54)	Estate Residential; min. 54,450 sq. ft. per du	New
(R1-43)	Estate Residential; min. 43,560 sq. ft. per du	Estate Residential
(R1-12)	Single-family Residential; min. 12,000 sq. ft. per du	Low Density Residential
(R1-6)	Single-family Residential; min. 6,000 sq. ft. per du	Medium Density Residential
(R-2)	Small Lot Residential; 6-10 du's per acre	Medium High Density Residential
(R-3)	Multiple-Family Residential; 10-24 du's per acre	High Density Residential
Commercial and Mixed-Use Districts		
(C-1)	Neighborhood Commercial District	Neighborhood Commercial
(C-2)	General Commercial District	Community Commercial
(MU)	Mixed-Use	New
Business and Industrial Districts		
(BP)	Business Park	New
(I-1)	Light Industrial	Light Industrial
(I-2)	General Industrial	General Industrial
Open Space Districts		
(OSC)	Open Space Conservation District	Open Space Conservation
(OSR)	Open Space Recreation District	Open Space Recreation
Overlay Zoning Districts		
(PAD)	Planned Area Development	Planned Area Development
(MHS)	Manufactured Home Overlay Subdivision	Manufactured Home
(AO)	Aviation Overlay	Airport
(DCO)	Downtown Core Overlay	Community Core

***Ordinance # 18-880 (code) and #18-878 (map) - effective August 23, 2018.**

2.1.2 Zoning Map Established

- A. The location and boundaries of the zoning districts established by this Ordinance shall be designated upon the official "Zoning Map of the City of Eloy". The Zoning Map, together with all data shown on the map and all amendments hereafter adopted, is by reference made a part of this Ordinance.
- B. The official zoning map of the City of Eloy, dated and signed by the Mayor and City Clerk, is hereby adopted and shall be located in the office of the City Zoning Administrator with a copy retained on file with the City Clerk. All future changes adopted by the Eloy City Council to the Official Zoning Map of the City of Eloy shall be clearly documented by the City Zoning Administrator on the official zoning map adopted on the date and year set forth herein.
 - 1. Any changes to the official Zoning Map shall be considered an amendment to the Official Zoning Map and filed in accordance with Section 6.6 of this Ordinance.
 - 2. The Official Zoning Map may, from time to time, be republished to delineate any change of zoning approved pursuant to Section 6.6 of this Ordinance or any other amendments thereto.

2.1.3 Boundary Determination

- A. Where uncertainty exists concerning the boundaries of any Zoning District shown on the Official Zoning Map, the following rules shall apply:
 - 1. Where Zoning District boundaries are indicated as approximately following street or alley center lines, such center lines shall be construed to be the district boundary.
 - 2. Where Zoning District boundaries are so indicated that they approximately follow property lines, such property lines shall be construed to be the district boundary.
 - 3. Where Zoning District boundaries divide a lot or parcel, the zoning boundary shall be determined by using the scale of the Official Zoning Map, unless indicated by legal description with distance and bearing or other dimension. Such Zoning District boundary shall be considered a "lot line" as defined herein. If the area created by such lot line does not comply with the designated district lot area and lot width requirements, zoning for the entire parcel shall be that which is applied to the largest portion of the property.
 - 4. Where a public street or alley, railroad, or utility right-of-way is officially vacated or abandoned, the property that was formerly in the right-of-way will be included within the zoning district of the adjoining property on either side of the centerline of the vacated or abandoned right-of-way or easement.
 - 5. Where a Zoning District boundary divides a lot or parcel, the location of such boundary, unless indicated by legal description with distance and bearing or other dimension, shall be determined by scaling the Official Zoning Map by the City Zoning Administrator.
 - 6. Where a lack of clarity or disagreement concerning the exact location of a zoning district line exists, determination shall lie with the interpretation of the

City Zoning Administrator as defined under Section 5.5. The determination of the Zoning Administrator may be appealed in accordance with the provisions of Section 6.2.11 (Appeals).

2.2 RESIDENTIAL DISTRICTS

2.2.1 General Purpose

Residential zoning districts are primarily intended to create, maintain and promote a variety of neighborhoods that allow for a range of compatible densities to accommodate the desired physical character of the City. These districts primarily accommodate residential uses; however, some nonresidential uses are also allowed to provide other uses necessary to support a healthy, sustainable and safe environment. These uses also include associated, limited nonresidential uses that are required by law such as religious, educational and recreational facilities. The residential districts are described in Section 2.2.2.

2.2.2 Residential Districts

Rural Residential (RR-20)

The purpose of this rural residential zoning district is to provide areas for large, more intense agricultural activities, ranching land uses, and their related activities, in appropriate locations with buffering to mitigate the negative impacts upon, or from, such operations. The minimum lot size is twenty (20) acres. The intent is to protect areas that exhibit productive agricultural soils and existing or desired ranching uses from incompatible land uses and urban encroachment. This district is appropriate where very low density residential development is desired, where minimal public facilities and services are programmed or anticipated, and in aviation overflight areas. The RR-20 zoning district may also act as a holding zone to prevent the premature conversion of rural lands to suburban or urban uses and until there exists adequate public facilities and an appropriate development plan.

Rural Residential (RR-5)

The purpose of this rural residential zoning district is to provide for, and conserve, existing rural, ranch, and very low density residential uses in their present or desired character, and to foster orderly growth. The minimum lot size is five (5) acres. The intent of this district is to allow for areas where small ranching and semirural residential uses can be maintained without imposing/receiving conflicts from higher density development. This district is appropriate where low density development is desired, as a buffer for these uses from the more intense agricultural uses of the RR-20 district, and in aviation overflight areas.

Rural Residential (RR-2.5)

The purpose of this rural residential zoning district is to provide an open, low-density country residential atmosphere on large lots. Lots are typically larger than in the developed portion of the City and can include area(s) for large livestock for non-commercial purposes. The minimum lot size is two and one half (2.5) acres. This district is compatible with the Estate Residential districts and can also serve as a buffer and transition to the higher density residential districts.

Estate Residential (R1-54)

The purpose of this estate residential district is to provide an appropriate zoning district for the transition of newly annexed property into the City of Eloy, so as to equitably accommodate a comparable zoning district affording similar densities and intensities of residential land uses that were prescribed under the former county zoning district designation. The minimum lot size is 54,450 square feet (approximately 1.25 acres). This district is compatible with Rural Residential and Estate Residential zoning districts, but could also be utilized as a holding district until future zoning requests that are consistent with the General Plan land use designation(s) can be established. Single-family homes in this district shall not include manufactured or mobile homes unless approved in conjunction with a separate/additional Overlay Zoning District.

Estate Residential (R1-43)

The purpose of this estate residential zoning district is to foster orderly growth in the transitional or fringe areas, whereby large lot residential uses would be most appropriate. The minimum lot size is 43,560 square feet (1.0 acre). The intent of this district is to provide a pastoral character and home sites that create an open environment and to provide a transition land use buffer between the rural land uses and single-family residential land uses. Single-family homes in this district shall not include manufactured or mobile homes unless approved in conjunction with a separate/additional Overlay Zoning District.

Single-family Residential (R1-12)

The purpose of this single-family residential district is to provide a transition from rural residential and/or estate development to more suburban residential neighborhoods. Development in this district is generally comprised of moderate sized-lot (minimum 12,000 square feet in area) single-family detached homes with more conventional residential amenities such as sidewalks, public utility services and other improvements. Single-family homes in this district shall not include manufactured or mobile homes unless approved in conjunction with a separate/additional Overlay Zoning District.

Single-family Residential (R1-6)

The purpose of this single-family residential zoning district is to provide smaller lot sizes than other single-family districts while maintaining a traditional single-family neighborhood character. Development in this district should also include non-motorized linkages to community and neighborhood services such as schools, parks and shopping areas. All public utilities and facilities must be in place at the time of first dwelling unit occupancy. Certain essential and complementary uses are permitted under Residential Use Standards which ensure their compatibility with the character of the district. Single-family homes in this district shall not include manufactured or mobile homes unless approved in conjunction with a separate/additional Overlay Zoning District.

Small Lot Residential (R-2)

The purpose of this small lot residential zoning district is to provide for neighborhoods consisting of a mixture of single-family detached and attached homes including small-lot residential dwellings such as duplexes, townhomes, and/or patio homes together with schools, parks, trails and other supportive public facilities. Anticipated project densities may range between 6-10 dwelling units per acre (gross), with heights limited to two (2) stories. This district may serve as a transition between multi-family residential districts

and single-family residential districts. Single-family homes in this district shall not include manufactured or mobile homes unless approved in conjunction with a separate/additional Overlay Zoning District.

Multiple Family-Residential (R-3)

The purpose of this multiple family residential zoning district is to allow for higher densities to provide a balance of housing opportunities in the community. Anticipated project densities may range between 10-24 dwelling units per acre (gross), with typical heights limited to three (3) stories. This district is most appropriate in the downtown area, adjacent to large shopping or employment centers, or within a large PAD. The district requires direct connection to higher volume roadways and all public utilities. The maximum density is 24 dwelling units per acre.

2.2.3 Residential Use Standards

The “Table of Allowed Uses for Residential Districts” (Table 2.2-1), lists land uses and indicates whether they are permitted by right or with approval of a conditional use permit (CUP), or prohibited within each Zoning District. The Use Table also includes references to additional use-specific standards that may be applicable to that use. The organization headings and individual abbreviations utilized in the table are identified as follows:

A. Use Category

The “use category” is intended to provide a quick reference to organize the specific uses. Such categories are not regulatory.

B. Specific Use Type

The “specific use type” is regulatory and function as the basis for listing the existing and future land uses that are considered in each zoning district. Rather than list every possible individual land use type, this list classifies individual land uses and activities into specific use types based on common functional, product or physical characteristics; such as the type and amount of activity, the type of customers or residents, and how goods or services are sold or delivered and site conditions. The definition of each specific use type is located in Section 9, “Definitions”.

C. Permitted Uses (P)

A “P” in a cell indicates that the use is allowed by right in the respective zoning district.

D. Conditional Uses (C)

A “C” in a cell indicates that the use is allowed with a Conditional Use Permit in the respective zoning district. Conditional Use Permits must be reviewed and approved by both the Planning & Zoning Commission and City Council, in accordance with the procedures of Section 6.7.

E. Not Permitted (NP)

An “NP” in a cell indicates that the use is not permitted (is prohibited) in the respective zoning district.

F. Overlay District Uses (O)

An “O” designates uses that may be permitted but must exercise the use of a Zoning Overlay District used in conjunction with the underlying zoning district. Zoning Overlay Districts must be considered and approved by the Planning & Zoning Commission and City Council.

G. Use-Specific Standards

Section numbers listed in the “Supplemental Use Regulations” column denote the location of additional regulations that are applicable to the specific use type; however, provisions in other sections of this Ordinance may also apply.

H. Non-Specified Uses

When a use cannot be reasonably classified into a specific use type, or appears to fit into multiple specific use types, the Zoning Administrator is authorized to determine the most similar, and thus most appropriate, specific use type based on the actual or projected characteristics of the individual use or activity (including but not limited to size, scale, operating characteristics and external impacts) in relationship to the specific use type definitions provided in Section 9. Appeal of the Zoning Administrator’s decision may be filed with the Community Development Department and heard by the Board of Adjustment in conformance with the procedures of Section 6.2.11.

Table 2.2-1: Table of Allowed Uses for Residential Districts												
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use NP = Not Permitted O=Overlay District										
		Residential Zoning Districts										Supplemental Use Regulations
		RR-20	RR-5	RR-2.5	R1-54	R1-43	R1-12	R1-6	R-2	R-3	PF	
Residential	Assisted Living Center	NP	NP	NP	NP	NP	NP	NP	NP	C	NP	3.1.5
	Assisted Living Home	P	P	P	P	P	P	P	NP	NP	NP	
	Child Care, Home	P	P	P	P	P	P	P	P	P	NP	3.1.12
	Caretaker Living Quarters	P	P	P	C	C	NP	NP	NP	NP	NP	3.1.9
	Dwelling, Duplex	NP	NP	NP	NP	NP	NP	NP	P	P	NP	
	Dwelling, Manufactured Home*	P/O	P/O	P/O	P/O	P/O	P/O	P/O	NP	NP	C	
	Dwelling, Modular Home	P	P	P	P	P	P	P	P	NP	C	
	Dwelling, Multi-Family	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	
	Dwelling, Single-Family Attached	NP	NP	NP	NP	NP	NP	NP	P	P	NP	
	Dwelling, Single-Family Detached	P	P	P	P	P	P	P	P	NP	NP	

Table 2.2-1: Table of Allowed Uses for Residential Districts

Use Category	Specific Use Type	P = Permitted Use C = Conditional Use NP = Not Permitted O=Overlay District										
		Residential Zoning Districts										
		RR-20	RR-5	RR-2.5	R1-54	R1-43	R1-12	R1-6	R-2	R-3	PF	Supplemental Use Regulations
	Group Care Home	P	P	P	P	P	P	P	NP	NP	NP	3.1.21
	Manufactured Home, Park *	P/O	P/O	P/O	P/O	P/O	P/O	P/O	P/O	NP	NP	2.67.6
	Nursing Home	NP	NP	NP	NP	NP	NP	NP	C	C	NP	3.1.28
	Recreational Vehicle, Park *	P/O	P/O	P/O	P/O	P/O	P/O	P/O	NP	NP	NP	2.7.10
	Resident Care Home	P	P	P	P	P	P	P	NP	NP	NP	3.1.34
	Tiny Houses	P	P	P	P	P	P	P	P	P	P	3.1.39
	Vacation Home Rentals	P	P	P	P	P	P	P	P	P	NP	
Public and Semi Public	Assembly Hall/Auditorium	NP	NP	NP	NP	NP	NP	NP	NP	C	P	
	Campground*	P/O	P/O	P/O	P/O	P/O	P/O	P/O	P/O	NP	NP	3.1.8
	Child Care, Center	NP	NP	NP	NP	NP	NP	NP	C	C	NP	3.1.11
	College or University	NP	NP	NP	NP	NP	NP	NP	NP	C	P	3.1.13
	Community Playfields and Parks	P	P	P	P	P	P	P	P	P	NP	
	Community Recreation Center	P	P	P	P	P	P	P	P	P	P	
	Country Club, Private	P	P	P	P	P	P	P	P	P	NP	
	Cultural Facility	C	C	C	C	C	C	C	C	C	P	
	Fraternal or Social Club, Nonprofit	NP	NP	NP	NP	NP	NP	NP	C	C	C	
	Library	P	P	P	P	P	P	P	P	P	P	
	Non-Profit/Non-Governmental Organization	C	C	C	C	C	C	C	C	C	C	
	Public Safety Facility	P	P	P	P	P	P	P	P	P	P	
	Religious Assembly	P	P	P	P	P	P	P	P	P	NP	3.1.33
	School, Boarding	C	C	C	C	C	NP	NP	NP	C	P	3.1.35
	School, Public or Private, K-8	C	C	C	C	C	C	C	C	C	P	3.1.35
	School, Public or Private, 9-12	C	C	C	C	C	C	C	C	C	P	3.1.35
	Social Service Facility	NP	NP	NP	NP	NP	NP	NP	NP	C	P	
Solar Generation Facility	C	C	C	C	C	NP	NP	NP	NP	C	3.1.38	
Utility Facility and Service Yard, Major	C	C	C	NP	NP	NP	NP	NP	NP	P		
Utility Facility, Minor	P	P	P	P	P	P	P	P	P	P		
Wireless Facility (including tower and supporting facilities)	C	C	C	C	C	C	C	C	C	C	4.4	

Table 2.2-1: Table of Allowed Uses for Residential Districts

Use Category	Specific Use Type	P = Permitted Use C = Conditional Use NP = Not Permitted O=Overlay District										
		Residential Zoning Districts										
		RR-20	RR-5	RR-2.5	R1-54	R1-43	R1-12	R1-6	R-2	R-3	PF	Supplemental Use Regulations
Agriculture	Agriculture, General (farming and ranching; no commercial activities or CAFO's)	P	P	P	P	P	NP	NP	NP	NP	NP	3.1.3
	Caretaker Living Quarters	P	P	NP	NP	NP	NP	NP	NP	NP	NP	3.1.9
	Concentrated Animal Feeding Operation (CAFO)	C	NP	NP	NP	NP	NP	NP	NP	NP	NP	3.1.7
	Dairy Farms (Commercial)	C	NP	NP	NP	NP	NP	NP	NP	NP	NP	3.1.16
	Market Garden	P	P	P	P	P	C	C	C	NP	NP	
	Medical Marijuana Cultivation	C	C	NP	NP	NP	NP	NP	NP	NP	NP	3.1.24
	Plant Nursery/Greenhouse	P	P	P	C	C	NP	NP	NP	NP	NP	
	Arizona/Pinal County 4H Program	P	P	P	P	P	C	C	NP	NP	NP	
	Produce Stand	C	C	C	NP	NP	NP	NP	NP	NP	NP	
	Ranching, Commercial	P	P	C	NP	NP	NP	NP	NP	NP	NP	
Commercial	Commercial Riding Stables	C	C	NP	NP	NP	NP	NP	NP	NP	NP	3.1.14
	Detention/ Correctional Facilities	C	C	NP	NP	NP	NP	NP	NP	NP	C	3.1.17
	Extractive Industries	C	NP	NP	NP	NP	NP	NP	NP	NP	NP	3.1.19
	Farmers Market	C	C	C	C	C	NP	NP	NP	C	NP	
	Feed Store	C	C	C	C	C	NP	NP	NP	NP	NP	
	Golf Course, Unlighted	P	P	P	P	P	P	P	P	P	NP	
	Animal Kennel/Shelter	P	C	C	NP	NP	NP	NP	NP	NP	NP	
	Parking Lots and Parking Structure	NP	NP	NP	NP	NP	NP	NP	NP	P	P	
Resort	C	C	C	C	C	C	C	C	C	NP		

NOTES:

*May be permitted in any residential zoning district with the application of a Manufactured Home Overlay District.

2.2.4 Residential Development Standards

The development standards identified in Table 2.2-2 apply to all principal uses and structures in residential districts, except as otherwise expressly stated in this Ordinance. General exceptions to these regulations and rules for measuring compliance are identified in Section 6.9 and 2.1.3, respectively. Regulations pertaining to accessory uses and structures are identified in Section 3.2.

Table 2.2-2: Residential District Development Standards

Zoning District	Density, Maximum (dwelling units/ gross acre)		Lot Dimensions, minimum		Minimum Setbacks				Lot Coverage, maximum (%)	Building Height, maximum (ft.)
					Front (ft.)	Side (ft.)	Street Side	Rear (ft.)		
			Lot area (sq. ft.)	Lot Width (ft.) [1]						
RR-20	1 du/ 20 acres		871,200	660	60	60	60	60	10	35
RR-5	1 du/ 5 acres		217,800	330	50	30	50	50	15	35
RR-2.5	1 du/ 2.5 acres		108,900	225	40	25	50	40	15	35
R1-54	1 du/ 1.25 acres		54,450	150	30	20	40	30	20	35
R1-43	1 du/ 1 acre		43,560	145	30	20	40	30	25	35
R1-12	1 du/ 12,000 sq. ft.		12,000	75	20 (2)	10	20	20	30	30
R1-6	1 du/ 6,000 sq. ft.		6,000	60	20	5 w/15 aggregate (4)	20	20	40	30
R-2	Single-family Detached	10 du's/acre	3,500	35	15 (3)	5 (4)	10	10	50	35
	All Other Uses	12 du's /acre	7,000 site (6)	--	10	10 (5)	10	10 (5, 8)	50 (7)	35
R-3	Multiple Family Residential	10 du min.; 24 du max	7,000 site (6)	--	10	10 (5)	10	10 (5, 8)	60	40

NOTES:

- [1] Lot width is measured at front setback.
- [2] Front setback shall be fifteen (15) feet for side entry garages and/or covered front porch.
- [3] Front setback shall be twenty (20) feet for front entry garages and carports.
- [4] For all corner lots adjacent to a public right-of-way, the minimum street side yard setback shall be twenty (20) feet.
- [5] Zero (0) feet for dwelling units with common walls.
- [6] For Single-Family Attached uses within a single parcel, the minimum individual lot area per dwelling unit shall be 1,500 square feet.
- [7] For Single-Family Attached uses within a single parcel, the maximum individual lot/dwelling unit coverage shall be 95%.
- [8] Minimum rear yard setback shall be 25 feet when adjacent to all other zoning districts except R-3.
- [9] The space in any required yard shall be open and unobstructed, except for the ordinary projections of chimney flues, awnings, open outside stairways and balconies, window sills, belt courses, cornices, eaves and other architectural features, provided such features shall not project farther than three feet (3') into any required yard, and provided further, that in no case shall such projections be nearer than five feet (5') to the property line or an adjacent projection from any adjacent lot.

[10] Bay windows, including their cornices and eaves, may project into any required yard not more than three feet (3'), provided the sum of such projections on any wall does not exceed one-third (1/3) the length of the wall; and provided, that in no case shall such projections be nearer than five feet (5') to the property line or an adjacent projection from any adjacent lot.

2.2.5 Single-family Residential Design Guidelines

The following design guidelines shall apply to single-family residential subdivisions and certain types of residential units built within the City other than those located in Planned Area Developments (PAD). The intent of these guidelines is to establish a minimum level of residential community expectations within Eloy as well as a consistent method of evaluating new projects. The guidelines set objectives for the developer/designer to meet and are not intended to restrict or impede creativity and imagination. In the event that a conflict exists between the provisions of this section and the Single-family Residential Districts chart, the provisions of this section shall prevail.

A. General Guidelines for Single-Family Residential Subdivisions

1. Each project shall have a unique entry feature at its primary entrances to provide individual identity to the development. Entry features may include a combination of the following elements: entrance paving, distinctive landscaping treatment, distinctive structural element (statue, windmill, etc.) planters, special wall/column treatment, gates and other entry features.
2. A minimum six (6) foot and maximum eight (8) foot wall shall be required along the rear of reverse frontage single-family lots along collector or arterial streets. Such walls shall be constructed of slump block, brick, or masonry with stucco or mortar wash finish and decoratively designed with details such as inlaid tile or brick work, cap tiles, wall inserts, offsets, or pilaster treatments. Long, straight, unbroken walls are not permitted. Landscaping is required to be installed in accordance with City standards within collector or arterial rights-of-way.
3. The undergrounding of all utilities less than 69kV (kilovolts), within and abutting the proposed development, shall occur prior to issuance of construction permits for the applicable phase of development.
4. All new residential developments (subdivisions) shall be subject to all requirements set forth in the Eloy Subdivision Regulations.
5. Compliance with the City's Engineering Design Standards for public works construction and with Maricopa Association of Governments standards for public works construction, except for modifications agreed to by the City Engineer.
6. Compliance with the Flood Plain Management Ordinance or the receipt of a letter of approval from the Pinal County Flood Control District explaining that the development is not located in the floodplain or the measures to protect development located in the floodplain.
7. Separation of any production crops on land owned by the property owner for whom the rezoning is sought or such owners and successors on the property herein zoned by not less than fifty (50) feet from the nearest adjacent property boundary, if applicable.

8. A Homeowner Association (HOA) shall be required to be formed for a new residential subdivision.

B. Single-family Residential Site Design Guidelines

1. Housing should foster a sense of neighborhood among nearby residents and a sense of community through linkage with surrounding neighborhoods.
2. All new residential development (subdivisions) shall include a pedestrian and bicycle multi-use pathway as part of the required open space as per the Eloy General Plan. If applicable, such pathway shall be designed, located and oriented to provide: 1) pedestrian and bicycle accessibility within and around the development; 2) connections to adjacent developments to enhance a network of multi-modal circulation throughout the community; and 3) a buffer between undeveloped, less densely developed lands and developed land use patterns.
3. In an effort to reduce street pavement widths and eliminate driveway curb cuts, the use of alleyways with rear garage configurations and entry access points may be considered as a primary means of access to a residential lot.
4. Developments containing alleyways shall plan and design the alleyways as a secure pedestrian way that links to the neighborhood pedestrian and bicycle multiuse pathways and open space system.
5. The residential structure should have a strong relationship to the neighborhood street. A walkway from the street to the front entry is strongly encouraged.

C. Single-family Residential Open Space Guidelines

1. All residential developments (subdivisions) shall provide the minimum net acreage required by Subsection 15-598 of this Ordinance as open space. Developers shall set aside a minimum of fifteen percent (15%) open space (net acreage) in subdivisions platted under the R1-6 zoning districts. Not more than fifty percent (50%) of the required open space for any residential development (subdivisions) shall be attributed to golf course use or ancillary golf uses.
2. Private (subdivision) open space areas shall be designated as a tract, which is owned and maintained by a homeowners' association. Said private open space shall be located to provide access and physical connections to adjacent neighborhoods and to the community open space network and trail system.
3. If the open space area (subdivision) is to be dedicated for public use it shall be located to provide access and physical connections to adjacent neighborhoods and to the community open space network and trail system or to provide protection to adjacent public lands.
4. The landscaped portion of a private street tract may be counted as open space only if the private street is constructed to the local street standards as shown in

the City of Eloy Subdivision Ordinance. However, this landscaped area may not count towards more than twenty five percent (25%) of the required open space.

D. Single-family Residential Architectural Guidelines

1. Mirrored surfaces or reflective treatment that changes or enhances ordinary glass into a mirrored surface is prohibited. Bright untarnished metallic surfaces, including roof materials, shall be chemically treated so they are non-reflective.
2. Earth tone paint and material colors shall have a light reflective value (LRV) no greater than forty percent (40%). Limited use of contrasting accenting colors in excess of forty percent (40%) LRV for small elements such as entryways and special architectural features of the building may be allowed.
3. Roof mounted mechanical equipment is prohibited. Mechanical equipment, electrical meter and service components, propane tanks, coolers, water filters and similar utility equipment shall be installed at ground level or wall mounted and shall be screened from public view and designed to appear as an integral part of the building.
4. All new single-family residences shall include a minimum two (2) car garage. Carports shall only be permitted in subdivisions with a manufactured home overlay; the design and materials of which shall be compatible with the main structure. Existing carports shall not be enclosed unless substituted with an additional carport or garage on the property. In RR-20, RR-5, RR-2.5, R1-54 and R1-43 zoning districts, the garage area shall not exceed thirty five percent (35%) of the front face plane of the residential structure.
5. Detached garages and side entry garages are strongly encouraged.
6. Front porches and courtyards are strongly encouraged and should provide a pedestrian connection, other than the driveway, to the street.
7. Open gable roofs, emphasizing the lack of detail, should be avoided. Rooflines with differing heights and style combinations, stepping, or different orientations are strongly encouraged.
8. All four exterior elevations of a residential structure shall provide architectural detailing; not just the front elevation.
9. Window embellishments shall be provided on all houses by adding architectural features which enhance the elevations, e.g., sturdy synthetic wood substitutes, greater variation of window design, different window styles, tile inlays and recesses, structural pop outs, gabled roof features over the windows, etc. Such features must be added to all of the exterior elevations of the house to provide interest and relief.
10. All tract home developments shall have a minimum of four (4) floor plans, with a minimum of three (3) distinctly different elevations for each floor plan. Additionally, a minimum of three (3) colors of roof material, three (3) styles of garage doors and three (3) exterior paint motifs shall be required to promote visual interest and architectural diversity. The same elevations shall not be utilized across from or adjacent to each other.

2.2.6 Multiple Family Residential Design Guidelines

- A.** Each multiple family project shall have a unique entry feature at its primary entrance to provide individual identity to the development. Entry features may include a combination of some of the following elements: entrance paving, fountains, distinctive landscaping treatment, planters, special wall treatment, gates and other entry features.
1. A minimum six (6) foot and maximum eight (8) foot wall shall be required along the rear of reverse frontage single-family lots along collector or arterial streets. Such walls shall be constructed of slump block, brick, or masonry with stucco or mortar wash finish and decoratively designed with details such as inlaid tile or brick work, cap tiles, wall inserts, offsets, or pilaster treatments. Long, straight, unbroken walls are not permitted. Landscaping is required to be installed in accordance with City standards within collector or arterial rights-of-way.
 2. The undergrounding of all utilities less than 69kV (kilovolts) within and abutting the proposed development prior to issuance of construction permits for the applicable phase of development.
 3. All new residential developments (subdivisions) shall be subject to all requirements set forth in the Eloy Subdivision Regulations.
 4. Compliance with the City's Engineering Design Standards for public works construction and with Maricopa Association of Governments standards for public works construction, except for modifications agreed to by the City.
 5. Compliance with the Flood Plain Management Ordinance or the receipt of a letter of approval from the Pinal County Flood Control District explaining that the development is not in the floodplain.
 6. Separation of any production crops on ground owned by the property owner for whom the rezoning is sought or such owners and successors on the property herein zoned by not less than fifty (50) feet from occupied dwelling units, if applicable.
 7. The creation of a Property Management Association shall be required for a new multiple family development project.
- B. Multiple Family Residential Site Design Guidelines**
1. All new multiple family residential developments (subdivisions) shall be subject to all requirements set forth in the Eloy Subdivision Regulations.
 2. Parking areas adjacent to the required front yard shall be screened by a decorative wall or landscape berm or combination thereof to a height not to exceed three feet (3') measured from the finish grade in order to adequately screen the undercarriages of the parked vehicles.
 3. Trash and refuse collection locations shall be screened with a six foot (6') decorative masonry wall that is finished to match the exterior elevation of the dwelling units. Trash and refuse areas shall be located such that they are not the visual focal point of a driveway or parking area, and cannot be viewed directly from a public street.

4. All multiple family residential developments, having more than four (4) dwelling units, shall provide amenities for the residents' use. Examples of such amenities are swimming pool, clubhouse, health and fitness center, tennis courts, etc. The area utilized by these amenities may be credited as open space.
5. Required covered parking shall provide motion sensor/detector light fixtures which are to be placed under the parking shade canopy. The design and materials of the covered parking canopy shall be compatible with the main structure.
6. All of the dwelling units within the development should have a strong design/orientation to one another, to the common open space and to the neighborhood street. A walkway from the street to the front entry is strongly encouraged.

C. Multiple Family Residential Open Space Guidelines

1. All multiple family residential developments shall be required to provide a minimum of four hundred (400) square feet of usable open space per dwelling unit. Usable open spaces may include both active and passive uses including, but not limited to pool facilities, open turf areas, trails (not including sidewalks between buildings), ballfields, tot lots and other similar features.
2. All multiple residential developments shall adhere to the open space requirements of subsection 15-598 of this Code.

D. Multiple Family Residential Architectural Guidelines

1. Mechanical equipment, electrical meter and service components, propane tanks, coolers, water filters and similar utility equipment shall be installed at ground level or wall mounted and shall be screened from public view and designed to appear as an integral part of the building.
2. All buildings shall incorporate three hundred sixty-degree (360°) architecture, a variety of massing and building heights, and stepping rooflines. Straight rooflines should be varied by using offsets, differing heights, stepping, or different orientations to produce more variety within a development. Roof material shall not be wood shake shingles.
3. All of the exterior elevations of the structures shall provide interest and relief and utilize architectural detailing and overhanging eaves. Open gable roofs, emphasizing the lack of detail, should be avoided. Embellish window treatments on buildings by adding architectural features, which enhance the elevations, e.g., gabled roof features over windows, structural pop outs, recesses, headers, tile inlays, different window designs and styles.
4. Reflective building materials are prohibited. Mirrored surfaces or any treatment that changes ordinary glass into a mirrored surface are prohibited. Metallic surfaces, including roof materials, shall be chemically treated to be non-reflective. Earth tone paint and material colors shall have a light reflective value (LRV) no greater than forty percent (40%). Limited use of contrasting accenting colors in excess of forty percent (40%) LRV for small elements such as entryways and special architectural features of the building may be allowed.

5. The building materials of a project shall be durable, require low maintenance, and be of the same or higher quality as surrounding developments. All multiple residential buildings shall have a permanent foundation and a garage, carport or covered parking canopy.
6. All tract home developments shall have a minimum of four (4) floor plans, with a minimum of three (3) distinctly different elevations for each floor plan. Additionally, a minimum of three (3) colors of roof material, three (3) styles of garage doors and three (3) exterior earth tone paint colors shall be required to further promote visual interest and architectural diversity. The same elevations shall not be utilized across from or adjacent to each other.

2.3 COMMERCIAL DISTRICTS

2.3.1 General Purpose

The purpose of the commercial and mixed-use districts is to provide for a variety of goods, services and housing, each suited to specific retail, office, entertainment, and moderate to high density residential uses in order to foster economic health, community sustainability and also to maintain compatibility with adjacent uses. These districts are intended to provide attractive, well-designed developments that are appropriately located along primary roadways and multi-modal transportation facilities to serve Eloy residents, customers, and visitors.

2.3.2 Commercial and Mixed-Use Districts

Neighborhood Commercial District (C-1)

The purpose of this commercial zoning district is to provide a location for small scale, well designed professional offices and smaller shops and services in convenient locations to meet the daily needs of residents in the surrounding neighborhood. It is intended that this district restrict its range of uses to those that satisfy the daily commercial, office, and service needs of the immediate surrounding neighborhood.

General Commercial District (C-2)

The purpose of this commercial zoning district is to provide a location for general business and commercial uses. The intent of this district is to allow for larger commercial uses to satisfy the needs of the community at large while providing for a broad range of retail, office and service oriented activities.

Mixed-Use District (MU)

The purpose of this mixed-use district is to allow the inclusion of both residential and non-residential uses, either vertically or horizontally, on one parcel of land. The intent is to promote site and building design that accommodates multi-modal mobility that creates opportunities to live, work and recreate within newly developing greenfield sites, near existing neighborhoods and/or near the Downtown Core area. Residential densities ranging from 10 to 24 dwelling units per acre are permitted.

2.3.3 Commercial and Mixed-Use Standards

The “Table of Allowed Uses for Commercial and Mixed-Use Districts” (Table 2.3-1), lists land uses and indicates whether they are permitted by right or with approval of a conditional use permit (CUP), or prohibited within each Zoning District. The Use Table also includes references to additional use-specific standards that may be applicable to that use. The organization headings and individual abbreviations utilized in the table are identified as follows:

A. Use Category

The “use category” is intended to provide a quick reference to organize the specific uses. Such categories are not regulatory.

B. Specific Use Type

The “specific use type” is regulatory and functions as the basis for listing the existing and future land uses that are considered in each zoning district. Rather than list every possible individual land use type, this list classifies individual land uses and activities into specific use types based on common functional, product or physical characteristics; such as the type and amount of activity, the type of customers or residents, and how goods or services are sold or delivered and site conditions. The definitions of each specific use type are located in Section 9, “Definitions”.

C. Permitted Uses (P)

A “P” in a cell indicates that the use is allowed by right in that zoning district.

D. Conditional Uses (C)

A “C” in a cell indicates that the use is allowed with a Conditional Use Permit in the respective zoning district. Conditional Use Permits must be reviewed and approved by both the Planning & Zoning Commission and City Council, in accordance with the procedures of Section 6.7.

E. Not Permitted (NP)

An “NP” in a cell indicates that the use is prohibited in the respective zoning district.

F. Use-Specific Standards

Section numbers listed in the “Supplemental Use Regulations” column denote the location of additional regulations that are applicable to the specific use type; however, provisions in other sections of this Ordinance may also apply.

G. Non-Specified Uses

When a use cannot be reasonably classified into a specific use type, or appears to fit into multiple specific use types, the Zoning Administrator is authorized to determine the most similar and thus most appropriate specific use type based on the actual or projected characteristics of the individual use or activity (including but

not limited to size, scale, operating characteristics and external impacts) in relationship to the specific use type definitions provided in Section 9. Appeal of the Zoning Administrator’s decision may be filed with the Community Development Department and heard by the Board of Adjustment in conformance with the procedures of Section 6.2.11.

Table 2.3-1: Table of Allowed Uses for Commercial & Mixed-Use Districts							
Use Category	Specific Use Type	P = Permitted Use		C = Conditional Use		Supplemental Use Regulations	
		NP = Not Permitted					
		Commercial & Mixed-Use Zoning Districts					
		C-1	C-2	MU	PF		
Residential	Dwelling, Single-Family Attached	NP	NP	P	NP		
	Dwelling, Live/Work	NP	NP	P	NP		
	Dwelling, Multi-Family	NP	NP	P	NP		
	Assisted Living Center	NP	C	P	NP	3.1.5	
	Nursing Home	NP	C	P	NP	3.1.29	
	Boarding/Shelter Care	NP	C	NP	NP		
	Vacation Home Rentals	NP	NP	P	NP		
	Caretaker’s Quarters	NP	C	C	NP	3.1.10	
Public and Semi Public	Arboretum or Botanical Garden	C	P	P	NP		
	Assembly Hall/Auditorium	C	P	P	P		
	Bus Terminal	NP	C	C	NP		
	Campground	NP	NP	C	NP	3.1.9	
	Cemetery	C	C	C	C		
	Child Care, Center	C	C	P	NP	3.1.12	
	College or University	NP	P	P	P	3.1.14	
	Community Playfields and Parks	NP	C	P	NP		
	Community Recreation Center	P	P	P	P		
	Crematorium or Funeral Parlor	C	P	C	NP		
	Cultural Facility	C	P	P	P		
	Fraternal or Social Club, Nonprofit	C	P	P	NP		
	Government Offices And Civic Buildings	P	P	P	P		
	Health Care / Medical Facility or Clinic	C	P	P	P		
	Hospitals	NP	P	P	P		
	Library	P	P	P	P		

Table 2.3-1: Table of Allowed Uses for Commercial & Mixed-Use Districts

Use Category	Specific Use Type	P = Permitted Use C = Conditional Use NP = Not Permitted					Supplemental Use Regulations
		Commercial & Mixed-Use Zoning Districts					
		C-1	C-2	MU	PF		
	Museum, Cultural Facility	NP	P	P	P		
	Non-Profit/Non-governmental Organization	C	C	C	C		
	Public Safety Facility	P	P	P	P		
	Religious Assembly	P	P	P	NP	3.1.34	
	School, Boarding	C	C	C	P	3.1.36	
	School, Public or Private, K-8	C	C	C	P	3.1.36	
	School, Public or Private, 9-12	C	C	C	P	3.1.36	
	Social Service Facility	C	C	C	P		
	Solar Generation Facility	C	C	C	C	3.1.38	
	Utility Facility and Service Yard, Major	NP	C	C	P		
	Utility Facility, Minor	P	P	P	P		
	Wireless Facility (Including Tower and Supporting Facilities)	C	C	C	C	4.5	
Commercial	Adult Entertainment Business	NP	NP	NP	NP	3.1.2	
	Alcoholic Beverages, Retail Sale	C	P	P	NP		
	Animal Kennel/Shelter	NP	C	NP	NP		
	Animal, Hospital/Veterinarian	NP	C	NP	NP	3.1.4	
	Automobile Rentals	NP	P	P	NP		
	Automobile Repair	NP	C	NP	NP		
	Automobile Sales and Leasing	NP	P	NP	NP		
	Bar, Lounge, or Tavern	NP	P	P	NP		
	Business Services	P	P	P	NP		
	Car Wash	NP	C	NP	NP		
	Coffee Shop/Café	P	P	P	NP		
	Coffee Shop/Café with Drive Through	C	C	C	NP	3.1.19	
	Commercial Entertainment, Indoor	NP	C	C	NP		
	Commercial Entertainment, Outdoor	NP	C	C	NP		

Table 2.3-1: Table of Allowed Uses for Commercial & Mixed-Use Districts

Use Category	Specific Use Type	P = Permitted Use C = Conditional Use NP = Not Permitted				
		Commercial & Mixed-Use Zoning Districts				
		C-1	C-2	MU	PF	Supplemental Use Regulations
	Convenience Store	P	P	P	NP	3.1.16
	Farmers Market	C	P	P	NP	
	Feed Store	C	P	P	NP	
	Financial Institution (chartered; bank)	C	P	P	NP	
	Financial Institution (chartered), With Drive Through	C	P	P	NP	
	Fitness and Sports Center	C	P	P	NP	
	General Market	P	P	P	NP	
	General Personal Services	P	P	P	NP	
	General Personal Services with Drive Through	C	P	P	NP	3.1.19
	General Recreation, Indoor	NP	P	P	NP	
	Hotel or Motel	NP	P	P	NP	
	Instructional Services or Trade Schools	NP	P	C	P	
	Medical Marijuana Dispensary	NP	C	NP	NP	3.1.26
	Medical Marijuana Infusion	NP	C	NP	NP	3.1.27
	Microbrewery, Craft Distillery or Tasting Room	NP	P	P	NP	3.1.28
	Movie Theater	NP	P	P	NP	
	Nightclub	NP	C	C	NP	
	Non-Chartered Financial Institution (Payday loan/Check Cashing)	NP	C	NP	NP	
	Nursery, Commercial	NP	C	C	NP	
	Office, Business or Professional	P	P	P	NP	
	Outdoor/Mobile Vending	C	C	C	NP	3.1.32
	Parking Lots and Parking Structure	NP	P	P	P	
	Personal and Household Services	P	P	P	NP	
	Restaurant	P	P	P	NP	

Table 2.3-1: Table of Allowed Uses for Commercial & Mixed-Use Districts

Use Category	Specific Use Type	P = Permitted Use C = Conditional Use NP = Not Permitted					Supplemental Use Regulations
		Commercial & Mixed-Use Zoning Districts					
		C-1	C-2	MU	PF		
	Restaurant, With Drive Through	C	C	C	NP	3.1.19	
	Restaurant, With Off Track Betting	NP	C	C	NP		
	Retail, General	P	P	P	NP		
	Retail, General With Drive Through	C	C	C	NP	3.1.19	
	Retail, Large Format	NP	P	P	NP		
	Retail, Smoke Shop	NP	C	C	NP		
	Self-Storage, Indoor	NP	C	C	NP	3.1.37	
	Service Station	NP	P	P	NP	3.1.38	
	Service Station With Car Wash	NP	C	C	NP	3.1.38	
	Tour Services	NP	P	P	NP		
	Truck Stop	NP	C	NP	NP		
Industrial Use	Building Materials Sales, Indoor Retail	NP	C	C	NP		
	Building Materials Sales, Outdoor or Wholesale	NP	C	NP	NP		
	Heavy Rental, Outdoor	NP	C	NP	NP		

2.3.4 Commercial and Mixed-use Development Standards

The following development standards identified in Table 2.3-2 apply to all principal uses and structures in commercial and mixed-use overlay districts, except as otherwise expressly stated in this Zoning Ordinance.

Table 2.3-2: Commercial & Mixed-Use Overlay Districts Development Standards				
Zoning District		C-1	C-2	MU
Lot Dimensions, maximum	Size of Use or User (square feet)	25,000	--	7,000 (min)
Residential Density, minimum		X	X	3 units
Setbacks, minimum	Front, (feet)	15	20 [1]	0 [1]
	Side, (feet)	10 [2]	15 [2]	0 [1]
	Side, (feet) <i>Adjacent to Residential</i>	20 [1]	30 [1]	30 [1] [3]
	Street Side (feet)	10	10	10
	Rear, (feet)	10	20	10 [4]
	Rear, (feet) <i>Adjacent to Residential</i>	20	30	30 [3]
Lot Coverage, maximum (%)		40	60	--
Building Height, maximum (feet)		35	35 [5]	35 [5] [6]

NOTES:

- [1] Front and side setback for street facing parking areas shall be a minimum of fifteen (15) feet.
- [2] Zero (0) setbacks are permitted for structures if adjacent structures also have zero setbacks and regulations of the building code in force at the time of the review are met.
- [3] Fifteen (15) foot setbacks are permitted if adjacent parcel is zoned R2 or R3
- [4] Rear setback can be reduced to five (5) feet if adjacent to a public alley
- [5] Unless otherwise permitted through a conditional use permit.
- [6] Building height may be increased to forty-five (45) feet for development that contains vertical mixed-use with residential above ground floor commercial uses.

2.3.5 Commercial and Mixed-use Design Guidelines

The commercial and mixed-use development guidelines have been established to: create an attractive and functional setting for businesses located along primary roadway corridors; create and maintain an efficient, functional, safe and pleasant built environment for residents and visitors; and promote attractive, high quality development that will support and enhance the greater community.

A. Applicability

These guidelines shall apply to the development of new buildings or renovation of existing buildings within any Commercial and Mixed-Use Zoning District in the City of Eloy, unless otherwise specified within this Section. In the case of mixed-use buildings, the single-family residential guidelines of this Section and the guidelines of Section 2.3.4 and 2.3.5, Commercial Development, shall both apply.

These guidelines will be used by City staff and the Planning & Zoning Commission as a framework for evaluating development proposals and for consideration of design aspects of such proposed projects. The Eloy Subdivision Regulations should also be referenced for additional site design standards specifically applicable to commercial and mixed-use developments.

B. Architecture

1. Natural materials and deep earth tone colors are preferred, and design elements shall not primarily consist of metal, glass, plastic, highly reflective materials and bright colors. Such materials may have limited application in trim or accent areas, but shall not be the predominant visual elements of the building(s) or site improvements.
2. Large, bland monolithic facades or rooflines and repetition of very simple details foster a monotonous character, which shall be avoided. Building elevations shall create a unique character which is emphasized through interesting architectural details or façade articulation in each component. For example, windows may be arched or rectangular, bayed out or recessed, have raised borders, awnings, planter boxes or shutters.
3. All building facades must be designed with architecturally finished materials, with primary building materials limited to the following:
 - a. Modular masonry materials such as brick, block, and stone.
 - b. Precast concrete or aggregate panels with a decorative finish.
 - c. Stucco or stucco-like materials.
 - d. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability.
 - e. Other materials as determined by the Zoning Administrator.
4. The following building types and materials are expressly prohibited:
 - a. No galvanized or unfinished steel, galvalume or unfinished aluminum buildings (walls or roofs), unless the roadway facing the façade of the building is specifically intended to have a corrosive designed finish such as Cor-Ten steel or is finished with a material that is compliant with Section 2.3.5.B.3 above.
 - b. Exposed, untextured, uncolored, unaugmented concrete.

C. Site Design/Orientation

1. Buildings, structures, open space areas and other features shall be oriented to protect and/or enhance major vistas and panoramas that accentuate mountain vistas, and/or special man-made or natural landmarks.
2. On-site pedestrian walks shall be provided to connect street sidewalks to primary commercial and mixed-use building entries by the most direct route practicable. Multi-building developments shall minimize auto/pedestrian conflicts and maximize convenient pedestrian access between buildings.

3. Openings for vehicular uses, such as garage door bays used to access vehicles into and out of a building for repair or storage, must be located on facades that do not face the primary street.

D. Circulation

1. Proposed developments fronting ADOT controlled roadways shall complete a traffic impact analysis (TIA), including access needs, traffic control needs, highway expansion needs, drainage management plan, and/or a cost sharing plan. ADOT approval will be required as part of the development plan approval process.
2. Developments along public roadways may be required to complete a traffic study analysis, including access needs, traffic control needs, highway expansion needs, drainage management plan, and/or a cost sharing plan. The approval of the Eloy City Engineer will be required as part of the development plan approval process.
3. Vehicular access points along arterial and collector roadways shall be placed and designed in accordance with ADOT and/or City requirements.

E. Utilities

1. All on-site electric utility and all other communication and utility lines for buildings shall be placed underground.

2.3.6 Additional Design Standards

- A.** Parking and Loading requirements – See Section 4.1 Off-Street Parking and Loading for additional development and design regulations.
- B.** Landscaping and Screening requirements – See Sections 4.2 for additional development and design regulations relating to fencing, screening and landscaping.
- C.** Signage requirements – See Section 4.3, Signage for additional development and design regulations.
- D.** Outdoor Lighting requirements – See Section 4.4, Outdoor Lighting for additional development and design regulations.
- E.** Further reference, as applicable, is provided in the City of Eloy, Uniform Building and International Fire Codes, Subdivision Regulations, Floodplain Management Ordinance, and Engineering Design Standards.

2.4 PUBLIC FACILITIES DISTRICT

2.4.1 General Purpose

The purpose of the Public Facilities District is to provide appropriate areas for buildings and facilities that are owned and operated by Federal, State, Regional, County and/or City governments, public/semi-public utilities, special districts, or

nonprofit/nongovernmental organizations which are used to provide governmental public and/or semi-public related services. This zone is also appropriate for educational sites, and cultural facilities. The public facilities district is reserved for the construction, use and occupancy of governmental, non-profit/nongovernmental public utility, cultural and educational buildings and facilities, and other uses compatible with and support the character of the district.

2.4.2 Public Facilities Use Standards

The “Tables of Allowed Uses” for Residential, Commercial and Industrial Districts (Table 2.3-1, 2.3-1 and 2.4-1), lists public facility, public and quasi-public uses and indicates whether they are permitted by right or with approval of a conditional use permit (CUP), or prohibited within each Zoning District. These Use Tables also include references to additional Supplemental Use Standards that may be applicable to that use. The organization headings and individual abbreviations utilized in the tables are identified as follows:

A. Use Category

The “use categories” are intended to provide a quick reference to organize the specific uses. These categories are not regulatory.

B. Specific Use Type

The “specific use types” are regulatory and function as the basis for listing the existing and future land uses that are considered in each zoning district. Rather than list every possible individual land use type, this list classifies individual land uses and activities into specific use types based on common functional, product or physical characteristics; such as the type and amount of activity, the type of customers or residents, and how goods or services are sold or delivered and site conditions. The definition of each specific use type is located in Section 9, “Definitions”.

C. Permitted Uses (P)

A “P” in a cell indicates that the use is allowed by right in that zoning district.

D. Conditional Uses (C)

A “C” in a cell indicates that the use is allowed with a Conditional Use Permit in the respective zoning district. Conditional Use Permits must be reviewed and approved by both the Planning & Zoning Commission and City Council, in accordance with the procedures of Section 6.7.

E. Not Permitted (NP)

An “NP” in a cell indicates that the use is prohibited in the respective zoning district.

F. Use-Specific Standards

Section numbers listed in the “Supplemental Use Regulations” column denote the location of additional regulations that are applicable to the specific use type; however, provisions in other sections of this Ordinance may also apply.

G. Non-Specified Uses

When a use cannot be reasonably classified into a specific use type, or appears to fit into multiple specific use types, the Zoning Administrator is authorized to determine the most similar and thus most appropriate specific use type based on the actual or projected characteristics of the individual use or activity (including but not limited to size, scale, operating characteristics and external impacts) in relationship to the specific use type definitions provided in Section 9. Appeal of the Zoning Administrator’s decision may be filed with the Community Development Department and heard by the Board of Adjustment in conformance with the procedures of Section 6.2.11.

2.4.3 Public Facilities Development Standards

Public Facility oriented uses and/or structures are permissible in residential, commercial or industrial zoning districts. As such, development standards for most Public Facility uses will utilize the principal uses and structures identified for Residential districts (Table 2.2-2), Commercial districts (Table 2.3-2) or industrial districts (Table 2.4-2) except as otherwise expressly stated in this Ordinance. Additional Public Facility development standards are found in Table 2.4-1.

Table 2.4-1: Table of Public Facilities Development Standards	
Standard	PF
Lot Area	No requirement
Lot Width	No requirement
Lot Depth	No requirement
Front Yard Setback	None, except when abutting a Residential Zone, then the front yard setback to a building or parking area shall be the required setback of the abutting Residential Zone. Where a PF use is or will abut two or more different Residential Zones, the more stringent setback shall apply, but may be waived by the Zoning Administrator, based on the buffering between the two uses.
Side and Rear Yard Setback	None, except when abutting a Residential Zone, then the side or rear setback to a building or parking area is ten (10) feet. The required side and rear yard setback shall be increased by one-half foot horizontal distance for each vertical foot by which the structure exceeds twenty (20) feet in height
Building Height	Thirty-five (35) feet; except where a setback of one hundred (100) feet can be provided, the building height may be a maximum of fifty-five (55) feet. If the abutting zoning district allows buildings taller than thirty-five (35) feet, the height of the abutting zoning district may be applied to the abutting PF Zoning District
Lot Coverage	No maximum requirement

2.4.4 Public Facilities Design Guidelines

Landscaping and Walls: Landscaping and walls for all Public Facility uses shall conform to the residential and non-residential requirements provided in Section 4.

Off-street parking: Off-street parking for Public Facilities shall comply with the standards contained in Section 4.

Signs: Signage for Public Facilities shall comply with the standards contained in Section 4.

2.5 INDUSTRIAL DISTRICTS

2.5.1 General Purpose

The purpose of the industrial zoning districts is to provide areas that promote employment opportunities for existing and future residents of the City and surrounding communities, while also separating these districts from future and/ or established residential and commercial areas from their potential direct and indirect operational influences.

2.5.2 Industrial Districts

Business Park (BP)

The purpose of this industrial district is to provide sites for a range of research, technology and business park uses, including office and administrative uses, designed to be conducted such that these and storage operations are contained entirely within enclosed buildings. Light manufacturing uses that complement the business park or research park use that do not exhibit nuisances may be permitted if pertinent to the primary use. This district encourages the development of attractive buildings in a campus type setting on well-landscaped sites which may be adjacent to residential areas.

Light Industrial (I-1)

The purpose of this industrial zoning district is to provide for a mix of assembly and non-intensive manufacturing and office park uses. Such uses are located in an attractive, planned development setting with proper screening and landscaping; all compatible with adjacent uses. It is intended that this district allow for employment growth through the establishment of high quality, planned industrial centers for corporate offices and indoor manufacturing and well screened storage uses.

General Industrial (I-2)

The purpose of this industrial zoning district is to provide areas where heavy and concentrated fabrication, manufacturing, and processing uses are appropriately screened and landscaped. It is intended that this district provide adequate space for industrial operations and related activities so that the economic base of the City may be strengthened and employment opportunities expanded while protecting residential and commercial land uses from objectionable encroachments.

2.5.3 Industrial Use Standards

The “Table of Allowed Uses for Industrial Districts” (Table 2.5-1), lists land uses and indicates whether they are permitted by right or with approval of a conditional use permit (CUP), or prohibited within each Zoning District. The Use Table also includes references to additional use-specific standards that may be applicable to that use. The organization headings and individual abbreviations utilized in the table are identified as follows:

A. Use Category

The “use category” is intended to provide a quick reference to organize the specific uses. Such category is not regulatory.

B. Specific Use Type

The “specific use type” is regulatory and functions as the basis for listing the existing and future land uses that are considered in each zoning district. Rather than list every possible individual land use type, this list classifies individual land uses and activities into specific use types based on common functional, product or physical characteristics; such as the type and amount of activity, the type of customers or residents, and how goods or services are sold or delivered and site conditions. The definition of each specific use type is located in Section 9, “Definitions”.

C. Permitted Uses (P)

A “P” in a cell indicates that the use is allowed by right in that zoning district.

D. Conditional Uses (C)

A “C” in a cell indicates that the use is allowed with a Conditional Use Permit in the respective zoning district. Conditional Use Permits must be reviewed and approved by both the Planning & Zoning Commission and City Council, in accordance with the procedures of Section 6.7.

E. Not Permitted (NP)

An “NP” in a cell indicates that the use is prohibited in that zoning district.

F. Use-Specific Standards

Section numbers listed in the “Supplemental Use Regulations” column denote the location of additional regulations that are applicable to the specific use type; however, provisions in other sections of this Ordinance may also apply.

G. Non-Specified Uses

When a use cannot be reasonably classified into a specific use type, or appears to fit into multiple specific use types, the Zoning Administrator is authorized to determine the most similar and thus most appropriate specific use type based on the actual or projected characteristics of the individual use or activity (including but not limited to size, scale, operating characteristics and external impacts) in relationship to the specific use type definitions provided in Section 9. Appeal of the

Zoning Administrator’s decision may be filed with the Community Development Department and heard by the Board of Adjustment in conformance with the procedures of Section 6.2.11.

Table 2.5-1: Table of Allowed Uses For Business, Industrial and Public Facility Districts						
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use NP = Not Permitted				
		Industrial Zoning Districts				Supplemental Use Regulations
		BP	I-1	I-2	PF	
Public and Semi Public Use Category	Bus Terminal	P	P	P	NP	
	Campground	NP	C	C	NP	3.1.9
	Cemetery	P	C	NP	C	
	Crematorium or Funeral Parlor	P	P	NP	NP	
	Cultural Facility	C	NP	NP	P	
	Government Offices and Civic Buildings	P	P	P	P	
	Hospitals	P	C	NP	P	
	Non-profit/Non-governmental Organization	P	C	C	C	
	Public Safety Facility	P	P	P	P	
	Religious Assembly	P	P	C	NP	3.1.34
	Solar Generation Facility	C	C	C	C	
	Utility Facility and Service Yard, Major	C	C	P	P	
	Utility Facility, Minor	P	P	P	P	
	Wireless Facility (Including Tower and Supporting Facilities)	P	P	P	C	4.5
Commercial Use Category	Adult Entertainment Business	NP	C	NP	NP	3.1.2
	Animal Training	C	C	P	NP	
	Animal Kennel/Shelter	C	C	P	NP	
	Animal Hospital/Veterinarian	C	P	P	NP	3.1.4
	Automobile Rentals	P	P	NP	NP	
	Automobile Repair Major	C	P	P	NP	3.1.6
	Automobile Repair Minor	P	P	P	NP	3.1.6
	Automobile Sales and Leasing	P	P	NP	NP	
	Bar, Lounge, or Tavern	P	P	C	NP	
	Business Services	P	P	C	NP	
	Car Wash	P	P	NP	NP	
	Commercial Entertainment, Indoor	P	C	NP	NP	

Table 2.5-1: Table of Allowed Uses For Business, Industrial and Public Facility Districts

Use Category	Specific Use Type	P = Permitted Use C = Conditional Use NP = Not Permitted				
		Industrial Zoning Districts				
		BP	I-1	I-2	PF	Supplemental Use Regulations
	Commercial Entertainment, Outdoor	C	C	NP	NP	
	Convenience Store	P	P	NP	NP	3.1.6
	Farmers Market	P	P	NP	NP	
	Flea Market	NP	C	NP	NP	
	Feed Store	C	P	C	NP	
	Financial Institution (chartered; bank)	P	NP	NP	NP	
	Financial Institution (chartered), With Drive Through	C	NP	NP	NP	3.1.19
	Fitness and Sports Center	P	P	C	NP	
	Flea Market	C	C	C	NP	
	General Personal Services	C	P	C	NP	
	General Recreation, Indoor	P	P	C	NP	
	General Recreation, Outdoor	NP	C	C	NP	
	Instructional Services or Trade Schools	P	P	P	P	
	Medical Marijuana Dispensary, Infusion, or Cultivation	C	C	C	NP	3.1.25, 3.1.26, 3.1.27
	Microbrewery or Craft Distillery	C	C	NP	NP	3.1.28
	Non-Chartered Financial Institution (Payday loan/Check Cashing)	NP	C	NP	NP	
	Nursery, Commercial	NP	P	P	NP	
	Office Business or Professional	P	P	P	NP	
	Outdoor/Mobile Vending	NP	C	NP	NP	3.1.32
	Parking Lots and Parking Structure	P	P	P	P	
	Restaurant	P	P	C	NP	
	Restaurant, With Drive Through	P	P	C	NP	3.1.19
	Restaurant, With Off Track Betting	C	C	C	NP	
	Retail, General	P	P	C	NP	
	Retail, General With Drive Through	C	P	C	NP	3.1.19
	Retail, Large	C	C	NP	NP	
	Retail, Smoke Shop	C	P	NP	NP	
	Retail, Pawn Shop	C	P	NP	NP	
	Self-Storage, Indoor	P	P	P	NP	3.1.37
	Service Station	P	P	NP	NP	3.1.38
	Service Station With Car Wash	C	P	NP	NP	3.1.38
	Wholesale Establishment	P	P	P	NP	

Table 2.5-1: Table of Allowed Uses For Business, Industrial and Public Facility Districts						
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use NP = Not Permitted				
		Industrial Zoning Districts				
		BP	I-1	I-2	PF	Supplemental Use Regulations
Industrial Use Category	Assembly, Light	P	P	P	NP	
	Auctions, Indoor	P	P	P	NP	
	Auto Wrecking and Salvage Yard	NP	NP	C	NP	
	Building Materials Sales, Indoor Retail	P	P	P	NP	
	Building Materials Sales, Outdoor or Wholesale	NP	P	P	NP	
	Distribution Yard, Outdoor	NP	C	P	NP	
	Distribution / Warehousing Center, Indoor	NP	C	P	NP	
	Manufacturing, Heavy	NP	NP	P	NP	
	Manufacturing, Light	P	P	P	NP	
	Outside Storage (Vehicles, Boat, RV)	NP	C	P	NP	3.1.31
	Recycling Center	NP	C	P	C	
	Research Laboratory	P	P	P	NP	
	Resource Extraction	NP	NP	C	NP	
	Truck Stop	NP	C	P	NP	
	Waste Facility, Landfill	NP	NP	C	C	
	Waste Facility, Transfer Station	NP	NP	C	C	
Wholesale Establishment	P	P	P	NP		

2.5.4 Industrial Development Standards

Following development standards identified in Table 2.5-2 apply to all principal uses and structures in Industrial Districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules to determine compliance are identified in Section 9. Regulations governing accessory uses and structures are identified in Section 3.2.

Table 2.5-2: Business and Industrial Districts Development Standards				
Zoning District		BP	I-1	I-2
Lot Dimensions, minimum	Lot width (feet)	60	100	100
Setbacks, minimum	Front, (feet)	20 [1]	20 [1]	30 [1]
	Side, (feet)	15 [2]	15 [2]	20 [2]
	Side, (feet) <i>Adjacent to Residential</i>	30 [1]	50 [1]	75 [1]
	Street Side (feet)	10	15	15
	Rear, (feet)	15	15	20

	Rear, (feet) <i>Adjacent to Residential</i>	30	50	75
Lot Coverage, maximum (%)		50	60	60
Building Height, maximum (feet)		45	45	55

2.5.5 Industrial Design Guidelines

The Industrial design guidelines contained in this Section have been established to: recognize the unique needs and characteristics of development in business and industrial use settings; protect and promote long-term economic vitality through the promotion of high quality development; and minimize adverse impacts to existing neighborhoods and anticipated residential growth areas.

A. Applicability

These guidelines shall apply to development of new buildings or renovation of existing buildings within any Business and Industrial Zoning District, unless otherwise specified within this Section.

These guidelines will be used by City staff and the Planning & Zoning Commission as a framework for evaluating development proposals and for commenting on the design aspects of those proposed projects. The Eloy Subdivision Regulations should also be referenced for additional site design standards specifically applicable to commercial subdivision developments.

B. Architecture

1. Natural materials and deep earth tone colors are preferred, and design elements shall not consist primarily of metal, glass, plastic, highly reflective materials and bright colors. Such materials may have limited application in trim or accent areas, but shall not be predominant visual elements of the building(s) or site improvements.
2. Large, bland monolithic facades or rooflines and repetition of very simple details which become monotonous character shall be avoided. Building elevations shall create a unique character which is emphasized through interesting architectural details or relief in each component. For example, windows may be arched or rectangular, bay out or be recessed, have raised borders, awnings, planter boxes or shutters.
3. All building facades must be designed with architecturally finished materials, with primary building materials being limited to the following:
 - a. Modular masonry materials such as brick, block, and stone.
 - b. Precast concrete or aggregate panels with a decorative finish.
 - c. Stucco or stucco-like materials.
 - d. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability.
 - e. Other materials as determined by the Zoning Administrator.

4. The following building types and materials are expressly prohibited:
 - a. No galvanized or unfinished steel, galvalume or unfinished aluminum buildings (walls or roofs), unless the roadway facing façade of the building is specifically intended to have a corrosive designed finish such as Cor-Ten steel or is finished with a material that is compliant with Section 2.4.5.C.2 above.
 - b. Exposed, untextured, uncolored, unaugmented concrete.

C. Site Design/Orientation

1. Buildings, structures, open space areas and other features shall be oriented to protect and/or enhance major vistas and panoramas that give special emphasis to mountains and special man-made or natural landmarks.
2. Multi-building developments shall minimize auto/pedestrian conflicts and maximize convenient pedestrian access between buildings.
3. Openings for vehicular uses, such as garage door bays used to access vehicles into and out of a building for repair or storage, must be located on facades that do not face the primary street.

D. Circulation

1. Developments along ADOT controlled roadways shall complete a traffic study analysis, including access needs, traffic control needs, highway expansion needs, drainage management plan, and/or a cost sharing plan. ADOT approval will be required as part of the development plan approval process.
2. Access points along primary gateway roadways shall be placed and designed in accordance with ADOT and/or City requirements.

E. Properties with Frontage along Primary Gateway Roadway Corridors

Development of new buildings or renovation of existing buildings within any Industrial Zoning District that has frontage along Interstate 10, Frontier Street, State Route 87, Sunland Gin Road, Toltec Road and Sunshine Boulevard, and Battaglia Road, in the City of Eloy shall adhere to the following guidelines:

1. Prohibited Uses
The following uses are prohibited within any Business Park (BP), Light Industrial (I-1) or Heavy Industrial (I-2) zoning district that is located adjacent to the right of way of Interstate 10, Frontier Street State Route 87, Sunland Gin Road, Toltec Road, and Sunshine Boulevard, and Battaglia Road:
 - a. Adult Oriented Businesses;
 - b. Auto wrecking and salvage yard
 - c. Heavy Rental, Outdoor
 - d. Waste Facility, Landfill
 - e. Non-Chartered Financial Institutions

2.5.6 Additional Design Standards

- A. Parking and loading requirements – See Section 4.1 Off-Street Parking and Loading for additional development and design regulations.
- B. Landscaping and Screening requirements – See Sections 4.2 for additional development and design regulations relating to fencing, screening and landscaping.
- C. Signage requirements – See Section 4.3, Signage for additional development and design regulations.
- D. Outdoor Lighting requirements – See Section 4.4, Outdoor Lighting for additional development and design regulations.
- E. Further reference, as appropriate, is provided in the City of Eloy, Uniform Building and International Fire Codes, Subdivision Regulations, Floodplain Management Ordinance, and Engineering Design Standards.

2.6 OPEN SPACE DISTRICTS

2.6.1 General Purpose

The purpose of the open space zoning districts is to identify lands that are to remain in their natural state, under agricultural production or developed to emulate a natural or designed state for passive and active recreational pursuits. The primary purpose of designating these areas is to raise the degree of assurance that designated open space for conservation and recreational areas will remain open in perpetuity, as well as to achieve the open space related goals and objectives of the Eloy General Plan.

2.6.2 Open Space Districts

Open Space Conservation District (OSC)

The purpose of this open space zoning district is to protect and conserve natural area and agricultural/farm/ranch lands in perpetuity. Such natural areas may include desert washes, hillsides, floodplains, wildlife habitat, and lands identified to be retained in their undeveloped state or designed open space state. Areas to be retained in their agricultural state contain high value farmland that the property owner agrees to maintain in perpetuity.

Open Space Recreation District (OSR)

The purpose of this open space zoning district is to provide for active and passive recreation uses that are to be integrated within the existing and future developed area of the City. Such active and passive recreation uses include, but not limited to, public and private parks, trail corridors, regraded and revegetated passive areas, joint use recreation-detention/retention drainage facilities, etc. as designated on a site plan, final plat or planned area development that will not contain any non-recreational structural improvements in perpetuity.

2.6.3 Open Space Use Standards

Table 2.6-1: Table of Allowed Uses for Parks/Open Space District					
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use NP = Not Permitted			
		Parks/Open Space Zoning District			
		OSC	OSR	PF	Supplemental Use Regulations
Public and Semi Public Use	Arboretum or Botanical Garden	P	P	P	
	Archeological/Historic Sites	P	--	P	
	Campground	NP	P	NP	3.1.9
	Cemetery	NP	C	C	
	Community Playfields and Parks	C	P	NP	
	Community Recreation Center	NP	P	P	
	Cultural Facility	P	P	P	
	Fairgrounds	NP	P	C	
	Market Garden	P	P	NP	
	Museum, Cultural Facility (Public)	C	C	P	
	Natural Area Preserves, Trails, and Trailheads	P	P	NP	
	Non-profit/Non-governmental Organization	NP	NP	C	
	Public Safety Facility	C	P	P	
	Rodeo Grounds	NP	P	C	
	Wireless Facility (Including Tower and Supporting Facilities)	C	C	C	
Agriculture Use	Agribusiness, Entertainment Farming	NP	C	NP	
	Agriculture, General	P	P	NP	
Commercial Use	Golf Course, Unlighted	NP	P	C	
	Resort, Cabins, Lodges	C	C	NP	

2.6.4 Open Space Development Standards

Table 2.6-2: Park/Open Space District Development Standards			
Zoning District		OSC	OSR
Lot Dimensions, maximum	Size of Use or User (square feet)	20 acres	5 acres
Setbacks, minimum	Front (feet)	60	60
	Side (feet)	30	30
	Rear (feet)	60	60
Lot Coverage, maximum (%)		5	5
Building Height, maximum (feet)		24	24

2.7 OVERLAY ZONING DISTRICTS

2.7.1 Planned Area Development (PAD)

2.7.2 General Purpose

The purpose of the Planned Area Development (PAD) overlay zoning district is to allow both the City and an applicant enhanced flexibility in the application of development standards in exchange for a more creative approach to land planning and building design that could not otherwise be achieved through strict adherence to the terms of this Ordinance. The intent is to encourage innovative design and to allow for a creative land use mix that will promote a high-quality development reflective of the unique character and setting of the City of Eloy, while achieving the following goals:

- A. To encourage the City's development growth while enhancing the public health, safety, and general welfare;
- B. To encourage innovations in residential, commercial, and industrial development to assist in expanding opportunities for diverse choices of housing, recreation, shopping and employment to Eloy residents, workers and visitors;
- C. To reflect enhanced community sustainability and economic health in the design and construction of future development;

- D. To encourage a more creative and compact approach in the utilization of land and resources in order to accomplish a more efficient, aesthetic, and sustainable development which may be characterized by special features of the geography, topography, size or shape of a particular property; and
- E. To provide a compatible and stable developed environment, in harmony with the Sonoran Desert.

PADs may be approved pursuant to the procedure and approval criteria identified in Section 6.6, Amendment to Zoning Map.

2.7.3 **Applicability**

- A. The Planned Area Development district shall conform to the Eloy General Plan as adopted or amended from time to time, shall conform to all regulations pertaining to land development within this Ordinance and the Subdivision Regulation, and all other rules, regulations, specifications and standards set forth in all other applicable City Codes, unless specific deviations are approved by the City Council during the PAD approval process.
- B. The minimum land area for a PAD overlay shall be forty (40) acres and shall be identified as one common ownership by the Pinal County Assessor. Waiver of the forty (40) acre minimum requirement may be recommended by the Community Development Director upon a finding that the waiver would be in the public interest and that one or more of the following conditions exist:
 - 1. Unusual physical features of the subject property or of the surrounding area exhibit conditions/features that preclude the standard provisions of this Ordinance being achieved;
 - 2. The property is adjacent to, or across the street or alley from, property which has been developed under the provisions of this Section and will contribute to the character and successfully integrate with the existing development of the adjacent and proximate area;
 - 3. The use of the PAD overlay concept will encourage the use of otherwise undevelopable parcels surrounded or partially surrounded by developed property.
- C. All PAD overlay zoning district projects shall provide a minimum of fifteen percent (15%) of the net subject property acreage as Open Space Conservation (OSC) and/or Open Space Recreation (OSR) regardless of the proposed development intensity and/or density. Not more than fifty percent (50%) of the required open space shall be attributed to golf course use or ancillary golf uses. The City Council may require the formation of a homeowners' association to assure that the City will not be responsible for the maintenance of part or all of the identified open space.

2.7.4 **Standards Eligible for Modification**

Unless otherwise expressly modified as part of the PAD approval process, PADs shall utilize the base (underlying) zoning districts and all applicable standards established in this Ordinance. The City Council is authorized to approve PADs that deviate from strict

compliance with specified standards if they determine that the resulting development satisfies the approval criteria of Section 2.7.5 below. The PAD standards may be more or less restrictive than those standards identified in this Ordinance. PAD zoning may be used to:

- A. Define and condition land uses permitted within each district, including expanding or restricting uses permitted by right or by conditional use permit within a base zoning district. PAD zoning may specify the location of land uses and define standards for operation and performance of land uses.
- B. Define development standards pertaining to the size, dimensions, height, lot coverage, placement, or setback of uses. However, the total number of dwelling units in a PAD Plan shall not exceed the maximum number permitted by the General Plan density for the total area of the PAD designated for residential and/or mixed-uses.
- C. Specify the location, extent, and design standards for open space, landscaping, amenities, screening and buffers, and signage.
- D. Specify the location and design of public/private streets, drives, parking, pedestrian, and bikeway circulation components.
- E. Specify the timing, sequencing, and phasing of development, including coordinating the type, location, and intensity of development permitted with the construction and availability of public/private facilities and services.
- F. Provide for the construction of public/private improvements and facilities onsite or within public easements and rights-of-way abutting the site as required to serve and benefit development within the PAD area or as may be required to mitigate impacts resulting from the development on other properties and uses adjacent to and/or proximate to the PAD area.

2.7.5 Approval Criteria

A PAD district may be approved only when the City Council determines that the proposed PAD would result in a greater benefit to the City as a whole than would development under conventional zoning district regulations and would not adversely affect the existing and/or future permissible uses of adjacent properties. Such greater benefit may include implementation of adopted planning policies/design standards, natural resource preservation/conservation, enhanced provision of utilities, urban design, neighborhood/community amenities or an overall level of increased development quality.

2.7.6 Manufactured Home Overlay (MHO)

The purpose of the Manufactured Home (MH) overlay district is to provide for an overlay zone that will permit the placement, and regulate the permanent installation of, manufactured homes or recreational vehicles for occupancy as single residential dwellings on individual lots or within an approved land lease development. The intent of these provisions is to provide affordable and diversified housing opportunities within the City of Eloy while establishing and maintaining appropriate development standards.

The Manufactured Home Overlay District includes three (3) housing unit types; manufactured home subdivisions, manufactured home parks and recreational vehicle parks.

Manufactured Home Subdivision (MHS)

The purpose of this overlay district is to provide an alternative single-family living choice for those residents who choose a manufactured home and/or park model environment. Development in this district consists of subdivisions where residents own the lot upon which the home is situated. The development standards of this district are intended to be consistent with the standards for other single-family neighborhoods developed at similar densities. All public utilities and facilities must be present and adequate to serve the project

A minimum of ten (10) acres shall be required to establish the manufactured home overlay zoning district for a manufactured home subdivision with individual lot sales.

Manufactured Home Park (MHP)

The purpose of this overlay district is to provide an alternative single-family living style for those families who choose a manufactured home and/or park model environment, but lease or rent the underlying space upon which their home is situated. The development standards of this district are intended to be consistent with the standards for other single-family neighborhoods developed at similar densities. All public utilities and facilities must be present and adequate to serve the project

A minimum of fifteen (15) acres shall be required to establish the manufactured home overlay zoning district for a land lease (park model) development.

Recreational Vehicle Park (RVP)

The purpose of this overlay district is to provide a site with improvements and utilities for both short-term and long-term parking of recreational vehicles. The park is also expected to include amenities, services and facilities for its residents.

A minimum of fifteen (15) acres shall be required to establish the recreational vehicle park overlay zoning district.

2.7.7 General Provisions

- A.** The manufactured home overlay zoning district may be combined with any of the underlying single-family residential zoning districts. The provisions of the underlying zoning district shall govern the density, area, building and yard regulations. Compliance with all other provisions of this Chapter shall likewise be required.
- B.** Manufactured homes shall meet the current HUD code standards, all regulations of the Arizona Department of Housing/Manufactured Housing Division, as well as compliance with all the provisions outlined in Subsection 21-133A of this division. No manufactured home constructed prior to July 15, 1976, shall be allowed in the City of Eloy.

- C. On the date of application for a building/installation permit to replace a manufactured home, the manufactured home to be placed shall have been constructed within ten (10) years subsequent to the construction of the existing manufactured home it will replace. If the manufactured home is to be placed on a space for the first time, it shall have been constructed no earlier than ten (10) years prior to the date of application. If a space has been vacant at least three hundred sixty-five (365) consecutive days, the manufactured home shall lose all nonconforming status and shall be replaced with a manufactured home constructed no earlier than ten (10) years prior to the date of application.
- D. Compliance with all other provisions of this Chapter such as, but not limited to, the general provisions, parking regulations, signage, and outdoor lighting, shall be required.
- E. The exterior building façade, including trim, doors, windows, roof fascia's and the like, shall consist of wood, stucco, horizontal siding, brick, masonry veneer, or other similar building material commonly used in site-built residential construction; provided, however, that metal siding, other than aluminum lap siding, shall be prohibited. Patio covers and detached storage buildings shall be exempt from this requirement.
- F. All manufactured homes placed in a subdivision or on a single tract of land shall be set upon a permanent foundation or footing for the purpose of a permanent installation. Such installation shall render the dwelling no more portable than if it were constructed on site.
- G. All manufactured homes placed in a manufactured home park shall utilize a finished building material to surround the entire perimeter of the dwelling and completely enclose the space between the exterior façade of the dwelling and the ground (skirting). Such foundation siding shall be properly vented, harmonious, and compatible with the dwelling.
- H. Any device used to transport a manufactured home to the site of installation, including the hitch, wheels, axles, or other devices used primarily for transport other than a chassis, shall be detached from the dwelling as part of the installation procedure on the subject lot in any zoning district.

2.7.8 Manufactured Home Development Standards

The development standards identified in Table 2.7-1 apply to all principal uses and structures in manufactured home districts, except as otherwise expressly stated in this Ordinance. General exceptions to these regulations and rules for measuring compliance are identified in Section 6.9 and 2.1.3 respectively. Regulations governing accessory uses and structures are identified in Section 3.2.

Table 2.7-1: Manufactured Home Development Standards

Manufactured Home Residential	Manufactured Home Standards		Spaces / Gross Acre	Min. Site	Lot Width [1]	Front Setback	Side Setback	Side Setback (street)	Lot Coverage, Maximum %	Building Height, Max. (feet)
				Min. Space						
				10	3 Acre Site 5,000 lot	40	15 [3]	5 [4]	10	45
MHP	Manufactured Home Park (MHP)	10 (spaces/gross acre)	3 Acre Site	40	15 [3]	5 [4]	10	50 (space)	30	
			3,000 space							
	Recreational Vehicle Park (RVP)	18 (spaces/gross acre)	2 Acre Site	28	10	5	5	--	20	
			1,200 space							

NOTES:

- (1) Lot width is measured at front setback.
- (2) Front setback shall be fifteen (15) feet for side entry garages and/or covered front porch.
- (3) Front setback shall be twenty (20) feet for front entry garages and carports.
- (4) For all corner lots adjacent to a public right-of-way, the minimum street side yard setback shall be ten (10) feet.
- (5) Zero (0) feet for dwelling units with common walls.
- (6) For Single-Family Attached uses within a common site, the minimum individual lot/dwelling unit size shall be 1,500 square feet.

2.7.9 Manufactured Home Park Design Guidelines

- A.** These guidelines apply to manufactured home parks. The development or construction of any factory-built or manufactured home park shall comply with the following minimum criteria:
 1. The minimum distance between manufactured homes or attached/detached accessory structures in the same manufactured home parks shall be ten (10) feet. Manufactured homes or attached/detached accessory structure may not be closer than ten (10) feet to the exterior boundary or five (5) feet to individual space lines of the park.
 2. There shall be a minimum distance of ten (10) feet between the front of the manufactured home and any private street or private sidewalk, including tongue and bay windows or any other attached projection.
 3. A minimum of ten (10) percent of the total park area shall be designated as permanent open space. Where phases are proposed for the Manufactured Home Park, the percentage of open space in each phase shall meet or exceed the minimum total for the specified phase area. The open space shall be available through the use of easements to all residents of the development.

Streets, driveways, parking areas, buffer areas, recreation vehicle storage, and buildings shall not be included in calculating the size of open space.

4. A ten (10) foot landscape area shall be required where the park is adjacent to a public street/sidewalk.
5. Two paved off-street parking spaces of 9 feet by 20 feet shall be required for each manufactured home space.
6. One, 9 foot by 20 foot visitor parking space shall be required for each eight (8) manufactured home spaces. Common lots spaced equidistant throughout the park may be employed to provide off-street parking. One 12-foot by 30-foot RV parking space shall be required for four (4) manufactured home spaces.
7. Designated areas for boat and recreational vehicle storage within the park shall be provided for the sole use of the residents of the park. Storage areas shall be completely screened from outside park boundaries by a six (6) foot high decorative wall.
8. Street improvements for any public roads bounding or within the manufactured home park shall be made as required by the City of Eloy Engineer.
9. All interior drives or roadways within the mobile home park shall be a minimum width of twenty-four (24) feet or as required by the International Fire Code, whichever is greater. The width of the roadway is exclusive of curbs and walkways, measured from the edge of pavement to the edge of pavement. The interior drives or roadways shall be paved with a minimum of three (3) inches of asphalt over six (6) inches of aggregate base course (ABC) or its equivalent.
10. Provision for on-site stormwater retention, drainage and off-site stormwater drainage both entering and leaving the property shall be as required by the City of Eloy Engineer.
11. Each manufactured home park shall provide fire protection facilities as set forth in the International Fire Code.
12. The manufactured home park shall be permanently screened from adjacent properties by a decorative solid wall, six (6) feet in height.
13. One manufactured home shall be permitted on each approved space. No recreational vehicles or dwelling units of conventional construction shall be permitted on a manufactured home space for living purposes except for that of the owner, manager, or permanent maintenance personnel.
14. Access to all manufactured home spaces shall be from the interior of the park. There shall be no individual access to any manufactured home space from a public street.
15. Manufactured home parks with more than one-hundred (100) lots shall have a minimum of two (2) separate access entry drives connecting the park to public streets. Access to the development shall not be through a residential area to reach a collector street.
16. All refuse collection areas shall be completely enclosed via a solid six (6) foot wall and view obstructing gate and located on a concrete surface. Refuse collection areas shall be readily accessible to refuse collection vehicles, without substantially encumbering adjacent parking and vehicular access. If the refuse

collection area can be viewed directly from the exterior of the park, the enclosure should be screened with landscaping on all of its viewable sides.

17. All lighting shall be in conformance with Section 4.4 of this Ordinance.
18. All utilities shall be placed underground. Placement of utilities, including master meters, shall meet all requirements of the City of Eloy, as well as the respective utility companies.
19. The Site Plan shall provide for a system of pedestrian circulation within the development. The system shall connect with existing sidewalks, if any are adjacent to the property. The pedestrian access may be located either in the street right-of-way or in common open space. The system shall be designed to link residential units with recreation facilities, school bus stops, and existing sidewalks in the neighborhood. Pedestrian ways may take the form of sidewalks or walking paths with a minimum width of five (5) feet.

2.7.10 Recreational Vehicle Park Development Guidelines

- A.** These guidelines apply to recreational vehicle (RV) parks. The installation or development of any recreational vehicle park, shall comply with the following minimum criteria:
 1. All RV parks shall be designed in accordance with the provisions of this Ordinance and administered through the Conditional Use Permit and Site Plan Review process.
 2. One RV shall be permitted on each approved space. No manufactured homes or dwelling units of conventional construction shall be permitted on a RV space or within the RV Park for living purposes except for that of the owner, manager, or permanent maintenance personnel.
 3. Each designated space shall have an asphalt or concrete pad a minimum sixteen (16) feet in width by forty-five (45) feet in length, centered on the space for the parking of the RV. RV parking shall occur on an improved, compacted, dust free surface or an acceptable equivalent, as approved by the Community Development Director.
 4. A recreation or common area shall be provided at a ratio of 100 square feet of recreation or common area for each space. All common areas shall adhere to the provisions outlined in Section 4.2, Landscaping of this Ordinance.
 5. One (1) nine (9) foot by twenty (20) foot visitor parking space shall be required for each eight (8) RV spaces. Common areas spaced equidistant throughout the park may be employed to provide off-street parking.
 6. The minimum distance between RV's, or detached accessory structures in the same RV Park shall be ten (10) feet.
 7. Minimum distances or setbacks shall be the shortest horizontal dimensions measured from the nearest portion of the sidewall of an RV including pull-outs, tip-outs, or portable affixed awnings

8. All interior drives or roadways within the RV Park shall be paved private streets a minimum width of 24 feet or as required by the International Fire Code, whichever is greater. The width of the roadway is exclusive of curbs and walkways, measured from edge of pavement to edge of pavement. The interior drives or roadways shall be paved with a minimum of three (3) inches of asphalt over six (6) inches of ABC, or its equivalent.
9. Street improvements for any public roads located along the Park's perimeter/accessing the RV Park shall be made as required by the City of Eloy Engineer.
10. There shall be a minimum distance of five (5) feet between the front of the RV and any private street or sidewalk, including any attached projections.
11. The RV Park shall be permanently screened from adjacent properties or public rights-of-way by a solid wall, six (6) feet in height.
12. Any part of the RV Park fronting on a public street shall meet the setback requirements of the zoning district in which it is located as well as the screening and landscaping requirements as outlined in Section 4.2 of this Ordinance.
13. Access to all RV spaces shall be from the interior of the park. There shall be no individual access to any RV space from a public street.
14. RV Parks with more than fifty (50) spaces shall have a minimum of two (2) separate access entry drives connecting the park to public streets. Access to the development shall not be through a residential area to reach an arterial or collector roadway.
15. Each RV Park must provide an adequate and easily identifiable office or registration area. The location of the office shall not interfere with the normal flow of traffic into and out of the RV Park.
16. Recreational amenities or social centers, which may be used for crafts, hobbies, games, meeting, banquets and similar recreational uses shall be of conventional site-built construction.
17. Service buildings with toilet, bathing and other sanitation facilities and utilities shall be provided.
18. Each space shall have potable water, sewer and electrical hook-ups as required by the City of Eloy.
19. 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 of Eloy Engineer.
20. 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.

21. All lighting shall be in conformance with Section 4.4 of this Ordinance.
22. Each RV Park shall provide fire protection facilities as set forth in the International Fire Code.
23. Designated areas for boat and recreational vehicle storage within the park shall be provided for the sole use of the residents of the park.
24. RV spaces or units will not be available for individual sale.
25. All refuse collection areas shall be completely enclosed via a solid six (6) foot wall or fence 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 seen from the exterior of the park, the enclosure should be softened with landscaping on its most visible sides.
26. The Site Plan shall provide for a system of pedestrian circulation within the development. The system shall connect with existing sidewalks, if any are adjacent to the property. The pedestrian access may be located either adjacent to private streets, drives or in common open space. The system shall be designed to link RV spaces with recreation facilities and existing sidewalks in the surrounding neighborhood. Internal pedestrian ways may take the form of sidewalks or walking paths.

2.7.11 Aviation Overlay (AO) District

2.7.12 General Purpose

- A. The purpose of the Aviation Overlay District is to maintain and enhance the operational capabilities of the Eloy Municipal Airport and to promote a compatible land use pattern within the airport environs. The district shall be in addition to, and shall overlay, all other zoning districts where it is applied. It is the intent of this overlay district to promote the public health and safety in the vicinity of the airport by minimizing the community's exposure to potential aviation-related crash hazards and high noise levels.
- B. As such, it regulates land uses, prohibits uses, specifies acoustical performance standards and height limitations, and provides "disclosure notification" of its location within the vicinity of the Eloy Municipal Airport.

2.7.13 Applicability

- A. Notwithstanding any other provision of this overlay district, no use may be made of land or water within any zone established by this overlay district in such a manner as to create electrical interference with navigational signals or radio communication between the Eloy Municipal Airport and the aircraft, make it difficult for pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise materially endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. Examples of incompatible

development/activities includes, but is not limited to: buildings with reflective glass or any type of reflective/glare producing exterior, high intensity recreation type lights (especially on tall poles), smoke, antennas, landfills/garbage dumps/incinerators, high tension transmission lines, large bodies of standing water, etc.

- B.** The overlay geometry established herein are based on the maps or illustrations in the "Eloy Airport Master Plan", approved by the Eloy City Council July 25, 2011. Amendments thereto as may from time to time be made, and all notations, references, and other information thereon, shall be and the same are hereby adopted as part of the Aviation Overlay District of this article.
- C.** Building heights within the boundaries of the Aviation Overlay District shall be as set forth in the Federal Aviation Regulations (FAR) Part 77 Airspace Plan per the "Eloy Airport Master Plan" and the underlying zoning district, with no allowances for exceptions to the building height unless a Conditional Use Permit is granted by the City of Eloy.
- D.** Site plan review, as outlined in Section 6.11 of this Chapter, shall be required for all development and construction within the specific boundaries of the Aviation Overlay District. It is recommended that the City's Municipal Airport Advisory Board review all site plans and Conditional Use Permit requests and advise the City's Zoning Administrator of any known or potential impacts or conditions that might be caused by the proposed development or the Conditional Use Permit.
- E.** The Aviation Overlay District shall be that area within the Traffic Pattern Airspace (TPA) boundaries as shown on the public airport disclosure map prepared for the Eloy Municipal Airport in accordance with the Arizona Revised Statutes, Section 28-8486. The Aviation Overlay District shall also include a nonresidential buffer zone that lies within a three thousand-foot (3,000) line extending generally parallel to both sides of the runway, except as amended, in Section 12, T7S, R7E of the G&SRB&M, Pinal County, Arizona (see Exhibit 3-1 attached to the ordinance codified herein).

2.7.14 Aviation Overlay Sectors

- A.** Within the Aviation Overlay District there shall be four (4) overlay sectors based on the airport overlay zones as shown on Exhibit 1H, and the existing and future noise contours as shown in Exhibit B2 and the Airport Layout Plan in the 2011 Eloy Airport Master Plan
 - 1. A0-1: The area that is outside of the three thousand-foot (3,000) buffer extending parallel to the runway but still considered to be influenced by aircraft operations.
 - 2. A0-2: The area between the three thousand-foot (3,000) buffer line extending parallel to the runway and the 65 day-night noise level (DNL) contour line which is considered marginally affected by airport noise.
 - 3. A0-3: The area at or within the 65 DNL contour line.
 - 4. A0-4: The area at both ends of the runway (Runway Protection Zone (RPZ) in which there is a high potential for accidents.

2.7.15 Permitted Uses

The land uses permitted within the Aviation Overlay District shall be those uses designated in Table 2.7-2 of this Section:

Table 2.7-2: Land Use Overlay Sectors				
Land Use	AO-1	AO-2	AO-3	AO-4
Those uses permitted by right in the industrial districts	Yes ¹	Yes ¹	Yes ¹	No
Those uses permitted by right in the OSC open space conservation district	Yes ¹	Yes ¹	Yes ¹	Yes ¹
Residential development permitted by right in all residential zoning districts	Yes ¹	No	No	No
Plant nurseries and greenhouses for the propagation, cultivation and distribution of plants produced on the premises.	Yes ¹	Yes ¹	Yes ¹	Yes ¹
Farming activities but not including: dairies; CAFOs; swine, ratites or poultry farms	Yes ¹	Yes ¹	Yes ¹	No
Ranching activities; including commercial ranches	Yes ¹	Yes ¹	No	No
Public or private parks without playing field light standards	Yes ¹	Yes ¹	No	No
Public and private open space preserves	Yes ¹	Yes ¹	Yes ¹	Yes ¹
Temporary campgrounds for special events in conjunction with the airport	Yes	Yes	Yes	No

NOTES:

[1] Requirements of Section 21-144 shall apply; the specific requirements determined by the Community Development Director.

- A.** The following airport related uses shall also be permitted within the Aviation Overlay District:
 1. Airport structures and facilities that are necessary for the operation of the Eloy Municipal Airport and for the control of air traffic therefrom.
 2. Fixed base operators (FBOs).
 3. Heliports, glider operations, skydiving operations and grounds school training.

2.7.16 Supplemental Development Provisions (AO)

- A.** All or some of the following mitigation measures may be required prior to site plan/plat approval or the issuance of a building permit; depending upon the location of the project (within the overlay area) relative to the airport located (see table no. 6 of this division for requirements):
 1. Public Disclosure of Potential Noise Impacts: No person shall sell, nor offer for sale, or rent/lease any property unless the prospective buyer or renter has been notified of the fact that the property is located within the Aviation Overlay and that the property therein is subject to potential noise impacts from the Eloy Municipal Airport.

2. Notification of Plat or Title: When a subdivision plat or parcel split is required, the following note shall be placed on the plat and/or recorded with the title:

These properties, due to their proximity to the Eloy municipal airport, are likely to experience aircraft overflights, which could generate noise levels which may be of concern to some individuals.

3. Noise Attenuation: The construction, alteration, moving, partial demolition, repair and use of any occupied building or structure within the Aviation Overlay shall comply with the sound attenuation standards in order to achieve an exterior to interior noise level reduction (NLR) of twenty-five (25) decibels (dB). Certification of such NLR measures, by an Arizona registered engineer or a registered architect, shall be required to be submitted along with the application for a building permit.
4. Avigation Easement: At the time of development or as a building permit is required, the owner of property within the Aviation Overlay shall dedicate an avigation easement to the City of Eloy over and across that property. This easement shall hold the City, public and airport harmless from any damages caused by noise, vibration, fumes, dust, fuel, fuel particles, or other effects that may be caused by the operation of aircraft taking off, landing, or operating on or near the Eloy Municipal Airport, not including the physical impact of aircraft or parts thereof.

2.7.17 Downtown Core Overlay (DCO)

2.7.18 General Purpose

- A. The purpose of the Downtown Core Overlay (DCO) district is to allow a diverse mixed-use area for specialty retail, neighborhood residential, and tourist trade in the heart of Eloy. The intent of this overlay district is to enhance the vitality, character and economic viability of the buildings and property within the downtown area. The ability to provide a pedestrian oriented specialty retail/residential/employment district is the overall goal.
- B. Six key themes have been identified for the Downtown Core area. These are; 1) establishing an authentic Hispanic experience with uses such as a mercado, fiesta patrias, salsa festival, carniceria, or bakery, 2) focus on agritourism uses like a farmer's market, organic farming and local farm-to-table restaurants, 3) skydiving-related office and retail sales, 4) business incubators and home occupations, 5) veteran's center or related services, and 6) artist and crafts colony.
- C. The District shall be in addition to, and shall overlay, all other zoning districts where it is applied.
- D. Development standards are adapted to encourage utilization of recorded, legally nonconforming substandard lots.
- E. The District shall be in addition to, and shall overlay, all other zoning districts where it is applied.

2.7.19 Applicability

- A. The Downtown Core Overlay (DCO) provides alternative development standards applying to properties which, as a result of existing lot dimensions and/or permitted uses, may benefit from regulatory flexibility for preservation, revitalization, redevelopment and other property improvements.
- B. The Downtown Core Overlay (DCO) is identified and described in the Eloy General Plan and in the City’s Official Zoning Map graphic approved by the Eloy City Council in June 25, 2018, or such subsequent map adopted through a general plan amendment.
- C. The owner of any recorded lot within the Downtown Core (DCO) that does not meet current dimension criteria, may apply for building permits subject to the overlay provision(s) pertaining to the specific substandard condition(s) of the property.
- D. Notwithstanding DCO criteria, development on any parcel within the District may be constructed or improved in accord with the provisions of the underlying district.
- E. Site plan review, in accord with Section 21-36 of this Chapter, shall be required for all development and construction within the Downtown District Overlay (DDO) district. Uses permitted in the underlying base zoning district and conforming with such district's density, area, building, yard and other applicable regulations and uses utilizing the Downtown Core Overlay (DCO) district flexibility criteria are subject to administrative site plan review and approval, except that structures or sites specifically designated as having special architectural or historical significance by the National Historic Register, the Frontier Street Historic Resource Survey or other recognized authority shall be considered by the Planning & Zoning Commission and City Council.
- F. Exceptions to the regulations of Section 1.6.2 and 1.6.3, "Nonconforming Uses", of this section are contemplated by the Downtown Core Overlay (DCO) district intent to allow and encourage revitalization of nonconforming lots and structures.
 - 1. Optimal density, area, building and yard regulations may be proposed to foster improved utilization of nonconforming properties.
 - 2. Upon site plan review, the Community Development Director may approve combinations of uses and adjustments to development criteria provided in this Downtown Core Overlay (DCO) district which contribute to the General Plan’s revitalization and redevelopment goals, objectives and policies
 - 3. Residential development rights, to which a property owner is entitled but cannot or chooses not to exercise, may be certified by the Zoning Administrator for transfer and utilization on another site, in accord with Section 1.6.5.

2.7.20 Permitted Uses

- A. The land uses permitted within the Downtown Core (DCO) overlay zoning district shall be those designated in Table 2.7-3 of this section:

Table 2.7-3: Downtown District Land Use Overlay Sectors		
Land Use	CC-1	CC-2

Those uses permitted by right in the underlying districts	Yes	Yes
Mixed-use adding residential to commercial	Yes	Yes
Mixed-use adding commercial, subject to Community Development Director approval	Yes	Yes
Transfer residential development rights in sector	Yes	Yes
Transfer residential development rights outside of sector	Yes	No

B. The following accessory uses or improvements may be permitted subject to Community Development Director approval:

1. Public or private open space, pathways.
2. Amenities for pedestrians or cyclists such as benches, bike racks.
3. Outdoor dining for customers or employees.

2.7.21 Density, Area, Building and Yard Regulations

Table 2.7-4 specifies the minimum lot sizes, minimum lot width, maximum building heights, minimum yard setbacks, and maximum lot coverage percentages:

Table 2.7-4: Zoning Ordinance Summary Downtown District Overlay (DDO) District									
District	Lot Area (Sq. Ft.)	Area I DU (Sq. Ft.)	Width (Ft.)	Building Height (Ft.)	Minimum Yard Setback (Ft.)				Lot Coverage
					Front	Side	Street Side	Rear	
Single-family residence or duplex	5,000 *2,500	2,500	50 *25	35	20	7,5 *0	10	20	50 Percent
Triplex, multi-, townhomes	5,000	2,000	50	40	15	7,5	15	20	50 Percent
Nonresidential uses	5,000 *2,500	**2,500	50 *25	40	0, 20 TBD	0	10 or TBD	20 or TBD	50 Percent two-Story; 60 percent one-story

Notes:

* Zero lot line option, otherwise minimum three (3) foot side yard setback.

** Dwelling portion if mixed-use.

1. Recorded lots may not be subdivided, split or otherwise revised in area or dimension to qualify for overlay flexibility.
2. Zero lot line design approaches may be acceptable, subject to:
 - a. Building code firewall requirements.
 - b. Acceptance by affected adjacent property owner.
3. Street side yard setbacks shall not impede the traffic visibility triangle as determined by the City Engineer pursuant to Subsection 4.2.11 of this Chapter.
4. Multi-family, triplex, duplex and townhome projects may combine parcels for zero lot line development. Minimum setbacks required on end units, to be determined during site plan

review.

5. All development approvals are contingent upon providing adequate parking, as determined by the Community Development Director, which may include parking under upper floors, alley access parking, joint/shared use and stacked parking.

section 3 - SUPPLEMENTAL USE STANDARDS

A vibrant, self-sustaining community needs a mixture of land use activities to satisfy the needs of its residents. Largely due to their specific and/or unique operational characteristics, a number of land uses warrant additional standards to mitigate their potential adverse impacts on adjacent properties.

It is the intent of this Section to identify those land uses and to provide specific criterion and conditions to ensure that, if permitted, these land uses will not detract from 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. In the event of conflict between these standards and the underlying zoning district standards, 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 6.7, Conditional Use Permits, no Conditional Use Permit shall be issued for an Adult Entertainment Business, which shall be allowed in the Light Industrial (I-1) zone, unless it meets the following additional conditions:

- A.** The adult entertainment business is located no closer than one thousand two hundred (1,200) feet from the exterior boundaries of any Residential Zoning District or existing residential use.
- B.** The adult entertainment business is located no closer than one thousand two hundred (1,200) feet from the exterior property lines of any public or private school having a pre-school or kindergarten curriculum or any school with one or more of grades 1 through 12.
- C.** The adult entertainment business is located no closer than one thousand two hundred (1,200) feet from the exterior boundaries of any public or private park, playground or recreation open space area.
- D.** The adult entertainment business is located no closer than one thousand two hundred (1,200) feet from any place of religious assembly or non-commercial establishment owned or operated by a bona fide religious organization.
- E.** The adult entertainment business is located no closer than two thousand (2,000) feet from any other adult entertainment business.
- F.** The adult entertainment business displays no sign visible from the exterior of the business except for a sign identifying the business as an adult entertainment business.
- G.** The adult entertainment business excludes from its premises persons less than 18 years of age.

- H. No materials depicting specified sexual activities or specified anatomical areas shall be visible from the exterior of the adult entertainment business.
- I. All distances specified in this Section shall be measured in a straight line, without regard to intervening structures or objects, from the property line of any adult entertainment business to the nearest property line of any other adult entertainment business, school, church, public facility, residential district or other land use specified in this Section.

3.1.3 Agriculture, General

- 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 must be within the buildable area of the lot, and not within the required setbacks.
 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: liverys; 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 fly 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 manure disposal.
 7. A specific program for fly control in barn and stable areas, which minimizes the attraction and breeding of flies, 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 the individual residential zoning district in which the structure is located.

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 can be detected off the premises.

- B. All boarded animals shall be kept within a totally enclosed part of a structure between the hours of 9:00 p.m. and 6:00 a.m. except with 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 not be located within two hundred (200) feet from a residentially zoned property 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 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)
- 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 and/or CUP 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 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 3.1.30 Outside Storage and/or 3.1.37 Service Station.
- D.** Major Repair facilities shall be located with direct access to paved 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 six (6) feet, but no more than eight (8) feet in height.
- 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 further buffer 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 repair parking, outdoor repair activities, or outdoor supply/material storage 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 6:00 am to 9:00 pm 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 sleeping or as 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 June 25, 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 June 25, 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 June 25, 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 3.1.37, 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 June 25, 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 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 June 25, 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 June 25, 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 Operations (CAFO's)

- A.** CAFOs and poultry or ratite farms, but not including swine; provided, that they have a minimum of six hundred forty (640) acres and only after it has been found to be in compliance 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 given time under any circumstance. Poultry facilities shall not be permitted to maintain 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 not closer than two hundred feet (200') to any property line, street, highway or residence district; other than open pasture.
 3. A specific plan for the physical containment and location of animal waste and/or disposal, which minimizes odor and fly impacts on adjacent lots or parcels, must be provided and 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.

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 or permanent maintenance personnel. Maximum length of stay in any campground shall be one-hundred-eighty (180 days) or six (6) months, per calendar year.
- C.** One RV shall be permitted on each allowed camp site. No manufactured homes or dwelling units of conventional construction shall be permitted within the Campground for living purposes except for that of the owner, manager, 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.** The number of camping sites within a campground devoted to use by a recreational vehicle shall not exceed 60 percent of the total number of camping sites provided in the campground at any time.
- G.** 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; Eloy Police, Fire District, and emergency service provider; and 911 dispatch center.
- H.** 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 both sides of all roads within the park.
- I.** Each camp site shall be provided with two off-street parking spaces.
- J.** Street improvements for any public roads bounding the campground shall be made as required by the City Engineer.
- K.** Access to all camp sites shall be from the interior of the campground. There shall be no individual access to any camp site from a public street.
- L.** A preserved natural or planted buffer strip 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.
- M.** Each campground must provide an adequate and easily identifiable office or registration area. The location of the office shall not interfere with the normal flow of traffic into and out of the campground.
- N.** Recreational amenities or social centers, which may be used for crafts, hobbies, games, meeting, banquets and similar recreational uses shall be of conventional site-built construction.

- O. Each campground may provide a place to procure food, drink, sundries, or souvenirs to patrons of the campground only.
- P. Service buildings with toilet, bathing and other sanitation facilities and utilities shall be provided as required by the City of Eloy.
- Q. 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.
- R. All utilities shall be placed underground. The placement of utilities will be up to the developer. However, all utilities services shall meet all requirements specified by the City of Eloy, as well as the respective utility companies.
- S. All lighting shall be in conformance with Section 4.5 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 six (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 seen from the exterior of the park, the enclosure should be softened 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 stormwater management.

3.1.9 Caretaker Quarters

- A. One (1) caretaker living quarters may be permitted on the same lot as a principal residence provided the caretaker living quarters complies with the following standards:
 1. The caretaker living quarters must conform to all minimum density, area, building and yard regulations as that of the principal structure.
 2. The caretaker living quarters shall be located in the buildable area of the lot.

3. A single common driveway shall serve both the principal residence and the caretaker living quarters.
4. The caretaker living quarters may not exceed fifty percent (50%) of the gross square footage of the livable area of the primary structure.
5. The caretaker living quarters must be connected to all of the primary structure's electric, water and gas meters.
6. The caretaker living quarters may not be used for any commercial or nonresidential uses.
7. 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

- A.** Carnivals, Circuses, Concerts, Revivals, Rodeos and Similar Activities may be permitted, provided the following conditions are met:
- B.** A Temporary Use Permit (private property) shall be obtained or a Special Event Permit when the event is on City property.
- C.** 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 chief/marshal as necessary.
- D.** Staff shall ensure that land area is adequate for the proposed use's parking; and shall ensure that traffic safety is considered.
- E.** Staff shall require measures to adequately protect surrounding property.
- F.** Permanent structures shall not be allowed.
- G.** 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 stand 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 greater amount is required by the State. Outdoor play areas shall be in the rear or side yard, fenced and screened in accordance with Section 2.3.4

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. No signage for advertising or notification of use shall 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

- A. The facility shall meet 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 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 described 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 modified as part of the CUP process.

3.1.14 Commercial Riding Stables

- A. Commercial riding stables, boarding stables, and/or commercial ranch only after it has been found to be in compliance 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 given time, under any circumstance.
 2. An attendant must be in residence 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 property line. Normal setbacks apply to all other structures and uses.

4. No performances or other activities that would generate more vehicular traffic than is normal to an area with single-family residences are permitted unless the site has immediate access to a major or collector City street. Occasional small performances may be allowed per 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 shown 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 fly 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 manure disposal.
 7. The applicant must provide a specific program for fly control in barn and stable areas that minimizes the attraction and breeding of flies.
 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 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 single residence district only after review and approval of a conditional use permit in accordance with Section 6.7 of this Chapter.
1. Commercial riding stables, boarding stables, and/or commercial ranch only after it has been found to be in compliance with the following standards:
 2. The site contains at least five (5) acres.
 3. There shall be no more than four (4) animal units (AU) per acre with a total of no more than forty (40) animals at any given time under any circumstance.

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 3.1.18 Drive-Through Facility and/or 3.1.37 Service Station.

3.1.16 Dairy Farms

- A.** Dairy farms, provided that they have a minimum of six hundred forty (640) acres and only after it has been found to be 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 given time under any circumstance.
 2. Pens, buildings, corrals and yards other than open pasture shall not be closer than three hundred feet (300') to any property line.
 3. The spreading and tilling of manure into the soil of the paddock, pasture or arena areas may be considered 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 fly control in barn and animal containment areas, which minimizes the attraction and breeding of flies, 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.

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, Main Street, 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

- 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 has been found to be in compliance with the following standards:
1. No excavation or processing of excavated materials shall be permitted within thirty feet (30') to the exterior boundaries and within one hundred twenty-five feet (125') to any residential zoned property or existing residence. The City may require greater setbacks if, in the opinion of the Council, 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 hold to a minimum, 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 leaves a minimum of two feet (2') of undisturbed sand, gravel, or soil over the entire excavation tract to provide a water bearing strata for any ground water; 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 not be prior to six o'clock (6:00) A.M. or after ten o'clock (10:00) P.M. unless the City grants special permission, for temporary expansion of the hours.
 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 include the following topographic information at a minimum of five-foot (5') contour intervals:
 - a. Pre-excavation contours;
 - b. Proposed excavation contours;
 - c. Degree of slope of banks for all excavations;
 - d. Location of any public facilities, irrigation canals, ditches, or streambeds;
 - e. Post excavation reuse and contours.

3.1.20 Farms/Ranching Activities

- 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: livery; 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 fly 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 manure disposal.
7. A specific program for fly control in barn and stable areas, which minimizes the attraction and breeding of flies, 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 the individual residential zoning district in which the structure is located.

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 property 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 they do not 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, and if it complies with the following regulations:

- A.** All home occupations shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling 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 occupations 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 create a noxious environment 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 property line between the hours of 8:00 p.m. and 6:00 a.m. This time limit shall also apply to any loading or unloading of vehicles on the property or on a street that causes 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 4.4: Signage, that indicates the premises are being used in part for any purpose other than a dwelling.
- I.** The home occupation shall not result in excess generation of solid waste or use of 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 come to 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 to this shall be allowed for music, art, craft or similar lessons, swim lessons, hair or nail appointments, and home day care providers.
- 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 combined 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 little or no client 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 programing and software development; and,
 8. Day care (maximum of four (4) persons).
- Q.** A home occupation shall not include, but shall 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 six (6) clients within twenty- four (24) hours.

2. Motor vehicle sales, repair, painting, storage, restoration or conversion, engine repair 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 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 violation 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 termination of the use. Appeals of the Zoning Administrator's decision can be made to the Board of Adjustment.

3.1.23 Kennel, Animal (Shelter)

Kennels for the boarding or lodging, breeding, or training of small domesticated animals, such as dogs and cats, provided the animals are kept within the confines of an exercise area and a sound attenuated kennel. 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 fly 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

- A.** Medical marijuana cultivation is 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 property boundary line of the residentially zoned property. (Option: Measuring distance from lot line to lot line.)
- 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 property 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

- A. Applicant shall provide:
 - 1. The name(s) and location(s) of the offsite 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 operating hours not earlier than eight o'clock (8:00) A.M. and not later than six o'clock (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, and not to 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 8 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

- A.** Medical marijuana infusion (or manufacturing) production facility.
 - 1. Applicant shall provide:
 - a. Name(s) and location(s) of the offsite 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 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 adhered to 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.

3.1.28 Nursing Home

- A. A completed registration 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) is a 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 personal to the permittee and applicable only to the specific business/property identified and 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, 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 six hundred (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 or singing which is not excessive or disturbing to the community as prescribed by City Code 13-15.6.
- 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 shows an 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, outdoor storage facilities shall additionally comply with the provisions of Section 3.1.6 automobile/boat major repair and/or Section 3.1.30, Outdoor Storage Facilities.
- C. Outdoor 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 outdoor storage facilities located in the I-2 zoning district.

- D. Outdoor storage areas shall be paved in compliance with City standards. The provisions of this paragraph shall not apply to outdoor 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 six (6) feet, but no more than eight (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 further buffer and/or shield storage activities from public view or adjacent residential districts. See Section 4.3 for additional screening regulations and Section 3.1.30 for outdoor storage facilities. The provisions of this paragraph shall not apply to Major Repair facilities located in the I-2 zoning district.
- G. No outdoor 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 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 June 25, 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 June 25, 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 June 25, 2018, the outside storage facility shall be required to be brought into compliance with all current, applicable provisions of this 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 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 placed in a permanent way on a property.
4. Outdoor vending will only be permitted on properties that have been established with principle 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 five (5) feet from any sidewalk and/or ten (10) feet from any street whichever is the lesser. If located near a street intersection, the vending cart, stand or stall must maintain a visibility triangle per Section 4.3.11.
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 principle use is in operation during the same hours as the outdoor vendor. Additional off-street parking space 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 with 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 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.

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 principle 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 (1,200) feet of another non-chartered financial institution.
- D.** Non-chartered financial institutions shall not be located within one thousand two hundred (1,200) 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 (1,200) feet of school or place of religious assembly.

3.1.33 Religious Assembly

- A.** All vehicular access to the facility shall be onto 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. No more than five (5) resident care homes with ten (10) or fewer unrelated residents with one or more disabilities may be located within one-half (1/2) mile (two thousand six hundred forty (2,640) foot) radius as measured from the property lines.
- D. Resident care homes shall not be located within one thousand two hundred (1,200) feet, as measured from the property lines, of another resident care home or a group care home facility.
- E. All administrative activities, including staffing, counseling, and other visitations, shall serve only residents of the Residential Care Home.
- F. 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 of 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 zoning, building and fire codes.
 2. The request will not create traffic impacts, parking impacts, impacts on air, 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.
 4. 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 (Boarding, Private, Public, K-8, 9-12)

- A. The facility shall meet fire code, building code and any other applicable regulations.
- B. All vehicular 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.
- C. Elementary schools shall not be located adjacent to arterial roads or roads with higher functional roadway classifications.
- D. 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 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 be completely 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 3.1.30, Outdoor 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 3.2, Accessory Buildings, Structures and Uses.

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. Service bay doors may not face I-10, Frontier Street or residential neighborhoods.
 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 flush with the underside of the canopy. All additional outdoor lighting shall be subject to the requirements of Section 4.5, 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 4.4.

3.1.38 Solar Generation Facility

- A.** All solar generation facilities 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 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.

3.1.39 Tiny Houses

- A.** Tiny Houses shall be built and inspected in accordance with adopted City of Eloy building code(s), including required electric and plumbing inspections.
1. Site built Tiny Houses constructed on an approved foundation system shall be allowed in all residential zoning districts where detached single-family dwellings are identified as permitted uses and shall meet all of the development standards and design guidelines of the underlying zoning district.
 2. Tiny Houses built on trailers, where the suspension/axle components have been removed and the chassis permanently attached on an approved foundation, shall be permitted in residential zoning districts allowing detached single-family dwellings and shall meet the development standards and design guidelines of the underlying zoning district.
 3. Tiny houses constructed on mobile chassis where the suspension/axle components are not removed are considered semi-permanent. As such, the chassis shall be attached on an approved foundation system, and shall be permitted in zoning district(s) allowing manufactured homes as a permitted use

and shall meet all of the development standards and design guidelines of the underlying zoning district.

4. Tiny Houses licensed as Travel Vehicles by the State of Arizona are considered as a non-permanent house and must be self-contained. These structures shall be considered as a permitted use similar to recreation vehicles. Such Travel Vehicles are within the purview of ADOT.
5. Tiny Houses proposed for an accessory structure shall conform to the same development standards for accessory structures as provided within the underlying zoning district. More specifically, a Tiny House that is to function as an accessory unit may not contain kitchen facilities that would transform such structure as a second dwelling unit on any one parcel, which is only permitted in the R-2 residential zoning district
6. A Tiny House site, under single ownership and not organized as a subdivision, containing only tiny home units shall require Multiple Family Residential (R-3) zoning; be submitted, reviewed and considered under the Site Plan Review procedures and requirements of Section 6.11; and conform to the development standards and design guidelines of the R-3 zoning district.

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 2.2.3.G, 2.3.3.G, and 2.4.3.G 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 as 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 and 3.2.6.B, shall not be used for 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 principle 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 have a setback of at least 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 (1) accessory dwelling unit may be located on any lot.
2. For residential uses, an accessory dwelling unit shall be permitted only on a lot having eight thousand (8,000) square feet or more in area. The accessory dwelling unit shall have an 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 (1) separate bedroom shall be permitted per accessory dwelling unit.
6. At least one (1) 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 a Conditional Use Permit. Before granting a CUP, the Council 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 CUP 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 General Commercial (C-2), Business Park (BP), Light Industrial (I-1), General Industrial (I-2) and Aviation Overlay (AO) 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.** 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.
- D.** Cargo Containers may not be stacked, except when used for cargo purposes in the Light Industrial (I-1) or General Industrial (I-2) districts.
- E.** Cargo Containers shall not be connected to any utilities.

- F. 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.
- G. 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.
- H. 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

- A. Permitted in any zone: The keeping, in connection with each permitted dwelling, of not more than three (3) pets, such as dogs, cats, 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.
- B. 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.
- C. 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 setbacks of the respective zoning district. All lots less than ten-thousand (10,000) square feet shall be limited to no more than five (5) chickens per lot.
- D. 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.
- E. 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 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 areas or otherwise create hazards for pedestrian or vehicle traffic.
- C.** Display/sale of goods shall not be 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 4.4, 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.

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, 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 4.2.10, 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 beyond basic maintenance performed shall be:
 - a. Incidental to a permitted use and completely within a 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 are inoperable and/or 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) foot tall fence, wall or landscape barrier. No parking shall be allowed in the required front yard setback or street side yard setback.
 - 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.

E. Recreational Vehicles

1. The parking and/or storage of boats, campers, travel trailers, motor homes, and personal recreational vehicles and trailers are permitted on any residential lot, subject to the following:
 - a. Such equipment shall adhere to the provisions of Section 4.2.10: 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 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 Zoning Administrator 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) 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 3.3: Temporary Uses for additional provisions and exceptions.
- f. Such equipment shall not be used for 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

- A.** Any swimming pool along with incidental installations, such as pumps 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 other than the required front yard provided such pool sits back from all lot lines a minimum distance of three (3) feet. 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 (54) inches above the underlying ground and with the closing device (spring, pneumatic) at least thirty-six (36) inches above the underlying ground. 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 (4) inches in diameter cannot pass through the openings. Wrought iron or wood barriers or enclosures shall be constructed with at least fifty-four (54) inches 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.

3.3 Temporary Uses

3.3.1 Purpose

This Section allows for the establishment of temporary uses and/or activities that might not meet the normal development or use standards of the applicable zoning district, but may be considered acceptable because of their temporary nature. These activities are regulated to ensure that basic health, safety, and community welfare standards are met, while also ensuring 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 6.8 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

- A.** 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.
- B.** 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.

- C.** 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 structures 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 comes first, all modifications to structures and uses shall be removed.
- D.** Carnivals, Circuses, Concerts, Revivals, Rodeos and Similar Activities may be permitted, provided the following conditions are met:
1. A Temporary Use Permit (private property) shall be obtained or a Special Event Permit when the event is on City property.
 2. 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 chief/marshal as necessary.
 3. Staff shall ensure that 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 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.
- E.** 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 calendar quarter, lasting no longer than forty-five (45) consecutive days of site occupation and operation.
- F.** 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.
- G.** 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.

- H. Farmer's market subject to not more than two (2) days of operation per seven (7) day period.
- I. 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.
- J. 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.
- K. Other temporary uses or structures may be approved using the process established in Section 6.8 Temporary Use Permit Procedures.

section 4 - GENERAL DEVELOPMENTS REGULATIONS

4.1 OFF-STREET PARKING AND LOADING

4.1.1 Purpose

The purpose of this Section is to establish minimum standards for the provisions of adequate off-street parking and loading and maneuvering spaces for the uses permitted by this Chapter. The regulations for Off Street Parking and Loading have the following specific objectives:

- A. To provide off-street parking that is safe, efficient, convenient and visually attractive.
- B. To foster adequate ingress and egress by motor vehicles, recreational vehicles, boats and busses.
- C. To apply these regulations to new construction and expansion of, or changes to, existing uses permitted by this Chapter.

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 are 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 of floor area.

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 uses meet the requirements of Section 4.1.5.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 added off-street parking than the previous use, additional 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.

4.1.4 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 4.1.10, Special Parking Requirements for Residential Uses.

A. 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 4.1.5.E, Off-Site Parking.

B. 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.

C. 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.

D. Surfacing and Maintenance

With the exception of required parking in the RR-20, RR-5 and RR-2.5 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. Paving stones or similar equivalent may be approved by the City Engineer for parking upon parcels in the

RR-20, RR-5 and RR2.5 zoning districts. Asphalt surfaces shall, at a minimum, consist of four (4) inches of 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 by the City Engineer during the development review process. 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 calling for the closure of the use, if the deadlines are not met. Concrete surfaces may be substituted and shall, at a minimum, be concrete 4 inches thick with a strength of not less than 3,000 pounds per square inch (P.S.I.).

4.1.5 Number of Parking Spaces Required

Except as otherwise expressly stated, off-street motor vehicle parking spaces must be provided in accordance with Table 4.1-1: Parking Spaces Required

Table 4.1-1: 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 District	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 unit
	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
	Hospital	1 spaces per 2 inpatient beds + 1 per employee on a normal shift (Current = 1 space per 400 SF GFA)

Table 4.1-1: Parking Spaces Required

Use Category	Specific Use Type	Minimum Vehicle Spaces Required
	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	None
	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)
<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	

Table 4.1-1: Parking Spaces Required

Use Category	Specific Use Type	Minimum Vehicle Spaces Required
	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
	<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	

Table 4.1-1: Parking Spaces Required		
Use Category	Specific Use Type	Minimum Vehicle Spaces Required
	<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 (1) 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 4.1-1 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 4.1-1 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 recent, reliable primary or secondary source 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 Core Overlay

The parking requirements for uses in the Downtown Core Overlay zoning district shall be one-half of those listed in Table 4.1-1, with the exception of service stations, grocery and supermarkets, laundries, and motels and hotels, each of which shall meet all requirements listed in Table 4.1-1.

E. Basis of Calculation

When calculating the total number of parking spaces required, 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 results in the greater number of spaces.

4.1.6 Alternative Parking Provisions

Where conditions preclude the complete compliance of off-street parking spaces required by Table 4.1-1, the following alternative parking provisions may be available, subject to Zoning Administrator 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 located 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 by the Zoning Administrator.

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 nine (9') feet wide and forty (40') feet 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 (2) 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 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 hundred (600) 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 4.1.11.G Pedestrian Safe Access.
3. Parking Study Required. Those proposing to use shared parking as a means of satisfying off-street parking requirements shall submit a shared parking study to City staff that clearly demonstrates 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 Sections 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 Core, or outside the Downtown Core 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 4.1.11.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 subject to such covenant.
 - b. The owner or operator of a business that uses approved off-site property 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 (1) 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 reduced.
- 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

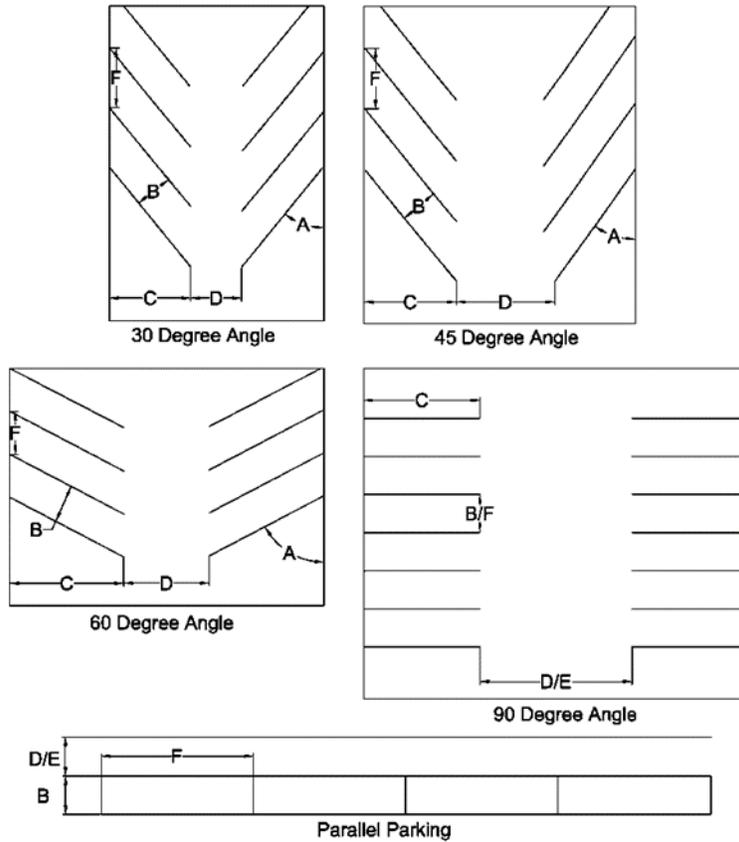
- 1. For each electric vehicle charging station provided, the minimum number of required off-street parking spaces may be reduced by two (2). Each charging station counts toward the minimum number of required parking spaces.

4.1.7 Parking Space Dimensions

A. Vehicular Parking Space Dimensions

All vehicular parking areas shall comply with the minimum dimension requirements as set forth in Table 4.1-2 and as illustrated in the diagrams below.

Table 4.1-2: 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'	24'	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 4.2.11.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. Vehicle compact 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. Compact spaces shall be located to the rear of the parking lot from the building entrances to discourage use by non-compact vehicles.

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.

4.1.8 Accessible Parking

Off-street, handicapped accessible parking spaces shall be provided in accordance with Table 4.1-3 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 4.1-3 below:

Table 4.1-3: 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 1,000	2 percent of total
1,001 and over	20, plus 1 for each 100, or fraction thereof, over 1,000

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 4.1-3, 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.

4.1.9 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 Table 4.1-4. The required passenger loading spaces shall not be part of the spaces used to satisfy the off-street parking requirements.

Table 4.1-4: Passenger Loading 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	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 so as not to 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 Table 4.1-5 of minimum requirements. The required material loading spaces shall not be part of the spaces used to satisfy the off-street parking requirements.

Table 4.1-5: Material Loading 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 located on the same lot or parcel of land as the use or structure they are intended to serve and 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) feet long, fourteen (14) feet overhead clearance: Spaces serving single-unit trucks and similar delivery vehicles.
 - b. Twelve (12) feet wide, sixty-five (65) feet long, fifteen (15) feet 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. Thirty (30) feet: Spaces serving single-unit trucks and similar delivery vehicles.
 - b. Fifty (50) feet: 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 4.1.8.B.3 shall not apply to uses located in the Downtown Core overlay district.
4. Setbacks and Screening. Loading areas may not be located in a required setback. See Section 4.2.3.F, Loading Area Screens for specific guidelines regarding screening of loading areas.

C. Exceptions

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

4.1.10 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.

- 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 paved surface.

4.1.11 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 4.1.5.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.

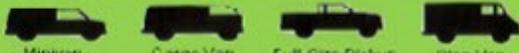
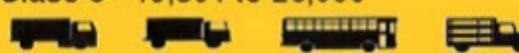
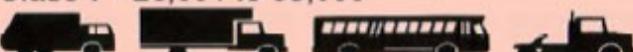
C. Location of Residential Parking Spaces

1. Parking spaces for residential uses, as specified in Table 4.1-1, 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 only occur 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 fifty percent (50%) of the required front yard setback area or three (3) stalls (9'x20') for lot width above fifty (50) feet, whichever is greater.
3. For all lots zoned R1-54, R1-43, R1-12, R1-6, R-2, and R-3, 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

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, including trailer, on his or her private residential property. The Zoning Administrator shall issue a special parking permit; provided that the following criteria are met. The owner shall pay a permit fee of twenty-five dollars (\$25.00) for each calendar year.

Class 1 - 6,000 & Less  Minivan Cargo Van SUV Pickup Truck
Class 2 - 6,001 to 10,000  Minivan Cargo Van Full-Size Pickup Step Van
Class 3 - 10,001 to 14,000  Walk-in Box Truck City Delivery Heavy-Duty Pickup
Class 4 - 14,001 to 16,000  Large Walk-in Box Truck City Delivery
Class 5 - 16,001 to 19,500  Bucket Truck Large Walk-in City Delivery
Class 6 - 19,501 to 26,000  Beverage Truck Single Axle School Bus Rack Truck
Class 7 - 26,001 to 33,000  Refuse Furniture City Transit Bus Truck Tractor
Class 8 - 33,001 & Over  Cement Truck Truck Tractor Dump Truck Sleeper

- a. No more than one (1) tractor shall be parked on said property.
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.
 - b. The vehicle shall be parked only in a side yard or rear yard of any one (1) lot.
 - c. The vehicle shall not be located closer than seven (7) feet to any side or rear lot line.
 - d. The vehicle shall not be used for business purposes.
 - e. The vehicle shall not be used for living quarters or connected to utilities for more than thirty (30) days in any calendar year.
 - f. The vehicle shall be parked in a manner that complies with the Uniform Fire Code adopted by the City of Eloy.

g. No more than two (2) motor homes or recreational vehicles are allowed to be parked on any single lot.

3. 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

A. 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 shall issue a special parking permit provided that the following criteria are met:

1. The owner shall pay a permit fee of twenty-five dollars (\$25.00) for each calendar year and for each permit.
2. The owner shall produce written and notarized permission from the residential property owner.
3. The vehicle shall not be parked on a vacant lot.
4. The vehicle shall be parked only in a side yard or rear yard of any one lot.
5. The vehicle shall not be located closer than seven (7) feet to any side or rear lot line.
6. The vehicle shall not be used for business purposes.
7. The vehicle shall not be used for living quarters or connected to utilities for more than thirty (30) days in any calendar year.
8. The vehicle shall be parked in a manner that complies with the Uniform Fire Code adopted by the City of Eloy.
9. No more than two (2) motor homes or recreational vehicles are allowed to be parked on any one lot.

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

1. No more than three (3) of the items listed above shall be stored on any one lot.
2. The watercraft, trailer, camper shell or camper shall not be stored on a vacant lot, public right of way or easement.
3. The watercraft, trailer, camper shell or camper shall be stored only in a side yard or rear yard of any one (1) lot. Each of the aforementioned shall be stored in a manner that complies with the Uniform Fire Code of the City of Eloy)
4. The trailer, camper shell or camper shall not be closer than seven (7) feet to any side or rear property line.
5. Outdoor storage of any watercraft, trailer, camper shell or camper shall be screened from public view by a six (6) foot high solid masonry fence or a view obscuring fence with no storage visible above the wall or fence.

6. 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 forth-eight (48) consecutive hours for each occurrence.

4.1.12 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 shall be utilized for all uses 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, R-2 and R-3 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. 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 low growing 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 (10) 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 so as 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 refuse and fire trucks. If off-site maneuvering is necessary, a permanent, recorded cross-access easement must be filed with the City of Eloy Community Development Department prior to 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 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 (2) 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 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 Table 4.1-6:

Table 4.1-6: 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)
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 may be granted when a traffic or parking study demonstrates the need for reduced stacking requirements.

G. Pedestrian Safe Access

1. Parking lots in excess of one hundred (100) spaces 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, to provide a safer and more direct pedestrian route.

4.1.13 Parking Area Landscaping

The perimeter and interior of parking lots shall be landscaped pursuant to the requirements in Section 4.2.6.

4.1.14 Parking Area Lighting

Off-Street Parking and loading areas shall adhere to the lighting requirements in Section 4.5, Outdoor Lighting.

4.2 LANDSCAPING AND WALLS

4.2.1 Purpose

The purpose of this Section is to provide uniform standards for the installation of landscaping, walls and buffer areas. It also establishes guidelines for the protection, maintenance and management of these features. The regulations for Landscaping and Walls have the following specific objectives:

- A.** To promote and encourage sustainability, effectuate privacy, facilitate logical development and enhance property values.
- B.** To provide for required landscaping.
- C.** To confirm the allowable species and use of vegetation. Drought tolerant vegetation (ground cover, shrubs and trees) promotes a visually appealing landscape.
- D.** To identify screening and buffering mechanisms (where necessary) to obscure unsightly uses.
- E.** To provide shade for passive building cooling and pedestrian refuge.
- F.** To reduce glare, dust, and the heat island effect.

- G. To allow for the separation of incompatible uses and the buffering of intensive activities.

4.2.2 Landscaping

A. General Applicability

1. These requirements apply to all on-site and off-site improvements associated with residential and non-residential land uses in the City of Eloy.
2. All required on-site, off-site and streetscape landscape areas shall be landscaped with vegetation and/or landscape topping material as identified in the Pinal Active Management Area (AMA) Low Water Use/Drought Tolerant Plant List, as amended from time to time. Plants not listed within the Pinal Active Management Area (AMA) Low Water Use/Drought Tolerant Plant List, but which are low water use/drought tolerant, may be submitted to the City, for review and consideration, in the submittal of a preliminary landscape plan.
3. The preparation of landscaping plans and their implementation shall be in accordance with the approved landscape plan for the development. Any part of the lot or parcel not developed for buildings, structures, vehicular access, streets, parking and utility areas shall be landscaped.

4.2.3 On-Site Landscape Requirements For Specific Land Uses:

A. Residential Development

B. Single-family Residential Developments:

1. The required landscaping for an approved residential subdivision shall include the required active and passive open space areas, retention or detention basins, the community trail system, if applicable, and the adjacent public and/or private rights of way.
2. The required landscaping for a residential subdivision shall be installed consistent with the construction phasing of the project and in accordance with the approved subdivision landscape plan.
3. The front yard landscaping for a single residence lot within a new or existing recorded subdivision or dwelling, is required to be installed at the conclusion of home construction for lots, tracts or parcels within the R1-12, R1-6, R-2 or R-3 zoning districts.
4. Required front yard landscaping shall, at a minimum, consist of organic and/or inorganic ground cover, one (1) tree and two (2) shrubs. The front yard landscaping is in addition to the local and neighborhood street right of way landscaping required in Section 4.2.5.

C. Multiple Family Residence Developments:

4. The required landscaping for an individual multiple family residence project, site plan, subdivision or development shall include the required common area and open space area, retention or detention basins, the community trail system, if applicable, parking area and the streetscape area adjacent to the public

and/or private right of way, and above ground utility facilities.

2. Required streetscape landscaping for multiple family residence developments shall be in accordance with Section 4.2.5
3. Required landscaping for all parking areas in a multiple family residence district shall be in accordance with Section 4.2.6.
4. All multiple family residence developments (attached product, townhouse, condominium, apartments, etc.) shall provide a minimum of one (1) tree and two (2) shrubs, per dwelling unit, in the common or open space areas every forty (40) lineal feet. This landscaping shall be in addition to the required landscaping along streetscapes and parking lot areas as required in Section's 4.2.5 and 4.2.6 respectively.
5. The required rear and side yards shall contain a continuous, landscaped buffer area having a minimum width of ten (10) feet and containing a minimum of one (1) tree and two (2) shrubs every forty (40) lineal feet or portion thereof, to provide visual screening between adjacent uses.
6. All R-2 zoned developments that abut a single residence zoned property or abut a community trail system, as indicated in the Eloy General Plan, shall provide and maintain a landscaped buffer area, a minimum width of ten feet (10'), along the common property line. This landscaped area shall contain a minimum of one (1) tree and two (2) shrubs every forty (40) lineal feet or portion thereof.
7. All R-3 zoned property that abuts a single residence zoned property, an R-2 zoned property, or a community trail system, as indicated in the Eloy General Plan, shall provide and maintain a landscaped buffer area, a minimum width of fifteen (15) feet, along the common property line. This buffer strip shall contain a minimum of one (1) tree and three (3) shrubs every forty (40) lineal feet or portion thereof.
8. A homeowners' or property owners' association shall maintain all landscape tracts, including such areas within the public and/or private rights of way that are within and adjacent to the site, in accordance with the approved Final Plat and approved landscape plan.
9. Vegetative screening or the use of a perimeter wall may be utilized when commercial or industrial uses are located adjacent to a single-family residence zoning district. If a perimeter wall is constructed, it shall be a maximum of six (6) feet in height and decoratively treated on all sides to match the architectural style and use the same or complimentary paint color(s) of the development.
10. Vehicular parking areas adjacent to the right of way shall be screened to a height of at least three (3) feet by either a solid decorative masonry wall or a landscaped berm or a combination thereof. The slope of any berm shall not exceed a ratio of three to one (3:1) and shall be landscaped with either vegetative or inert ground cover to prevent soil erosion and or head cutting. All landscape areas adjacent to vehicular parking and access areas shall be protected by either the vertical curb or concrete wheel stop, in order to minimize landscape damage by vehicular traffic.

4.2.4 Non-Residential Landscaping Requirements

A. Commercial, Industrial and Business Park Developments:

1. The required landscaping for an individual commercial office, commercial retail, industrial or business park project, site plan, subdivision or development shall include the required open space area, retention or detention basins, the community trail system, if applicable, parking area and the streetscape area adjacent to the public and/or private right of way. Any part of the lot area not developed for buildings, structures, approved storage, loading and vehicular access, streets, parking and above ground utility facilities shall be landscaped.
2. All C-1 zoned commercial developments that abut a residentially zoned property or abut a community trail system, as indicated in the Eloy General Plan, shall provide and maintain a landscaped buffer area, a minimum width of ten (10) feet, along the common property line. This landscaped area shall contain a minimum of one tree and two (2) shrubs every forty (40) lineal feet or portion thereof.
3. All C-2 zoned commercial and I-1 and I-2 zoned industrial developments that abut a residentially zoned property or abut the community trail system, as indicated in the Eloy General Plan, shall provide and maintain a landscaped buffer area, a minimum width of twenty (20) feet, along the common property line. This landscaped area shall contain a minimum of one (1) tree and two (2) shrubs every forty (40) lineal feet or portion thereof.
4. Vegetative screening, combined with architectural treatments, shall be provided to screen unattractive views and facilities such as storage areas, trash enclosures, railroad sidings and yards, transformers, generators, heavy mechanical equipment and other similar features.
5. Vehicular parking areas adjacent to the right of way shall be screened to a height of at least three (3) feet by either a solid decorative masonry wall or a landscaped berm or a combination thereof. The slope of any berm shall not exceed a ratio of three to one (3:1) and shall be landscaped with vegetative and inert ground cover to prevent soil erosion and headcutting. All landscape areas adjacent to the vehicular parking and access areas shall be protected by a permanent vertical curb or concrete wheel stop in order to minimize landscape damage by vehicular traffic.

4.2.5 Streetscape Landscaping Requirements

- A. Any lot, parcel, tract or development, or portion thereof, that is adjacent to a City of Eloy, Pinal County or state right-of way shall be required to be landscaped. This “streetscape landscape area” shall consist of the undeveloped portion of the right of way (back of sidewalk or pavement edge to the right-of-way edge); in addition to the required front yard setback on site landscaping that is required by this Section.
- B. For any lot, parcel, property or tract that abuts or is adjacent to the Interstate 10 right of way or the State Route 87 and State Route 287 rights of way, the landscape plan and plant palette shall adhere to the "Landscape Design Guidelines for Urban Highways" prepared for roadside development services by the Arizona Department of Transportation (ADOT), or as may be amended, and shall be approved by ADOT and the City of Eloy. Maintenance agreements for the landscaping within the interstate highway right of way shall be required and shall be subject to ADOT and City approvals.
- C. **Streetscape Landscaping**
 - 1. A landscape area shall be established, per the Table 4.2-1, between the right-of-way line and any buildings, parking lots, walls or fences, or other improvements in association with any use:

Table 4.2-1: Streetscape Landscape Area	
Adjacent To	Landscape Width (Feet)
Major Arterials	15
Minor Arterials	10
Major Collectors	10

- D. **Required Streetscape Landscape Planting Criteria:**
 - 1. All streetscape landscape areas shall be landscaped with vegetation and/or groundcovers or other landscape topping material as identified in the Pinal Active Management Area Low Water Use/Drought Tolerant Plant List. Plants not listed within the Pinal Active Management Area Low Water Use/Drought Tolerant Plant List, but which are low water use/drought tolerant, may be submitted to the City for consideration in the submittal of the preliminary landscape plans.
 - 2. Quantity of Required Streetscape Landscaping: The total quantity of required landscape materials shall be computed for all streetscape landscape areas are as follows:
 - a. Trees: A minimum of one (1) tree shall be required per one thousand (1,000) square feet of landscape area and a maximum of one (1) tree shall be required per seven hundred fifty (750) square feet of landscape area, depending on area configuration, orientation and use. All trees shall be twenty-four (24) inch box. Calculations that result in a fraction shall be rounded up.

- b. Shrubs: One (1) shrub shall also be required per two hundred and fifty hundred (250) square feet of landscape area. All shrubs shall be a minimum of five (5) gallons in size.
 - c. Groundcover: All groundcover shall be a minimum of one (1) gallon in size. One (1) groundcover plant shall be provided per two hundred and fifty hundred (250) square feet of landscape area.
 - d. Landscape Topping Materials: All landscaped areas shall be finished with a natural inert topping material which may include, but is not limited to, decomposed granite (two (2) inches minimum depth). Type, size and color of landscape topping material for projects shall be approved through the landscape plan review process.
 - e. Placement of Required Streetscape Landscaping:
 - i) Vegetation shall not be planted in drainage ways.
 - ii) Trees may not be planted where they will interfere with any overhead or underground utility lines in their initial planted, or mature height or width.
 - iii) Trees are not to be planted in any sight visibility triangle. Shrubs to be planted in any sight visibility triangle shall be of varieties that do not exceed mature heights of more than twenty-four (24) inches, as measured from finished grade.
 - iv) Trees and/or shrubs shall not be planted closer than three (3) feet to any fire hydrant or utility pole.
 - v) Trees shall not be planted closer than five (5) feet, as measured to the face, of any curb.
3. All trees and shrubs shall be provided with an automatic drip or soaker irrigation system.
 4. A pre-emergent herbicide shall be applied to the ground prior to, and after the, placement of natural surface materials (decomposed granite, river run rock, and the like) in any landscaped area to prevent weed growth.
 5. Landscape designs shall be compatible among adjacent and proximate properties.
 6. All on-site water retention areas shall be entirely landscaped and shall comply with the following criteria:
 - a. The retention areas shall not occupy more than fifty (50) percent of the on-site street frontage landscape area;
 - b. All retention areas shall maintain slopes no steeper than six to one (6:1) when adjacent to public rights-of-way, or when there is pedestrian type access to that portion of the basin. Side slopes adjacent to walls, fences, hedges and the like (i.e., no or limited pedestrian type access in that area) may have side slopes up to four to one (4:1).

4.2.6 Parking Area Landscape Requirements

All parking areas shall be landscaped in compliance with the following requirements:

- A.** Landscape areas with raised concrete curbing shall define all parking lot edges, entrances, drives, aisles and the ends of all parking aisles.
- B.** A landscape island shall be located at a minimum count of every twenty (20) continuous parking stalls within a parking lot as well as at the end of each parking aisle. The design and landscape requirements of all parking islands/planters shall be consistent with the following:
 - 1. Each landscape island in the parking lot shall extend the entire depth of the double or single loaded stall design and contain a minimum of seventy-five (75) square feet of area, not including curbs, and shall measure a minimum of six (6) feet in width at the mid-point.
 - 2. Each landscape island shall include a minimum of one (1) twenty-four inch (24") boxed tree and landscape topping material.

4.2.7 Property Owner Maintenance

- A.** All landscape improvements installed in accordance with the requirements and provisions of this section for new or expanded developments and uses within on-site landscape areas as well as in the right(s)-of-way, shall be maintained, in perpetuity, by the property owner or owner's association (should the property be subdivided) or the lessee of the site.
- B.** Any areas designated and intended for the purposes of on-site water retention shall be maintained and reserved for that specific purpose.
- C.** Any alteration or deterioration of required landscape improvements and areas shall be considered a violation of this and any applicable Ordinance.
- D.** Any plant material that does not survive initial planting shall be replaced within thirty (30) days.
- E.** Landscaping and irrigation systems shall be reasonably maintained in accordance with the approved site and/or landscape plan. Plant material shall not be severely pruned such that the natural growth pattern or characteristic form is significantly altered. Palm trees shall, however, be pruned a minimum of once each year to remove dried fronds and fruit and eliminate the potential of a fire hazard and insect/rodent infestation.
- F.** Modifications and/or removal of any existing live landscaping on other than single-family residential property shall require prior approval of the Zoning Administrator.
- G.** Individual property owners and/or homeowners' associations shall properly maintain all landscaped areas, including those within the public and/or private rights of way adjacent to their property or the development, in accordance with the approved landscape plan, except in and along public rights of way and easements where the City of Eloy has agreed to provide maintenance.

- H. The replacement of dead street trees shall be by the individual property owners or the homeowners' association and shall be completed within thirty (30) days from the date that the association or property owner is notified by the City.

4.2.8 Landscape Plan Application and Approval Process

- A. A "preliminary landscape plan" and a "final landscape plan" shall be prepared by a landscape architect registered in the State of Arizona and submitted and approved for all applicable development projects in accordance with the procedures and requirements set forth in Section 6.2 of this Ordinance.
- B. All changes in the landscaping of a site/development area after the final landscape plan has been approved and installation completed shall be approved by the Community Development Director prior to issuing a certificate of occupancy by the City.
- C. Prior to the issuance of a building permit, the City shall review and approve the required plans (i.e. lighting, grading/drainage, signage) which affect the placement and type of landscaping and walls within the site.

4.2.9 Landscape Plan Submittal Requirements

- A. Preliminary Landscape Plan: Two (2) full size hardcopies and one (1) electronic copy of a preliminary landscape plan shall be prepared by a landscape architect licensed in the State of Arizona and submitted along with the required development/site plan for review by the City Zoning Administrator. The preliminary landscape plan may be shown on the development/site plan drawings. The components of the preliminary landscape plan shall include, (at minimum) a scaled plan indicating the general locations of all existing and proposed trees, shrub massings, and groundcovers. Specific botanical names are not required to be specified at this time. Property lines, north arrow, existing and proposed structures, streets, sidewalks, trails, major natural features, walls and fences, slopes, berms, basins, drainage structures, trash enclosures, sewer laterals, utility transformers, site furniture, concrete curbing, decorative paving, and other site elements that relate to or affect the overall landscape along with any notes describing the proposed method of irrigation are required. The preliminary landscape plan shall clearly indicate the quantity and size of each tree and shrub to be installed (example: required versus proposed). The preliminary landscape plan shall be reviewed and approved by the Community Development Department as part of the development/site plan review, and may be approved with stipulated changes or additions. A building permit may be issued prior to final landscape plan approval. However, the certificate of occupancy will not be issued until the final landscape plan is approved, and the landscape is installed and inspected for plan compliance.
- B. Final Landscape Plan: Two (2) full size hardcopies and one (1) electronic copy of a final landscape plan, irrigation plan, signage plan and lighting plan shall be submitted along with all other required site improvement and building plans at the time of application for a building permit. The landscape plan and irrigation plan shall be prepared by a landscape architect licensed in the State of Arizona. The

lighting plan shall be prepared by a technically competent lighting professional. The final landscape plan shall contain the final calculations, data, and specific details and information of all proposed landscaped areas, landscape materials, screening walls, irrigation system, and other items that were required and identified in conceptual form on the preliminary landscape plan. The final landscape plan shall contain a specific schedule of all trees and shrubs identified by common and botanical (genus and species) name and shall clearly indicate the quantity and size of each tree and shrub to be installed. The final landscape plan shall be in conformance with the approved preliminary landscape plan and include any stipulated changes or additions and shall be approved by the Community Development Department prior to the issuance of a building permit.

- C. Upon approval, both sets of the landscape plan will be dated and stamped "Approved" and one (1) original, signed plan will be transmitted to the applicant and one (1) will be retained on file with the Community Development Department.

4.2.10 Fences, Walls and Screening

Standards set forth in this subsection protect the visual quality of the public realm by establishing screening requirements for various land use and development conditions.

A. Applicability

- 1. Unless otherwise stated within this Ordinance, fences and/or walls shall be installed and maintained in compliance with this subsection.

B. General Fence and Wall Regulations

- 1. All general perimeter and on-site fences and walls shall adhere to the City of Eloy adopted building codes and be constructed of long-lasting materials, such as vinyl, wood, masonry, stone, decorative metal, and be architecturally integrated with the building design. Within residential, industrial and Aviation Overlay zoning districts, chain link fences may be allowed with the approval of the Zoning Administrator. Chain link fencing is not permitted in commercial zoning districts. Mesh affixed to chain link fencing shall not constitute "view obscuring".
- 2. Fences or walls shall be located entirely upon private property and are not required to be set back from the property line except as otherwise specified in this Ordinance.
- 3. Walls greater than six (6) feet in height or retaining walls extending more than four (4) feet in height, measured from the bottom of the footing, require a building permit and supporting structural calculations prepared by a licensed structural engineer. Walls less than this height do not require a building permit. Retaining concrete block walls shall adhere to the City of Eloy adopted building codes.
- 4. Barbed or Constantine wire fences shall be prohibited in all zoning districts except in the I-2 District and for temporary construction sites, provided that the barbed wire is located eight (8) feet or more above grade. Temporary barbed wire fencing located on construction sites is permitted but shall be removed

from the site at the time of final inspection, or a certificate of occupancy will not be issued.

C. General Wall and Fence Height Standards

1. Fences or walls located between the front yard building setback line and the front property line of a lot may not exceed four (4) feet in height in any zoning district.
2. In areas behind a required front yard building setback and within the required rear and side yards, including walls for single-family dwellings, the maximum height of walls shall be six (6) feet, as measured from the finish grade, except where a taller wall is necessary for screening purposes. Where two lots abut one another, but have differing finish grades, the wall height shall be limited to six (6) feet on the high side and eight (8) feet on the low side. Modifications of these requirements shall require written request and approval of the Community Development Director.
3. Walls exceeding six (6) feet in height, measured from the inside finished grade, shall require the submittal of structural calculations prepared by a licensed structural engineer in the State of Arizona, unless specified otherwise in this Ordinance. Non-retaining concrete block walls shall adhere to the City of Eloy adopted building codes.

4.2.1 Obstructing Visibility at Intersections

- A. Site Visibility Triangles at Corners: No walls, fences, buildings, structures, landscaping or other visual obstruction in excess of two (2) feet in height (measured from the top of the street curb at each end of the site visibility triangle) shall be placed on any corner lot within a triangular area formed by the curb lines and a line connecting them at points thirty-three (33) feet from the intersection of lines, extended from the back of curbing. There shall be an exception for any existing trees to remain within the area of the visibility triangle but shall be maintained at a minimum height of ten (10) feet, as measured from finished grade to permit unobstructed visibility for automobile drivers.

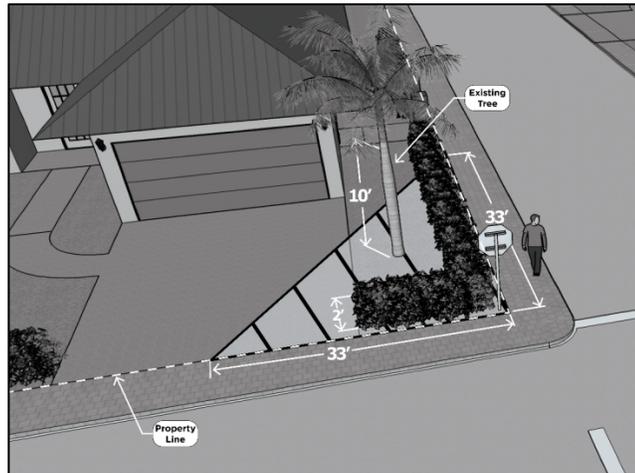


Figure 4-1: Site Visibility Triangle

4.2.2 Parking Lot Screens

All on-site, non-residential parking lot areas adjacent to any street shall be screened from street views according to the provisions as set forth herein. This standard can be met through the use of the following screening methods, which may be used individually or in combination:

- A. A continuous opaque landscape screen consisting of shrubs maintained at a minimum height of three (3) feet- six 6 inches and planted in compliance with all additional provisions outlined in Section 4.2.2.3.
- B. A continuous wall at a height of three (3) feet-6 (six) inches. The wall shall be designed to undulate and avoid straight segments longer than one hundred (100) lineal feet.
- C. Open areas or portals for natural surveillance and pedestrian access to the site shall be provided as required by the Community Development Director.

4.2.3 Refuse Area Screens

- A. All trash, rubbish or garbage, including recyclable materials in common storage receptacles shall be completely enclosed via a solid six (6) foot wall or fence 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 seen from the front of the property, the enclosure shall be screened with landscaping on its most visible side.

4.2.4 Loading Area Screens

All loading, delivery and service bays shall be screened from public view by a building, a decorative screen wall, a minimum eight (8) feet in height, a solid opaque evergreen vegetation screen or any combination thereof.

4.2.5 Mechanical Equipment Screens

All mechanical equipment, either ground-mounted or located on a rooftop, shall be screened from the view of a person standing on the property line on the far side of an adjacent public street. Individual screening of rooftop mechanical equipment is discouraged. Rooftop units should either be grouped together and screened or screened with a parapet wall the entire length of the building. The parapet wall shall be designed to be an integral component of the overall architecture of the building.

4.3 SIGNAGE

4.3.1 Purpose

The purpose of this Section is to establish comprehensive provisions that will eliminate confusing, distracting and unsafe signs; establish reasonable regulations to promote

economic vitality for local businesses and services; and enhance the visual environment of the City of Eloy. The regulations for signs have the following specific objectives:

- A. To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property, and public welfare;
- B. To allow and promote positive conditions for sign communication;
- C. To reflect and support the desired ambience and development patterns of the various zones, overlay zones, and plan districts and promote an attractive environment;
- D. To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway.
- E. To ensure that the constitutionally guaranteed right of free expression is protected.
- F. To provide meaningful and aesthetic identification for private and public enterprises.
- G. To promote and support existing and new employers sustain and expand their goods and services.
- H. To allow businesses the ability to take advantage of new technology.
- I. To assist in implementing the City's marketing and branding strategy.

4.3.2 **Applicability**

The requirements of this Ordinance apply to all signs, sign structures, awnings, and other types of sign devices located within the City of Eloy, except as specified in Subsection 4.3.3, below.

4.3.3 **Exemptions**

The following are exempt from the regulations of this Ordinance, but may be subject to other Ordinances enacted by the City of Eloy where applicable:

- A. Signs inside a building.
- B. Signs carved into a building or raised in integral relief on a building.
- C. Signs required by federal, state, or City law/authority.
- D. Noncommercial flags.
- E. Painted and/or applied wall accents and decorations.
- F. Illuminated building accents and decorations.

- G.** Public Art – murals defined as works of graphic art hand-painted or applied to building walls, which contain no advertising, commercial messages, or logos; and/or that are not displayed in conjunction with a commercial enterprise which may obtain commercial gain from the display.
- H.** Name and Address – Up to two (2) signs indicating address, number and/or name of occupants of the premises that do not exceed two (2) square feet in area and located in an area not otherwise prohibited by this ordinance.
- I.** Directional or informational signs of a noncommercial public or quasi-public nature, and community signs.
- J.** Decals - Decals and/or logos affixed to windows or door glass panels, such as those indicating membership in a business group or identifying credit cards accepted at the establishment.
- K.** Sign repainting without changing wording, composition or colors; or minor nonstructural repairs.
- L.** On-premise signs that are relevant to the function of the property that are not visible beyond the boundaries of the lot or parcel upon which they are located, or from any public right of way; however, these signs must comply with any building and construction provisions enacted by the City of Eloy
- M.** Public Signs - Signs erected by government agencies or utilities, including traffic, utility, safety, railroad crossing and identification signs for public facilities and any signs erected by the City of Eloy.
- N.** Security and Warning Signs - On-premise signs regulating the use of the premises, such as “no trespassing”, “no hunting” and “no soliciting” signs that do not exceed one (1) sign two (2) square feet in area in residential areas and one (1) sign five (5) square feet in area in commercial and industrial zones. These limitations shall not apply to the posting of conventional “no trespassing” signs in accordance with state law.

4.3.4 Prohibitions

The following signs are prohibited:

- A.** Vehicle Signage - Signs placed on or painted on a motor vehicle or trailer parked with the primary purpose of providing signage not otherwise allowed by the Ordinance; Prohibited is any sign displayed on a parked trailer or truck or other vehicle where the primary purpose of the vehicle is to advertise a product, service business, or other activity. This regulation shall permit the use of business logos, identification or advertising on vehicles primarily and actively used for business purposes and/or personal transportation.
- B.** Billboards - No sign advertising a business or use shall be installed on any lot other than that on which the business is located unless allowed by subsection 4.3.9 or 4.3.10.

- C. Mechanically Moving Signs – An environmentally activated sign or other display with actual mechanical motion powered by natural, manual, mechanical, electrical or other means, including but not limited to pennant strings, streamers, spinners, propellers, and search lights.
- D. Flashing Signs – For the purposes of this Ordinance, a sign that has a change rate or dwell time of four (4) seconds or longer does not fit within the prohibition noted herein.
- E. Posters and Handbills - Any signs affixed to any structures, trees or other natural vegetation, rocks or poles.
- F. Simulated Traffic Signs and Obstructions - Any sign which may be confused with, or obstruct the view of, any authorized traffic sign or signal, obstruct the sight-distance triangle at any road intersection or extend into the public right-of-way.
- G. Public Property - Signs attached to any utility pole or structure, streetlight, traffic signal, tree, fence, fire hydrant, park bench or other location on public property unless otherwise specifically addressed in this article.
- H. Signs Adversely Affecting Safety - Signs which prevent free ingress or egress from any door, window, fire exit, or that prevent free access from one part of a roof to any other part.
- I. Sign Emissions - No sign which emits smoke, visible vapors, particles, sound or odor shall be permitted. Open flames used to attract public attention to a place of business or to an advertising sign shall not be permitted.
- J. Mirrors - No mirror device shall be used as part of a sign.
- K. Fixed Balloons - Balloons used for promotional and advertisement purposes.
- L. Situations where the Ordinance is silent - Where the Ordinance is silent, or where the rules of this Ordinance do not provide a basis for concluding that a sign is allowed, said sign is therefore prohibited.

4.3.5 **Conflicting Regulations**

- A. Where there is conflict between this regulation and other city regulations, the more restrictive shall apply.
- B. Where there is a conflict between specific sign regulations and the general sign regulations of this section, the specific sign regulations supersede the base sign regulations.
- C. Where there is a conflict between a land use regulation, a structural regulation, or other regulations of this Ordinance, conflicts not otherwise addressed by this section, the most restrictive applies.

4.3.6 **General Provisions**

The general provisions for all signs are listed below:

A. Permitting

1. Sign permits and a zoning clearance shall be required for all signs except those signs specified in section 4.3.3 of this section. The building official, or his designee, shall issue a sign permit only if the proposed sign, construction, alteration, re-erection, maintenance and location of the sign comply with these regulations.

B. Design

1. All signs hereafter constructed or maintained shall conform to the provisions of this ordinance and the provisions of all other adopted City codes and ordinances.
2. No sign, other than an official traffic sign or similar sign, shall be constructed within the boundary of any street or public right-of-way unless specifically authorized herein, authorized by other City ordinances or regulations; or permitted by special City authorization.
3. Signs shall not be located in a manner that interferes with pedestrian or vehicular travel, poses a hazard to either pedestrians or vehicles, within the specified "visibility triangle", or at any location where its position, shape or color may interfere with or obstruct the view of, or be confused with, any authorized traffic sign, signal or device.
4. All signs shall be designed and constructed to resist all weather conditions of central Arizona.
5. The placement of new signs shall integrate with the established locational pattern of like sign types.
6. When a site is developed as a complex or center containing more than three (3) tenants, a Comprehensive Sign Plan shall be provided for the property, and approved through the development plan review process. See Section 4.4.11.B

C. Materials

1. All sign materials and components shall be of the quality and grade to resist specified sun exposure and heat conditions of central Arizona.
2. Combustible materials, other than approved plastics, shall not be used in the construction of any electronic signs.
3. Sign materials to be used on the building façade shall be compatible with the design of the face of the façade.

D. Sign Anchors

1. All signs shall be securely anchored to resist the identified wind hazards existing in central Arizona.
2. All signs attached to masonry, concrete, plywood or steel shall be safely and securely fastened utilizing metal anchors, bolts or approved expansion screws of sufficient size to safely support the loads generated by the sign.

3. There shall be no visible angle iron supports, guywires, braces or secondary supports except in the case of projecting signs. All sign supports shall be an integral part of the sign design.
4. Signs shall not be attached to any wall that is not securely braced or supported. Signs shall not be attached to any parapet wall if the parapet is not designed and constructed to accommodate the loads associated with the signage identified to be attached.

E. Sign Illumination

Signs may be illuminated as provided by this Ordinance and specified by approved sign criteria, if applicable, in accordance with the following regulations:

1. The source of the sign's illumination, except neon illumination, shall not be visible from any street, sidewalk, or adjacent property.
2. Sign lighting shall be of low intensity with effective provisions made to minimize spillover of light beyond the actual sign face. Examples of permissible illumination methods would include, but not be limited to, the use of appropriate cut-off style light fixtures, the use of down-light fixtures adjusted so as to avoid light spillover and interference with the vision of motorists, and the use of muted internal illumination. Prohibited forms of light spillover include, but are not limited to, spillover into adjoining properties, roadways and airspace. Lighting must not interfere with the vision of oncoming motorists.
3. All illuminated signs shall adhere to the provisions provided in Section 4.5 Outdoor Lighting unless specifically modified herein.

F. Maintenance

1. All signs and sign structures, conforming and nonconforming, shall be maintained in good order, repair, and appearance at all times so as not to constitute a danger or hazard to the public safety or create visual blight as determined by the zoning administrator.
2. The property owner or tenant on which the sign is located shall be responsible to maintain all signage that has been approved or that has been issued a permit. Periodic maintenance shall be undertaken by the owner or tenant so that the signage continues to conform to the conditions imposed by the sign permit.
3. Any damaged sign base shall be repaired within thirty (30) days after receipt of written presentation/rectification of the issue by the Zoning Administrator to the property owner.
4. All metal pole covers and sign cabinets shall not show any effect of rust and rust stains.
5. Any internally illuminated sign cabinets or sign panels which have been damaged shall not be illuminated until repaired.
6. If the sign is suspect to collapse, or determined to be unsafe by the City's Inspector/Ordinance Enforcement, or if any sign shall be unlawfully installed,

erected or maintained in violation of any of the provisions of this ordinance, the owner thereof, or the person or firm using the sign, shall, upon written notice by the City's Inspector/Ordinance Enforcement, or immediately in the case of imminent danger, and in any case within not more than ten (10) days after notice shall make such sign conform to the provisions of this ordinance; or remove the sign. If, within ten (10) days, full compliance with the notice has not occurred, the City's Inspector/Ordinance Enforcement may remove, or cause such sign to be removed, at the sole expense of the owner and/or user of the sign.

7. The changeable letter panels of a permitted changeable copy sign shall be subject to the same maintenance requirements as imposed by the sign permit.

G. Sign Height Measurements

Sign height measurements are determined as follows for each sign type:

1. Freestanding Signs: The overall height of a freestanding sign or sign structure is measured from the lowest point of the ground directly below the sign to the highest point of the freestanding sign or sign structure.
2. Exception: Where a freestanding sign or sign structure is mounted along a roadway that has a higher-grade level as compared to the grade level directly below the freestanding sign or sign structure, then the freestanding sign or structure's height will be measured from the top of curb or the crown of the adjacent roadway (where no curb exists) to the highest point of the freestanding sign or sign structure.
3. Wall Signs or Fascia Mounted Signs: The height of the sign shall be measured from the top of the sign structure to the top of curb or the crown of the adjacent road where no curb exists.
4. The overall building height is inclusive of any signs projecting above the building or roofline.

H. Sign Area Standards

The "Sign Area" of each permitted sign shall be measured as follows:

1. Background Mounted Signs: Sign copy mounted or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy shall be measured as that area within the outside dimensions of the background panel or surface. The base of a freestanding monument sign shall not be calculated as sign area unless said base contains signage.
2. Individual Mounted Signs: Sign copy mounted as individual letters and/or graphics against a wall, fascia, or parapet of a building or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy shall be measured as a sum of the smallest rectangle that will enclose each word, grouping of such letters, words, or graphics in the total sign copy.
3. Sign Frames or Cabinets: The area of sign faces enclosed in frames or cabinets is determined based on the outer dimensions of the frame or cabinet.

4. Two-Part Signage: In instances in which a sign consists of individual elements such as letters, symbols, or other graphic objects or representations that are painted, attached to, or otherwise affixed to a surface such as a wall, window, canopy, awning, architectural base or projection, or to any surface not specifically designed to serve as a sign background, the sign area shall be based on the sum of the individual areas of the smallest geometric shape or combination of geometric shapes capable of encompassing the perimeters of the individual elements comprising the sign.
5. One Sign with one or more sign faces:
 - a. One (1) face: Area of the single face only;
 - b. Two (2) faces: If the interior angle between the two (2) faces is forty-five (45) degrees or less, the sign area will be the total of one face only; if the angle between the two (2) sign faces is greater than forty-five (45) degrees, the sign area will be the sum of the areas of the two (2) faces.
 - c. Three (3) or more faces: The sign area will be calculated as the sum of the areas of each of the faces.
6. Irregular Shaped Signs: To be measured based on the appropriate mathematical formula to obtain the sign area for a circle, an oval or irregularly shaped sign.
7. Where a sign is a spherical, free form, sculptural or other nonplanar sign, the sign area shall be fifty percent (50%) of the sum of the area of the sides of the smallest polygon that will encompass the sign structure.

4.3.7 Total Aggregate Sign Area Standards

The "Total Aggregate Sign Area" shall be the sum of all the sign areas of each allowable sign placed on a parcel with the following restrictions:

- A. For all non-residential uses, the total aggregate sign area allowable to any business having an external business entrance facing a public street or public access driveway or public alley, shall not exceed the greater of fifty (50) square feet or one and a half (1.5) square feet per lineal foot of building frontage, but in no case more than three hundred (300) square feet.
- B. All non-residential uses having only an external building wall facing a public street, public access driveway, or public alley, shall be permitted exterior signage with a total aggregate sign area not to exceed fifty (50) square feet.
- C. Non-residential uses having only an internal business entrance and no external wall facing a public street or public access driveway or public alley shall be limited to business identification signage on a common directory sign or attached wall sign as set forth in subsection 4.4.9.A.11
- D. Businesses having building frontage greater than two hundred (200) feet in length may increase their allowed sign area by 0.5 square feet per one (1) lineal foot of building frontage in excess of two hundred (200) feet. Such additional sign area shall be for the exclusive use of said business and not transferable or reallocable to other businesses on the parcel.

- E. Building frontage is determined by the measurement of the portion of the business facing the street or public access driveway or public alley. Multi-story building lineal footage is limited to the ground floor lineal footage measurement except as modified by the subsections below.

4.3.8 Standards by Sign Type

The criteria listed within this table describe the permitted conditions applicable for each sign type. This table also includes references to additional sign standards that may be applicable to each sign type.

Table 4.3-1: Sign Requirements by Sign Type*									
Sign Type	Sign Permit Required	Part of Aggregate Sign Area	P=Permitted N=Not Permitted					Additional Sign Standards	Lighting Permitted
			Zoning Districts						
			Res.		Com.	Ind.	OS		
			Res. Use	Non-Res. Use					
Permanent Signs									
Attached or Wall Mounted	Yes	Yes	P	P	P	P	P	4.3.9.A	Yes
Awning/Canopy	Yes	Yes	N	P	P	P	N	4.3.9.B	No
Electronic Message Center	Yes	Yes	N	P	P	P	N	4.3.9.C	Yes
Freestanding/Monument	Yes	Yes	P	P	P	P	P	4.3.9.D	Yes
Gas Filled	No	No	N	N	P	P	N	4.3.9.E	Yes
Projecting	Yes	Yes	N	P	P	P	N	4.3.9.F	No
Freeway Pylon	Yes	Yes	N	N	P	P	N	4.3.9.G	Yes
Window	Yes	Yes	N	P	P	P	P	4.3.9.H	No
Temporary Signs									
A-Frame Sign	Yes	No	N	N	P	P	N	4.3.10.A	No
Banner Sign	Yes	No	P	P	P	P	P	4.3.10.B	No
Sign Walker	Yes	No	N	N	P	P	N	4.3.10.C	No
Weekend Directional	No	No	P	P	P	P	P	4.3.10.D	No
Yard Sign	Yes	No	P	P	P	P	P	4.3.10.E	No

* All sign criteria listed in this table is subject to and may be further modified by their respective additional sign standards provided in Section 4.3.9 or as stated elsewhere within this Ordinance.

4.3.9 Additional Standards by Permanent Sign Type

This section describes the permitted conditions and applicable standards for each permanent sign type listed within Table 4.4.

A. Attached or Wall-Mounted Signs

Attached or wall mounted signs are permitted as identified in Table 4.4, subject to the conditions identified below:

1. Attached or Wall-Mounted signs shall be counted as a portion of the total aggregate sign area.
2. Attached or wall mounted signs shall be supported solely by the façade or exterior building face.
3. One (1) attached sign per street frontage is permitted per business in all non-residential zoning districts.
4. Attached or wall mounted signs may project no more than twelve (12) inches from the surface of the wall to which it is attached or for halo illuminated signs must not exceed a one and three-quarter (1.75) inch separation from the wall.
5. Attached or wall mounted signs shall not extend above the wall, parapet, or fascia upon which it is placed.
6. Attached or wall mounted signs are permitted on a roof surface if the roof is within twenty-five (25) degrees of vertical.
7. Attached or wall mounted signs shall not exceed twenty-five (25) feet in height.
8. Residential uses in the RE, R-1, R-2, MHS, and MHP zoning districts shall be allowed one (1) attached or wall mounted sign not to exceed two (2) square feet per parcel.
9. Residential Subdivisions and Multi-Family developments shall be allowed one (1) attached or wall mounted sign not to exceed twenty-four (24) square feet per subdivision entrance or six (6) square feet per multi-family building.
10. For all non-residential uses, attached or wall mounted signs shall not exceed more than the total aggregate sign area allowed as determined by Section 4.3.7.
11. Multi-tenant building wall mounted identification signs are permitted in the commercial and industrial zoning districts subject to the conditions identified below:
 - a. The use of a multi-tenant building identification sign shall take place of single business wall mounted signs and shall be counted as a portion of the total aggregate sign area.
 - b. The maximum number of multi-tenant signs for each building shall be limited to one (1) sign per street frontage.
 - c. The sign shall be placed on the wall of the building facing the most major adjacent street frontage.

- d. The maximum area of the sign shall not exceed the greater of fifty (50) square feet or one and a half (1.5) square feet per lineal foot of building frontage, but in no case more than three hundred (300) square feet.

B. Awning/Canopy Sign

Awning/canopy signs are permitted as identified in Table 4.4, subject to the conditions identified below:

1. Awning/Canopy signs shall be counted as a portion of the total aggregate sign area.
2. A maximum of twenty five percent (25%) of the front face area of the awning may be used for signage.
3. Such a sign shall only be displayed on ground floor awnings.
4. If encroaching over an abutting City right-of-way line, a revocable City encroachment permit or other City Council–granted authorization approved by the City Engineer and the City Attorney shall be required.

C. Electronic Message Center

Electronic Message Center (EMC) signs are permitted as identified in Table 4.4, subject to the conditions identified below:

1. EMC signs shall be counted as a portion of the total aggregate sign area.
2. Signs must be entirely located on-site.
3. There shall be no moving or flashing green or red features that could be mistaken as traffic control devices.
4. Digital message portion of the sign shall not exceed fifty (50) percent of sign area.
5. Sign shall be installed at least one hundred and fifty (150) feet from a designated crosswalk.
6. Sign shall not be installed within three hundred and fifty (350) feet of a residential structure.
7. EMC signs shall be separated from other EMC signs by a minimum of one thousand (1,000) feet.
8. All continuous loop image progression occurring on the face or copy of the sign must have a minimum interval time of eight (8) seconds.
9. All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings, to reduce the illumination intensity of the sign as ambient lighting conditions change.

D. Freestanding/Monument Signs

Freestanding/Monument signs are permitted as identified in Table 4.4, subject to the conditions identified below:

1. Freestanding/Monument signs shall be counted as a portion of the total aggregate sign area.
2. Shall not exceed eight feet (8') in height.
3. For a single tenant building, the sign area shall not exceed one (1) square foot for each two (2) linear feet of street frontage with the maximum not to exceed seventy-five (75) square feet. Single tenant freestanding/monument signs shall be counted as a portion of the total aggregate sign area.
4. For a single building development with multiple-tenants, the sign shall not exceed one square foot for each two (2) linear feet of street frontage with the maximum not to exceed ninety-six (96) square feet in area. Single building with multi-tenant freestanding/monument signs shall not be counted as a portion of the total aggregate sign area.
5. For multiple building developments or commercial centers, one sign may be permitted for every two hundred feet (200') of street frontage for the entire development or commercial center with a maximum of two (2) signs per street frontage if applicable. The individual buildings within the development or commercial center shall not be considered as separate developments. The minimum distance between two (2) signs on the same street frontage shall be two hundred thirty feet (230'). Each sign may be a maximum of ninety-six (96) square feet in area and may be either a center identification sign or a multi-tenant identification sign. Multiple building development freestanding/monument signs shall not be counted as a portion of the total aggregate sign area.
6. A portion of the sign may have changeable copy, which shall not exceed twenty-five (25) percent of sign area.
7. Shall have monument-type bases of masonry construction or another architectural grade material.
8. Address numerals shall be included on all freestanding sign structures. The numerals shall be at least six (6) inches in height.
9. No portion of the sign shall be located within three (3) feet of the front property line or six (6) feet of a side or rear property line.
10. Freestanding/monument signs for residential uses in Residential Districts shall be limited to Residential Subdivisions or Multi-Family Developments only, subject to the conditions identified below:
 - a. The maximum height shall be six (6) feet and the maximum area shall be twenty-four (24) square feet.
 - b. A maximum of one (1) sign shall be located at each non-local street access to the identified subdivision.
 - c. The text area of the sign may be back-lit such that the source of illumination is not visible; provided, however, that back-lit, non-opaque panels are not permitted.

- d. The text area of the sign may be illuminated by fully shielded ground mounted directional lighting.

E. Gas Filled Signs

Gas filled signs (neon, argon, krypton, etc.) are permitted as identified in Table 4.4, subject to the conditions identified below:

1. Gas filled signs are limited to interior window display only (may not be used on the exterior of a building).
2. The total area of gas filled signage for any one (1) business shall be six (6) square feet.
3. No more than two (2) gas filled signs shall be allowed for any one (1) business.

F. Projecting Signs

Projecting signs are permitted as identified in Table 4.4, subject to the conditions identified below:

1. Such signs shall be included in the total aggregate sign area.
2. One projecting sign is permitted for each ground floor business front and shall be adjacent to the business it identifies.
3. The maximum area for each projecting sign for any one (1) business shall be one square foot for each lineal foot of street frontage of business, up to a maximum of fifteen (15) square feet.
4. The maximum distance between the wall and the outer edge of the sign shall be 4 feet, or if a paved public sidewalk is below, 50% of the width of the sidewalk, whichever is less.
5. Such signs shall be located so that the base edge of the sign is not less than eight (8) feet from the sidewalk or ground. Such signs shall require both a City sign permit and, if encroaching over an abutting City right-of-way line, a revocable City encroachment permit or other City Council–granted authorization is approved by the City Engineer and the City Attorney.

G. Freeway Pylon Signs

Freeway Pylon signs are permitted as identified in Table 4.4, subject to the conditions identified below:

1. All freeway pylon signs shall be part of a comprehensive sign package that requires both review and recommendation by planning and zoning commission and approval by the city council.
2. Freeway pylon signs shall be counted as a portion of the total aggregate sign area.
3. One freestanding pylon sign shall be allowed per property, additional signs are allowed on a property with street frontage that exceeds two hundred (200) feet. If multiple signs are placed on a single street frontage, there shall be a minimum of one hundred (100) feet between each sign.

4. A freestanding pylon identification sign may be placed on commercially or industrially zoned property that has a minimum of three hundred feet (300') of freeway frontage. In order to apply for a freeway pylon sign, the site, or combination of sites, must be at least twenty (20) acres in size and the sign should identify multiple tenants (a maximum of 4 tenants) or a combined minimum of two hundred thousand (200,000) square feet of office, retail, or manufacturing space.
5. Sign copy shall be limited to name and/or logo identification with approved directional information.
6. The pylon identification sign shall not exceed an overall height of eighty feet (80') above the natural grade of the site; has a maximum width of twelve feet (12'), or a maximum depth of four feet (4').
7. Pylon signs shall not be located closer than a distance equal to the height of the sign from the freeway right of way. A minimum separation distance of three hundred feet (300') shall be observed between any such freeway pylon signs located on the same side of the freeway.
8. A total maximum sign area of six hundred (600) square feet; with any one panel not exceeding one hundred fifty (150) square feet in area, plus the center identification.
9. Pylon signs may not be installed on a parcel, lot or development site that has an existing billboard or other prohibited sign.
10. Council, when considering the required comprehensive sign package, may vary restrictions pertaining to height, sign copy, and separation distance upon appropriate justification presented by the applicant, such as, but not limited to, identification of regional or community centers or conveying a civic or public interest message.
11. Sign supports shall consist of at least 30% of the total sign width; each single support shall consist of at least 15% of the total sign width.
12. Signs shall be composed of a decorative base, support, and sign face.

H. Window Signs

Window signs are permitted as identified in Table 4.4, subject to the conditions identified below:

1. Window signs that are permanent shall be included in the total aggregate sign area.
2. Permanent window signage shall be limited to twenty-five (25) percent of the total window area in which it is placed.
3. Permanent window signs shall be prepared by a professional sign company.
4. Temporary Window Decorations/Painting
 - a. Window decorations/painting signs are permitted in all zoning districts and shall not require a sign permit or be considered part of the total aggregate sign area.

- b. Holiday decorations may be displayed on a temporary basis for civic, patriotic or religious holidays.
- c. The coverage of window decoration/painting and signage must not exceed seventy-five (75) percent of the total window area.
- d. Window decoration shall not contain any form of advertising copy, including but not limited to, name of business, logo or sale language.

4.3.10 Additional Standards by Temporary Sign Type

Signs that meet the standards of this subsection are exempt from the standards for permanent signs and are not counted in the total aggregate sign area allowed on any particular property or site.

A. A-Frame Signs

A frame signs are permitted as identified in Table 4.4, subject to the conditions identified below:

1. Uses permitted to display A-frame signs may display a maximum of one such sign per street, public access driveway, or public alley frontage. Such signs shall be located as follows:
 - a. On the same property as the use.
 - b. Within the right-of-way of the nearest adjacent public street to the use.
2. The location of A-frame signs shall be restricted as follows:
 - a. Such signs shall not be located on the paved portion of any public street, any sidewalk, or any median.
 - b. Such signs shall not be located within a designated parking or loading area.
 - c. Signs shall not be located in a manner that poses a traffic vision hazard.
 - d. A-Frame signs must be placed at least one (1) foot behind the curb or public sidewalk. If no curb or public sidewalk is present, signs shall be located at least five (5) feet from the edge of the paved portion of the public right-of-way.
 - e. Uses within the Downtown District may use A-frame signs on public or private sidewalks, provided the portable sign does not obstruct the pedestrian walkways and shall only be placed within the first three (3) feet of the sidewalk located immediately adjacent to the curb, leaving a minimum sidewalk clearance of five (5) feet.
3. No sign may be greater than six (6) square feet per side with a maximum height of three (3) feet.
4. Signs shall be weighted down and constructed of wrought iron; sheet metal; 1/8-inch-thick plastic; or of wood that is at least 3/8 inch thick. No other materials are acceptable.
5. Signs must be manufactured by a licensed and bonded sign company.

6. Signs shall be clean and in good working order.
7. Attachments to signs are limited to balloons flown no higher than six (6) feet from the ground. If attachments are used, the A-Frame sign must be set back from the curb and/or sidewalk a minimum of three (3) feet.
8. Landscaping cannot be modified or damaged to accommodate an A-frame sign.
9. Signs may be placed, in the permitted areas, only between sunrise and sunset. Signs shall be removed daily prior to sunset, except if used to advertise a meeting then they shall be removed at the conclusion of the meeting, or they shall be subject to confiscation by the city.

B. Banner Signs

Banner Signs are permitted as identified in Table 4.4, subject to the conditions identified below:

1. In residential districts, temporary banners are not permitted on sites with individual dwelling units. Banners for holidays and special family events are excepted.
2. On multi-family or non-residential uses in residential districts and in the commercial and industrial zoning districts one banner per street frontage, no larger than thirty-two (32) square feet in size, is permitted per development or business.
3. Banner signs shall be securely affixed to the wall or fence of a permanent structure or building, where feasible. No banner shall exceed the height of the prevailing roofline, or exceed the building height allowed by this Ordinance, whichever is less.
4. Banner signs shall not be located in a manner that poses a traffic vision hazard and shall not be placed within the public right-of-way.
5. Shall be displayed for a maximum of fourteen (14) days per occurrence, up to a total of six (6) permits per calendar year.

C. Sign Walkers

Sign walkers are permitted as identified in Table 4.4, subject to the conditions identified below:

1. If located within the right-of-way, a sign walker shall be positioned behind the curb or, if no curb is present, ten (10) feet behind the edge of pavement.
2. Sign walkers shall not erect or place tents, temporary structures, umbrellas, chairs or stools within the public right-of-way or adjacent property.
3. Sign walkers shall not be positioned so as to obstruct vehicle sight lines.
4. Sign walkers shall not obstruct the free movement of pedestrians on sidewalks.
5. Sign walkers are not allowed in the medians of public streets.

6. The sign worn, held or balanced by a sign walker shall be a maximum of five (5) square feet in size and may be double sided.

D. Weekend Directional Signs

Weekend Directional Signs are permitted as identified in Table 4.4, subject to the conditions identified below:

1. Must be placed at least one (1) foot behind the curb. If no curb is present, signs shall be located at least one (1) foot from the edge of the paved portion of the public right-of-way. Weekend directional signs shall not be placed on sidewalks or within the center medians that divide portions of paved or unpaved roadways.
2. The maximum size shall not exceed four (4) square feet.
3. The maximum height shall not exceed three (3) feet.
4. Signs shall be constructed of heavy duty, weather-resistant material, such as laminated paper, plastic foam core, or similar material. Placement stakes shall be wood or heavy gauge wire.
5. Weekend directional signs shall not be attached to any utility pole or box, light pole, street sign, tree or any structure within the public right-of-way.

E. Yard Signs

Yard Signs are permitted as identified in Table 4.4, subject to the conditions identified below:

1. For non-multi-family residential uses in residential districts, yard signs shall be limited to one sign per property with a maximum size not to exceed six (6) square feet and maximum height of six (6) feet.
2. For multi-family residential uses in residential districts, yard signs shall be limited to one sign per property with a maximum size not to exceed eight (8) square feet and maximum height of six (6) feet.
3. Yard signs with a sign area six (6) square feet or less shall not require a sign permit, provided the sign complies with the requirements of this subsection.
4. On non-residential uses in the residential district and in the commercial, industrial, and airport zoning districts yard signs shall be limited to one sign per property with a maximum size not to exceed thirty-two (32) square feet and a maximum height of 8 feet.
5. Shall not be located within any right-of-way whether dedicated or owned in fee simple or as an easement.
6. Shall only be located on property that is owned or leased by the person whose sign it is and must not be placed on any utility pole, street light, similar object, or on public property.
7. Shall not be illuminated.

8. Shall be displayed for a maximum of six (6) months per occurrence, with up to one extension subject to approval per calendar year.

F. Political Signs

For regulations related to political signs please refer to Arizona Revised Statutes §16-1019.

4.3.11 Permits Required and Process

A permit is required to erect, re-erect, construct, alter or move certain sign types within the City. A separate permit shall be required for each sign or group of signs on a single supporting structure. In addition to a sign permit, an electrical permit shall be obtained for all electric signs. All electric signs shall be subject to the provisions of the adopted electrical Ordinance of the City in effect at the time of submittal of the plans. All components of the electric sign shall bear the label of an approved agency.

A. Master Sign Program

To provide a mechanism by which the sign regulations established in this Section can be modified to ensure that signs for a uniquely planned or designed development or area are most appropriate for that particular development or area, a Master Sign Program may be requested per the guidelines identified below.

1. A master sign program may be:
 - a. Requested by the developer, owner or master lessor of a development or parcel that is a minimum of ten (10) gross acres; or
 - b. Initiated by the City for a particular area in furtherance of a specific plan, revitalization program, overlay zone, or other area wide planning tool.
2. A master sign program may include provisions that are more and/or less restrictive than the regulations established in this Section as related to issues of size, location, color, construction materials and design of the sign but without consideration as to the message to be displayed on the sign based on the particular unique features of the development.
3. Each master sign program applicant shall show to the Administrator's satisfaction why the modifications requested are warranted and how the total sign proposal for the development meets, on balance, the general purpose and intent of this Section.
4. A master sign program application shall be approved, conditionally approved, or disapproved through the sign permit – master sign program review process.
5. A new master sign program approval shall be obtained for substantial revisions to the original approval, as determined by the Zoning Administrator.

B. Comprehensive Sign Plan:

To ensure large multi-building, tenant developments or complexes maintain a cohesive and aesthetically pleasing design theme, Comprehensive sign plans shall

be required for developments containing more than three (3) structures or businesses.

1. Comprehensive sign plans shall meet all sign criteria of the City within the commercial and industrial zoning districts. The following elements are required for submittal and approval:
 - a. Name, address and phone number of property owner or designee.
 - b. Written text clearly outlining the sign plan to include all suites, offices or other leased/leasable space.
 - c. Name and address of property for which the comprehensive sign plan is designated.
 - d. Design criteria allowed for signage (i.e. colors, installation method, materials, type of signage, etc.). If it is the intention of the property owner to allow Nationally Recognized Registered Logos, this must be specified in the plan.
 - e. Site plan showing all lot dimensions, suites, offices or other leased/leasable space and proposed/existing signage placement (drawn to scale).
 - f. Elevations showing proposed sign envelopes.
 - g. Lineal footage of building(s).
 - h. Allocation chart showing allowable and utilized sign square footage for each suite, office or space number.
 - i. Comprehensive sign plan amendments must be made in writing and submitted, reviewed and approved by the Zoning Administrator.
 - j. A comprehensive sign plan denial, by the Zoning Administrator, may be appealed to the Board of Adjustment.
2. For tenants of a development that has an approved comprehensive sign package, sign permits will only be issued for signs that comply with the previously approved comprehensive sign package or receive approval through the master sign program.

C. Sign Permit Criteria:

Sign permits are subject to review and approval by the Zoning Administrator, or designee, per Section 6 – Zoning Procedures. The following information shall be submitted to obtain a sign permit, unless alternative arrangements are made as part of a master sign program or comprehensive sign plan as specified herein:

1. The applicant's name, name of business, business address, work telephone number and email address. If different, the application shall also include the name, address, work telephone number, email address and signed authorization of the property owner.
2. The name, address, contact information and ROC# of the Arizona licensed sign contractor.

3. The address of the site for the proposed signage.
4. Two (2) scaled drawings of the proposed signage that include at a minimum:
 - a. All sign dimensions, including the height of the signage.
 - b. Sign finish, materials and colors.
 - c. A site plan showing the proposed location of signage.
 - d. Any building elevations showing proposed location of signage.
 - e. Electrical plans (if applicable), including the source of sign illumination and applicable details of the fixture and screening.
 - f. The landscape details (i.e. planting design, vegetation types, irrigation service, wall components, etc.) for signs with a landscape requirement.
5. The Zoning Administrator may require other pertinent information where, in his/her opinion, such information is necessary to insure compliance with the Ordinance.

D. Incentive Design Guidelines

1. Purpose

A bonus allowance for outstanding design is intended to allow flexibility to the sign regulations while still fulfilling their intent. The specific approval criteria allow the option to review and approve signs that not only enhance the overall character of an area, but also encourages unique signs of exceptional design or style.

2. Procedure/Approval Criteria

A bonus allowance for outstanding signage design may be approved if the Zoning Administrator finds that the applicant has shown that the criteria below are met.

- a. The adjustment does not exceed thirty (30) percent of the allowable sign area for the proposed sign;
- b. exhibits technical competence and quality in design, construction, durability, and includes specific details;
- c. relates to and compliments architectural features;
- d. presents a harmonious relationship to other graphics and street furniture in the vicinity;
- e. be of a size and height that is in scale with the surrounding setting, buildings, or structures.

4.4 WIRELESS FACILITIES

4.4.1 Purpose

The purpose of this Section is to establish general guidelines for the installation of Wireless Facilities, including towers and antennas. The regulations for Wireless Facilities have the following specific objectives:

- A. To establish uniform standards and procedures to manage the development, siting, installation, and operation of Wireless Facilities in compliance with the Federal Telecommunications Act of 1996;
- B. To minimize the adverse visual effects of Wireless Facilities through careful design, siting, and screening, while preserving the rights of wireless telecommunications providers;
- C. To strongly encourage the joint use (co-location) of new and existing Wireless Facility sites as a primary option rather than construction of additional single-use towers;
- D. To allow appropriate development of Wireless Facilities to provide services within the City in a manner that will protect and promote public health and safety, preserve the City's residential character and uncluttered appearance and prevent visual blight;
- E. To apply these provisions to all new Wireless Facilities and the expansion and/or alteration of any existing wireless facility;
- F. To encourage users of Wireless Facilities to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, screening, and innovative camouflaging techniques.

4.4.2 **Applicability**

- A. **Wireless Facilities, Freestanding.** All new wireless freestanding structures (or support structures), including a monopole, tower (guyed or lattice) and alternative structure, in the City, and their related equipment, shall be subject to a CUP in any zoning district. The CUP process is described in Section 6.7.
- B. **Modifications to pre-existing freestanding Wireless Facilities.** All modifications or alterations to towers and antennas in the City, and their related equipment, are subject to these regulations. The review process and permit type required is determined based on the scale of the modification(s) and whether or not a Conditional Use Permit is in good standing. Review and permitting procedures, via Zoning Permit or Conditional Use Permit, is a determination made during a Pre-Application review by the Community Development Director or designee in accordance with the requirements of this Section.
- C. **Mobile and Temporary Wireless Facilities.** All new mobile and temporary antennas in the City shall be subject to these regulations and require a Temporary Use Permit. In the event an approved Conditional Use Permit for a permanent tower or antenna does not provide for an interim mobile or temporary antenna, mobile and temporary antennas shall be reviewed and permitted by Temporary Use Permit for a period not to exceed twelve (12) months. More than one Temporary Use Permit may be approved for the same temporary antenna. These facilities do not require a

CUP, if said facilities conform to the development standards of the underlying zoning district.

- D. Amateur Radio Towers and Antennas.** This Section shall govern the installation of any tower or antenna that is an Amateur Radio Station Operators/Receive Only Operations, that is under the maximum building height of the Zoning District in which such structure is located and which is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for “receive only” operations. These facilities do not require a CUP if said facilities conform to the development standards of the underlying zoning district.

E. Exceptions. The following are exempt from the provisions of this Section:

1. Valid Use Permits. Legally established pre-existing towers and pre-existing antennas with a valid Conditional or Special Use Permit shall not be required to meet the requirements of this Section. Legal Non-Conforming Antennas and Towers proposed for modifications may be allowed (for modifications to pre-existing towers and/or antennas).
2. A Zoning Permit may be approved for a Public Safety Communications Facility seventy- five foot in height or less in any public facility or industrial zoning district.
3. A Zoning Permit may be approved for a modification, improvement or co-location of an existing Wireless Facility (seventy- five feet in height or less) in a commercial and industrial zoning district and (sixty- five feet in height or less) in any residential district.
4. Small Wireless Facilities. The construction, improvement, co-location, modification, repair or operation of small wireless facilities may be located within any City right-of-way or any areas outside of the right-of-way that are not zoned exclusively for residential uses. Said small wireless facilities shall be permitted by right and not subject to any zoning or CUP review and approval. Additional City permits may apply for the construction, improvement, co-location, modification, repair or operation of small wireless facilities.

4.4.3 Use and Development Regulations

- A. Land Use Regulations.** Wireless Facilities are permitted as a CUP in all zoning districts with the exception of Small Wireless Facilities and certain public safety communication facilities as described in Section 4.4.2 (E).
- B. Residential Zoning Districts.** Wireless Facilities are permitted by CUP in single-family and multi-family residential zoning districts only on property owned by:
1. The state, County, the City of Eloy, public school district, and/or private schools, HOA approved tract, or community college district, if the primary use of such property is a government use;
 2. A public or private utility company, if the property is used for a utility use; or
 3. A place of religious assembly, if the primary use of such property is for worship or place of public assembly.

4. AM band. For purposes of implementing this Section, an AM array, consisting of one (1) or more tower units and supporting ground system, which functions as one (1) AM broadcasting antenna, shall be considered one tower. Additional tower units may be added within the perimeter of the AM array by right.

Table 4.4-1: Wireless Facility Site Development Regulations – Single-family and Multi-Family Residential			
Wireless Facility Type	Maximum Height	Minimum Setbacks from Residential	Conditional Use Permit or Administrative Approval Required
New Freestanding, Co-location, or Alternative facility	65'	110%	CUP
Existing Freestanding Structure Height Increases or Existing Building Height	65' freestanding/Zoning District Max height	110%	A
Existing Structure Height Increases above existing building height or 65 feet maximum freestanding structure height	Greater than 10% or 20', whichever is greater	110%	CUP
Alternative Wireless Facility Structure Place of Worship	40'	75'	A
<i>Schools</i> <i>Elementary, Middle School</i>	40'	75'	A
<i>High School</i>	75'	110%	A
<i>Public/ Private Park</i>	75'	110%	A
Alternative Wireless Facility Structure: Building Element	Height of building	--	A
*110% of the height of the proposed tower and antenna combined			

C. Commercial Zoning Districts. Wireless Facilities are permitted in commercial zoning districts, subject to the following regulations:

Table 4.4-2: Wireless Facility Site Development Regulations – Commercial and Office Zoning Districts			
Wireless Facility Type	Maximum Height	Minimum Setbacks from Residential	Use Permit Required
New Freestanding, Co-location, or Alternative facility	75'	110%	CUP
Existing Freestanding Structure Height Increases or Existing Building Height	75' freestanding/Zoning District Max height	110%	A
Existing Structure Height Increases above existing building height or 65 feet maximum freestanding structure height	Greater than 10% or 20', whichever is greater	110%	CUP
Alternative Wireless Facility Place of Worship	40'	75'	A

**Table 4.4-2: Wireless Facility Site Development Regulations –
Commercial and Office Zoning Districts**

Wireless Facility Type	Maximum Height	Minimum Setbacks from Residential	Use Permit Required
<i>Schools</i> <i>Elementary, Middle School</i>	40'	75'	A
<i>High School</i>	75'	110%	A
<i>Public/ Private Park</i>	75'	110%	A
Alternative Wireless Facility Structure Building Element	Height of building	--	A
*110% of the height of the proposed tower and antenna combined			

D. Industrial Zoning Districts. Wireless Facilities are permitted in industrial zoning districts subject to the following regulations:

Table 4.4-3: WCF Site Development Regulations Industrial Districts

WCF Type	Maximum Height	Minimum Setbacks from Residential	Use Permit Required
New Freestanding, Co-location, or Alternative facility	75'	110%	CUP
Existing Freestanding Structure Height Increases or Existing Building Height	75' freestanding/Zoning District Max height	110%	A

Table 4.4-3: WCF Site Development Regulations Industrial Districts

WCF Type	Maximum Height	Minimum Setbacks from Residential	Use Permit Required
Existing Structure Height Increases above existing building height or 65 feet maximum freestanding structure height	Greater than 10% or 20', whichever is greater	110%	CUP
Alternative Wireless Facility Place of Worship	40'	75'	A
Schools			
Elementary, Middle School	40'	75'	A
High School	75'	110%	A
Public Park	75'	110%	A
Alternative Wireless Facility Structure Building Element	Height of building	--	A
*110% of the height of the proposed tower and antenna combined			

4.4.4 Design Standards

Wireless facilities, antennas, antenna support structures, and related equipment shall be located, designed, and screened to integrate and complement the existing natural or built surroundings and existing supporting structures.

- A. Design and Visibility.** All Wireless Facilities shall be designed and located to minimize their visibility to the greatest extent feasible. All Wireless Facilities proposed for locations where they would be readily visible from adjacent property and public right-of-way (measured from the center of the tower location) shall incorporate appropriate camouflage “stealth” techniques to disguise the facility and/or blend into the surrounding environment, to the extent feasible. Said camouflage techniques commonly include, but are not limited to; “mono-palms”, mono-pines”, “flag pole”, “water-tower” or “clock tower” designs, Wireless Facilities shall be compatible in scale and integrated architecturally with the design of surrounding buildings or the natural setting.
- B. Screening.** Antenna support equipment for freestanding Wireless Facilities shall be screened by a maximum eight (8) foot masonry wall (i.e. smooth face with stucco finish or split face) or placed within a fully enclosed building. When placed within a fully enclosed building, the building design shall be no taller than one (1) story or fifteen (15) feet in height with elevations designed and constructed in a manner compatible with regionally contextual architecture. When both a masonry wall and enclosure are required, the two (2) elements should be designed to integrate together in complementary design featuring at least one face of the building façade.
- C. Freestanding Antenna(s)**
 - 1. Antenna facilities that are not camouflaged or stealth sited shall be close mount, to the extent possible.

2. Stealth or camouflaged facilities shall not have antenna mounts that extend beyond the outside edge (array) of the materials used to provide the stealth or camouflage design.
3. Freestanding Wireless Facilities shall be painted or treated to minimize the contrast of the tower against the horizon. At a tower site, the design of the buildings and related structures shall use materials, colors, textures, screening and landscaping that will integrate the built structures into the natural setting.
4. Wireless Facility support structures and antennas shall be painted/coated in a non-glossy color and/or exterior finish so as to visually connect with surrounding properties.

D. Building Mounted Antenna(s) and Support Equipment

1. If an antenna is installed on a building, the antenna and supporting electrical and mechanical equipment must be architecturally integrated in a manner that is identical to, or closely compatible with, the color/ texture of the building structure so as to make the antenna and related equipment as visually unnoticeable as possible.
2. Roof-mounted or facade-mounted antennas proposed on an existing building, or on a tower, pole, or other structure shall not extend or project more than ten (10) feet above the existing height of the building or structure.

E. Stealth Alternative Wireless Facility and Antenna(s)

1. When an alternative Wireless Facility or co-location does not exist on a parcel adjacent to a residential use, stealth design shall be provided. A stealth facility shall be designed and constructed to appear architecturally integrated with the surrounding built environment or the natural setting to minimize the adverse visual impact and ensure the facility is compatible with the environment in which it is located.

4.4.5 General Development Requirements

- A.** Principal or Accessory Use. Wireless Facilities may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- B.** Inventory of Existing Sites. Each applicant for a new Wireless Facility shall provide to the Community Development Director an inventory of all existing towers, antennas, or sites within two (2) miles of the proposed location for Wireless Facility, that are either within the jurisdiction of the City and/or within one (1) mile of the border thereof, including specific information about the location, height, and design of each Wireless Facility. The Community Development Department shall maintain a map and database with the above information available for public review and purchase. It shall be the responsibility of the applicant to verify and update any information provided by the City.
- C.** State or Federal Requirements. All Wireless Facilities must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the State

or federal government with the authority to regulate Wireless Facilities. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Section shall bring such Wireless Facilities into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring Wireless Facilities into compliance with such revised standards and regulations shall constitute grounds for the removal of the Wireless Facilities at the owner's expense.

1. Freestanding Wireless Facilities are prohibited in the Eloy Municipal Airport Runway Protection Zone (RPZ) designated by the FAA.
- D.** Lighting. Freestanding Wireless Facilities shall not be artificially lit, unless required by the FAA or other applicable authority, or as otherwise approved by the Eloy City Council. If lighting is required for ground equipment, a lighting plan shall be submitted in accordance with Section 4.5.
- E.** Building Codes and Safety Standards. To ensure the structural integrity of Wireless Facilities, the owner of a Wireless Facility shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association (EIA) and by the Telecommunications Industries Association (TIA), as amended from time to time. If, upon inspection, the City concludes that a Wireless Facility fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the Wireless Facility, the owner shall have thirty (30) days to bring such tower into compliance with such standards, or as otherwise specified in writing by the Building Official. Failure to bring such Wireless Facility into compliance within said thirty (30) days, or as otherwise specified, shall constitute grounds for the removal of the Wireless Facility or antenna at the owner's expense.
- F.** Measurement. For purposes of measurement, Freestanding Wireless Facility setbacks and separation distances shall be calculated and applied to facilities located in the City irrespective of municipal and county jurisdictional boundaries. Distance separation requirements shall be measured from the furthest extents of the tower site, including fence and/or base equipment, to the nearest impacted property line.
- G.** Franchises. Owners and/or operators of Wireless Facilities shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City have been obtained and shall file a copy of all required franchises with the City.
- H.** Signs. No signs shall be allowed on a Wireless Facility or any portion of the premises leased for wireless telecommunication use, except for a permanent, weather-proof identification sign, approximately sixteen (16) inches by thirty-two (32) inches in size, must be placed on the gate of the fence or wall surrounding the facility or, if there is no fence or wall, on the facility itself. The sign must identify the facility operator(s), provide the operator's address, and specify a 24-hour telephone number for reaching the operator or an agent.

- I. Co-Location and Multiple Antenna/Tower Plan. The City encourages Wireless Facility users to submit a single application for approval of multiple Wireless Facilities and/or antenna sites and to submit applications which utilize co-location with an existing wireless telecommunications provider.
- J. Modification of Building Size Requirements. The requirements of this Section may be modified by the City Council in the case of uses permitted by conditional use to encourage co-location.
- K. Site Security and Ground Equipment. Outdoor ground equipment, unless placed in underground equipment shelters, shall be enclosed with a maximum eight (8) foot-high masonry wall, shall be constructed of block or masonry, and secured in a method as otherwise determined by the Community Development Director. All lattice towers (or other structures deemed climbable) shall be equipped with an anti-climbing device.
- L. Landscaping. The following requirements shall govern the landscaping of surrounding towers; provided, however, that the City Council may reduce or waive such requirements, if the goals of this Section would be better served thereby.
 - 1. Freestanding Wireless Facilities shall be landscaped with a buffer of plant materials that effectively screen the view of the Freestanding Wireless Facility from residential property and commercial property or viewable from the public right of way. The standard buffer shall consist of a landscaped strip at least eight (8) feet wide outside the perimeter of the compound and any other areas disturbed during construction.
 - 2. Every twenty (20) lineal feet on center of the perimeter of the enclosure of the building shall be landscaped with vegetation from the Pinal Active Management Area (AMA) Low Water Use/Drought Tolerant Plant List (www.azwater.gov/AzDWR/Watermanagement/AMAs/documents/Pinal_Plant_List.pdf) at a rate of one- twenty- four (24) inch box tree and ten (10) five-gallon size shrubs. All landscaping shall be irrigated. The landscaping and irrigation system shall be maintained throughout the life of the facility.
 - 3. Additional landscaping may be required at the discretion of the Community Development Director as needed to effectively blend applications with the surrounding environment.
 - 4. Existing mature plant growth and natural land forms on the site shall be preserved to the maximum extent possible.
- M. Parking and Access. A minimum of one- nine (9) foot by eighteen (18) foot off street parking stall shall be required for the ongoing and maintenance of the facility. Parking and maneuvering areas shall be surfaced with approved all weather treatment as determined by the City Engineer and to meet public safety access requirements for connection to improved right-of-way. The access surface is to be maintained by the tower operator/owner.
- N. Noise. No permit (Conditional or Administrative Use Permit) shall be issued for any facility which generates a noise level greater than fifty (50) decibels (dB) as measured at the edge of the property upon which such facility is sited.

- O.** Term. In the event a building permit is not received within two (2) years or as otherwise stipulated, or reasonable effort is not made to receive a building permit as determined by the Community Development Director, the administrative approval or Conditional Use Permit shall expire. Each administrative approval or Conditional Use Permit issued shall be for a period of five (5) years for Freestanding Wireless Facility applications, and a period of ten (10) years for Building Mounted Antennas, Alternative Tower Mounted Antennas, and Stealth Tower and Antennas.
1. **Expiration.** At the end of the above specified term, the permit shall automatically expire unless a written request for renewal is submitted by the applicant, prior to expiration, and received by the Community Development Director. The City shall notify the applicant in writing at least ninety (90) days prior to the expiration date of the permit for the Wireless Facility. Upon the expiration of any required permits for the Wireless Facility, it shall be removed in accordance with the requirement of this Section.
 2. **Renewal.** If a request for renewal of the required permit(s) is received, the permit shall remain in effect until a decision on the renewal is made. The renewal request shall be reviewed in a similar manner as the original approval.

The review is to ensure that the facility is still in operation; that it has been properly maintained; that the original conditions of approval have been adhered to and whether they are to remain the same or need to be modified; and to determine if new technology exists to upgrade the facility to achieve the purpose, intent, goals and provisions of this Section. If new technology exists that will allow the redesign or relocation of the facility to achieve the purpose, intent, goals and provisions of this Section, then the facility must be redesigned and/or relocated accordingly. Failure to comply with this requirement may be considered grounds for denial of a new permit.
- P.** Conditions of Approval. The City may add conditions to any new permits as necessary to advance a legitimate governmental interest related to health, safety, or welfare, provided, however, that any condition shall comply with applicable FCC regulations and standards, and that reasonable advance notice thereof has been provided to all affected parties.
- Q.** Decision to Deny. If a permit is not renewed, the City shall give the applicant written notice thereof together with the rationale and evidence on which the City's decision was made.
- R. Support Structures.**
1. **Alternative Wireless Facility Building Element.** A building used as a support structure for a Wireless Facility shall not be inhabited in any manner.
 2. **Monopole.** Any new monopole shall be constructed to allow for co- location of at least one other similar wireless communication antenna. If constructed to less than the maximum height permitted, the monopole shall have the capability of having an additional vertical section added.
 3. **Alternative Wireless Facility Light Pole.** When an alternative wireless facility light pole replaces one of a group of light poles, its dimensions and appearance shall replicate those of the existing light poles to the maximum extent feasible.

4. **Existing Vertical Element, Recreational Field Light Pole.** When a recreational field light pole replaces one (1) of a group of light poles, its dimensions and appearance shall replicate those of the existing light poles to the maximum extent feasible.

S. Portable Monopoles.

1. **Temporary Replacement Monopoles.** A portable monopole is permitted during the construction, modification, or replacement of an approved Wireless Facility. Placement of the portable monopole shall be approved by the Community Development Director.
2. **Special Event Monopoles.** A portable monopole is permitted during a special event. Placement of the portable monopole shall be approved as part of the Special Event permit, in accordance with Section 6.8.

4.4.6 Application Submittal Requirements

- A. Wireless Facility Information Required.** In addition to any information required for applications for a Conditional Use Permit pursuant to Section 6.7, applications for a Wireless Facility shall submit the following information:
1. A scaled site plan clearly indicating the location, type, and height of the proposed tower or antenna, including:
 - a. On-site structures, land uses and zoning designation(s);
 - b. Adjacent structures, land uses and zoning within fifty (50) feet of the property line (including when adjacent to other municipalities);
 - c. The setback distance between the proposed Wireless Facility to all applicable building structures, residential, uses, and commercial and industrial zoned properties as set forth in Table 4.4-3;
 - d. Adjacent roadways and proposed (or existing) means of access; and
 - e. Required and proposed setbacks from property lines.
 2. A CUP application requires a photo simulation of the proposed Wireless Facility as reviewed from adjacent right-of-way(s). The Community Development Director may request additional simulations as necessary to determine the visual impact of the proposed facility;
 3. The separation distance from other Wireless Facilities described in the inventory of existing sites submitted, pursuant to this Section, shall be shown on a site plan or map. The applicant shall also identify the type of construction of the existing Wireless Facility and the owner/operator of the existing Wireless Facility, if known;
 4. A description of compliance with Section 4.4.5, "General Development Requirements", and all Applicable federal, State, county or local laws;
 5. A notarized statement by the applicant as to whether construction of the Wireless Facility will accommodate co-location of additional Wireless Facilities for future users;

6. If applicable, an analysis explaining the reasons co-location is not feasible on existing Wireless Facilities, or other vertical structures in the vicinity, and describing the alternative technologies considered to provide similar services in lieu of a new tower or antenna;
7. A CUP application requires a description of the feasible alternative location(s) of future Wireless Facilities within the City based upon existing physical, engineering, technological or geographical limitations in the event the proposed Wireless Facility is not erected;
8. A statement of compliance with applicable Federal Communications Commission (FCC) Radio Frequency (RF) exposure standards; and
9. Additional information may be required as deemed necessary to determine compliance with the goals of this Section.

4.5 OUTDOOR LIGHTING

4.5.1 Purpose and Intent

The purpose of this Section is to reduce excessive levels of light intensity so that it does not interfere with the enjoyment of private property, cause safety hazards for drivers and users of the public right of way or obstructs astronomical observations in the area. The regulations for Outdoor Lighting have the following specific objectives:

- A.** To establish procedures and standards that minimize light trespass and light pollution.
- B.** To reduce glare and conserve energy by controlling the artificial illuminating devices emitting rays into the night sky.
- C.** To preserve the low light level conditions that are inherently characteristic of the rural lifestyle.
- D.** To allow only the quantity and level of lighting necessary for safety, security and the enjoyment of private property.

4.5.2 Conformance With Applicable Codes

- A.** All outdoor lighting fixtures shall be installed in conformance with the provisions of this Ordinance and the applicable provisions of the Building Codes, Electrical Codes and Sign Code requirements currently in effect in the City of Eloy and under appropriate permit and inspection.
- B.** Where any provisions of the Arizona Revised Statutes, or any federal law, or any companion ordinance conflicts with the requirements of these outdoor lighting provisions, the most restrictive shall govern.

4.5.3 Applicability

- A. Existing Buildings and Uses**

Any new outdoor lighting installed upon a building or parcel, lot or tract of land shall meet the requirements of this Ordinance with regard to the pole height, lamp type and shielding requirements. The total outdoor light output, after the new lights are installed, shall not exceed that intensity of light that was emitted in a legally non-conforming manner prior to the lighting component update or modification.

B. New Uses, Buildings, and Major Additions or Modifications

The requirements of this Ordinance apply to any and all new and major additions to land uses, developments, buildings, or structures.

1. Major Additions

If a major addition occurs on a property, the entire property shall comply with the requirements of this Ordinance. For purposes of this Section, the following are considered to be major additions:

- a. Additions of twenty-five (25) percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions subsequent to the effective date of this Ordinance; and
- b. Single or cumulative modification or replacement of outdoor legally installed lighting fixtures constituting twenty-five (25) percent or more of the lumens that would be permitted under this Ordinance for the property, no matter the actual amount of lighting already on a non-conforming site, constitutes a major addition for purposes of this section

2. Minor Additions or Modifications

Additions or modifications of less than twenty-five (25) percent in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces to existing uses shall require the submission of a complete inventory and site plan detailing all existing and any proposed new or modified outdoor lighting. Any new or modified outdoor lighting on the site shall meet the requirements of this Ordinance with regard to pole height, shielding and lamp type; the total amount of light emitted (after the modifications are complete) shall not exceed that which was emitted on the site before the modification, or that light intensity permitted by this Ordinance, whichever is larger.

C. Change of Use

Whenever the use of any existing building, structure or premises is intensified through the incorporation of additional dwelling units, gross floor area, seating capacity, or other units of measurement which create a need for an increase in the total number of parking spaces of twenty-five (25) percent or more (either with a single change or cumulative changes subsequent to the effective date of this Ordinance) then all outdoor lighting shall be reviewed and brought into compliance with the requirements of this Ordinance before the use is resumed (to the maximum extent feasible) as determined by the Zoning Administrator.

4.5.4 Exemptions

The following outdoor lighting uses and/or luminaires are hereby exempt from the provisions of this Ordinance:

- A. Emergency lighting used by police, fire fighting, governmental, military, correctional facilities or medical personnel is exempt from the requirements of this Ordinance so long as an emergency situation exists.
- B. Streetlights installed and used in public rights of way.
- C. Outdoor lighting in which lumens are produced directly by the regulated combustion of fossil fuels within enclosed housings such as gas lamps, lanterns and/or fire pits.
- D. Lighting of any outdoor recreational or athletic field, court, track or range. See Section 4.5.5 (G) for additional requirements.
- E. Federal, State and City Facilities: Those facilities and lands owned, operated or protected by the U.S. federal government, state, or the City are exempted by law from all requirements of this article. Voluntary compliance with the intent of this article of those facilities is strongly encouraged.
- F. Holiday Lights: Low wattage outdoor lighting fixtures for traditional holiday decorations; except for floodlights or spotlights.
- G. Landscape Lighting: Landscape accent lighting consisting of low voltage light fixtures and/or incandescent bulbs, under thirty-five (35) watts per fixture, are exempt provided they are shielded.
- H. Special Event Lighting: Outdoor lighting associated with a use in which a Special Event Permit must be obtained from the City of Eloy. Such special events shall include, but not be limited to, any fair, parade, march, procession, festival, street dance, circus, carnival, concert, performance, rodeo, race, Christmas tree sales lot or another temporary activity using outdoor spaces and inviting public participation and patronage (with or without charge) whether held on public or private property.

4.5.5 General Requirements

A. Preferred Light Sources

Due to their high energy efficiency, long life, and spectral characteristics, low pressure sodium and narrow spectrum amber LED lamps are the preferred light sources for minimizing adverse effects to the enjoyment of private property and on astronomical observations. However, other light sources such as high-pressure sodium, incandescent, and fluorescent lighting are also permitted.

B. Prohibited Light Sources

1. Mercury Vapor Lamps - The installation, sale, offer for sale, lease or purchase of any mercury vapor lamp for use as outdoor lighting is prohibited. The use of legal, non-conforming mercury vapor light fixtures (installed prior to 1983) is prohibited after January 1, 2011, as per ARS 49-1104.
2. The installation of metal halide or quartz halogen lamps, light sources or fixtures.
3. Laser Light Sources: The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal ground plane is prohibited.
4. Searchlights: The operation of searchlights for purposes other than emergency conditions is prohibited.
5. Light Standards (Poles): The installation of poles over twenty (20') feet in height and/or having more than two (2) light fixtures per pole; except for recreational fields.
6. Signage: Bottom mounted outdoor light fixtures for any advertising sign lighting is prohibited.
7. Security Lighting: Dusk to dawn lights are prohibited. Unshielded wall pack type fixtures are prohibited.
8. Landscaping: Unshielded floodlight or spot light fixtures are prohibited.
9. Floodlighting: Building mounted floodlights used for area lighting and or yard security lighting is prohibited, unless the floodlight fixture is fully shielded, directed downward and does not cause or create spill lighting.
10. Temporary: Any temporary lighting that violates the provisions of this article.

C. Total Outdoor Light Output

1. Total Outdoor Light Output, (excluding interior building lighting and streetlights and pedestrian lighting used to illuminate public rights-of-way) shall not exceed the following lumens per acre as identified in Table 4.5-1.

Table 4.5-1: Maximum Total Light Output Standards			
Light Output	Land Use Categories		
	Single-family Residential Detached (lumens per parcel including accessory structures)	Single-family Residential Attached, Multiple Family (lumens per parcel)	Commercial and Industrial (lumens per net acre)
Total (shielded + unshielded)	10,000	50,000	100,000
Maximum Unshielded Component	4,000	5,000	10,000
Maximum Color Correlated Temperature (CCT) Rating per individual light source*	3,000K	3,000K	3,000K

*This represents the maximum CCT levels permitted. Lower CCT levels are encouraged.

2. Fully shielded light fixtures located within open parking garages, or located under canopies, building overhangs, or roof eaves, where all parts of the light fixture are located at least five (5) feet, but less than ten (10) feet from the nearest outdoor opening, canopy, or overhang edge shall only contribute towards twenty-five (25) percent of the lumen outputs for said luminaire/light source.
3. Fully shielded light fixtures located within open parking garages, or located under canopies, building overhangs, or roof eaves, where all parts of the light fixture are located at least ten (10) feet from the nearest outdoor opening, canopy, or overhang edge shall only contribute towards a maximum of ten (10) percent of the lumens outputs for said luminaire/light source.

D. Shielding

All outdoor luminaires or fixtures, except those exempt from this article, shall be fully shielded in accordance with the provisions of this Ordinance, or in association with current Illuminating Engineering Society of North America (IESNA) guidelines. Light sources that must be shielded shall be shielded in a manner that the bulb or light source from the fixture is not at all visible from an adjoining property or from the street view when viewed horizontally to the fixture.

E. Non-Residential Lighting

The following standards apply to outdoor lighting of all non-residential zoning districts and/or uses unless exempt, as per Section 4.5.4 of this Ordinance:

1. **Mounting Height:** The height of any exterior fixtures shall not exceed twenty (20) feet from finished grade.
2. **Light Trespass:** Luminaires shall be designed and installed so as not to create conditions of light trespass on any adjacent property. All outdoor light fixtures shall be directed downward and shall be fully shielded. Outdoor light fixtures shall be directed away from any residential property and shall not detract from driver visibility on adjacent streets. Spill light from any fixture shall be minimized and shall not spill beyond the property line on which the fixture is located.
3. **Shielding:** Luminaires shall be fully shielded and/or aimed downward to reduce the formation of skyglow.
4. **Color:** The rated Correlated Color Temperature (CCT) of light sources shall not exceed 3000K.
5. **Curfew:** All outdoor lighting shall be extinguished at 10:00 PM, or within one hour of the close of business or end of normal operating hours of a facility, whichever is later in the day.
6. **Wall Packs:** The use of unshielded wall pack luminaires in any application is prohibited.
7. **Safety/Security Lighting at Building Entrances:** In non-residential districts, within a fifteen (15) foot radius of the entry door, there shall be the inclusion of a lighting fixture to distinguish the building entrance. Within the commercial, industrial and aviation overlay zoning districts, building or wall mounted fixtures shall be fully shielded and shall not exceed a mounting height of ten (10) feet or a height equal to one-third (1/3) the height of the building wall on which they

are mounted, whichever is greater; except that a fully shielded light fixture may be mounted above a bay door or hangar door. The maximum height of lighting standards (poles) used for security purposes, excluding parking lot lighting, shall be twelve (12) feet.

8. Parking Lot Lighting:

- a. Within non-residential zoning districts, the maximum height of parking area lighting standards (poles) shall be twenty (20) feet within the interior of the parking area and sixteen (16) feet at or along the perimeter of the parking area. If the parking area abuts a residential zoning district, the maximum height of the lighting standards (poles) shall be sixteen (16) feet within the interior of the parking area and twelve (12) feet at or along the perimeter of the parking area.
 - b. The use of short bollard style shielded light fixtures may be considered in lieu of overhead lighting for parking lot lighting in residential neighborhoods or residentially zoned property.
 - c. All parking area lighting, serving commercial businesses, shall be turned off one-half (1/2) hour after the close of the business (es) that the parking area serves or as required for the safety of the employees leaving the business.
- 9. Outdoor Signage:** All exterior lighting fixtures used to externally illuminate an outdoor advertising sign shall be internally lit within a cabinet or mounted on the top of the sign structure, and fully shielded and directed downward.

F. Residential Lighting

The following standards apply to outdoor lighting of all residential zoning districts and/or uses unless exempt, as per Section 4.5.4 of this Ordinance:

1. **Mounting Height:** Exterior fixtures shall be mounted in or on a building wall not to exceed eight (8) feet above finished grade and shielded in such a manner as to avoid creating concentrated light (hot spots) on the structures to which they are mounted.
2. **Light Trespass:** Luminaires shall be designed and installed so as not to create conditions of light trespass on any adjacent property. All outdoor light fixtures shall be directed downward and shall be fully shielded. Outdoor light fixtures shall be directed away from any residential property and shall not detract from driver visibility on adjacent streets. Spill light from any fixture shall be minimized and shall not extend beyond the property line on which the fixture is located.
3. **Shielding:** Luminaires shall be fully shielded and/or aimed downward to reduce the formation of skyglow. Residential dwellings may install partially shielded light fixtures such as sconces but only at the garage and primary entryway. The application of lighting to architectural features, such as but not limited to, building facade lighting, shall be minimized with all light directed downward away from adjacent lots, streets, and open spaces.
4. **Color:** The rated Correlated Color Temperature (CCT) of light sources shall not exceed three thousand (3000) K.

5. **Light Output:** The light output of exterior lighting shall be limited to one thousand (1000) lumens per luminaire, unless fully shielded.
6. **Safety/Security Lighting:** In residential zoning districts, building or wall mounted fixtures are fully shielded and shall not exceed a mounting height of ten feet (10'). In residential zoning districts, security lighting must be controlled separately from all other lighting with the security lights controlled by timers that regulate their operation time to a maximum of ten (10) minutes and limited to lamps with a maximum of seven hundred fifty (750) lumens. Motion sensor/detector light fixtures, that are fully shielded, are the preferred type for security lighting.
7. **Parking Lot Lighting:** Within the multiple residence zoning districts, lighting standards (poles) located within the parking areas shall be limited to a maximum height of twelve (12) feet. Motion sensor/detector light fixtures are encouraged to be placed under the parking shade canopy, if such canopies are proposed, to provide both security and parking area lighting.
8. **Outdoor Signage:** All exterior lighting fixtures used to externally illuminate an outdoor advertising sign shall be internally lit within a cabinet or, if mounted on the top of the sign structure, shall be fully shielded and directed downward.

G. Recreational and Athletic Field Lighting

Lighting of any outdoor recreational or athletic field, court, track or range is exempted from the provisions of this Ordinance, provided it meets all of the following conditions:

1. **Class of Play:** Lighting, in all cases, for outdoor events, athletic fields, courts, pools, tracks or ranges shall be designed in accordance with the lighting types, specifications and illuminance targets of the IESNA.
2. **Off-site impacts:** Every reasonable effort must be undertaken to limit the impact of recreational or athletic lighting to the formation of skyglow and light trespass through proper shielding and aiming of luminaires.
3. **Curfew:** All lighting associated with recreational or athletic facilities shall be fully extinguished within one (1) hour of the end of play or 10:00 PM, whichever is later.
4. **Non-field lighting:** All site lighting not directly illuminating the field, court, track or range where play occurs shall conform to the applicable requirements of this Ordinance.

H. Architectural/Landscape Lighting

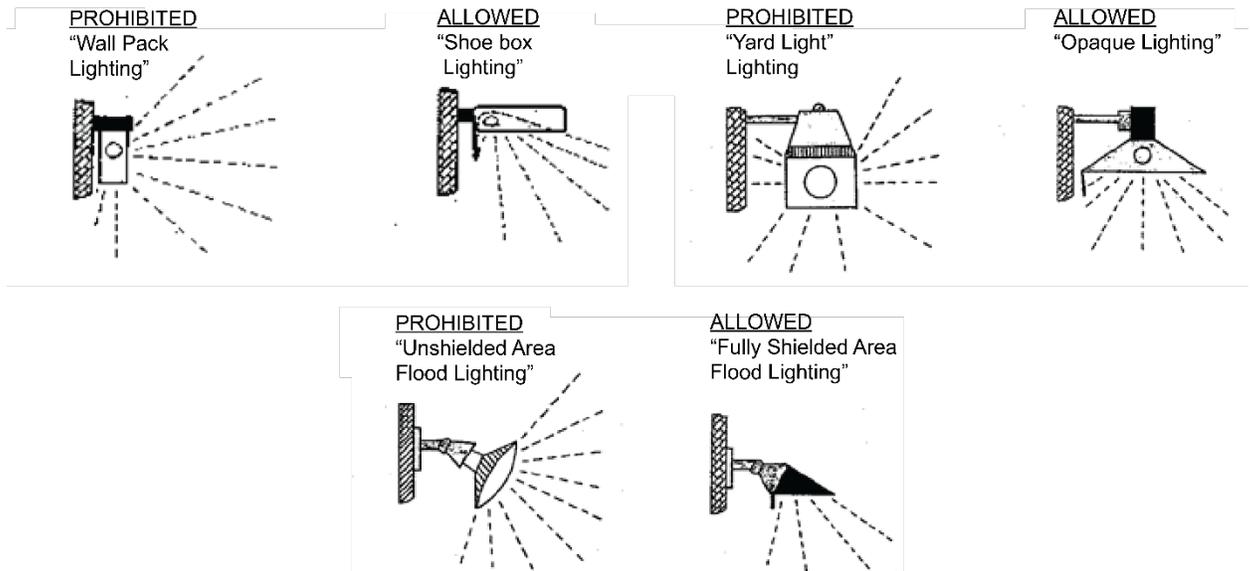
Architectural lighting used to illuminate the wall or other feature of a building or landscape lighting used to illuminate trees or other landscape elements is permitted subject to the following:

1. Short bollard style partially shielded light fixtures or low wattage string lighting of specimen trees is preferred to that of building mounted lighting.
2. Architectural and/or landscape lighting is not permitted to be directed upward towards a building or landscape feature.

3. Architectural and/or landscape lighting that is directed downward shall be included in the calculation for Maximum Total Outdoor Light Standards in Table 4.5.1.
4. All outdoor ambient lighting fixtures shall be turned off one-half (1/2) hour after the close of the business or as required for the safety of the employees leaving the business.

4.5.6 Design Standards

- A. All light fixtures shall be "fully shielded" fixtures that minimize light trespass and skyglow (greater than 90 degrees) becoming nuisance lighting on adjacent/ neighboring property, creating "hot spots" on the structures to which they are mounted, and light pollution to the neighborhood and community. Recessed lights in exterior soffits, eaves, or ceilings shall have a forty-five-degree (45°) cutoff.
- B. Fixtures shall be directed downward and properly aimed on the targeted areas to maximize their effectiveness and minimize the total number of lighting fixtures.
- C. The following illustrations exemplify the more basic styles of lighting fixtures and are for illustrative purposes only. Fixtures and/or fixtures similar to those labeled as prohibited are prohibited by this Section.



4.5.7 Non- Conforming Lighting:

- A. All existing outdoor lighting that was legally installed before the effective date of this Ordinance (and that does not conform with the provisions of this Section) shall be considered non-conforming. Non-conforming outdoor lighting is allowed to remain until required to be replaced pursuant to the terms of this Section.
- B. Luminaires and lighting installations that do not conform to the provisions of this Ordinance, as of its effective date, shall be allowed to remain in a non-conforming

state until seven (7) years from the effective date, at which point they must be brought into conformance.

- C. In the event that the use of a non-conforming outdoor luminaire is discontinued for six (6) months or is damaged to the point of requiring repairs for safe operation, the repaired or replacement luminaire shall comply with the provisions of this Ordinance.
- D. After seven (7) years, from the effective date of this Ordinance, all non-conforming luminaires and installations shall immediately be brought into conformance upon a registered written complaint.
- E. All non-conforming luminaires and lighting installations shall be brought into conformance upon replacing a failed lamp or performing any significant maintenance or upgrade to the luminaire, or expansion of the lighting installation.

4.5.8 Procedures for Compliance

A. Time Limitations:

When an application for a change in use, an expansion, modification, or structural alteration to a building or site that has existing legal nonconforming outdoor lighting is submitted to the City, all exterior lighting fixtures shall be brought into conformance with the provisions of this Section at the time of permit issuance.

B. Application:

1. Any individual applying for a building or use permit under the City regulations intending to install outdoor lighting fixtures shall, as a part of said application, submit evidence that the proposed lighting will comply with this Section.
2. All other individuals intending to install outdoor lighting fixtures shall submit an application to the Building and Safety Division providing evidence that the proposed work will comply with this Section. Landscape lighting or decorative lighting consisting of low voltage light fixtures and/or incandescent bulbs under thirty-five (35) watts per fixture may be exempt from the requirements of this subsection.

C. Contents of Application:

The application shall contain, but shall not necessarily be limited to, the following information:

1. Plans indicating the proposed luminaire location on the building and the site (if applicable), and the height of the standard (pole), type of illuminating devices, fixtures, lamps, supports, other devices, the aiming angles, and a statement of the proposed hours when the luminaries will be on and when they will be extinguished.
2. Manufacturer's catalog cut sheets and drawings that describe the illuminating devices, fixtures, lamps, lumen outputs and wattages, supports, and other devices, etc.

3. For commercial and industrial uses and for all lighted parking lots, a photometric analysis that includes a lumens/foot candle grid (a minimum of 10 foot between each grid point) that demonstrates adequate intensities and uniformity as well as the maximum lighting intensity (at 5'6" eye illumination levels) as measured at the property lines.

D. Issuance of Permit:

Upon compliance with the requirements of this Section, the Building and Safety Division shall issue a permit for installation of the outdoor lighting fixtures, to be installed per the approved application. In the event the application is part of a building permit application, the issuance of the building permit will be granted if the applicant is in complete compliance with this Section as well as other pertinent laws and regulations.

E. Amendment to Permit:

Should the applicant desire to substitute outdoor light fixtures or lamps after a permit has been issued, the applicant must submit all changes to the Building and Safety Division for approval, with adequate information to assure compliance with this Section.

section 5 - ADMINISTRATION

5.1 PURPOSE

This Chapter defines the authority and responsibilities of City staff and official bodies in the administration of this Zoning Ordinance.

5.2 CITY COUNCIL

The City Council is the governing body of the City of Eloy as established in Chapter 2-11.1 of the City of Eloy City Code.

5.2.1 Powers and Duties

The City Council shall have the following powers and duties relating to the administration and enforcement of this Zoning Ordinance:

- A.** Act as the review and decision-making body on all specified planning matters as outlined in this Ordinance or by State law;
- B.** Take such other action not expressly delegated exclusively to the Community Development Director, the Planning & Zoning Commission, or the Board of Adjustment as the City Council may deem desirable and necessary to implement the provisions of this Ordinance.
- C.** To hear, review and consider recommendations of the Planning & Zoning Commission on zoning applications, conditional use permits, final plats, and appeals, in accordance with the provisions of this Chapter.
- D.** To initiate, hear, review and adopt amendments to the text and/or zoning district map after recommendation by the Planning & Zoning Commission in accordance with the provisions of this Chapter.
- E.** To initiate, adopt, and amend the General Plan; including the text, maps and exhibits, and all elements of the General Plan, after recommendation by the Planning & Zoning Commission in accordance with the provisions of this Chapter and by State law.
- F.** To initiate, adopt, and amend the General Plan; including the text, maps and exhibits, and all elements of the General Plan, after recommendation by the Planning & Zoning Commission in accordance with the provisions of this Chapter.

5.3 PLANNING & ZONING COMMISSION

The Planning & Zoning Commission shall be established as set forth in Chapter 31.24 of the City of Eloy City Code (A.R.S. § 9-461.02). The Planning & Zoning Commission shall serve in an advisory function to assist the City Council in making decisions pertaining to amendments to the General Plan and this Chapter, and applications for development approval. In no event is the Commission authorized to render a final decision approving,

denying, or conditionally approving a change in the Zoning Ordinance or General Plan, or to render a final decision on an application for development approval; except as otherwise authorized in this Section of the Ordinance.

5.3.1 Powers and Duties

The Planning & Zoning Commission shall have the following powers and duties:

- A. Initiate, conduct hearings, and make recommendations to the City Council on proposed amendments to the General Plan map and text, pursuant to Section 6.4;
- B. Initiate, conduct hearings, and make recommendations to the City Council on proposed amendments to the Zoning Map and to the text of this Zoning Ordinance, pursuant to Sections 6.5 and 6.6;
- C. Initiate, conduct hearings, and make recommendations to the City Council on proposed specific plans or specific area plans, pursuant to Sections 6.4 and 6.6;
- D. Initiate, conduct hearings, and make recommendations to the City Council on proposed conditional use permits, pursuant to Section 6.7;
- E. Initiate, conduct hearings, and make recommendations to the City Council on proposed modifications to approve conditional use permits,
- F. Initiate, conduct hearings, and make recommendations to the City Council on proposed preliminary plats, pursuant to Chapter 15 of the Eloy Subdivision Regulations;
- G. Initiate, conduct hearings, and make recommendations to the City Council on proposed final plats, pursuant to Chapter 15 of the Eloy Subdivision Regulations;
- H. Hear and decide Site Plan Review decisions brought forth by the Community Development Director due to special circumstances of the application, pursuant to Section 6.11;
- I. On an annual basis review and make recommendations to the Mayor and City Council concerning the General Plan as well as plans for the development of any land outside the City's planning area, which in the opinion of the Commission, is substantially related to the planning of the City.
- J. To conduct the required "citizen review" session prior to a public hearing on any application for a rezoning of property, adoption or amendment of a specific plan or a Zoning Ordinance text and/or map amendment. The purpose of the citizen review process is to provide an opportunity for citizen involvement and public awareness.
- K. To confer and advise with other city, county, regional, or state planning agencies and commissions.
- L. Exercise such other powers and perform such other duties as are provided by law and directed by the City Council.

5.3.2 Membership

- A.** The Planning & Zoning Commission shall consist of five (5) members, two (2) alternate members and one ex officio non-voting City Council member. All members must have been residents of the City for six (6) months and maintain residency for the duration of the term to which they have been appointed. All members shall be appointed by a majority vote of, and serve without compensation at the pleasure of, the City Council. Alternate members shall only take part in those hearings where a regular member is absent and when appointed to do so by the chair. There shall never be more than five (5) members at any one time participating in a hearing of the Planning & Zoning Commission.

5.3.3 Term Of Office

- A.** The term of office of the voting members of the Planning & Zoning Commission shall be three (3) years, with the terms of members so staggered that the terms of no more than two (2) members shall expire on January 1 in any one (1) year.
- B.** The term of the ex officio non-voting member shall be made at the first regular meeting of the City Council subsequent to the Mayor and City Council elections. The incumbent Planning & Zoning Commissioner shall continue to serve, after the Commissioner's term of office has expired, until a successor has been appointed. In the event of a death, resignation, or removal from the Commission, a resident appointed by the City Council shall fill the vacancy, for the remainder of the unexpired term.

5.3.4 Nonattendance

- A.** Two (2) successive unexcused absences from any regular meeting shall be deemed to constitute the retirement of such member and the position shall thereupon be declared vacant.

5.3.5 Removal

- A.** The City Council may remove any member of the Planning & Zoning Commission, if written charges are filed with the City Council against a Commissioner, on the basis of nonattendance, inefficiency, or neglect of duty.

5.3.6 Planning & Zoning Commission Organization

- A.** Officers: The Planning & Zoning Commission shall elect a Chairperson and Vice Chairperson from among its own members at its first meeting in January each year. The Chairperson shall preside at all meetings and shall take such actions as necessary to preserve order and the integrity of all proceedings before the Planning & Zoning Commission. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability.
- B.** Meetings: Meetings of the Planning & Zoning Commission shall be open to the public. Public input shall be permitted in public meetings on matters before the Commission. The minutes of the proceedings, showing the vote of each member

and records of its examinations and other official actions, shall be kept and filed with the office of the City Clerk as a public record.

- C. Quorum: Three (3) members of the Planning & Zoning Commission shall constitute a quorum for the transaction of business. No matter may be considered by the Commission unless there are three (3) or more members present who are eligible/qualified to vote on the matter. The affirmative vote of at least the majority of the quorum present and voting shall be required to pass a motion. If a member has been present for the entire presentation of an issue that member may abstain from voting only because they have a conflict of interest. If a member has a conflict of interest, he/she shall declare said conflict of interest prior to the presentation and/or shall abstain from all discussion and deliberation on the matter in question. One (1) or more members of the Planning & Zoning Commission may attend by telephonic means.
- D. Rules and Regulations: The Planning & Zoning Commission shall follow "Robert's Rules Of Order" for the conduct of its meetings in the event of a procedural dispute. The Planning & Zoning Commission may make and publish bylaws to govern its proceedings and to provide for its meetings. The bylaws are to be reviewed by the City Attorney and approved by the City Council.

5.4 BOARD OF ADJUSTMENT

There is hereby established, pursuant to Arizona Revised Statutes, 9-462.06 et seq., a City of Eloy Board of Adjustment ("Board").

5.4.1 Powers and Duties

In addition to any authority granted to the Board of Adjustment by Arizona state law, the Board shall have the following powers and duties:

- A. To hear and decide appeals in which it is alleged that there is an error in an order, requirement or decision made by the Zoning Administrator in the enforcement of this Chapter. This power shall include the power to reverse, affirm, or modify, wholly or partly, any order, requirement or decision of the Zoning Administrator properly appealed to the Board, and make such order, requirement, decision or determination as is necessary.
- B. To hear and decide requests for variances from the terms of this Chapter, only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of this Chapter will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the same zoning district in which such property is located.
- C. A variance from the terms of this Chapter may only be granted upon the presentation of evidence demonstrating that the specific requirements established by state statutes have been satisfied:

1. There exist special circumstances or conditions regarding the land or building for which the variance or adjustment is sought, which do not apply generally to other land or buildings in the same zoning district; and
2. The above special circumstances or conditions are preexisting and are not created or self-imposed; and
3. The variance is necessary for the preservation of substantial property rights. Without a variance, the property cannot be used for purposes otherwise allowed in the same zoning district and the variance or adjustment, as granted, is the minimum adjustment that will accomplish this purpose; and
4. The granting of the adjustment will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, or to the neighborhood or the public welfare.

D. The Board of Adjustment may not:

1. Make any changes in the uses permitted in any zoning classification or zoning district; or
2. Make any changes in the terms of this Chapter, provided the restrictions in this paragraph shall not affect the authority to grant variances pursuant to state statutes.

E. Membership: The Board shall consist of five (5) members who shall be residents of the City of Eloy. All members must have been residents of the City for six (6) months and maintain residency for the duration of the term to which they have been appointed. All members shall be appointed by a majority vote of, and serve without compensation at the pleasure of, the City Council.

F. Term Of Office: The term of office of the members of the Board shall be three (3) years, with the terms of members so staggered that the terms of no more than two (2) members shall expire on January 1 in any one year. The incumbent member shall continue to serve, after their term of office has expired, until a successor has been appointed. In the event of a death, resignation, or removal from the Board, the City Council shall fill the vacancy for the unexpired term.

G. Nonattendance: Two (2) successive unexcused absences from any regular meeting shall be deemed to constitute the retirement of such member and the position shall thereupon be declared vacant.

H. Removal: The City Council may remove any member of the Board, if written charges are filed with the City Council against a member of the Board, on the basis of nonattendance, inefficiency, or neglect of duty.

I. Organization Of Board Of Adjustment:

1. **Chairpersons:** The Board shall elect a Chairperson and a Vice Chairperson from the members of the Board at the first meeting held in each calendar year. The Chairperson shall preside at all meetings, administer oaths and take evidence. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability.

2. **Meetings:** Meetings of the Board of Adjustment will be called as needed by the Chair of the Board. Meetings of the Board shall be open to the public, and public input shall be taken at the discretion of the Chairman. The minutes of the proceedings, showing the votes of each member and records of its examinations and other official actions, shall be kept and filed with the City Manager, City Council, and with the office of the City Clerk as a public record.
 3. **Quorum:** Three (3) members of the Board shall constitute a quorum for the transaction of business. No matter may be considered by the Board unless there are three (3) or more members present who are eligible/qualified to vote on the matter. The affirmative vote of at least the majority of the quorum present and voting shall be required to pass a motion. If a member has been present for the entire presentation of an issue that member may abstain from voting only because they have a conflict of interest. If a member has a conflict of interest he/she shall declare said conflict of interest prior to the presentation and shall abstain from all discussion and deliberation on the matter in question. One or more members of the Board of Adjustment may attend by telephonic means.
 4. **Rules And Regulations:** The Board shall follow "Robert's Rules Of Order" for the conduct of its meetings in the event of a procedural dispute. The Board may make and publish bylaws to govern its proceedings and to provide for its meetings. The bylaws are to be reviewed by the City Attorney and approved by the City Council.
- J. Appeals Of Board Of Adjustment Decision:** A person aggrieved by a decision of the Board of Adjustment or an officer or department of the City of Eloy affected by a decision of the Board may, at any time within thirty (30) days after the Board has rendered its decision, file a complaint for special action in Superior Court to review the Board's decision.

5.5 ZONING ADMINISTRATOR

Pursuant to Arizona Revised Statutes, Chapter 9-462.05 (C), the staff position of Zoning Administrator is hereby established for the general and specific administration of this Chapter. The Zoning Administrator is hereby charged with the responsibility for enforcement of this Chapter but may also be referred to as the Community Development Director. During any period that the position of Zoning Administrator is vacant, the City Manager or his/her designated representative shall perform the duties of the Zoning Administrator.

5.5.1 Powers and Duties of the Zoning Administrator

The Zoning Administrator shall have the following duties:

- A. To establish rules, procedures and forms to provide for the efficient and timely processing of applications or requests for action under the provisions of this Chapter.
- B. Accomplish all administrative actions required by this Ordinance, including the giving of official notifications, scheduling of hearings, preparation of reports,

receiving and processing appeals, the acceptance and accounting of fees, and the rejection or approval of permits and plans as provided in other provisions of this Ordinance.

- C. To provide information, advice and recommendations to the Planning & Zoning Commission, the Board of Adjustment, and the City Council with respect to applications, requests for approval and permits required by this Ordinance.
- D. To help ensure that any development or use proceed only in accordance with the terms, conditions, or requirements as established by the City board(s), Planning & Zoning Commission or City Council as a term, condition, or requirement of development and/or permit approval.
- E. To direct such inspections, observations and analysis of any and all erection, construction, reconstruction, alteration, repair or use of buildings, structures or land within the City as is necessary to fulfill the purposes and procedures set forth in this Chapter. No building shall be occupied until such time as the Zoning Administrator has issued a letter of compliance with this Ordinance.
- F. To hear, review and take action on all site plan review applications within any overlay zoning district.
- G. To take such action as is necessary for the enforcement of this Chapter with respect to any violations of this Chapter.
- H. To interpret this Chapter to the public, City departments, and other branches of government, subject to the supervision of the City Manager and general or specific policies established by the City Council.
- I. Undertake preliminary discussions with, and provide nonlegal advice to, applicants requesting zoning adjustment action.
- J. Determine the location of any district boundary shown on the Zoning Map adopted as part of this Chapter when such location is in dispute.
- K. The Zoning Administrator may, due to the complexity of any matter, unless otherwise noted herein, refer a permit application to the Planning & Zoning Commission for recommendation.

5.5.2 Limitations of the Zoning Administrator:

- A. The Zoning Administrator may not make any changes in the uses permitted in any zoning classification or zoning district or make any changes in the terms of this Chapter.

5.5.3 Limitations of the Zoning Administrator:

The Zoning Administrator, or designee, charged with the enforcement of this Ordinance, acting in good faith and without malice in the discharge of the duties described in this Ordinance, shall not be personally liable for any damage that may accrue to persons or property as a result of an act, or by reason of an act or omission in the discharge of their

duties. A suit brought against the Zoning Administrator, or designee, because such act or omission performed by the Zoning Administrator, or designee, in the enforcement of any provision of such code or other pertinent laws or ordinances implemented through the enforcement of this Ordinance or enforced by the enforcement agency shall be defended by the City of Eloy until final termination of such proceedings. Any resulting judgment shall be assumed by the City of Eloy.

5.6 DEVELOPMENT REVIEW COMMITTEE

A Development Review Committee (DRC) is created which shall include the Zoning Administrator, City Planner, City Engineer, Chief Building Official, Police Chief, Eloy Fire District representative, and City Utilities Manager, or their respective designees, and any other City and/or Pinal County staff as deemed appropriate by the Zoning Administrator.

5.6.1 Purpose of the Development Review Committee

The purpose of the Development Review Committee is to review various development plans and/or proposals relating to zoning changes, General Plan amendments, conditional use permits, site plans, preliminary and final subdivision plats, temporary use permits and/or building permits and provide technical review, guidance and direction to the Zoning Administrator in making an administrative decision to approve, conditionally approve, or deny an application for site plan review or design review.

5.6.2 Powers and Duties

The Development Review Committee shall have the following powers and duties:

- A.** Provide a prospective property owner, developer, or homebuilder with advice, guidance or direction for the purpose of achieving development that conforms with Eloy's General Plan, City Code, Zoning Ordinance, Subdivision Regulations or other pertinent regulations, and the City's goals for quality development in the community.
- B.** Advise the Zoning Administrator whether to approve, conditionally approve, or disapprove any application for Site Plan Review or design review. The applicant shall be responsible for proving that the intent and purpose of this Ordinance and other applicable provisions of the Eloy Zoning Ordinance will be satisfied.
- C.** The Committee, upon reviewing an application for site plan review or design review, may recommend to the Zoning Administrator reasonable conditions to carry out the intent of this Ordinance.
- D.** The Committee shall also provide technical review and recommendations to the Zoning Administrator for transmittal to the Planning & Zoning Commission and City Council on zoning amendments, conditional use permits, special use permits, preliminary and final subdivision plats, General Plan amendments, and all other land use and development applications that require Planning and Zoning Commission and/or City Council review and action.
- E.** Meetings shall be at the call of the Zoning Administrator or on an as-needed basis.

- F. The Zoning Administrator shall be responsible for coordinating and directing the meetings of the Committee and issuing all written decisions.

5.7 DOWNTOWN ADVISORY COMMISSION

There is hereby established a City of Eloy Downtown Advisory Commission that is intended to strengthen Downtown Eloy as a social, cultural and economic center of Eloy.

5.7.1 Powers and Duties

The Downtown Advisory Commission shall have the following powers and duties:

- A. Providing input and guidance to City staff, Planning & Zoning Commission and City Council on matters that pertain and are specific to downtown Eloy. These may include, but not be limited to; the Main Street and Frontier Street Façade Improvement Program, landscape designs in the rights of way, public artwork, infrastructure needs, parking options/requirements, architectural standards/designs, special projects, special events/festivals and community gatherings, design and construction of public improvements and/or buildings, and adopt-a-street campaigns.
- B. Soliciting, accepting and reporting input from the community to the City Council.
- C. Funding and budgets for special projects conducted by the City or other government or utility agency in the Downtown Core, including any infrastructure earmarked in the Eloy Capital Improvement Program.
- D. Reviewing, interpreting and modifying revisions to the Downtown streetscape standards.
- E. **Membership:** The Downtown Advisory Commission shall consist of seven (7) members and one ex officio non-voting City Council member who shall be residents of the City of Eloy. All members must have been residents of the City for six (6) months and maintain residency for the duration of the term to which they have been appointed. All members shall be appointed by a majority vote of, and serve without compensation at the pleasure of, the City Council.
- F. **Term Of Office:** The term of office of the members of the Commission shall be three (3) years, with the terms of members so staggered that the terms of no more than two (2) members shall expire on January 1 in any one year. The incumbent member shall continue to serve, after their term of office has expired, until a successor has been appointed. In the event of a death, resignation, or removal from the board, the Commission shall fill the vacancy for the unexpired term.
- G. **Nonattendance:** Two (2) successive unexcused absences from any regular meeting shall be deemed to constitute the retirement of such member and the position shall thereupon be declared vacant.

- H. Removal:** The City Council may remove any member of the Commission, if written charges are filed with the City Council against a member of the Commission, on the basis of nonattendance, inefficiency, or neglect of duty.

I. Organization of the Downtown Advisory Commission:

1. **Chairpersons:** The Commission shall elect a Chairperson and a Vice Chairperson from the members of the Commission at the first meeting held in each calendar year. The Chairperson shall preside at all meetings, administer oaths and take evidence. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability.
2. **Meetings:** Meetings of the Downtown Advisory Commission will be held on the second Wednesday of each month and shall be open to the public, and public input shall be taken at the discretion of the Chairman. The minutes of the proceedings, showing the votes of each member and records of it examinations and other official actions, shall be kept and filed with the City Manager, City Council, and with the office of the City Clerk as a public record.
3. **Quorum:** Five (5) members of the Commission shall constitute a quorum for the transaction of business. No matter may be considered by the Commission unless there are five (5) or more members present who are eligible/qualified to vote on the matter. The affirmative vote of at least the majority of the quorum present and voting shall be required to pass a motion. If a member has been present for the entire presentation of an issue that member may abstain from voting only because they have a conflict of interest. If a member has a conflict of interest he/she shall declare said conflict of interest prior to the presentation and shall abstain from all discussion and deliberation on the matter in question.
4. **Rules and Regulations:** The Downtown Advisory Commission shall follow "Robert's Rules Of Order" for the conduct of its meetings in the event of a procedural dispute. The Commission may make and publish bylaws to govern its proceedings and to provide for its meetings. The bylaws are to be reviewed by the City Attorney and approved by the City Council.

section 6 - zoning procedures

6.1 PURPOSE

This Section provides procedures and requirements for the preparation, filing, and processing of development applications required by this Ordinance.

6.2 PROCEDURES

The preparation and filing of applications for land use permits, entitlements, amendments (e.g., General Plan, Zoning Map, and Zoning Ordinance), and other matters pertaining to this Ordinance shall comply with the following common procedures, unless an exception to the common procedure is expressly identified in subsequent Sections of this Ordinance. Subsequent Sections include additional provisions that are unique to each type of application, including City staff and review board assignments and approval criteria.

6.2.1 Pre-Application Meeting

A pre-application meeting is held with each applicant to discuss the nature of the proposed application, application submittal requirements, the procedure for action, and the standards for evaluation of the application. A pre-application meeting shall be required for all proposed:

1. General Plan Amendments;
2. Text Amendments;
3. Zoning Map Amendments (Rezone);
4. Planned Area Developments;
5. Subdivisions;
6. Conditional Use Permits;
7. Annexations;
8. Site Plan Review; and
9. Variances.

An applicant for a project not requiring a pre-application review may request, in writing to the Zoning Administrator, such review.

A. Pre-Application Filing

Before filing any applications described by this Section, the applicant shall submit a preliminary description of the proposal, accompanied by a fee specified by the adopted fee schedule, for review and comment by the Zoning Administrator and any other persons the Zoning Administrator deems appropriate. This preliminary description shall include, at minimum, authority to file the application, a site plan and project narrative; both of sufficient scope and detail (existing and proposed) so as to allow a basic review of location, land area, land use, land use density/intensity, traffic generation/parking and adjacent streets, stormwater drainage, utility service, monument signage locations and recent issues/previous case history.

B. Pre-Application Meeting

After receipt of a proper preliminary description of the proposal, the Zoning Administrator shall review the proposal and schedule a pre-application meeting. At the meeting, the applicant, the Zoning Administrator or designee, and any other persons the Zoning Administrator deems appropriate to attend, shall discuss the proposed development.

Based upon the information provided by the applicant and the provisions of this Ordinance, the parties should discuss, in general terms, the proposed development, the applicable submittal requirements and standards of this Ordinance, and conditions that may be appropriate to meet the purposes and requirements of this Ordinance.

C. Pre-Application Review/Meeting Waivers

The Zoning Administrator may waive the requirement for a pre-application review and meeting based on a determination that no substantial purpose will be served by the review. In such cases, the Zoning Administrator shall prepare a written statement setting forth the reasons for approving the submittal/meeting waiver.

D. Pre-application Completeness Review Meeting

Following the mandatory pre-application meeting, but prior to filing any application described by this Section, the applicant may request (in writing) a pre-application Completeness Review Meeting with Community Development Staff. Although not required, this meeting is recommended to allow Staff the ability to complete a cursory review of the planned submittal material. It will also identify if any required items are missing that may prevent an application from being accepted. This meeting should be scheduled five (5) several working days prior to the submittal deadline.

6.2.2 Application Submittal (Administrative Completeness Review)

A. Applications

Completed applications shall be submitted to the Community Development Department on a form and in such a manner as established by the Zoning Administrator.

B. Application Schedule

In accordance with A.R.S. §9-835, the Community Development Department shall publish an application schedule, which prescribes the necessary deadline for submitting specified application types in advance of being reviewed by the appropriate decision-making body pursuant to this Ordinance or the A.R.S.

C. Authority to File Applications

Any of the following persons or entities may submit an application:

1. The owner of the property;
2. An agent representing the owner, duly authorized to do so in writing by the owner and notarized by a certified Notary Public in the State of Arizona.

D. Payment, Waiver and Refund of Application Fees

1. Schedule of Fees. The City shall establish fees for all application and permit types. The fee schedule shall be adopted by resolution of the Council. Payment of the fee is required in order for an application to be deemed complete. No application or permit shall be processed without full payment of the applicable fee received by the City of Eloy.
2. Fee Waiver or Deferral. No fee shall be required when the applicant is the City.
3. Refund of Fees. Recognizing that filing fees are utilized to reimburse the City for the costs of public hearings, mailing, posting, transcripts, and staff time involved in processing applications. No refunds shall be issued due to a disapproval of an application, unless:
 - a. In the case of an application withdrawal, the Zoning Administrator may authorize a partial refund based upon the costs incurred to-date and determination of the status of the application at the time of the withdrawal request.
 - b. Unless Fees are Waived by the Mayor and Eloy City Council.

E. Application Completeness Review

Each application filed with the Community Development Department shall be initially processed as follows:

1. Completeness Review. The Zoning Administrator or his/ her designee shall review an application for completeness and accuracy before it is accepted and officially filed. The Zoning Administrator will consider an application complete when:
 - a. All necessary application forms, documentation, exhibits, materials, maps, plans, fees, reports and other information specified in the

application form, and any additional information required by the Zoning Administrator have been provided and accepted as adequate.

- b. All necessary fees have been paid in full and accepted.
2. Notification of Applicant. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Ordinance. If an application is determined to be incomplete, the Zoning Administrator shall provide written or electronic notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a resubmittal and reviewed and approved by the Zoning Administrator.
3. Expiration of Application. If a pending application is not deemed complete within six (6) months after its first filing with the Community Development Department, the application shall expire and be deemed withdrawn. Thirty (30) days prior to that date; Community Development Department staff shall notify the applicant in writing that the application will become inactive.
4. Extension of Application. The Zoning Administrator may grant one (1), six (6) month extension upon written request of the applicant. After expiration of the application, and extension (if granted) a new application, including applicable fees, plans, exhibits and other materials will be required to commence the processing of a new project application on the same, or a portion of the same, property.

F. Additional Information

After the application has been accepted as complete, the Zoning Administrator and/or any decision-making body may require the applicant to submit additional information in order to comprehensively evaluate whether an application complies with the requirements of this Ordinance, State, and/or Federal law.

G. Concurrent Applications

When a project requires approvals under more than one section of the Zoning Ordinance, the individual applications may be processed concurrently as determined by the Zoning Administrator and with the approval of the applicant. Rezoning applications may not be approved simultaneously with General Plan Amendments (GPA), they can only be approved sequentially after GPA adoption. If the GPA is not adopted, then the rezoning application will be cancelled. The request to apply for concurrent processing of applications shall be made in writing by the applicant at his/her sole risk.

H. Application Courtesy Referral

At the discretion of the Zoning Administrator, or where otherwise required by this Ordinance, A.R.S., or Federal law, an application filed in compliance with this Ordinance may be referred for review and comment to any public and/or quasi-public agency that may be directly or indirectly affected by, or have an interest in, the proposed land use activity.

6.2.3 Citizen Review Process

A. Purpose

The purpose of the Citizen Review Process is to provide a process for the applicant, surrounding residential neighbors, and registered neighborhood and homeowner’s association representatives to review a preliminary development proposal and solicit input and exchange information about the proposed development. This Citizen Review Process is intended to result in an application that is responsive to neighborhood issues, enhance predictability in the process and reduce the time, effort and expense. The applicant is responsible for all costs associated with the Citizen Review Process.

B. Applicability

In accordance with A.R.S. §9-462.03, all of the following application types shall conduct a neighborhood meeting, unless as may be otherwise specified in this Section, Eloy City Code, or A.R.S.

1. General Plan Amendments;
2. Zoning Text Amendments;
3. Zoning Map Amendments (Rezoning);
4. Conditional Use Permits;
5. Variances (optional); and
6. Major modification to an approved plan or condition of approval (when original approval requires a neighborhood meeting).

C. Meeting Schedule

The applicant shall be responsible for scheduling and facilitating the meeting. The applicant is required to hold one (1) meeting, prior to the first public hearing of the Planning & Zoning Commission on an application for a specific project, but may hold more, if so desired. The required meeting shall be held at least fifteen (15) calendar days before the first public hearing on the application. Attendance at the meeting by Community Development Department staff is not required and will be determined by the Zoning Administrator on a case-by-case basis.

D. Meeting Location

Neighborhood meetings shall be held at a publicly accessible location near the subject property. The meeting shall be held on a weekday evening at any reasonable time and scheduled by the applicant.

E. Notification Requirements

Notice of the meeting, which shall state a brief description of the application and include the date, time, and place of the meeting, shall be provided by the applicant as follows:

1. Mailing a notice not less than ten (10) calendar days prior to the date of the neighborhood meeting to:

- a. All real property owners, as shown on the most recent Pinal County assessment records, within three hundred (300) feet of the outer boundary of the subject property. This notification area may be expanded if the General Plan or other policy adopted by the City Council requires notification within a larger area or the Zoning Administrator determines the potential impact of the project extends beyond the required notification boundary;
- b. Residents, registered neighborhoods, and homeowner's associations that may be impacted as a result of the application, and other neighborhood entities identified by the City;
- c. Interested parties which have requested that they be placed on a contact list for this application;
- d. Potentially interested parties that have been identified by the City; and the
- e. Community Development Department.

F. Meeting Summary

The applicant shall submit, to the Community Development Department, seven (7) calendar days before the first public hearing on the matter, a written summary of the neighborhood meeting. The following information shall be included in the meeting summary, at a minimum: date, time, and location of the meeting; a copy of the mailing list and meeting sign-in sheet, a summary of how the applicant has addressed or proposes to address the issues, concerns, and objections identified during the meeting.

6.2.4 Application Review and Report (Substantive Review)

After determining that a development application is complete, the Zoning Administrator shall refer the application to the appropriate review agencies and City staff to review the submitted materials, and provide written review comments to the applicant, if necessary. Upon receiving the applicant's final response to review comments, the Zoning Administrator or designee shall prepare a staff report. The staff report shall be made available for inspection and copying by the applicant and the public prior to the scheduled public hearing of the development application. The staff report shall indicate whether, in the opinion of the staff, the development application complies with all applicable standards of this Ordinance. Conditions for approval may be recommended to eliminate any areas of noncompliance or mitigate any adverse effects of the development proposal.

6.2.5 Public Notice Requirements

Public notification required under this Ordinance, shall be subject to the following requirements, unless as may be otherwise specified in the City Code or as set forth in A.R.S. Any changes to Arizona Law notice requirements shall have control over this provision in the manner of providing notice.

A. Summary of Notice Requirements

The following Table 6.2-1 summarizes the notice requirements of the procedures in this Ordinance.

Table 6.2-1: Summary of Notice Requirements					
Application Type	Section	Type of Notification Required			
		Published	Mailed	Posted	Neighborhood Meeting
Major General Plan Amendment	6.4	Per A.R.S. §9-461.06			
Minor General Plan Amendment	6.4	✓	✓	✓	✓
Amendment to Zoning Code Text	6.5	Per Section 6.5.3			
Amendment to Zoning Map	6.6	✓	✓	✓	✓
Conditional Use Permit	6.7	✓	✓	✓	✓
Temporary Use Permit	6.8	None			
Variance	6.9	✓	✓	✓	(Optional)
Sign Permit, Comprehensive Sign Plan	6.10	None			
Master Sign Program	6.10	✓		✓	
Site Plan Review	6.11	None			
Site Plan Review - If referred to Planning and Zoning Commission	6.11	✓		✓	
Annexation	6.12	✓		✓	

B. Content of Public Notice

All required notifications as specified in Table 6.2-1 shall include: the date, time, and place of the hearing; a general explanation of the matter to be considered; a general description of the area affected; and indicate where additional information on the matter may be obtained. If the matter to be considered applies to territory in a high noise or accident potential zone as defined in A.R.S. §28-8461, the notice shall include a general statement that the matter applies to property located in the high noise or accident potential zone.

C. Specific Notice Requirements

Notice as specified in Table 6.2-1, shall be provided as follows:

1. **Published Notice.** A public hearing Display Ad (per A.R.S. §9-462.04) shall be placed by the City, at least once in a local newspaper of general circulation within the City. The advertisement shall be published at least fifteen (15) calendar days prior to the public hearing.
2. **Mailed Notice.** A notice of public hearing shall be sent by the City, via U.S. first class mail, at least fifteen (15) calendar days prior to the public hearing. The applicant shall be responsible for providing the City with mailing labels containing the names and addresses of:
 - a. The applicant or representative and owners of the subject property;
 - b. All real property owners, as shown on the latest Pinal County assessment records, within three hundred (300) feet of the outer boundary of the subject property. This notification area may be expanded if other policy adopted by the City Council requires notification within a larger area or the Zoning Administrator determines the potential impact of the project extends beyond the required notification boundary;
 - c. Residents, registered neighborhoods, and homeowner associations that may be impacted as a result of the application, and other neighborhood entities identified by the City;
 - d. Interested parties which have requested that they be placed on a contact list for this application;
 - e. Interested parties that have been identified by the City;
 - f. If the proposed project involves land that abuts other municipalities or unincorporated areas of Pinal County or a combination thereof, notice of the public hearing shall be sent to the planning agency of the adjacent governmental unit.
 - g. If the proposed project involves land that is located within the territory in the vicinity of a military airport or ancillary military facility as defined in A.R.S Section §28-8461, notice of the public hearing shall be sent to the military airport.
3. **Posted Notice.** A notice of public hearing shall be posted by the applicant on the lot, parcel, or tract of land that is the subject of the application. A minimum of one (1) posting shall be placed in a manner that is clearly visible from the most heavily traveled public right-of-way adjoining the subject property and shall be placed at least fifteen (15) calendar days prior to the public hearing. Such notice shall be composed of weatherproof materials and shall be printed so that the following are visible from a distance of one hundred (100) feet: the application type, the application request (i.e. for a Zoning Map Amendment display the present zoning district classification and the proposed zoning district classification) and the date, time, and location of the hearing. The City shall update the sign as needed and maintain the sign in good condition throughout the required posting period. The posting shall be removed no later than ten (10) calendar days after the public hearing and final action.

4. **Neighborhood Meeting.** A notice of neighborhood meeting shall be provided as specified in Section 6.2.3.E.
5. **Multiple Notices.** When multiple applications are under review for the same project, the responsible noticing body, as specified in this subsection, may simultaneously issue notice for multiple applications.
6. **Validity of Notice.** The validity of the public hearing proceedings shall not be affected by the failure of any person to receive notice or by the presence of minor defects in the notice. Minor defects in the notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notices' primary intent to inform affected parties of the project and the time, date, and place of a public hearing or meeting.

6.2.6 **Public Hearing**

A public hearing, if required under this Ordinance, shall be conducted in accordance with the requirements of this Ordinance, unless as may be otherwise specified in the Eloy City Code or as set forth in A.R.S.

6.2.7 **Written Decision**

The decision to approve or approve with conditions or deny shall be communicated in writing to the applicant within fifteen (15) working or calendar days from the decision. All decisions shall include a statement of approval, approval with conditions, or denial, whichever is appropriate.

6.2.8 **Limitation on Reapplication**

In the event that an application is denied, an application that is substantially the same project or request will not be considered for a period of one (1) year from the date the initial application was denied, except as follows;

- A. A substantial change in circumstances relevant to the issues and/or facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application; or
- B. A new application is proposed to be submitted that is materially different (e.g., proposes new uses, or a substantial decrease in proposed densities and intensities) from the prior application; or
- C. The final decision on the application was based on a material mistake of fact or the foregoing.

6.2.9 **Reconsideration or Rehearing of Decisions**

Decisions of any appointed body under this Ordinance may be brought up for reconsideration or rehearing only if:

- A. There was substantial procedural error in the original proceeding; or
- B. The Zoning Administrator or body acted without jurisdiction in the original proceeding; or
- C. The original decision was based upon fraud or misrepresentation; or
- D. Reconsideration is appropriate to avoid delay or hardship that may be caused by an appeal; or
- E. As requested by a member of the body whose vote was included in the side that prevailed in the motion to be reconsidered.

Any person seeking reconsideration, or a rehearing must file a request with the Zoning Administrator, together with materials supporting one or more of the grounds stated in this subsection, within fifteen (15) working days of the original decision, or within the timeframe established under state law, if applicable. The appointed decision-making body, by majority vote, may decide to hold a rehearing if the rehearing request meets requirements 6.2.9 (A-E) of this Section. A rehearing shall be conducted in the same manner as the original proceedings before the Zoning Administrator or appointed body.

6.2.10 Amendments to Permits or Other Forms of Approval

An approved development or new land use shall be established only as specified by the approved land use permit, and subject to any conditions of approval. An applicant may request, in writing, to amend the approved permit, and shall furnish appropriate supporting materials and an explanation of the reasons for the request.

- A. Minor changes may be approved, modified, or denied by the Zoning Administrator. Major changes shall be approved, modified or denied by the original review authority.
- B. The Zoning Administrator shall determine whether a proposed change is major or minor. The determination that the change is major depends on whether the proposal may result in:
 - 1. Significant impacts to the surrounding neighborhood.
 - 2. Significant environmental impacts.
 - 3. A change to the approved use or a significant change in conformance with the original plan or intent.
 - 4. A change to the basis upon which the review authority made the findings for approval of the project.
- C. A major change request shall be processed in the same manner as the original permit or entitlement.

6.2.11 Appeals

This subsection sets forth the procedures for appeals except for appeals filed pursuant to Subsection 6.2.12, Appeals of Dedications or Exactions to Board of Adjustment. Any decision within the authority of the decision-making body may be appealed, unless the Zoning Ordinance identifies that the decision is final.

A. Applicability

The appropriate decision-making body for each appeal type is identified in Sections 6.4 through 6.12. General appeals in which it is alleged there is an error in an order, requirement or decision made by the Zoning Administrator in the enforcement of this Zoning Ordinance shall be made to the Board of Adjustment pursuant to the provisions of this Subsection 6.2.11.

B. Appeal Process

1. **Filing of Appeal.** Appeals to the Board of Adjustment may be made by persons aggrieved or by any City officer, department, board or bureau of affected by a decision of the Zoning Administrator. An appeal shall be filed with the Community Development Department on a form established by the Director. Within five (5) working days after the appeal is filed, the Zoning Administrator shall transmit all records pertaining to the action appealed to the Board. The appeal shall set forth the decision or decisions being appealed and the grounds upon which the appeal is based. The appeal shall be accompanied by any applicable fees.
2. **Complaint for Special Action.** A person aggrieved by a decision of the legislative body or board of adjustment or a taxpayer who owns or leases the adjacent property or a property within three hundred (300) feet from the boundary of the immediately adjacent property, a City officer or a department affected by a decision of the legislative body or board, may file a complaint for special action in the Superior Court to review the Board of Adjustment decision.
3. **Appeal Period.** All appeals shall be filed within fifteen (15) calendar days of the decision, except for appeals from decisions of the Board of Adjustment or City Council. An appeal from any decision regarding a City Council or Board of Adjustment action (e.g., Variances, Text or Map Amendments) shall be filed with the Superior Court within thirty (30) days of the decision. If no appeal is filed in writing within the relevant fifteen (15) or thirty (30)-day protest period, the decision shall be considered final.
4. **Proceedings Stayed by Appeal.** The timely filing of an appeal, except for appeals related to the Zoning Administrator's interpretation or enforcement of this Ordinance, shall stay all proceedings in the matter appealed.
5. **Appeals.** Appeals made to the Board of Adjustment pertaining to the Zoning Administrator's interpretation or enforcement of this Ordinance shall stay all proceedings in the matter appealed, unless the Zoning Administrator certifies to the Board that, in the Zoning Administrator's opinion by the facts stated in the certificate, a stay would cause imminent peril to life or property. Upon such certification, proceedings shall not be stayed, except by restraining order granted by the Board or by a court of record on application and notice to the Zoning Administrator.

6. **Court Proceedings.** Filing a complaint in the Superior Court does not stay proceedings on the decision sought to be reviewed, but the court may, on application, grant a stay and, on final hearing, may affirm or reverse, in whole or in part, or modify the decision reviewed.
7. **Public Notice.** Prior to consideration of any appeal for which State law or the Zoning Code requires a public hearing, the City shall provide public notification in compliance with Section 6.2.5, Public Notice Requirements or as required by State law, whichever requires the most notice.
8. **Standards.** When reviewing any decision on appeal, the decision-making body shall use the same standards for decision-making required for the original decision.
9. **Hearing Body Action.** Public hearings shall be conducted in accordance with the requirements of this Ordinance, unless as may be otherwise specified in the Eloy City Code or as set forth in A.R.S. The decision-making body for the appeal shall deny or grant the appeal or the decision-making body may remand the matter to the original decision-making body for reconsideration, for additional information or to cure a deficiency in the record or proceeding. The decision-making body shall render its decision within thirty (30) days of the date the hearing is closed unless State law requires a shorter deadline.

6.2.12 Appeals of Dedications or Exactions to Hearing Officer

- A. Any requirement of a dedication or exaction, as a condition of granting approval for the use, improvement, or development of real property may be appealed to a Hearing Officer appointed by the City Council. This Subsection shall not apply to legislatively imposed dedications or exactions in which no discretion by the Zoning Administrator or administrative officer to determine the nature or extent of the dedication or exaction was exercised. In the event of such an appeal, the Zoning Administrator shall prepare a takings impact report. No fee shall be charged for filing an appeal under this Subsection and such appeal shall be conducted as required by A.R.S. §9-500.12.
- B. Appeal of Decision of Zoning Hearing Officer. A property owner aggrieved by a decision of the Zoning Hearing Officer to modify or affirm a dedication or exaction requirement or to affirm a zoning regulation may file, within thirty (30) days after the decision, a complaint in Superior Court, pursuant to A.R.S § 9-500.12G.

6.2.13 Effective Date and Exercising Approval at Risk

- A. A final decision on an application for any discretionary approval subject to appeal (e.g., a Conditional Use Permit, Variance, or Site Plan approval) shall become effective after the expiration of the appeal period following the date of action, unless an appeal is filed. No building permit or business license shall be issued until the day following the expiration of the appeal period, unless, in accordance with Section 6.2.13 (B), the applicant signs a waiver explaining that they understand and accept the risk of proceeding before the appeal period ends.
- B. An approved Conditional Use Permit or Variance or an interpretation favorable to the applicant may be exercised at the applicant's sole risk, and a building permit (if

required) may be issued subsequent to approval by the City Building Official. However, if an appeal of the decision is filed in accordance with the provisions of this Ordinance that reverses in whole or in part or modifies the decision and that causes any construction or use commenced as a result of exercising the decision to be in conflict with the appellate body's decision, then such building permit may be revoked in accordance with the appellate body's decision and any such construction or use may constitute a violation of this Ordinance and may be subject to removal or cessation by the applicant, property owner, or his agent.

6.3 REVIEW AUTHORITY

Table 6.3-1 identifies the City official or body responsible for reviewing and making decisions on each type of application, land use permit and other approvals required by this Ordinance, unless otherwise stated within each applicable procedure Section.

Table 6.3-1: Review Authority					
Procedure	Section	Role of Review Authority			
		R = Review	Rec = Recommendation	D = Decision	
		Zoning Administrator	Board of Adjustment	Planning and Zoning Commission	City Council
General Plan Amendments	6.4	R		Rec	D
Amendment to Zoning Code Text	6.5	R		Rec	D
Amendment to Zoning Map	6.6	R		Rec	D
Conditional Use Permit	6.7	R		Rec	D
Temporary Use Permit	6.8	D			
Variance	6.9	R	D		
Sign Permit, Comprehensive Sign Plan	6.10	D			
Master Sign Program	6.10	R		Rec	D
Site Plan Review	6.11	D		D (If referred to Planning and Zoning Commission)	
Annexation	6.12	R		R	R/D

6.4 GENERAL PLAN AMENDMENT

6.4.1 Purpose and Applicability

The purpose of this Section is to provide procedures by which changes may be made to the text or map of the adopted Eloy General Plan.

6.4.2 Initiation of Amendments

An amendment to the adopted Eloy General Plan text or map may be initiated by:

- A. City Council on its own motion;
- B. The Planning & Zoning Commission;
- C. The Zoning Administrator; or
- D. The Owner of the subject property or authorized agent.

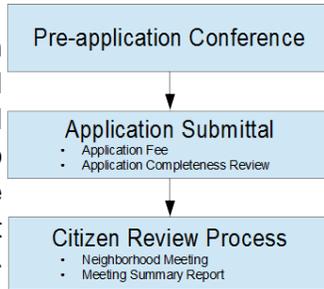
6.4.3 Timing of Amendments

- A. **Major Amendments.** All applications for major amendments to the adopted Eloy General Plan shall be heard by the City Council at a single hearing during the calendar year in which they are filed. Applications for major amendments shall be filed by the date provided on the application schedule in order to be considered in that calendar year.
- B. **Minor Amendments.** Applications for minor amendments may be filed and heard at any time during the calendar year.

6.4.4 General Plan Amendment Application Process

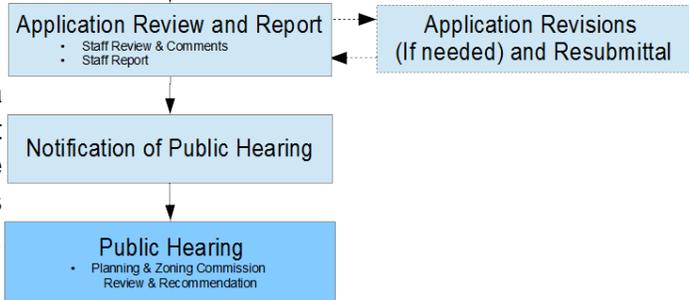
A. Pre-application Conference

Prior to the submission of an application for a General Plan Amendment, all applicants are required to schedule a meeting with the Zoning Administrator, as set forth in Section 6.2.1, Pre-application Conference.



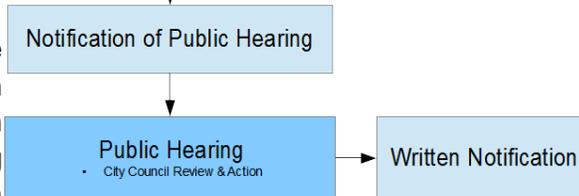
B. Application Submittal

A complete application for a General Plan Amendment shall be submitted to the Zoning Administrator as required by Sec. 6.2.2, Application Submittal.



C. Citizen Review Process

All applications to amend the adopted Eloy General Plan shall be subject to a citizen review process. The Zoning Administrator may establish additional procedures for the citizen review process. The citizen review process shall, at a minimum, conduct a neighborhood meeting in accordance with the procedures set forth in Section 6.2.3, Citizen Review Process.



D. Application Review and Report

Upon receipt of a complete General Plan amendment application, the Development Review Committee shall review the proposed amendment and Zoning Administrator prepare a staff report for transmittal to the Planning and Zoning Commission in accordance with Section 6.2.4, Application Review and Report.

E. Notification

Public notification shall be provided in compliance with Section 6.2.5, Public Notice Requirements. In addition, at least sixty (60) days before a new General Plan or major amendment of a General Plan is noticed pursuant to this subsection, the Community Development Department shall transmit the proposal to the Planning & Zoning Commission and the City Council and shall submit a copy for review and further comment to:

1. The Pinal County Planning Department;
2. Each municipality that is contiguous to the corporate limits of the City;
3. The regional planning agency;
4. The state agency that is designated as the general planning agency for the State of Arizona; and
5. Any ancillary military facility as defined under state law, if an element of or amendment to the General Plan is applicable to territory in the vicinity of such a facility.
6. The attorney general, if an element of or major amendment to the General Plan is applicable to property in the high noise or accident potential zone of any ancillary military facility, as defined under state law.
7. Any person that requests in writing to receive a review copy of the proposal.

F. Planning & Zoning Commission Review and Recommendation

The Planning & Zoning Commission shall conduct at least one (1) public hearing for all General Plan amendments. The Planning & Zoning Commission may recommend the approval, approval with modifications or denial of the proposed amendment. If the Commission fails to make a recommendation to the City Council within ninety (90) days after closing the public hearing, the Planning & Zoning Commission shall be deemed to have recommended denial and the application shall be scheduled for public hearing and action by the City Council.

G. City Council Review and Action

The City Council shall review the application in a public hearing. The City Council may approve, approve with modifications or deny the application. Approval of any major amendment to the General Plan shall require an affirmative vote by at least 2/3 of the members of the Council. Approval shall be by Resolution.

H. Written Notification

The decision to approve or approve with conditions or deny shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.4.5 Issues for Consideration

In determining whether to approve, approve with conditions, or deny proposed General Plan amendments, issues for consideration shall include but not be limited to:

- A.** Whether the development pattern contained in the future land use plan provides appropriate optional sites for the use proposed in the amendment.

- B.** That the amendment constitutes an overall improvement to the Eloy General Plan and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
- C.** The degree to which the proposed amendment will impact the City as a whole or a portion of the City by:
 - 1. Significantly altering acceptable existing land use patterns.
 - 2. Requiring larger and more extensive improvements to roads, sewer, or water systems than are needed to support the prevailing land uses in which, therefore, may negatively impact development of other lands. The Commission and/or the City Council may also consider the degree to which the need for such improvements will be mitigated pursuant to binding commitments by the applicant, a public agency, or other sources when the impacts of the uses permitted pursuant to the General Plan amendment will be realized.
 - 3. Adversely impacting existing uses due to increased traffic on existing systems.
 - 4. Affecting the livability of the surrounding area or the health and safety of present or future residents.
- D.** That the amendment is consistent with the overall intent of the adopted Eloy General Plan.
- E.** Whether there was an error or oversight in the original Eloy General Plan adoption that did not fully consider facts, projects or trends which could reasonably exist in the future.
- F.** Whether events subsequent to the Eloy General Plan adoption have superseded the original premises and findings made upon plan adoption.
- G.** Whether events subsequent to the Eloy General Plan adoption may have changed the character and/or condition of the area so as to make the application acceptable
- H.** The extent to which the benefits of the Plan amendment outweigh any of the impacts identified in Subsections A through H, hereto.

6.4.6 Appeal

An appeal from any final decision regarding a City Council action shall be filed with the Superior Court within thirty (30) days of the decision. If no appeal is filed in writing within thirty (30) days, the decision shall be considered final.

6.5 AMENDMENTS TO ZONING ORDINANCE TEXT

6.5.1 Purpose and Applicability

The purpose of this Section is to provide procedures consistent with applicable State requirements to remove, revise and/or augment the text of the Zoning Ordinance.

6.5.2 Initiation of Amendments

An amendment to the text of this Ordinance may be initiated by:

- A. City Council, on its own motion;
- B. The Planning & Zoning Commission;
- C. The Zoning Administrator; or
- D. An application filed by an individual or group.

6.5.3 Text Amendment Application Process

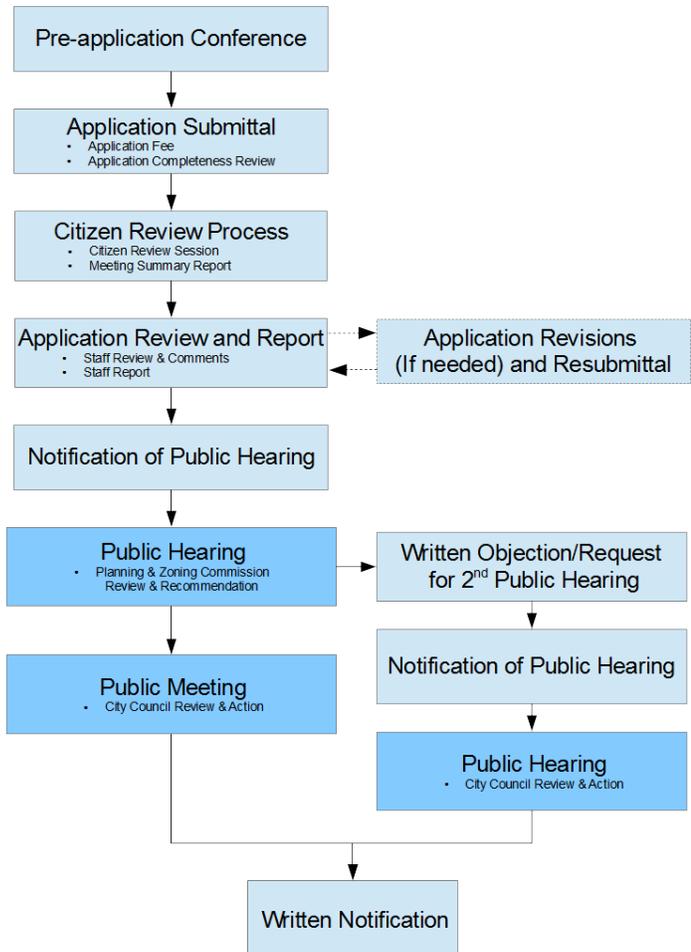
A. Pre-application Conference

Prior to the submission of an application for a text amendment, all individual or group applicants are required to schedule a meeting with the Zoning Administrator, as set forth in Section. 6.2.1, Pre-application Conference.

B. Application Submittal

A complete application for a text amendment shall be submitted to the Zoning Administrator as required by Sec. 6.2.2, Application Submittal. At a minimum, a zoning text amendment application shall include:

1. A written narrative identifying the section of the code to be amended, the proposed revised zoning text, how the proposed zoning text conforms with the adopted Eloy General Plan and why the text amendment is necessary;
2. The applicant shall submit any other information identified in the pre-application meeting and all required information stated elsewhere in this Ordinance for an amendment to the zoning text.



C. Citizen Review Process

1. As an acceptable substitution for conducting a neighborhood meeting, a citizen comment session shall be held at a work session of the Planning & Zoning Commission scheduled at least five (5) days prior to the public hearing at the Planning & Zoning Commission for the consideration of any proposed text amendment. Landowners and other citizens potentially affected by the proposed text amendment shall have an opportunity to comment on the proposal.
2. Notice of the citizen comment session shall be provided by the applicant at least ten (10) days prior to the Planning & Zoning Commission work session. The notice shall state the date, time, and place of the citizen review session and shall include a general explanation of the proposed text amendment. The method of notice to be used may vary according to the type of text amendment proposed. Any method of notice approved by the Zoning Administrator for the proposed text amendment shall be considered sufficient. The method of notice served may include, but is not limited to, the following:
 - a. A notice of a citizen comment session shall be sent, via U.S. first class mail, to landowners, citizens potentially affected by the proposed text amendments, and any person or group who has specifically requested notice regarding the application.
 - b. Publication in a local newspaper of general circulation distributed to residents living within the City.
 - c. Posting at a minimum of four (4) public places within the City.
 - d. Posting on the official City website.

D. Application Review and Report

Upon receipt of a complete text amendment application, the Development Review Committee shall review the proposed text amendment for consistency with the goals and objectives of the adopted Eloy General Plan. The Zoning Administrator shall prepare a staff report for transmittal to the Planning & Zoning Commission in accordance with Section 6.2.4, Application Review and Report.

E. Notification

Amendments to the text of this Ordinance involving either a ten (10) percent or more increase or decrease in the number of square feet or units that may be developed, a ten (10) percent or more increase or reduction in the allowable building height, an increase or reduction in the number of stories of buildings, a ten (10) percent or more increase or decrease in setback or open space requirements, or a change in permitted uses, shall be subject to notice requirements as set forth below or if amended per A.R.S. §9-462.04.

The City shall provide, at least fifteen (15) calendar days prior to the public hearing, notice to real property owners pursuant to at least one (1) of the following notification procedures:

1. Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly affected by the proposed change(s).
2. If the municipality issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the municipality may include notice of such changes with such utility bills or other mailings.
3. The municipality shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation in the City. The changes shall be published in a "display ad" covering not less than one-eighth (1/8) of a full page.
4. If notice is provided pursuant to numbers 2 or 3 above, the City shall also send notice by first class mail to persons who register their names and addresses with the City as being interested in receiving such notice.

F. Planning & Zoning Commission Review and Recommendation

The Planning & Zoning Commission shall review the application in a public hearing, and recommend approval, approval with modifications, or denial of the subject application. The Planning & Zoning Commission may recommend the approval, approval with modifications or denial of the proposed amendment. If the Planning & Zoning Commission fails to make a recommendation to the City Council within ninety (90) days after closing the public hearing, the Planning & Zoning Commission shall be deemed to have recommended denial and the application shall be scheduled for public hearing and action by the City Council.

G. City Council Review and Action

The City Council shall review the application in a public meeting; or a public hearing if any member of the public provides written objection to the recommendation of the Planning & Zoning Commission; and approve, approve with modifications, or deny the application. Formal approval shall occur by written Ordinance. If a public hearing is held, public notification shall be provided in compliance with Section 6.2.5, Notice of Public Hearings.

H. Written Notification

The decision to approve or approve with conditions or deny shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.5.4 Issues for Consideration

In determining whether to approve, approve with conditions, or deny proposed text amendments, issues for consideration shall include but not be limited to:

- A.** The proposed amendment will promote the public health, safety, and general welfare;
- B.** The proposed amendment is consistent with the adopted Eloy General Plan and the stated purposes of this Ordinance; and

- C. The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions.

6.5.5 Appeal

An appeal from any final decision regarding a City Council action shall be filed with the Superior Court within thirty (30) days of the decision. If no appeal is filed in writing within thirty (30) days, the decision shall be considered final.

6.6 AMENDMENTS TO ZONING MAP (REZONE)

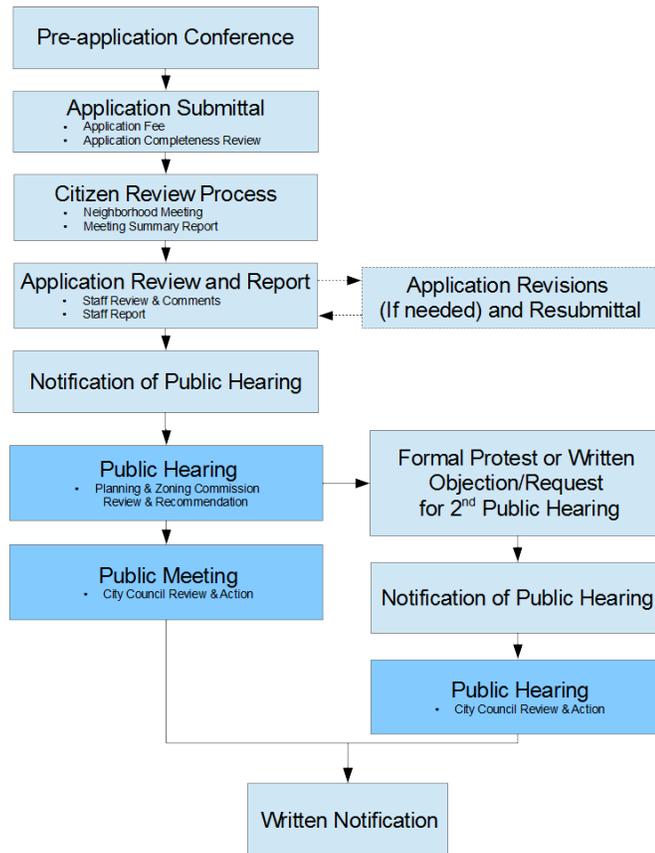
6.6.1 Purpose and Applicability

The purpose of this Section is to provide procedures consistent with applicable State requirements by which changes may be made to the Official Zoning Map. This procedure shall apply to all proposals to revise a zoning district classification or zoning district boundary line shown on the Official Zoning Map.

6.6.2 Initiation of Amendments

An amendment to the Official Zoning Map may be initiated by:

- A. City Council, on its own motion;
- B. The Planning & Zoning Commission;
- C. The Zoning Administrator; or
- D. The owner of the subject property or authorized agent.



6.6.3 Rezone Application Process

A. Pre-application Conference

Prior to the submission of an application for a zoning map amendment, all applicants are required to schedule a meeting with the Zoning Administrator, as set forth in Section. 6.2.1, Pre-application Conference.

B. Application Submittal

A complete application for a zoning map amendment shall be submitted to the Zoning Administrator as required by Section. 6.2.2, Application Submittal. At a minimum, a zoning map amendment application shall include:

1. Proof of ownership;
2. A written narrative identifying how the proposed zoning conforms with the adopted Eloy General Plan, compatibly integrates with the surrounding neighborhood, and why it is more appropriate for the property than the existing zoning;
3. A site plan showing the footprint of all existing and proposed buildings, parking configuration, location of all utilities and easements, and other details demonstrating conformance with all regulations and development standards applicable to the proposed zoning district;
4. A map showing adjoining zoning districts within three-hundred (300) feet;
5. A list of all property owners within three-hundred (300) feet; and
6. The applicant shall submit any other information identified in the pre-application meeting and all required information stated elsewhere in this Ordinance for a proposed amendment to the zoning map.

C. Citizen Review Process

The applicant shall schedule and conduct a neighborhood meeting in accordance with the procedures set forth in Section 6.2.3, Citizen Review Process.

D. Application Review and Report

Upon receipt of a complete zoning map amendment application, the Development Review Committee shall review the proposed zoning map amendment and Zoning Administrator shall prepare a staff report for transmittal to the Planning & Zoning Commission in accordance with Section 6.2.4, Application Review and Report.

E. Notification

Public notification shall be provided in compliance with Section 6.2.5, Public Notice Requirements.

F. Planning & Zoning Commission Review and Recommendation

The Planning & Zoning Commission shall review the application in a public hearing, and recommend approval, approval with conditions, or denial of the subject application.

G. Protest Procedures

If the owners of twenty (20) percent or more either of the area of the lots included in a proposed zoning change, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet from said lots, or of those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of the opposite lots, file a protest in writing against the proposed

amendment, it shall not become effective except by the favorable vote of three-fourths (3/4) of the members of the City Council. The protest shall be filed in writing with the City Clerk at least five (5) days prior to the public hearing or any continued public hearing of the City Council to allow time to verify the signatures on the protest.

H. City Council Review and Action

The City Council shall review the application in a public meeting; or a public hearing, if any member of the public provides written objection to the recommendation of the Planning & Zoning Commission; and approve, approve with modifications, or deny the application. Approval shall be by Ordinance. If a public hearing is held, public notification shall be provided in compliance with Section 6.2.5, Notice of Public Hearings.

I. Written Notification

The decision to approve or approve with conditions, or denial shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.6.4 Issues for Consideration

In determining whether to approve, approve with conditions, or deny proposed Official Zoning Map amendments, issues for consideration shall include but not be limited to:

- A.** Consistency (or lack thereof) with the adopted Eloy General Plan, and other adopted Plans;
- B.** Compatibility with the existing zoning and conforming uses of nearby property and with the character of the neighborhood;
- C.** Suitability of the subject property for uses permitted by the proposed zoning district;
- D.** Suitability of the subject property for uses permitted by the existing district; and
- E.** Availability of sewer and water facilities.

6.6.5 Revocation or Modification

If the City Council approves an amendment to the Official Zoning Map with a condition that is required to be completed within a specific time period and the condition is not satisfied within that time period, the following actions may occur:

- A.** The City Council or Planning & Zoning Commission may initiate an amendment to remove the condition or extend the time period and direct the Zoning Administrator to prepare an ordinance to execute the action pursuant to the procedures set forth in Section 6.6.3 E-I., or
- B.** The City Council or Planning & Zoning Commission may initiate a rescission of the zoning map amendment to revert the zoning to its prior zoning classification for

failure to comply with the conditions of the rezoning ordinance, pursuant to A.R.S. § 9-462.01(e) and direct the Zoning Administrator to notify the property owner by certified mail and prepare an ordinance to revert the zoning pursuant to the procedures set forth in Section 6.6.3 E-I., or

- C. The property owner in writing may apply to amend or remove the condition pursuant to the procedures set forth in Section 6.6.3 E-I.

6.6.6 Appeals

An appeal from any final decision regarding a City Council action shall be filed with the Superior Court within thirty (30) days of the decision. If no appeal is filed in writing within thirty (30) days, the decision shall be considered final.

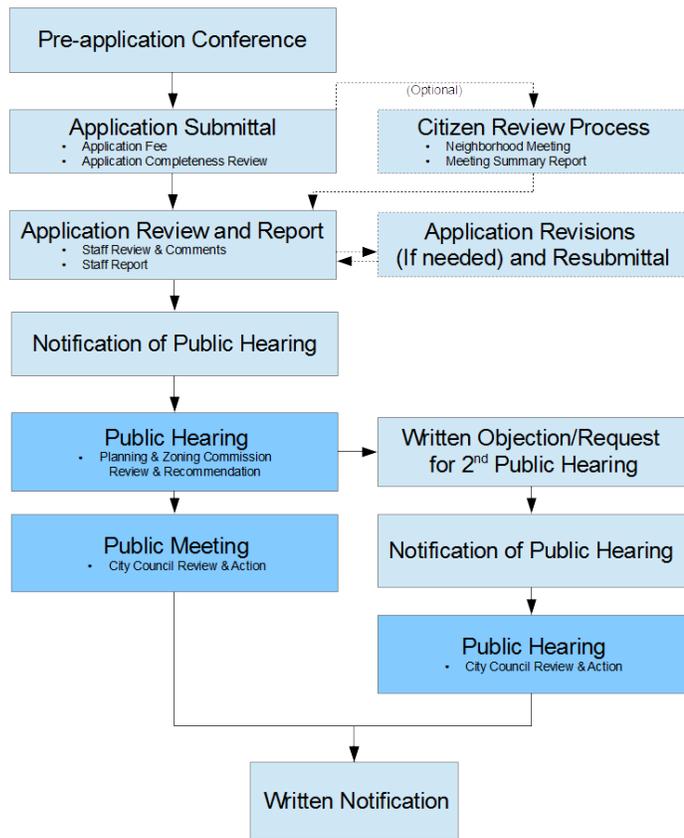
6.7 CONDITIONAL USE PERMIT

6.7.1 Purpose and Applicability

The purpose of this Section is to permit Conditional Uses in appropriate Zoning Districts.

This may only occur in specific locations and only when designed and developed in a manner which assures maximum compatibility with adjoining uses. This Section establishes principles and procedures essential to establish and maintain proper guidance and control of these uses. Conditional use permit approval may require the imposition of additional conditions in order to accomplish the following:

- A. To protect the public health, safety, convenience, and general welfare.
- B. To assure that the purposes of the Zoning Ordinance shall be maintained with respect to the particular conditional use on the identified site.
- C. To consider the location, use, building, traffic characteristics, and environmental impact of the proposed use.



- D. To consider existing and potential uses in close proximity to the area in which the requested conditional use is proposed.

6.7.2 Types of Conditional Uses

The City Council may grant a Conditional Use Permit in accordance with the procedures stated in this Section for the following uses:

- A. Only those uses that are enumerated as conditional uses in a zoning district, as set forth in Section 2 of this Ordinance, or
- B. Non-specified uses as determined by the Zoning Administrator, per Section 2.2.3.G, 2.3.3.G, 2.4.3.G, upon a finding that the proposed use is materially similar to other conditional uses within the same zoning district, in accordance with the procedures and standards set forth in this Section.

6.7.3 Conditional Use Permit Application Process

A. Pre-Application Conference

Prior to the submission of an application for a Conditional Use Permit, all applicants are required to schedule a meeting with the Zoning Administrator, as set forth in Section. 6.2.1, Pre-application Conference.

B. Application Submittal

A complete application for a Conditional Use Permit shall be submitted to the Zoning Administrator as required by Section 6.2.2, Application Submittal. In addition, no conditional use shall be established until a site plan has been approved in accordance with Subsection 6.11 of this Section. Applications for a conditional use and site plan review shall be submitted and reviewed concurrently. At a minimum, a Conditional Use Permit application shall include:

1. Proof of ownership;
2. A written narrative that responds to Section 6.7.4, Required Findings;
3. A site plan consistent with Section 6.11.3, Required Site Plan Information;
4. A map showing adjoining zoning districts within three-hundred (300) feet;
5. A list of all property owners within three-hundred) 300 feet; and
6. The applicant shall submit any other information identified in the pre-application meeting and all required information stated elsewhere in this Ordinance for a Conditional Use Permit.

C. Citizen Review Process

The applicant shall schedule and conduct a neighborhood meeting to facilitate an expeditious public hearing process. The neighborhood meeting shall be conducted in accordance with the procedures set forth in Section 6.2.3, Citizen Review Process.

D. Application Review and Report

Upon receipt of a complete Conditional Use Permit application, the Development Review Committee shall review the proposed Conditional Use Permit application and the Zoning Administrator shall prepare a staff report for transmittal to the Planning & Zoning Commission in accordance with Section 6.2.4, Application Review and Report.

E. Notification

Public notification shall be provided in compliance with Section 6.2.5, Notice of Public Hearings.

F. Planning & Zoning Commission Review and Recommendation

The Planning & Zoning Commission shall review the application in a public hearing, and recommend approval, approval with conditions, or denial of the application, subject to the review conditions set forth in Section 6.7.3.G and 6.7.4.

G. City Council Review and Action

The City Council shall review the application in a public meeting; or a public hearing if any member of the public provides written objection to the recommendation of the Planning & Zoning Commission; and approve, approve with modifications, or deny the application. If a public hearing is held, public notification shall be provided in compliance with Section 6.2.5, Notice of Public Hearings.

1. Conditions of Approval. In permitting a conditional use or the alteration of an existing conditional use, the City Council can impose, in addition to those standards and requirements expressly specified by this Ordinance additional conditions which it finds necessary to avoid detrimental environmental impact and to otherwise promote compatibility of the surrounding area or the City. These conditions can include, but are not limited to the following:
 - a. Limiting the manner in which the use is conducted, including restricting the time a certain activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and/or odor.
 - b. Establishing special yard, open space, lot area or dimensional requirements.
 - c. Limiting the height, size or location of a building or other structure or use.
 - d. Designating the size, number, location and nature of vehicle access points. For example, but not limited to: secondary driveway access on corner lots in residential subdivisions.
 - e. Designating the size, location, screening, drainage, surfacing or other improvements of a parking area or loading area.
 - f. Limiting or otherwise designating the number, size, location, height and lighting of signs.

- g. Limiting the intensity of outdoor lighting and requiring light shielding.
- h. Requiring screening, landscaping or another method to protect adjacent or nearby property and designate standards for their installation and maintenance.
- i. Designating the size, height, location of screening and materials for fencing, including anti-graffiti type materials.
- j. Limiting hours of operation, revocation dates and time limits for commencing construction or use authorization.

H. Written Notification

An approved conditional use shall not be established until a Conditional Use Permit has been issued by the Community Development Department. The permit shall cite the plans and documents upon which the City Council has based its approval, as well as the specific modifications and/or conditions of the approval, if any.

6.7.4 Required Findings

The City Council may approve a Conditional Use Permit as submitted or modified only upon making the following findings:

- A.** The proposed use will not be detrimental to the health, safety, or general welfare of persons living or working in the vicinity, to adjacent property, to the neighborhood, or to the public in general;
- B.** The proposed use conforms with the purposes, intent, and policies of the adopted Eloy General Plan and its policies and any applicable area, neighborhood, or other plan officially adopted by the City Council;
- C.** The proposed use conforms with the conditions, requirements, or standards prescribed by the Zoning Ordinance and any other applicable local, State, or Federal requirements; and
- D.** The proposed conditional use shall conform to the character of the neighborhood, within the same zoning district, in which it is located. In making such a determination, consideration shall include the location, type and height of the buildings or structures and the type and extent of landscaping and screening on the site.
- E.** Adequate utilities, access roads, drainage, fire protection, and other necessary facilities shall be provided.
- F.** Adequate measures shall provide ingress and egress so designed as to minimize traffic hazards and traffic congestion on the public roads.
- G.** The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

- H. The proposed use shall not be injurious to the use and enjoyment of the property in the immediate vicinity for the purposes already permitted, nor substantially diminishes or impair the property values within the neighborhood.
- I. The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.

6.7.5 Expiration and Time Extensions:

A. Expiration

In any case where a Conditional Use Permit has not been used within six (6) months from the date of its granting by the Eloy City Council, it shall become null and void. Conditional Use Permits shall run with the land unless the Council elects to specify a period of abandonment after which the Conditional Use Permit shall be voided.

B. Time Extensions

The City Council shall hold a public hearing to consider the granting of a time extension as follows:

1. Upon request by the applicant.
2. When the request is filed in writing with the Community Development Department not less than thirty (30) days prior to the expiration date of the original Conditional Use Permit (CUP) approval.
3. When accompanied by a time sensitive stipulation noted as a required conditional of approval of the original Conditional Use Permit.
4. Upon determination by the City Council that there have not been any changes in the circumstances or in the vicinity of the property or use which would render the previously approved Conditional Use Permit (CUP) inappropriate.

6.7.6 Revocation or Modification

A. Revocation

The Zoning Administrator shall notify the applicant by mail, if it is deemed to be in violation of the CUP. If no attempt to change the violation is made within ten (10) working days of notification, the City Council shall be authorized to hold a public hearing to consider the revocation or modification of a Conditional Use Permit (CUP) previously granted in accordance with the provisions of the Zoning Ordinance. A written notice of the date, time, place and purpose of the hearing shall be served on the owner of the property for which the CUP was granted by registered mail, return receipt requested, not less than thirty (30) days prior to the date of such hearing.

B. Findings

A Conditional Use Permit (CUP) may be revoked or modified if, from the facts presented at the public hearing or by investigation, the City Council makes an affirmative determination on any one (1) of the following findings:

1. That the Conditional Use Permit (CUP) was obtained by fraud.
2. That the Conditional Use Permit (CUP) granted is being exercised contrary to the conditions of approval of such CUP or is in violation of any applicable law, license, ordinance, permit or regulation.
3. That the use for which the Conditional Use Permit (CUP) was granted is being or has been exercised in a manner that is to be detrimental to the public health or safety.
4. The use ceases for a period of ninety (90) consecutive days, or because of failure to comply with the conditions of the use permit.

6.7.7 Appeal

Decisions of the City Council may be appealed pursuant to the procedures set forth in Section 6.2.11.

6.8 TEMPORARY USE PERMIT

6.8.1 Purpose and Applicability

The purpose of this Section is to allow for the establishment of interim or temporary uses when such activities are desirable for the community or are temporarily required in the process of establishing a permitted use. Temporary uses allowed under this Section shall be consistent with the health, safety and general welfare of persons residing and working in the community, shall be conducted to minimize any detrimental effects on surrounding properties and the City, and shall not violate any other Ordinance or regulation of the City.

6.8.2 Types of Temporary Uses

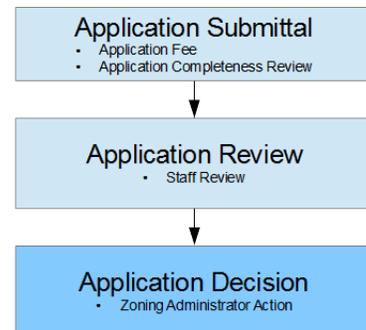
The Zoning Administrator may grant a Temporary Use Permit in accordance with the standards and/or conditions specified in Section 3.3 of this Ordinance.

6.8.3 Temporary Use Permit Application Process

A. Application Submittal

A complete application for a Temporary Use Permit shall be submitted to the Zoning Administrator as required by Sec. 6.2.2, Application Submittal. At minimum, a Temporary Use Permit application shall include:

1. Aerial map of the site;



2. Notarized property owner authorization (if applicable);
3. A site plan showing the location and footprint of proposed uses and structures, parking configuration and other details necessary to demonstrate that the proposed use and site conforms with all other requirements of the zoning district and all other City Codes; and
4. The application shall contain sufficient information to demonstrate compliance with temporary use conditions in accordance with Section 3.3 of this Ordinance and all required information stated elsewhere in this Ordinance or any other City Code. All applications for Temporary Use Permits shall be filed at least four (4) weeks prior to the date the temporary use will commence, or at least six (6) weeks prior to the date the temporary use will commence, if public safety support is requested from the City. The Zoning Administrator may waive this filing deadline requirement in an individual case for good cause shown.

B. Application Review and Decision

Upon receipt of a complete Temporary Use Permit application, the Zoning Administrator shall review the proposed Temporary Use Permit application and distribute the application to the Development Review Committee or others as he or she deems necessary. Based on the results of those reviews, the Zoning Administrator shall take final action on the application and approve, approve with conditions, or deny the application based on the applicable approval criteria.

6.8.4 Required Findings

The Zoning Administrator may approve a Temporary Use Permit as submitted or modified only upon making the following findings:

- A. The establishment, maintenance, or operation of the use will not, under the circumstances of the particular case, be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use.
- B. The use, as described and conditionally approved, will not be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.
- C. Approved measures for the removal of the use and site restoration have been required to ensure that no changes to the site would limit the range of possible future land uses otherwise allowed by this Zoning Ordinance.

6.8.5 Appeal

Decisions of the Zoning Administrator may be appealed to the Board of Adjustment pursuant to the procedures set forth in Section 6.2.11.

6.9 VARIANCE

6.9.1 Purpose and Applicability

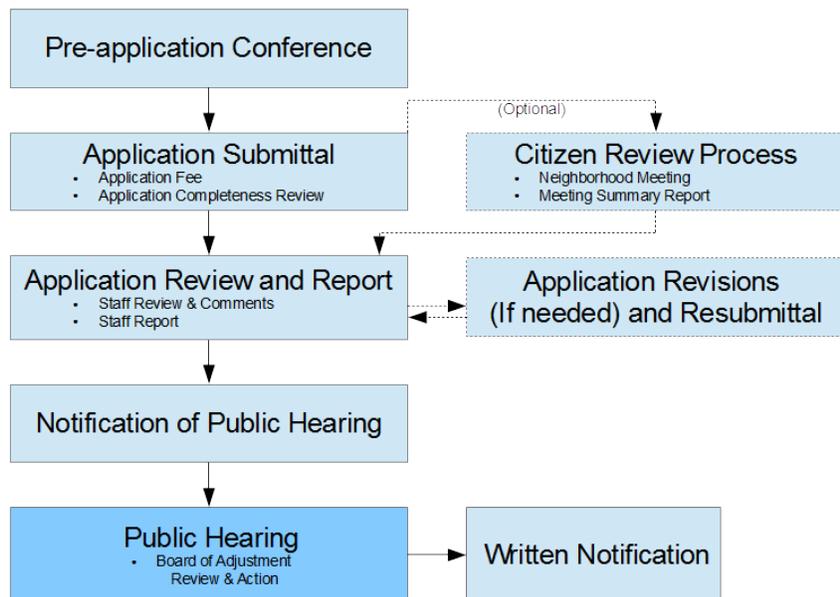
Because of special circumstances applicable to a property, including its size, shape, topography, location or surroundings, there may be instances in which the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other properties in the same zoning district. To ensure a fair application of this Ordinance, a Variance from the standards imposed may be granted by the Board of Adjustment. In granting a Variance:

- A. Consideration may be afforded with respect to dimensional and performance standards including, but not limited to site dimensions, yards, height of structures, distances between structures, open space requirements, signage dimensions, fences, and walls.
- B. Nothing shall be construed to empower the Board to change the terms of this Ordinance, to authorize uses which violate any other City Ordinance, to affect changes in the Zoning Map, to add to the uses permitted or adjust the permitted density/intensity in any Zoning District, or to grant a variance.
- C. All sections of this Ordinance are considered binding unless relief is granted through the Variance process.
- D. All approved variances shall be personal to the appellant and shall be transferable and run with the land only after completion and final inspection of any authorized structure.

6.9.2 Variance Application Process

A. Pre-application Conference

Prior to the submission of an application for a Variance, all applicants are required to schedule a meeting with the Zoning Administrator, as set forth in Section. 6.2.1, Pre-application Conference.



B. Application Submittal

A complete application for a Variance shall be submitted to the Zoning Administrator as required by Section 6.2.2, Application Submittal. At a minimum, a Variance application shall include:

1. Proof of ownership;
2. A written statement indicating the Variance will meet the requirements listed in Section 6.9.3, Required Findings;
3. A site plan showing the building footprint and the proposed use(s) of all buildings proposed, parking configuration and other details necessary to demonstrate that the proposed use and site conforms with all other requirements of the zoning district and Variance requirements;
4. The applicant shall submit any other information identified in the pre-application meeting and all required information stated elsewhere in this Ordinance for a Variance.

C. Citizen Review Process

The applicant shall not be required to conduct a neighborhood meeting, however for certain Variance requests, City staff shall have the option to require the applicant to schedule and conduct a neighborhood meeting to facilitate an expeditious public hearing process.

If the applicant chooses to hold, or is required to hold, a neighborhood meeting it shall be conducted in accordance with the procedures set forth in Section 6.2.3, Citizen Review Process.

D. Application Review and Report

Upon receipt of a complete Variance application, the Zoning Administrator shall review the proposed Variance for compliance with criteria enumerated in Section 6.9.3. The Zoning Administrator shall then prepare a staff report for transmittal to the Board of Adjustment.

E. Notification

Public notification shall be provided in compliance with Section 6.2.5, Notice of Public Hearings.

F. Board of Adjustment Review and Action

The Board of Adjustment shall review the application in a public hearing and may approve, approve with conditions, or deny the Variance.

1. Conditions of Approval. In approving a variance, the Board of Adjustment may impose reasonable conditions necessary to:
 - a. Achieve the general purposes of the Zoning Ordinance or the specific purposes of the zoning district in which the site is located, or to make it consistent with the adopted Eloy General Plan;
 - b. Protect the public health, safety, and general welfare; or
 - c. Ensure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.

G. Written Notification

The decision to approve or approve with conditions or deny shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.9.3 Required Findings

The Board of Adjustment shall only approve a Variance after finding that all of the following conditions are met. Financial hardship, personal preference of the owner, or the fact that the property may be utilized more profitably if the requested Variance is granted shall not be considered grounds for approval.

- A.** Special conditions and circumstances exist which are unique to the land, structure, or building involved, and which are not applicable to other lands, structures, or buildings in the same zoning district.
- B.** A literal interpretation of this Ordinance would deprive the appellant of rights commonly enjoyed by other properties in the same zoning district.
- C.** The alleged hardship caused by literal interpretation of the provisions of this Ordinance includes more than personal inconvenience and financial hardship, and is not the result of actions by the appellant.
- D.** Granting the Variance will not confer upon the appellant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same zoning district.
- E.** Granting the Variance will not interfere with or substantially injure the appropriate use of adjacent conforming properties in the same zoning district.
- F.** The reasons set forth in the appeal justify the granting of the Variance, and that the Variance is the minimum Variance that will make possible the reasonable use of the land, building or structure.
- G.** Granting the Variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- H.** No Variance shall be granted from any written conditions attached by another decision-maker to the approval of a rezoning, Conditional Use Permit, subdivision plat, or site plan.
- I.** No Variance shall be granted if the conditions or circumstances affecting the applicant's property are of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.
- J.** No non-conforming use or violations of this Ordinance with respect to neighboring lands, structures or buildings, in the same Zoning District, and no permitted use of lands, structures or buildings in other Zoning Districts, shall be considered grounds for granting a Variance.

- K. Every decision of the Board shall be based upon the findings of fact, and every finding of fact shall be supported in the record of its proceedings. The conditions required by this Ordinance to exist on any matter upon which the Board is authorized to pass under this Ordinance shall be construed as limitations on the power of the Board to act. A mere finding or recitation of the enumerated conditions, unaccompanied by findings of specific fact, shall not be deemed findings of fact, and shall not be deemed in compliance with this Ordinance.

6.9.4 Expiration and Time Extensions

A. Expiration

In any case where a Variance has not been used within one (1) year after its granting by the Board of Adjustment shall become null and void.

B. Time extensions

The Board of Adjustment shall hold a public hearing to consider the granting of a time extension of no more than one (1) additional year as follows:

1. Upon request by the applicant.
2. When the request is filed in writing with the Community Development Department not less than thirty (30) days prior to the expiration date of the original Variance approval.
3. When accompanied by a time extension fee in accordance with the fee schedule of the City of Eloy.
4. Upon determination by the Board that there have been no changes in the circumstances or in the vicinity of the property or use which would render the previously approved Variance inappropriate.

6.9.5 Revocation

A. Revocation

The Board of Adjustment shall be authorized to hold a public hearing to consider the revocation of a Variance previously granted in accordance with the provisions of the Zoning Ordinance. A written notice of the date, time, place and purpose of the hearing shall be served on the owner of the property for which the Variance was granted by registered mail, return receipt requested, not less than thirty (30) days prior to the date of such hearing.

B. Findings

A Variance may be revoked if, from the facts presented at the public hearing or by investigation, the Board makes an affirmative determination on any one (1) of the following findings:

1. That the Variance was obtained by fraud.
2. That the Variance granted is being exercised contrary to the conditions of approval of such Variance or in violation of any applicable law, license, ordinance, permit or regulation.

6.9.6 Appeals

An appeal from any final decision regarding a Board action shall be filed with Superior Court within thirty (30) days of the decision. If no appeal is filed in writing within thirty (30) days, the decision shall be considered final.

6.10 SIGN PERMIT, COMPREHENSIVE SIGN PACKAGE AND MASTER SIGN PROGRAM

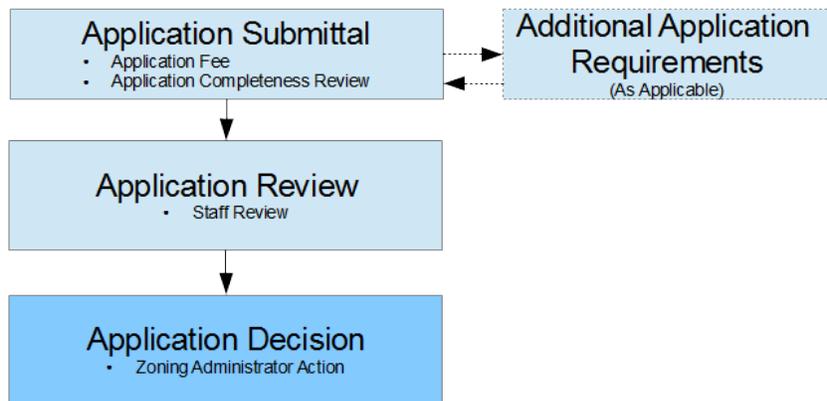
6.10.1 Purpose and Applicability

The purpose of this Section is to provide procedures by which specific signage within the City is regulated to promote traffic safety, safeguard public health, facilitate police and fire protection, prevent adverse community appearance and enhance identification and/or direction within the City. Certain sign approvals are required to erect, re-erect, construct, alter or move specific sign types within the City. Sign applications shall also be required as part of a final site plan or final plat submittal or as may be required by the Zoning Administrator.

6.10.2 Sign Permit and Comprehensive Sign Package Application Process

A. Application Submittal

A complete application for a sign permit or comprehensive sign plan (see Section 4.3.11) shall be submitted to the Zoning Administrator as set forth in Section 6.2.2, Application Submittal. All sign permit or comprehensive sign plan applications shall provide information as specified in Section 4.53.11.A and 4.3.11.B.



B. Additional Application Requirements

The application for a sign permit for the erection of a sign in which electrical wiring and connections are to be used shall include electrical plans and specifications to be submitted to the Zoning Administrator, who shall forward the plans and specifications regarding all wiring and connections to the Eloy Building Official. The Eloy Building Official shall examine the plans and specifications to determine compliance with the Electrical Code of the City as a condition of granting the sign permit.

C. Application Review and Decision

Upon receipt of a complete Sign Permit or Comprehensive Sign Plan Package application, the Zoning Administrator shall review the proposed application and distribute the application to other reviewers as he or she deems necessary. Based on the results of those reviews, the Zoning Administrator shall take final action on the application and approve, approve with conditions, or deny the application based on compliance with the requirements of this Ordinance (See sign standards in Section 4.3, Signage).

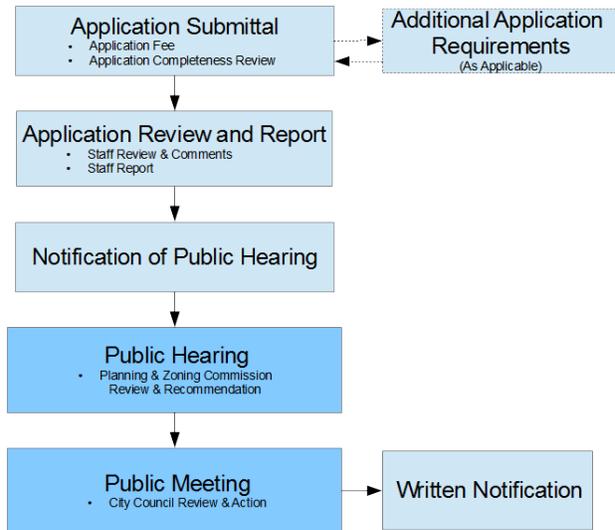
D. Appeal

An appeal from any final decision of the Zoning Administrator may be appealed to the Board of Adjustment pursuant to the procedures set forth in Section 6.2.11.

6.10.3 Master Sign Program Application Process

A. Application Submittal

A complete application for a Master Sign Program (See Section 4.3.11) shall be submitted to the Zoning Administrator as set forth in Section 6.2.2, Application Submittal. All Master Sign Program applications shall provide information as specified in Section 4.3.



B. Application Review and Report

Upon receipt of a complete Master Sign Program application, the Zoning Administrator shall review the proposed application and prepare a staff report for transmittal to the Planning and Zoning Commission in accordance with Section 6.2.4, Application Review and Report.

C. Planning & Zoning Commission Review and Recommendation

The Planning & Zoning Commission shall review the application in a public hearing, and recommend approval, approval with conditions, or denial of the application, subject to the review conditions set forth in Sections 6.2.4 and 6.2.6.

D. City Council Review and Action

The City Council shall review the application in a public meeting and approve, approve with modifications, or deny the application.

E. Written Notification

The decision to approve or approve with conditions or deny shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.10.4 Master Sign Program Required Findings

The Planning & Zoning Commission may recommend, and City Council approve a Master Sign Program as submitted or modified only upon making the following findings:

- A.** The proposed sign program only amends provisions in Section 4.3 Signs and does not violate any other provisions of this Ordinance or any other City Ordinance.
- B.** The appearance, scale, materials, design and graphics, and orientation of signs are in keeping with the character of the site and buildings, and the surrounding neighborhood.
- C.** Approval of the master sign program would not be detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity in which the project is located.

6.10.5 Revocation

Failure to conform to the provisions of a sign permit, including any conditions and/or stipulations attached thereto by the Zoning Administrator, Planning Commission and/or City Council shall render such permit void.

6.10.6 Appeal

Decisions of the Planning Commission may be appealed to the Superior Court pursuant to the procedures set forth in Section 6.2.11.

6.11 SITE PLAN REVIEW

6.11.1 Purpose and Applicability

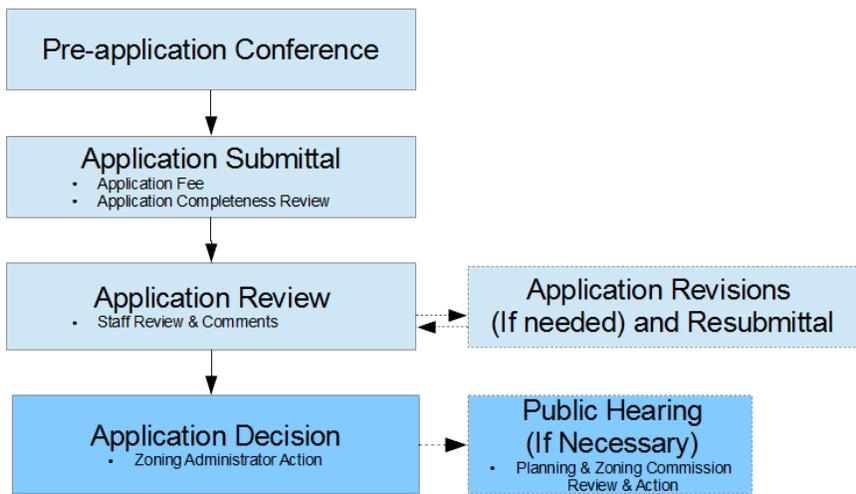
This Section provides procedures and standards for the comprehensive review of proposed development projects to: promote the safe, functional and aesthetic development of property, ensure compliance with the development and design standards of this Ordinance; and encourage quality development reflective of the goals, policies, and objectives of the General Plan. Site Plan Review shall be required for:

- A. All new construction, remodeling, or expansion of non-residential or multi-family residential uses, with the following exceptions:
 1. Proposed modifications are strictly related to the interior of the building.
 2. Modifications, additions, or enlargements to a building which do not increase the gross floor area by more than five-hundred (500) square feet or ten (10) percent, whichever is less, and which do not require a variance from the provisions of this Ordinance.
- B. An application for approval of a Zoning Map Amendment or Conditional Use. In this case, the Site Plan Review shall occur concurrently with the review of the Rezone or Conditional Use application.

6.11.2 Site Plan Process

A. Pre-application Conference

Prior to the submission of an application for Site Plan approval, all applicants are required to schedule a meeting with the Zoning Administrator, as set forth in Section 6.2.1, Pre-application Meeting.



B. Application Submittal

A complete application for site plan approval shall be submitted to the Zoning Administrator as required by Section 6.2.2, Application Submittal and Section 6.11.3, Required Site Plan Information.

C. Application Review and Action

Following submittal of a complete application, the Zoning Administrator shall refer the application to the appropriate review agencies and Development Review Committee to review the submitted materials, and provide written review comments

to the applicant, if necessary. Following receipt of review comments, the applicant shall correct the site plan as needed and resubmit the corrected application to the Community Development Department. Based on the resubmitted application material, the Zoning Administrator shall take final action on the application and approve, approve with conditions, or deny the application based on the applicable approval criteria, unless the Zoning Administrator determines that there are unusual circumstances or special conditions related to an application, in which case the Administrator may defer action and refer such application to the Planning and Zoning Commission for final decision.

1. Conditions of Approval. In approving a Site Plan, the Zoning Administrator may impose reasonable conditions necessary to:
 - a. Achieve the general purposes of the Zoning Ordinance or the specific purposes of the zoning district in which the site is located, or to make it consistent with the General Plan;
 - b. Protect the public health, safety, and general welfare; or
 - c. Insure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.

D. Review by Planning & Zoning Commission

If referred to the Planning & Zoning Commission, the Commission shall review the application in a public hearing, and recommend approval, approval with conditions, or denial of the subject application as set forth in Sections 6.2.6 through 6.2.7.

E. Written Notification

The decision to approve or approve with conditions or deny shall be communicated in writing to the applicant in compliance with Section 6.2.7.

6.11.3 Required Site Plan Information

All site plans shall be drawn to scale and shall contain the following information, unless otherwise specifically waived by the Zoning Administrator:

- A.** A vicinity map which shall include the location of any public streets in the vicinity of the site.
- B.** The boundaries and dimensions shown graphically, along with a written legal description of the property.
- C.** The present and proposed topography, drainage systems and structures, and retention basins of the site by contour lines at an interval of not more than two (2) feet.
- D.** The location of existing and proposed structures, with height, gross floor area, use and exterior material appropriately noted.

- E. The location of open space, yards, and setbacks and their dimensions.
- F. The location and dimensions of existing and proposed points of vehicular and pedestrian access.
- G. The location of off-street parking, driveway and loading areas, with number of spaces, dimensions, circulation patterns, and type of paving appropriately noted.
- H. The type of surfacing and base course proposed for all parking areas, loading areas, and walkways.
- I. The location, height, and material for screening walls and fences.
- J. The size and location of all existing and proposed public and private utilities and their easements.
- K. Existing and proposed public streets or rights-of-way, easements, or other reservations of land on the site.
- L. The location and method of screening of outdoor trash storage areas.
- M. The location and size of all proposed signage.
- N. The location and height of proposed lighting facilities.
- O. Elevation views of all proposed buildings or structures, with building materials and proposed colors noted.
- P. When a site is to be developed in stages, the plan should indicate the ultimate development of the site and proposed developmental phases.
- Q. Any additional information which the Zoning Administrator may find necessary to establish compliance with this and other ordinances.

6.11.4 Issues for Consideration

In determining whether to approve, approve with conditions, or deny proposed Site Plans, issues for consideration shall include but not be limited to:

- A. The general layout of the project, including orientation and location of buildings, open space, vehicular and pedestrian access and circulation, parking and loading facilities, building setbacks and heights, and other improvements on the site, is consistent with the requirements of the zoning district in which the site is located, and with all applicable development standards and design guidelines.
- B. The architectural design of the structure(s) and their materials and colors are compatible with the scale and character of surrounding development and other improvements on the site and are consistent with the requirements of the zoning district in which the site is located, and with all applicable development standards and design guidelines.

- C. The landscaping, including the location, type, size, color, texture, and coverage of plant materials, provisions for irrigation, and protection of landscape elements has been designed to create visual relief, complement structures, and provide an attractive environment and is consistent with the requirements of the zoning district in which the site is located, and with all applicable development standards and design guidelines.
- D. The design and layout of the proposed project will not interfere with the use and enjoyment of neighboring existing or future development, will not result in vehicular or pedestrian hazards, and will be in the best interest of the public health, safety, and general welfare.
- E. The existing or proposed public facilities necessary to accommodate the proposed project (e.g., fire protection devices, parkways, public utilities, sewers, sidewalks, storm drains, street lights, traffic control devices, and the width and pavement of adjoining streets and alleys) will be available to serve the subject site.
- F. The proposed project is consistent with the General Plan and any applicable specific plan.

6.11.5 Final Inspection

A site plan approval is a binding development order and all improvements reflected on approved Site Plans must be completed, and all restrictions and conditions of site plan approval must be fulfilled, prior to issuance of the final certificate of occupancy.

6.11.6 Expiration of Approval

- A. A Site Plan approval becomes void if a building permit has not been issued within one (1) year from the date of approval. An extension of approval may be granted if the applicant files for an extension prior to the approval becoming void and the extension is granted by the Zoning Administrator. The Zoning Administrator may grant a one-time three (3) month extension. Additional extensions must be approved by the Planning & Zoning Commission.
- B. Applications for extensions of the time need to include justifications for the extension. The Planning & Zoning Commission will give consideration to the following:
 1. Progress of the project
 2. Funds spent on the project
 3. Good faith efforts
 4. Weather-related delays and other Acts of God
 5. Delays related to archaeological or environmental issues

6.11.7 Revocation

The Zoning Administrator shall notify the applicant of a violation or termination of a site plan approval, by mail, if the applicant has not commenced use of the building permit.

The applicant shall be notified if they are in violation of the conditions of the Site Plan. If no attempt is made to change the circumstances of the violation within ten (10) days of notification, the Site Plan approval and all permits requiring Site Plan approval shall be revoked.

6.11.8 Appeal

An appeal from any final decision of the Zoning Administrator may be appealed to the Board of Adjustment pursuant to the procedures set forth in Section 6.2.11. Decisions of the Planning & Zoning Commission may be appealed to the City Council pursuant to the procedures set forth in Section 6.2.11.

6.12 ANNEXATION

6.12.1 Purpose

The purpose of this Section is to provide procedures consistent with applicable State requirements for the annexation of real property into the corporate limits of the City.

6.12.2 Initiation of Annexations

A. City Council or City Manager

The City Council or City Manager may direct staff to review specific property to determine whether it may be legally annexed and to contact property owners to determine whether they will sign an annexation petition.

B. Owner Initiation

One or more property owners may submit an application to annex property owned by them into the City.

6.12.3 Annexation Process

All annexation proceedings shall be conducted in conformance with A.R.S. §9-471 and any other applicable State law requirements for the annexation of land into the City.

section 7 - ENFORCEMENT

7.1 PURPOSE

This Section establishes procedures through which the City seeks to ensure compliance with the provisions of this Ordinance and obtain corrections for violations. The Section also sets forth the remedies and penalties that apply to violations of this Ordinance.

7.2 ENFORCEMENT RESPONSIBILITIES

7.2.1 Building and Code Compliance

Prior to issuance of building permits, the Building Official shall ascertain that plans presented with the building permit application comply with the requirements of the Zoning Ordinance.

7.2.2 Code Compliance

The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator, or such other person as may be designated by the Administrator and is authorized to stop any work undertaken not in compliance with any provision of the Zoning Ordinance, approved permit, or condition of approval.

7.3 GENERAL ENFORCEMENT

- A.** No person shall develop or use any land, building, or structure within the City in violation of this Ordinance, regulations authorized under this Ordinance, or the terms and conditions of permits or other approvals or entitlements issued under this Ordinance.
- B.** No permit or approval may be issued under this Ordinance unless all structures and uses of land and structures to be authorized by the permit or approval conform

to this Ordinance, regulations promulgated under this Ordinance, and the terms and conditions of other applicable permits and approvals issued under this Ordinance. Except as otherwise required by Arizona law, any permit issued or administrative approval granted in conflict with this Zoning Ordinance is void.

- C. Any person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies provided in this Ordinance.
- D. Each day any violation of any provision of this Ordinance, or the failure to perform any act or duty required by this Ordinance continues shall constitute a separate offense.

7.4 TYPES OF VIOLATIONS AND OFFENSES

- A. Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any land, building, structure, or sign that is inconsistent with this Ordinance or any regulation adopted pursuant to this Ordinance.
- B. Any development, use, or other activity that is in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity and that was issued under or required by this Ordinance.

7.5 VIOLATION REMEDIES

The Zoning Administrator shall have the following remedies and powers to enforce this Ordinance:

7.5.1 Deny or Withhold Entitlements

The City may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Ordinance or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the City. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

7.5.2 Entitlement Approved with Conditions

Instead of withholding or denying a permit or authorization (as described in Subsection 7.5.1, above) the City may grant such authorization subject to the condition that the violation be corrected.

7.5.3 Revoke Entitlements

Any development permit or other form of authorization required under this Ordinance may be revoked when the Zoning Administrator determines:

- A. That there is departure from the plans, specifications, or conditions as required under terms of the permit.
- B. That the development permit was procured by false representation or was issued by mistake, or that any of the provisions of this Ordinance are being violated.
- C. Written notice of such revocation shall be served upon the owner, the owner's agent or contract, or upon any person employed on the building or structure for which such permit was issued or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

7.5.4 Stop Work

With or without revoking permits, the Zoning Administrator may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Ordinance or of a permit or other form of authorization issued hereunder, in accordance with the City's power to stop work under its building codes. A stop-work procedure is as follows:

- A. The stop-work order shall be in writing and directed both to the permit holder and the person doing the work, and shall specify the provisions of this Ordinance or other law allegedly in violation. After any such order has been served, no work shall proceed on any building, structure, or tract of land covered by such order, except to correct such violation or comply with the order.
- B. Once conditions for resumption of the work have been met, the Zoning Administrator shall rescind the stop-work order.

7.5.5 Abatement

The City may commence an action to abate a violation of the Zoning Ordinance pursuant to A.R.S § 9-499.

7.5.6 Other Remedies

The City shall have such other remedies, as are and as may be from time to time, provided by Arizona law for the violation of zoning or related Ordinance provisions.

7.6 CRIMINAL AND CIVIL PENALTIES

7.6.1 Class One Misdemeanor

Any person, firm, or corporation violating any provision of this Ordinance, or any amendments to it, shall be guilty of a Class One Misdemeanor punishable by a fine not exceeding two thousand five hundred (\$2,500) dollars, or by imprisonment for a period not exceeding six (6) months, or by both such fine and imprisonment, for each violation.

Every action or proceeding under this section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.

7.6.2 **Civil Citation**

Violation of any provision of this Ordinance, or any amendments to it, may also subject the offender to issuance of a civil citation. The citation shall direct the defendant to appear in Eloy Magistrate Court or pay a fine not to exceed two hundred fifty (\$250) dollars within fourteen (14) calendar days after issuance of the citation. The civil citation shall be substantially in the same form and format as the Arizona Traffic Ticket and Complaint standard form.

The citation shall be served by delivering a copy to the defendant by any of the following means:

- A.** By having the defendant sign the citation with the promise to appear in court on or before the date specified on the face of the citation.
- B.** If the defendant refuses to sign the citation, then the Zoning Administrator shall hand-deliver a copy of the citation to the defendant and note on the defendant's copy of the citation date and time of hand-delivery to the defendant.
- C.** By mailing a copy of the citation to the person charged by certified or return receipt requested mail, to the person's last known address.
- D.** If service cannot be accomplished as set forth in this paragraph, the defendant may be served by any means contemplated or allowed by the Arizona Rules of Civil Procedure or Arizona Rules of Practice for the Superior Court.
- E.** The citation shall contain the date and location of the violation, reference to the Ordinance section or provision violated, and notice that within fourteen (14) calendar days from the date on which the citation was issued, the fine for the violation must be paid to and received by the Eloy Magistrate Court or a request for a hearing be made to, and received by, the Eloy Magistrate Court.
- F.** The citation shall state that if the defendant fails to appear within the time specified, and either pay the fine for the violation or request a hearing, judgment by default will be entered in the amount of the fine designated on the citation for the violation charged plus a penalty amount as may be established by the Court for the defendant's failure to appear.
- G.** The Arizona Rules of Procedure in Civil Traffic Violation Cases shall be followed by the Eloy Magistrate Court for civil citations issued pursuant to this Ordinance, except as modified or where inconsistent with the provisions of the Zoning Ordinance or as modified or established for use by the Eloy Magistrate Court or the Arizona Supreme Court.

7.7 CONTINUATION OF PRIOR ENFORCEMENT ACTIONS

Nothing in this Ordinance shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to previous regulations.

7.8 CUMULATIVE PROCEDURES AND REMEDIES

The procedures and remedies provided for herein shall be cumulative and in addition to any other procedures and remedies to which the City may be entitled by law or equity.

section 8 - NONCONFORMITIES

8.1 PURPOSE

- A. The purpose of this Section is to both protect the rights of legally existing nonconforming buildings, uses, lots, and signs as well as to maintain their continued existence under specific development conditions in the City. It is also the intent of this Section to curtail additional investment in nonconforming circumstances and to either bring about their eventual improvement to updated standards or move towards their elimination.
- B. Any use or activity lawfully conducted under Pinal County zoning regulations at the effective date of annexation or under previous zoning regulations in effect at the adoption of this Section, or any amendment, shall be considered a legal nonconforming use under this Section.
- C. Nonconformities for which development or redevelopment flexibility is provided under Section 2.7, "Overlay Zoning Districts" and "Downtown Core Overlay (DCO)", of this Chapter are exempt from these provisions, subject to Community Development Director approval.

8.2 GENERAL PROVISIONS

8.2.1 Authority to Continue

Any nonconforming use of land or a nonconforming use of a conforming structure that lawfully existed as of the effective date of this Ordinance and such use remains nonconforming, and any nonconformity that is created as a result of the adoption of this Ordinance or any subsequent amendment to the text of this Ordinance, may be continued or maintained as a legal nonconformity only in accordance with the terms of this Section.

8.2.2 Determination of Nonconformance Status

In other than criminal proceedings, the owner, occupant or user shall be solely responsible to demonstrate that a nonconforming structure, lot or use was lawfully established prior to the effective date of this Ordinance.

8.2.3 Change of Ownership or Tenancy

Changes of ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities may continue (and may not be expanded) and shall be subject to the provisions of this Section.

8.2.4 Maintenance and Minor Repair

Minor repairs or maintenance of nonconformities are permitted, provided that the minor repairs and maintenance do not increase the extent of nonconformity. For purposes of this Section, “maintenance or minor repair” shall mean:

- A. Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or exterior or interior appearance of a building or structure, utilizing the same materials and methods, without expanding the building or structure;
- B. Maintenance of land areas to minimize health and environmental hazards; and
- C. Repairs that are required to remedy unsafe structural conditions that cause a threat to public safety and/or welfare.

8.3 NONCONFORMING BUILDINGS AND STRUCTURES

8.3.1 Continuance

An existing building or structure that lawfully existed as of the effective date of this Ordinance and such structure that remains nonconforming, and any nonconformity that is created as a result of the adoption of this Ordinance or any subsequent amendment to the text of this Ordinance, may be continued or maintained as a nonconformity only in accordance with the terms of this Section.

8.3.2 Expansion, Enlargement and Modification

A nonconforming structure may not be enlarged or altered in any way that increases its nonconformity, unless expansion or alteration of a nonconforming structure complies with development standards of the zoning district in which it is located, including but not limited to, setbacks applicable to the use for new construction, parking regulations and landscaping and screening requirements of this Ordinance, and all other applicable codes and ordinances of the City.

8.3.3 Destruction and Replacement

Any nonconforming structure when damaged or destroyed by fire, flood, flood, or similar abnormal and identifiable event, is subject to the following criteria to determine their future status:

- A. If more than fifty (50) percent of the current assessed value of any nonconforming structure is destroyed, it shall not be reconstructed unless the structure is reconstructed in conformance with all the applicable and current requirements of this Ordinance.
- B. If less than fifty (50) percent of the current assessed value of any nonconforming structure is destroyed, it may be reconstructed as long as a building permit is submitted (and subsequently approved) within one hundred eighty (180) days after the date of destruction, provided the resulting structure complies with current building codes and the size and function of the nonconforming use shall not be

expanded. Upon written request, the Zoning Administrator may grant a one (1)-time extension not to exceed ninety (90) days for the submittal of a building permit application.

- C. A mutually agreed upon appraiser, paid for by the owner, shall determine the above assessed value. The Zoning Administrator has the discretion to obtain a second opinion of value, at the City's expense, if he/she so desires.
- D. This Section shall not prohibit the continued occupancy of a manufactured home located and occupied as a private residence within the City at the time of adoption of this Section which may not be located within a Manufactured Home Overlay district or which may not be in compliance with the design standards of Section 2.7.8 of this Section. Any existing manufactured home that is not in compliance with the design standards of Section 2.7.8 at the time of the effective date hereof shall be brought into compliance with said design standards, as additions or alterations to the structure are requested. Any existing manufactured home, even if it is not located within a Manufactured Home Overlay district, may be replaced in its entirety only with a manufactured home that is in compliance with all of the design standards of Section 2.7.8 of this Section and other provisions of this Section.

8.4 NONCONFORMING USES

8.4.1 Expansion, Enlargement and Modification

Any nonconforming use of land or a nonconforming use of a conforming structure that is not in compliance with this Ordinance shall not be enlarged, extended, moved, or substituted unless the use is brought into compliance with this Ordinance. However, reasonable repairs and alterations are permissible in accordance with the provisions of Section 8.2.4.

8.4.2 Change of Use

- A. Any nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter revert back to a nonconforming use. A change to a conforming use shall also not create any additional nonconforming situations.
- B. Where a conforming use is located in a nonconforming structure, the use may be changed to another conforming use by securing a Certificate of Occupancy.

8.4.3 Loss of Nonconforming Status

If a nonconforming use of land or a nonconforming use of a conforming structure is discontinued for a continuous period of six (6) months, the rights to a legal nonconforming status shall terminate. The initial decision as to whether a prior existing, non-conforming use has been abandoned shall be made by the Zoning Administrator. Such decision may be appealed to the Board of Adjustment by the affected property

owner within ninety (90) calendar days of the ruling by the Zoning Administrator following the procedures under Section 6.11.8, Appeals.

8.4.4 Conditional Uses

A use that received a Conditional Use Permit prior to the effective date of this Ordinance, and that is permitted in its entirety as a principal use in the district in which it is located under this Ordinance, shall not be deemed a nonconforming use. Such use shall be deemed a permitted principal use and the Conditional Use approval and conditions of approval, relative to the use, shall be null and void.

8.5 NONCONFORMING LOTS OF RECORD

Any lot of record that is in existence as of the effective date of this Ordinance (and is considered a nonconformity because of its noncompliance with lot width or area requirements) may be used for any use permitted in the Zoning District in which it is located, provided compliance with all other applicable regulations of this Ordinance are met.

8.6 NONCONFORMING SIGNS

Please see Section 4.3, "Signage" for additional regulations on non-conforming signs.

SECTION 9 - DEFINITIONS & ACRONYMS

A

Abandoned: Any building, structure or real property that is vacant or occupied by a person without a legal right of occupancy, and/or subject to a current notice of default and/or notice of trustee's sale, pending tax assessor's lien sale and/or any real property conveyed via a foreclosure sale resulting in the acquisition of title by an interested beneficiary of a deed of trust, and/or any real property conveyed via a deed in lieu of foreclosure/sale.

Abut, Abutting: To share, border or physically touch a common boundary, property line or right-of-way.

Access: The place, means or ways by which pedestrians, vehicles or both shall have safe, adequate and usable ingress and egress to a property or use. A private access is an access not in public ownership and controlled by means of a deed, dedication or easement.

Accessible Parking Space: A parking space that meets the requirements of applicable state and/or federal disabilities acts, whichever is the most permissive

Accessory Building: A secondary detached building, situated on the same parcel or building site, the use of which is customarily incidental to that of a principle use of the existing/proposed main building.

Accessory Dwelling Unit: A dwelling unit situated on the same lot with, and of a nature normally incidental and secondary to, the principle structure or use that includes any structure or portion of a structure, other than the principle structure or use, wherein kitchenette facilities and/or provisions for sanitation (shower, tub and/or water closet) are provided.

Accessory Use: A subordinate use of a building, other structure, or land that is clearly incidental to the use of the primary building, other structure, or use of the land and is conducted on the same lot with the primary building, other structure or use of land and is not served with utilities, enabling human habitation

Acre: A unit of measure for land area containing 43,560 square feet.

Acre, Net: The land area (acres) within the perimeter of a parcel or lot, excluding all dedicated arterial and collector street rights-of-way.

Acre, Gross: The land area (acres) within the perimeter of a parcel or lot, including all non-dedicated streets, alleys, private roadways and/or alley easements, and canal and/or irrigation easements.

Addition: An extension or increase in floor area or height of an existing building or structure.

Adjacent: The condition of being near to or close to but not necessarily having a common dividing line. Two (2) properties which are separated by only a street or alley shall be considered as adjacent to one another.

Adjoining: The condition of being near to or close to but not necessarily having a common dividing line. Two (2) properties which are separated by only a street or alley shall be considered as adjoining one another.

Administrative Decision: Any allowable decision made by an authorized City employee as identified in this Chapter.

Adult Oriented Use: A use which shall include any or all of the following:

Adult Book Store: A commercial establishment, having for sale or viewing by patrons on its premise, a substantial and significant portion of its stock in trade, books, magazines and other periodicals or printed matter principally characterized by their emphasis on matters depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas.

Adult Cinema: An enclosed building or open-air theater used on a regular basis to present, for observation by customers, pictorial material or other visual images by direct or indirect projections, or through coin or slug operated or electronically or mechanically controlled still or motion picture, videotape machines or other image-producing devices maintained to show images or material, a predominance of which is principally distinguished or characterized by an emphasis on the depiction of Specified Sexual Activities or Specified Anatomical Areas, in return for the exchange of any form of consideration, irrespective of the number of patrons who may be able to view the presentation at any one time.

Adult Hotel or Motel: A hotel or motel which provides, as a predominant part of its major business, the presentation of material for viewing by patrons in exchange for any form of consideration or gratuity; material which is predominantly distinguished or characterized by an emphasis on matters depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas and which rents any portion of its facilities on an hourly or less than nightly basis.

Adult Live Entertainment Establishments: An establishment that offers live entertainment where patrons may view "specified anatomical areas". Such establishments feature the female and/or male human form in any state of undress engaging in any Specified Sexual Activities.

Adult Only Massage Establishment: A business that provides any service or massage or body manipulation, including, but not limited to, exercises and heat and light treatments of the body, and all forms and methods of therapy and which regularly excludes all minors.

Adult Oriented Business: Any business establishment where employees, independent contractors or patrons expose specified anatomical areas or engage in or simulate specified sexual activities, or any business establishment which offers to its patrons services or entertainment distinguished or characterized by an emphasis on matters depicting, exposing, describing, discussing, or relating to Specified Sexual Activities or Specified Anatomical Areas. The businesses may include, but are not limited to, Adult Live Entertainment Establishment, Adult Only Massage Establishment, Adult Theater, and Adult Retail Establishment.

Adult Retail Establishment: A commercial establishment which as one of its principle business purposes, offers for sale or rental, for any form of consideration, any one or more of the following:

Merchandise with a predominant emphasis on the display, depiction, description, or relation to Specified Sexual Activities or Specified Anatomical Areas. Merchandise includes, but is not limited to, motion pictures, audio and/or videocassettes, digital video disks (DVDs) and similar technology, films, books, magazines, posters, cards, pictures, periodicals, instruments, devices, equipment, paraphernalia, or other similar products.

A commercial establishment may have other principle business purposes that do not involve the offering for sale or rental of the above listed items and still be categorized as an adult retail establishment. Such other business purposes will not exempt such commercial establishment from being categorized as an adult retail establishment so long as one of its principle business purposes is offering for sale or rental for consideration the above listed items.

Primarily excludes all minors from the premises or section thereof because of the sexually explicit nature of the items sold, rented, or displayed therein.

Adverse Impact: A negative consequence for the physical, social, or economic environment resulting from an action, use, or development.

Agribusiness, Entertainment Farming: A commercial, service and/or industrial use operated primarily for the direct support of agricultural activities. It may consist of agricultural equipment sales rental and sales; the storage, warehousing, transportation & distribution and wholesaling of agricultural products; agricultural research, development, management and maintenance services conducted primarily within an office setting; agri-entertainment, such as pick-your-own produce operations, pumpkin patches, corn mazes, farm stores, agricultural festivals, and educational activities; and other similar agriculture related uses.

Agricultural Animals: The following lists animals, other than household pets, that are considered agricultural animals accessory to an agricultural use, whether kept and maintained for production and sale, family food production, education or for personal enjoyment. Agricultural animals are classified as large and small animals. Swine and potbelly pigs will not be permitted in any district. Examples of the types of animals in the different categories include, but are not limited to:

- Large animals: horses, burros, donkeys and mules, miniature horses, cattle, sheep, goats, llamas, and ratites.
- Small animals: rabbits, chinchillas, and poultry.

Agricultural Building: A structure designed and constructed to store farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place used by the public.

Agriculture, General: The use of land for agricultural purposes, where growing and harvesting activities associated with horticulture, floriculture, viticulture, apiaries, aviaries along with necessary accessory uses (such as greenhouses, incidental raising of agricultural animals, or the storage of agricultural related equipment used on the premises and temporary storage of agricultural products used and/or produced on the premises.) takes place; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities. General agriculture uses may or may not be owner-occupied and may utilize employees who are not owners or related by name to the owners. This use does not include: dairies, commercial animal breeding, concentrated animal feeding operations (CAFO), slaughter and meat packing plants, or fertilizer yards.

Airport Hazard: Any structure or object, man-made and/or natural, located on or in the vicinity of an airport; or any use of land near such airport which obstructs the air space required for or impedes or is otherwise hazardous to, any aircraft in flight, approach/landing or take-off operation.

Airport Master Plan: The Master Plan for the Eloy Municipal Airport as updated and adopted from time to time by the Airport Advisory Board and City Council.

Airspace: An area from the ground up within the general operation area of an airport.

Aisle, Parking: The travel way by which cars enter and depart parking spaces.

Alcoholic Beverages, Retail Sales: A retail establishment, such as but not limited to a liquor store, licensed to sell alcoholic beverages such as beer, wine, and liquor. No on-site consumption is allowed.

Alleyway: A public or private thoroughfare, other than a street, which affords a secondary means of vehicular access to abutting property and not intended for general vehicular traffic circulation.

Allowed Use: A use of land identified as a permitted or conditional use, subject to compliance with all applicable provisions of this Zoning Ordinance.

Alteration: Any change, addition or modification that alters the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

Alternative Tower Structure: Any clock or bell towers, church steeples, chimneys or stacks, elevators, light poles, power poles and similar alternative design mounting structures that camouflage or conceal the presence of antennas or towers.

Amateur Radio Tower: A freestanding or building mounted structure, including any base, tower or pole, antenna and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio (HAM) license issued by the Federal Communications Commission (FCC).

Amendment: A change in the wording, application, or substance of this chapter, or an addition or deletion or change in the zoning district boundaries or classifications of the zoning map.

Animal Hospital/Veterinarian: A facility used by one or more licensed veterinarians to provide medical services to household pets (e.g., dogs, cats, rabbits, iguanas, etc.) and/or a facility where pets are provided general hygienic and similar care using non-prescriptive over-the-counter supplies. Does not include overnight boarding of animals that are not under medical care.

Animal Kennel/Shelter: An enclosed building where four or more dogs over the age of three (3) months are boarded, bred, or offered for sale. A facility that accepts and/or seizes domestic animals for overnight boarding, care, adoption, or related to law enforcement activities. A zoo, pet store, veterinary clinic, animal hospital, and animal husbandry are not considered a kennel.

Animal Training School: A facility that specializes in the training of Household Animals.

Animal Unit (AU): A unit of measurement for farm, ranch, dairy and poultry operations used to determine the total number of specific animal types or combinations of animal types that may be permissible pursuant to the guidelines of this Chapter. An animal unit (AU) is approximately equivalent to one thousand (1,000) pounds of live animal weight. The following scale will be used to calculate total animal units:

- One slaughter and feeder cattle equates to 1 AU.
- One dairy cattle (whether milked or dairy cows) equates to 1.5 AU.
- One horse, mule, or donkey equates to 1.0 AU.
- One sheep, lamb, or goat equates to 0.25 AU.
- One poultry equates to 0.02 AU.
- One ratite equates to 0.33 AU.
- One miniature horse, sheep or goat equates to 0.20 AU.
- Other agricultural animals, not listed above, on a case by case basis.

Animals, Household: Dogs, cats, birds, reptiles, rabbits, and amphibians which are commonly kept as pets and whose primary value is personal enjoyment which shall not be raised for breeding or commercial purposes and which shall be limited to species whose presence in the neighborhood does not arouse unusual community interest or curiosity sufficient to attract the community residents to a specific neighborhood.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunication signals, or other communication signals.

Applicant: Any person applying for any permit, approval or decision governed or required by this Ordinance.

Arboretum or Botanical Garden: A public or private facility for the demonstration and observation of the cultivation of flowers, fruits, vegetables, Sonoran Desert or ornamental plants. Permitted accessory uses include gift shops, cafes, snack bars, and parking.

Archeologically Significant: A site which has revealed, or has the potential of revealing, important information regarding the lifestyles of prehistoric peoples and/or cultures which occupied the City and surrounding region in prehistoric and/or historic times.

Architectural Feature: The design and/or construction technique and elements or combination of elements that are the character: defining features of a structure.

Art, Public: Objects such as sculpture, water features or other multidimensional static or motionable designs that would be viewed by the general public as an attractive amenity in a private or public development. Such object(s) shall be located in spaces visible and/or accessible to the public in general to maximize their viewing enjoyment. These objects are not to be identified as a component of a particular business or organization.

Articulation: The visible expression of architectural elements through form, structure or materials that creates a human scale of building planes, achieving visual variation.

Assembly Hall/Auditorium/Conference Center: A building or structure, or group of buildings or structures, that may or may not be rented for organized short-term events such as weddings, receptions, and conferences. Additional components may include meeting rooms, kitchen facilities for the preparation of food to be consumed on the premises, parking, and childcare provided for persons while they are attending assembly functions. Schools associated with assembly uses are not an accessory use.

Assembly, Light: An enclosed building only engaged in the assembly of goods on the premises of the parcel. No manufacturing shall occur on the parcel. Goods are shipped to the establishment, assembled, packaged, and reshipped. Assembly and packaging involves only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight kilowatts. Typical light assembly uses include ceramic studios and custom jewelry manufacturing.

Assessed Value: The financial worth assigned to property by taxing authorities that is used as a basis or factor against which the tax rate is applied.

Assisted Living Center: A residential care institution that provides resident rooms or residential units for the housing of, and caring for, the ambulatory, aged or infirm; other than a nursing home, group home, or hospital; licensed by the Arizona State Department of Health Services for more than eleven (11) persons in a residential setting. Care givers are present at all times, and may (or may not) reside at the site. Facilities typically include common kitchen and dining areas, but may contain individual kitchenettes for residents.

Assisted Living Home: A dwelling unit shared for the housing of, and caring for, the ambulatory, aged or infirm; other than a nursing home, group home, or hospital; licensed by the Arizona State Department of Health Services for no more than ten (10) persons excluding staff in a residential setting. Caregivers are present at all times, and typically reside at the site.

Attached Building: Any structure sealed from the external environment with a permanent slab foundation and architecturally integrated with the main structure.

Attention Getting Device: A device designed or intended to attract attention by noise and/or a sudden, intermittent or rhythmic movement, physical change or lighting change, such as banners, flags, streamers, balloons, propellers, whirligigs, search lights and flashing lights.

Auctions, Indoor: A completely enclosed facility where property is received from willing persons or businesses, when such property is to be sold to third parties, by auction, either

publicly or privately, whether for cash, property or other consideration, inside the primary structure. Outdoor storage is allowed as an accessory use, if completely screened.

Authority Pole: A utility or wireless facility pole, that is typically in a right-of-way, including a utility pole that provides lighting or traffic control functions such as light poles, traffic signals, wireless communications and structures for signage.

Auto Wrecking and Salvage Yard: Any lot upon which two (2) or more motor vehicles of any kind, which are incapable of being operable due to condition or lack of license or registration, have been placed for the purpose of obtaining parts for recycling or resale.

Automobile Service Station: A building and improvements consisting of pumps and storage tanks or other facilities from which gasoline, diesel or alternative fuels are dispensed into motor vehicles. Indoor retail sales of food and non-food items are a permitted accessory use.

Automobile Rentals: Rental of automobiles, including storage and incidental maintenance.

Automobile Repair, Major: The service and repair of automobiles, trucks, motorcycles, motor homes, and recreational vehicles, including the sale, installation, and servicing of related equipment and parts, generally on an overnight basis. This classification includes auto engine repair shops; body, hull and fender shops, transmission shops, restoration, refurbishing, but excludes auto/boat dismantling or salvaging and tire re-treading or recapping.

Automobile Repair, Minor: The service and repair of automobiles, light-duty trucks, and motorcycles, including the sale, installation, and servicing of related equipment and parts. This classification includes quick-service oil, tune-up, wheel and brake shops, muffler shops, auto glass services, propeller service, battery replacement and tire sales and installation, where repairs are made or service provided in enclosed bays and no vehicles are stored overnight. This classification excludes establishments providing engine repair, body, hull and fender work, vehicle painting, or towing. It also excludes the repair of heavy trucks, construction vehicles, or boats that exceed nine (9) feet in width by thirty (30) feet in length.

Automobile/Boat Sales and Leasing: The sale or leasing of automobiles, motorcycles, trucks, motor homes and boats, including storage and incidental maintenance.

Avigation Easements: A document acknowledging airport proximity, limiting the height of structures and granting permission for the conditions arising from the overflight of aircraft in connection with the operation of an airport.

Awning: A roof like cover, often of fabric, metal or glass, designed and intended for protection from weather and providing shade, or as decorative embellishment, and which extends from a wall or roof of a structure over a window, walk, door or similar.

B

Balloon: A bag, measuring not more than eighteen (18) inches in diameter, made of thin rubber or other light material, usually brightly colored, inflated with air or with some lighter-than-air gas and used with flags and/or banners to attract attention for an event.

Bar, Lounge, or Tavern: A structure or part of a structure used primarily for the sale or dispensing, and on-site consumption of, alcoholic beverages or liquor by the drink, which may or may not serve food. Any facility providing both food and alcoholic beverages or liquor by the drink for on-site consumption that does not meet the definition of a restaurant shall be considered a bar, lounge, or tavern.

Barn: A structure used in conjunction with an agricultural use, which may include the housing of livestock and/or storage of agriculture related products and machinery.

Base Station: Wireless facilities or a wireless support structure or utility pole that currently supports wireless facilities. A Base Station does not include a tower as defined in 47 Code of Federal Regulations Section 1.40001(b) (9) or associated wireless facilities.

Basement: A space having one-half (1/2) or more of its floor to ceiling height below the average level of the adjoining ground and with a floor to ceiling height not less than six and a half (6 ½) feet.

Basin, Detention: A storm water storage facility that temporarily stores surface runoff and releases it at a controlled rate through a positive outlet.

Basin, Retention: A storm water storage facility that stores surface runoff. Stored water is infiltrated into the subsurface or released to the downstream drainage system or watercourse (via gravity outlet or pump), or evaporated after the storm event.

Bed and Breakfast, Homestay - A business in an owner-occupied principal building originally constructed as a single-family dwelling and/or reconstructed from a commercial building into a single-family dwelling that provides not more than four (4) guest rooms for occasional guests on a temporary basis with breakfast service being provided on premises.

Berm: A mound or embankment of earth.

Block: That property abutting one side of a street and lying between the two nearest intersections or intercepting streets on subdivided land.

Board: The City of Eloy Board of Adjustment.

Boarding/Shelter Care - A facility in which any of the rooms are provided or rented/leased to persons on a transient basis, but which does not include group homes, resident care homes, assisted living facilities, nursing homes, dormitories, alcohol/substance abuse detoxification centers or alcohol/substance abuse treatment centers.

Bogie: A subassembly of axles and wheels that supports a semitrailer, whether permanently attached to the frame (as on a single trailer) or consisting of the dolly, that can be hitched and unhitched as needed, when hitching up a second or third semitrailer.

Brewery or Distillery. A facility for the brewing/distilling and wholesale distribution of beer or distilled alcohol produced onsite, subject to State licensing.

Buffer: A landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

Buildable Area: That portion of a lot upon which construction is permitted, consisting of an area of the lot which lies within the boundaries of the front, side and rear yard setback requirements.

Building Coverage: The ground floor area used by all principal and accessory buildings on a lot, tract or parcel of land.

Building Façade: An exterior building elevation.

Building Height: The vertical distance measured from the natural grade to the highest point of the coping of a flat roof, or to the highest point of a mansard roof, or to the highest gable of a pitch or hip roof.

Building Inspection: A process following the issuance of a Building Permit to ensure that construction meets Eloy, state of Arizona and national building codes and ordinances, zoning regulations, and city-approved plans and drawings. Footings, bottom of excavations, framing, insulation, waterproofing, roofing, plumbing, mechanical and electrical represent items typically required in a building inspection.

Building Line: A line beyond which the foundation wall or any vertical structural support or other enclosed portion of a building shall not project. The front face of any service station pump shall be considered the building line.

Building Material Sales, Indoor Retail: An establishment for the sale of materials, hardware, and lumber customarily used in the construction of buildings and other structures, and where most display and sale of materials occurs inside the primary structure, such as home improvement stores and hardware stores. Enclosed outdoor storage is allowed as an accessory use. Examples include home improvement and hardware stores.

Building Material Sales, Outdoor or Wholesale: Outdoor sale of materials, hardware, and lumber customarily used in the construction of buildings and other structures, including facilities for storage.

Building Mounted Antenna: Any antenna that is attached to the walls of, or integrated into buildings or parapet walls.

Building Official: An employee of the City authorized to issue building permits and certificates of occupancy and to administer all applicable construction/building codes.

Building Permit: A permit issued by the City of Eloy that is required for the construction, modification or moving of any building, structure or use in the City of Eloy.

Building Setback Line: The required minimum distance, as prescribed by this Chapter, between the front, sides and rear property line(s) and the closest point of any building or structure.

Building, Principal: A building which contains the principal use of the lot on which it is situated. In any residential zone, any such dwelling shall be deemed to be a main building on the lot on which it is located.

Building: Any structure having a roof supported by columns or walls for the shelter, use, occupancy, or enclosure of persons, animals, or chattel or property of any kind, with the exception of dog houses, playhouses and similar structures.

Bus Terminal: Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

Business Services: Establishments that primarily provide goods and services to other businesses on a fee or contract basis, including printing and copying, blueprint services, advertising and mailing, office security, custodial services, and photo finishing.

C

Caliper: The diameter of a tree trunk as measured six (6) inches above ground level up to and including four–inch caliper size, and measured twelve inches above ground level if the trunk measurement taken at six inches above ground level exceeds four (4) inches. If a tree is of a multi–trunk variety, the caliper of the tree is the average caliper of all of its trunks, as measured six (6) inches above ground level.

Camper: A structure providing temporary sleeping and cooking facilities and designed for mounting on a motor vehicle chassis.

Campground: A parcel of land where two (2) or more campsites are located, established, or maintained for occupancy by camping units of the general public, including recreational vehicles, or tents, as temporary living quarters for recreation, education, or vacation purposes.

Canopy: A structure made of cloth, metal or other materials with frames affixed to a building or carried by a framework which is supported by the ground.

Car Wash: A facility, coin operated, automatic, or hand wash, for the cleaning of automobiles, providing either self-serve facilities or employees to perform washing operations.

Caretaker Living Quarters, During Construction: A temporary living accommodation located on a lot where a building permit has been lawfully issued and construction has commenced on the principal, permanent building. Such quarters may be used for residential or sleeping purposes during construction and may occur in a trailer, motor home or mobile home situated on the lot under construction.

Caretaker Living Quarters, Agricultural: An accessory dwelling unit located on a lot only zoned RR-20 or RR-5 that is a subsidiary use to the principal dwelling unit situated on that same lot.

Caretaker Living Quarters, Dwelling Unit: A single-family dwelling unit accessory to an agricultural, professional, commercial or industrial principal dwelling unit for occupancy by the owner/caretaker.

Carnival(s): See “Special Event”.

Cargo Containers: A metal structure specifically constructed for the shipment of goods by ship, rail or truck that is later used as a facility to store goods and materials.

Carport: A roofed structure which may be attached or unattached to the principal structure providing space for the storage of motor vehicles, at least two (2) sides of which shall be at least fifty percent (50%) open. Enclosed storage facilities may be provided as part of a carport.

Cemetery: Land used or dedicated to the interment of human or animal remains, including columbaria, mausoleums, mortuaries, and associated maintenance facilities when operated in conjunction with, and within the boundaries of, such cemetery.

Centerline: The centerline established by the Public Works Director for any proposed or dedicated public way.

Certificate of Occupancy: A document issued by the Building Official allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes of the City of Eloy.

Change of Use: Any use which differs from the previous use of a building or land.

Channel Letter: Individual letters constructed to be applied singularly in the formation of a Building Mounted Sign or a Freestanding Sign. Channel letters may be illuminated or non-illuminated.

Chassis: The base frame of a motor vehicle or other wheeled conveyance.

Check Cashing Facilities: See “Non-Chartered Financial Institutions”.

Child Care Home: A state certified facility, the primary use of which is a residence, in which child care for not less than five (5) children and not more than ten (10) children through the age of twelve (12) or adult day care for at least five (5) and not more than ten (10) adults is regularly provided for compensation for periods of less than twenty-four (24) hours per day. The following uses are not a Day Care Home: an Assisted Living Facility, Group Care Home, or Day Care, Home Occupation.

Child Care, Center: Any facility licensed by the Arizona State Department of Health Services in which care and supervision for five (5) or more persons is regularly provided for compensation for periods of less than twenty-four (24) hours per day. This classification includes nursery schools, preschools, day care for children or adults, and any other non-residential day care facility licensed by the State of Arizona.

Circulation Area: That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (but not the parking spaces themselves) comprise the circulation area.

Circus: See “Special Event”.

City: The City of Eloy, Arizona.

Civic Organization: A group of people who join together for the purpose of servicing a public or mutual benefit other than the pursuit or accumulation of profits for its owners or investors.

Clinic: An establishment where patient care is administered on an out-patient basis by one (1) or more licensed physicians and/or dentists and their professional associates.

Cluster Development: A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be retained as natural open space for the preservation of sensitive lands, parks, and public open space areas.

Coffee Shops/Cafes: Establishments that primarily serve nonalcoholic beverages, such as coffee, juices, or sodas for consumption, on or near the premises, or a specialty snack, such as ice cream, frozen yogurt, cookies or popcorn.

Coffee Shops/Cafes, with Drive-Thru: Same as the above use, but with a drive-thru facility.

Collector Streets: Major, minor, and residential collectors. The collector streets provide the traffic movement between the neighborhoods of the city, to the arterial streets.

College or University: A degree-granting institution, other than a trade school, that provides education beyond the high school level. The use includes, but is not limited to, classroom buildings, offices, laboratories, lecture halls, athletic facilities, and dormitories.

Collocate Or Collocation: To install, mount, maintain, modify, operate or replace wireless facilities on or adjacent to a wireless support structure or authority/utility pole.

Color Correlated Temperature (CCT): The temperature of an object (blackbody radiator) in degrees Kelvin that gives the most similar color (spectral) distribution. Higher CCT usually shifts frequency to the blue. The CCT value of lamps is now usually included in all packaging.

Commercial Entertainment, Indoor: A use, providing entertainment, diversion, or pleasure that is created by watching a performer, sports competition, etc., whether public or private, conducted indoors as a business, including concert halls, performance theatres, stadiums, and uses analogous to these uses.

Commercial Entertainment, Outdoor: A large open or partially enclosed space most often used for the viewing of games or major events, and partly or completely surrounded by tiers of seats for spectators. Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

Commercial Vehicle: Any vehicle currently registered as such with the Arizona Department of Motor Vehicles or equivalent out-of-state or federal agency and is used primarily in the conduct of a business as opposed to private family or individual use.

Commission: The Planning and Zoning Commission of the City of Eloy.

Common Area: Land in a residential development held in common and/or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner.

Common Ownership: Ownership by one (1) or more individuals in any form of ownership.

Communications Service Provider: A cable operator (as defined in 47 United States Code Section 522(5), a provider of information service (as defined in 47 United States Code Section 153(24), a telecommunications carrier (as defined in 47 United States Code Section 153(51) or a wireless provider.

Community Playfields and Parks: A tract of land owned by a public entity and available to the general public for recreational purposes, including indoor recreational facilities, swimming pools, playgrounds, and lighted and unlighted athletic fields.

Community Recreation Center: A facility providing recreation/pool facilities and/or meeting rooms, and typically oriented to the recreational needs of the residents of the surrounding area.

Compatible: The use of land or a structure that is capable of existing together in harmony with other structures or uses of land adjacent or in proximity to the land use or structure in question.

Comprehensive Sign Plan: A coordinated and detailed plan demonstrating consistency of all sign types, their location, design standards, color/material finishes, lettering and/or graphic style and supporting lighting plan proposed for multi-tenanted buildings or shopping centers.

Concealed/Disguised: Any personal wireless communications device that is obscured or made to appear to be a natural plant or architectural feature.

Concentrated Animal Feeding Operation (CAFO): Any facility or farm operation which includes all structures; including, but not limited to: feed storage bins, waste storage facilities, waste treatment operations used to digest or reduce the solids or nutrients, litter storage or incinerators, or other accessory structures, which at any one time has more than two hundred fifty (250) animals of any kind including beef cattle, dairy cattle, horses, sheep, goats, and ratites but not swine or poultry. Also, a CAFO is one that:

- Such animals are or will be stabled, confined, fed, or maintained for a total of forty-five (45) days or more in any twelve (12) month period; and/or
- Crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility.
- An operation which confines and feeds dairy or beef cattle for a period of twenty (20) days, moves them to pasture or other facility for a period of time and then returns the dairy or beef cattle to the feedlot for an additional twenty-five (25) consecutive days is still considered a CAFO.

Conditional Use: A use potentially permitted in a particular zoning district only upon demonstrating, to the Commission and Council that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in this Ordinance.

Consistent: Means harmony, regularity of steady continuity.

Contiguous: In contact with one or more sides.

Continuous: Means an uninterrupted extension in space, time or sequence.

Convenience Market: Retail establishments that sell a limited line of groceries, prepackaged food items, tobacco, magazines, and other household goods, primarily for off-premises consumption and typically operating with long or late hours of operation and a relatively small building of less than 5,000 square feet.

Corral: A fenced area for the confinement of large Agricultural Animals.

Correctional Transitional House: A supervised dwelling unit where individuals, who are completing their judicial sentence, reside for a defined period of time for counseling, job placement assistance, and similar services that assists in their transition from institutional to community living.

Council: The City Council of the City of Eloy.

Country Club, Private Membership: An area containing, but not limited to, a club house which is available only to a limited group of people based on membership. Such a club may contain, as adjunct facilities, a private club and dining room, swimming pool, tennis courts and similar service and recreation facilities.

County: Pinal County, State of Arizona.

Courtyard: Any space other than a yard on the same lot with a building or group of buildings and which is unobstructed and open to the sky from above the floor level of any room having a window or door opening on such space.

Covered Porch, Front: A one story roofed area attached to a street–fronting building facade that is not devoted to the garage, of which a minimum of two (2) sides shall be at least fifty (50) percent open and the minimum dimensions shall be four (4) feet deep by eight (8) feet wide.

Crematorium or Funeral Parlor: A location containing properly installed, certified apparatus intended for use in the act of cremation, or an establishment for the preparation of the deceased for burial and the display of the deceased and rituals connected with, and conducted before, burial or cremation, as well as a facility for the permanent storage of cremated remains of the dead.

Cul–de–sac: A local street, one end of which is closed and consists of a circular turn around.

Cultural Facility: A public, private, or not for profit facility that provides cultural services, including but not limited to, an art gallery, library, or museum.

Curb Cut: A dip in a sidewalk and curb that enables a vehicle to drive to a driveway, garage, parking lot, loading dock or drive-through.

Curfew: A time established for listed lighting systems to be automatically extinguished.

D

Dairy: A commercial farm operation with accessory uses or accessory structures including, but not limited to, feed storage bins, litter storage sites, manure storage sites, manure disposal pits, processing and/or sales of dairy products which at any one time has at least two hundred fifty (250) but not more than five hundred (500) bovine species (375 - 750 AU) and must be located on a site with a minimum of six hundred forty (640) acres.

Day Care, Home Occupation: A permanent residential unit where an occupant provides day care and supervision for no more than four (4) children or adults not residing in the household, whether or not for compensation. The following uses are not a Home Occupation Day Care use: Group Home; Day Care, Home and Day Care, Center.

Decibel: A unit for expressing the relative intensity of sounds from zero (0), average least perceptible to one-hundred-thirty (130), average pain level.

Deck: A projecting non-enclosed portion of a structure located at a height of less than eight (8) feet above the ground.

Dedication: The designation of land by its owner for any general or public use.

Demolish: To pull down or tear down a structure without regard to maintaining the visual or structural integrity of its various components.

Density Transfer: The ability to use permitted unused allowable densities or development units in one development unit, parcel or subdivision area in another development unit, parcel or subdivision area of the same development. (Examples: Within a subdivision, clustering of homes on smaller lots to retain larger open space areas; within the floodplain area, to cluster homes at a higher elevation to retain undisturbed floodplains.)

Density: The total number of dwelling units or lots divided by the Gross Area (acres) unless otherwise stated.

Developer: A person, firm, partnership, joint venture, association, trust, corporation, limited liability company, or entity who desires to improve or otherwise engage in any development of property within the City of Eloy, including the owner of the property and any agents acting on behalf of the owner.

Development Agreement: An agreement executed between the City and any person having a legal or equitable interest in real property for the development of such property and which complies with the applicable provisions of Arizona Revised Statutes.

Development Plan: A plan submitted to and approved by the City of Eloy pursuant to the City of Eloy Zoning Ordinance. Such plan shall describe with reasonable certainty the density and intensity of use for a specific parcel or parcels of property associated with any type of development, but most commonly associated with a Planned Area Development.

Development Unit: One (1) or more tracts or lots of a PAD that may be developed in phases or by different owners.

Development: Any manmade change to improved or unimproved real estate, including but not limited to the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance.

Direct Illumination: Illumination resulting from light emitted directly from a luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

Director: The Director of the Eloy Community Development Department.

Disability: The term “disability” means, with respect to an individual (A) a physical or mental impairment that substantially limits one or more major life activities of such individual; (B) a record of such an impairment; or (C) being regarded as having such an impairment. For purposes of this definition, a qualified individual with a disability shall not include an individual who is currently engaging in the illegal use of drugs, when the covered entity acts on the basis of such use, except as provided in 42 U.S.C. § 12210. The term “illegal use of drugs” means the use of drugs, the possession or distribution of which is unlawful under the Controlled Substances Act, 21 U.S.C. § 812. Such term does not include the use of a drug taken under supervision by a licensed health care professional, or other uses authorized by the Controlled Substances Act or other provisions of Federal law. The term, disability, shall be interpreted in a manner consistent with the definition of disability in the Americans with Disabilities Amendment Act of 2008.

Dish Antenna: A bowl shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.

Display Lot or Area: Outdoor areas where active nighttime sales activity is the primary business function, and where accurate color perception by customers is required.

Distribution/Warehousing Center, Indoor: A building with the primary purpose of receiving, storing, sorting, transferring to larger or smaller vehicles, consolidating into larger quantities or breaking down into smaller quantities of goods and materials for reshipment to other locations, typically for other businesses.

Distribution Yard, Outdoor: An open site, completely enclosed by an opaque wall, with the primary purpose of receiving, storing, sorting, transferring to larger or smaller vehicles, consolidating into larger quantities or breaking down into smaller quantities of goods and materials for reshipment to other locations typically for other businesses.

District: A portion the City within which certain uniform regulations and requirements or various combinations of requirements are applied under the provisions of this Code.

DNL (Yearly Day-Night Noise Level): A summation metric accepted by the federal aviation administration (FAA) as an appropriate measure of cumulative noise exposure at airports.

Domestic Animal: An animal which is commonly maintained in a common residence with human habitation.

Driveway: A portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Duplex: A building occupied for the primary purpose of permanent living quarters for two (2) families, including a Single-Family Semi-Detached dwelling.

Dust Free: Treatment of native soil with a covering of asphalt, concrete, masonry or other palliative substance.

Dwelling Unit: A building or portion of a building designed or used by one (1) family for residential purposes as a single housekeeping unit, but not including assisted living facilities, hospitals, hotels, motels and other accommodations for the transient public.

Dwelling, Live/Work - An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or structurally modified to accommodate joint residential occupancy and work activity, and which includes: a complete kitchen space and sanitary facilities in compliance with the City building code; and working space reserved for and regularly used by one (1) or more occupants of the unit.

Dwelling, Manufactured Home: A structure built on or after June 15, 1976, in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974.

Dwelling, Mobile Home: A structure, transportable in one or more sections, that is at least eight (8) feet in width and thirty-two (32) feet in length and that is built on a permanent chassis and designed to be used as a dwelling unit, with or without a permanent foundation, when connected to on-site utilities, and that was not constructed in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974.

Dwelling, Modular Home: A factory-built building, residential, excluding mobile homes and manufactured homes defined herein. Such housing is certified as meeting the state and local building codes as applicable to modular housing and shall be considered equivalent to a site built building and which requires substantial assembly on site. Also referred to as “factory built” in Department of Building, Fire and Safety Rules, State of Arizona.

Dwelling, Multi-Family - A single building containing three (3) or more dwelling units on an individual lot for occupancy by families living independently of each other. Within apartments, the building and land are under single ownership and dwelling units are rented or leased. Within a condominium, ownership consists of the airspace within a unit and the building(s) and all land within the development are under common ownership.

Dwelling, Single-Family Attached - A dwelling designed for or used by one (1) family, located on an individual lot, and having any portion of one (1) or more walls in common with adjoining dwellings. Housing units are side by side only.

Dwelling, Single-Family Detached - A dwelling designed for or used by one family.

E

Easement: Is a right to use a portion of the land owned by another individual for a special purpose or public use such as, by way of example, vehicular or transportation access, drainage, or public utilities.

Easement, Avigation: A document acknowledging airport proximity, limiting the height of structures and granting permission for the conditions arising from the overflight of aircraft in connection with the operation of an airport.

Effective Date: The date on which a permit or other approval becomes enforceable or otherwise takes effect, rather than the date it was signed or circulated.

Efficiency Dwelling Unit: A dwelling unit containing only one (1) habitable room.

Egress: An exit.

Electronic Message Center: An internally lit sign that uses computer-generated or electronic components to change advertising copy, messages or color, including signs that flip or rotate.

Elevation: The vertical distance above or below a fixed reference level or a flat scale drawing of the front, rear or side of a building or structure.

Encroachment: A right of access or entry that has been agreed upon by the property owner or mandated by the City, State or Federal Government.

Enlargement: An increase in the size of an existing structure.

Entry Features: A distinctive object or element located at or near the point at which entrance is made.

Equipment Cabinet: An enclosed shed or box at the base of or near a wireless facility mount within which are housed, among other apparatus, batteries and electrical equipment (hereinafter referred to as "equipment"). This equipment is connected to the antenna by cable(s).

Erected: Built, constructed, altered, reconstructed, moved upon; any physical operations on premises which require construction, excavation, fill, drainage and the like, shall be considered part of an erection.

Excavation: Removal or recovery by any means whatsoever of soil, rocks, minerals, mineral substances or organic substances other than vegetation from water or land from beneath the land surface whether exposed or wholly or partially subgrade.

Exhibit: Any graphic representation noted as "exhibit" within this Chapter that is used to illustrate and exemplify certain standards and regulations contained within the language of this Chapter. If an exhibit and text of the Ordinance conflict, the written text of the Ordinance shall control.

Existing Grade or Elevation: The vertical location of the ground surface prior to excavating or filling.

Existing Use: The use of a lot or structure at the time of enactment of this Ordinance.

Expansion: The process of becoming greater in size, number, or amount.

Exterior Display: Materials and items for sale in conjunction with a retail business that are displayed outside or underneath a canopy for more than twenty-four (24) hours and which are not stored within a building. This does not include outside vending machines or architectural props or decorations.

Exterior Wall: Any wall that defines the exterior boundaries of a building or structure.

F

Fabrication: Means to construct or assemble from diverse and usually standardized parts.

Facade: The entire building front including the parapet.

Family: One (1) or more persons living together as a single housekeeping unit, in a dwelling unit.

Farm/Agriculture: An agricultural use, and all accessory structures customarily associated with such use, where the growing and harvesting of field, tree or bush crops including flowers takes place, which may or may not be owner occupied but which may utilize employees who are not owners or related to the owners. Agricultural animals may be considered accessory to a farm use provided the animal density is no more than two (2) AU/acre or not more than a total combination of two hundred fifty (250) animals; or whichever is less.

Farmers Market/Produce Stand: Commercial activities conducted in an outdoor area, or in semi-enclosed temporary structures where one (1) or more vendor(s) display, barter, or sell directly to the customer food, merchandise and products made or produced locally, such as fresh fruits, vegetables, flowers, herbs, plants, and home prepared food products. A farmer's market tends to be seasonal, and vendors typically do not occupy the market on an uninterrupted, daily basis. Farmers market does not mean flea market, occasional arts and craft fairs, or festivals.

Feed Store: An establishment engaged in the retail sale of supplies directly related to ranching or dairy operations.

Fence or Wall Height: Where a fence or wall faces a public street, highway or alley, its height shall be measured from the top of the curb, or where no curb exists, the centerline of the street, highway, or alley. Where a fence or wall separates two (2) properties, the height shall be the average measured from each side of the base of the fence as established at the time of final grading. A retaining wall will be counted as part of the total wall or fence height where the minimum horizontal distance between the retaining wall and the fence is less than the average height of the retaining wall. Where the minimum horizontal distance between the retaining wall and the fence is greater than the average height of the retaining wall, the fence or wall height shall be measured from the base of the fence or wall.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Financial Institution: An establishment that provides banking, lending, or similar financial services to individuals and businesses. This definition includes those institutions engaged in the on-site circulation of cash and check-cashing facilities, but shall not include bail bond brokers.

Financial Institution, with Drive-Thru: Same as the above use, but with a drive-thru facility.

Finished grade: The final grade and elevation of the ground surface after grading is completed and in conformance with the approved grading plans.

Fitness and Sports Center: A facility primarily featuring equipment for exercise and other active physical fitness and/or recreational sports activities, such as swimming, skating, racquet sports, aerobic dance, gymnasium facilities, indoor soccer, yoga, and other kinds of sports and fitness facilities.

Fixed Base Operator: A person, firm or corporation subject to the provisions of a lease, engaging in more than two (2) of the following:

- The sales, service, exchange, renting, and leasing of:
- New and used aircraft;
- Aircraft parts, accessories and hardware;
- The repair, overhaul, maintenance, and alteration or modification of general aviation aircraft and/or aircraft equipment under the provisions of FAA approved guidelines;
- The provisions of an FAA pilot flight and ground school training; and
- Charter flight services, which may include aerial photography, advertising, mapmaking, and crop dusting services.

Flag: A fabric sheet of square or rectangular or triangular shape which is mounted on a pole. This includes flags of the United States, State of Arizona, registered corporations and other registered entities, foreign nations, as well as decorative flags, and flags supporting activities of the City or other public facility land use.

Flea Market: Indoor or outdoor premises where the main use is the sale of new or used household goods, personal effects, tools, art work, appliances, and similar merchandise, objects, or equipment in small quantities, in stalls, lots, parcels, or in bulk, for the use, sale or consumption by the immediate purchaser in a building, open air, or partly enclosed booths or stalls not within a wholly enclosed building. This definition does not include temporary retail sidewalk sales or garage sales or special events.

Flood or Flooding - Means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of flood waters; (2) the unusual and rapid accumulation or runoff of surface waters from any source; and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as flash flood or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and risk premium zones applicable to the community.

Floodplain: Any land areas which are susceptible to being inundated by water from any source.

Floodway: The channel of a wash or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot (1').

Floor Area Ratio: The numerical value obtained through dividing the Gross Floor Area of a building or buildings located on a lot or parcel of land by the total Net Area of such lot or parcel of land.

Floor Area, Gross: The sum of the area of all floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, or attics not used for human occupancy, or any floor space in accessory buildings or in the main building intended and designed for the parking of motor vehicles in order to meet the parking requirements of this Ordinance, or any such floor space intended and designed for accessory heating and ventilating equipment. It shall include the horizontal area at each floor level devoted to stairwells and elevator shafts.

Floor Area, Net: The total of all interior useable floor areas of a building measured from the interior face of interior walls, excluding stairwells and elevators shafts, unenclosed porches, public corridors, public toilets, light shafts, equipment rooms and vertical equipment chases.

Foot-Candle: is a unit of measure for quantifying the intensity of light falling on an object. A foot-candle is a traditional unit of photometry based on the English system of measurements. A foot-candle equals 1 lumen per square foot. A full moon is approximately 1/100 of one foot-candle.

Force Majeure: An event that results from the elements of nature, as opposed to an event caused by human behavior.

Fossil Fuel Light: Light produced directly or indirectly by the combustion of natural gas or other utility type fossil fuels.

Foundation (Base) /Footing: The area adjacent to the exterior walls of a building containing hardscape, (entry plazas, covered walkways, sidewalks), ground cover, or landscaping.

Fraternal or Social Club, nonprofit - Meeting, recreational, or social facilities of a nonprofit organization primarily for use by members or guests. This classification includes union halls and social clubs.

Fringe: An area on an outer edge or periphery of a lot, parcel, subdivision or tract.

Frontage, Building: The length of an outside building wall, most commonly associated with the front yard or a lot or parcel.

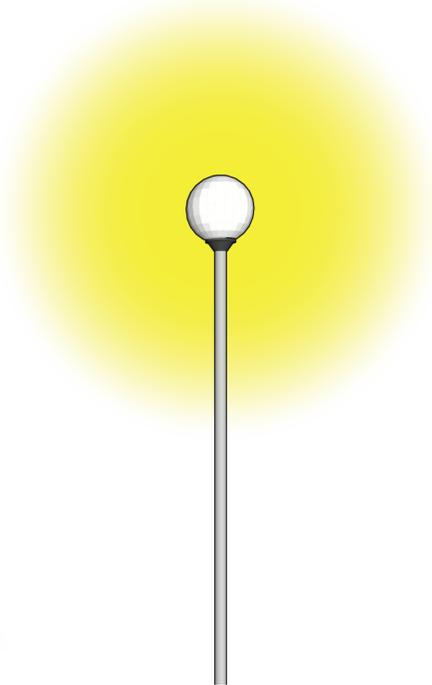
Frontage: The length of the front property line of a lot or tract of land abutting a public street, road, highway, or rural right-of-way.

Fully Shielded Luminaire: An outdoor luminaire shielded in such a manner that all light emitted by the luminaire, either directly from the lamp or indirectly from the luminaire, is projected below the horizontal plane as determined by photometric test or certified by the manufacturer. The following example shows a correctly installed fully-shielded luminaire that is aimed downward and emits no light above the horizontal plane, as opposed to an unshielded luminaire, which is also illustrated:

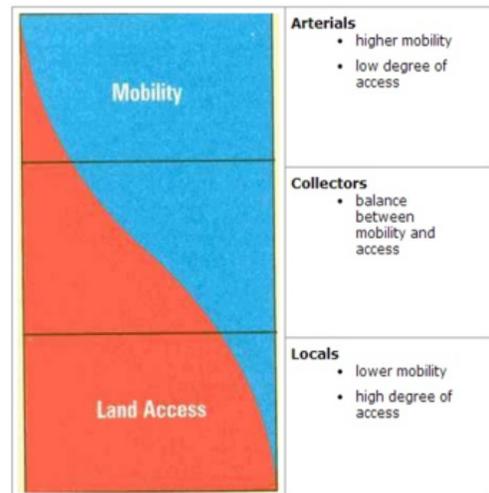
Fully Shielded



Unshielded



Functional Roadway Classification-A system that defines the role a roadway serves in the overall road network. Each roadway is classified by whether it is 'urban' or 'rural' and by its function within the network. In general the two basic functions of a roadway are access to property and travel mobility. Mobility refers to the actual ability of the road to move traffic, while accessibility refers to the ease of entering or exiting a roadway to or from adjacent priorities. Arterials have high mobility but low land access and are typically used for longer trips. Whereas, local roads have low mobility (travel at slower speeds) but provide the highest level of land access. These are used for shorter trips around town. Collectors are in the middle and often act as the transitional roads from arterials to local roads.



G

Gable: A ridged roof forming a gable at both ends of the building.

Garage Sale: A sale of household items conducted on a residential lot and incidental to the existing principal dwelling.

Garage, Private: A completely enclosed accessory building or accessory portion of the main building used for shelter or storage of vehicles.

Garage, Side Entry: A garage in which its door does not directly face the street with an entrance that is parallel to the side property line.

Garden Shed: A four (4) sided, single-story, accessory structure that may be partially or entirely enclosed, located within the rear yard of a residential lot used for storage, hobbies, or as a workshop.

General Lighting: Lighting used for general illumination.

General Personal Services: An establishment, whether for consideration or not, that provides non-medical care, advice, aid, maintenance, repair, treatment, or similar semi-technical, technical, or experienced assistance, other than the practice of a profession and wholesale or retail sale of goods. Examples included, but are not limited to, shoe repair, beauty and barber shops, tanning salons, and dry-cleaning shops.

General Personal Services, with Drive-Thru: Same as the above use, but with a drive-thru facility.

General Plan: An aspirational plan for the future pursuant to Arizona Revised Statutes, Section 9-461.05, providing for the future growth and improvement of the City of Eloy and for the general location of land uses, streets, schools and recreation areas, public building sites, and other physical development, and including any part of such plan separately adopted and any amendment to such plan, or parts thereof.

General Recreation, Indoor: An establishment offering recreation, game playing, rides, or similar amusements to the public within an enclosed building. This shall include, but not be limited to, arcades, bowling alleys, billiard parlors, bingo parlors, and laser tag parlors.

General Recreation, Outdoor: Intensely developed recreational uses where the general public typically participates, lighted or unlighted, such as amusement parks, miniature golf courses, batting cages, motocross courses, water parks or slides, courses for paramilitary games, and archery facilities.

Glare: The sensation produced by a bright light source within the visual field that is sufficiently brighter than the level to which the eyes are adjusted, causing discomfort and/or loss in visual performance visibility.

Golf Course, Unlighted: A tract of land having nine or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, concession stand, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure. This term shall not include miniature golf courses as a principal or accessory use, nor shall it include driving ranges that are not accessory to a golf course, nor shall it include lighted golf courses.

Government Offices and Civic Buildings: An office of a governmental agency that provides administrative and/or direct services to the public, such as, but not limited to: post offices, employment offices, public assistance offices, or motor vehicle licensing and registration services.

Grade, Average: The average of the finished ground level at the center of all walls of a building. Where walls are parallel to, and within five (5) feet of a sidewalk, the ground level shall be measured at the sidewalk.

Grade, Finish: Final elevation of the ground surface conforming to the approved grading plans.

Grade, Natural: Elevation of the natural or undisturbed ground surface prior to any grading operation. Building elevations, for purposes of height limitations, shall be measured from natural grade.

Gross Leasable Area: The total floor area designed for tenant occupancy and exclusive use, including basements, mezzanines, and upper floors, if any, expressed in square feet and measured from the center line of joint partitions and from outside wall faces.

Group Care, Home: A dwelling unit for a group of no more than six (6) unrelated persons, excluding staff, who do not have a disability (see "Resident Care Home" for persons with disabilities), and are not living together as a single housekeeping unit. Group home facilities may or may not be licensed by the state or another government authority. This definition shall include shelter homes for people at risk and halfway/correctional transitional facilities, but shall not include resident care homes for the developmentally disabled nor foster care homes as specifically defined and provided for by the Arizona Revised Statutes.

Grubbing: The elimination of roots from the ground by digging or pulling.

Guest Room: Any room or rooms, used or intended to be used by guests on a temporary basis for sleeping purposes, having no provisions for cooking. School and college dormitories and fraternity and sorority houses are excluded.

Guest: Any person hiring and occupying a room on a temporary basis for sleeping purposes.

H

Habitable Room: Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage and utility spaces and similar areas are not considered habitable space.

Handicapped: See “Disability”

Hardscape: The part of a building’s grounds consisting of improvements, such as plazas, retaining walls and sidewalks, typically constructed of concrete, sidewalk pavers or other masonry or stone materials.

Hazardous Materials: Any substance characterized as flammable solids, corrosive liquids, radioactive materials, oxidizing material, highly toxic materials, poisonous gases, reactive materials, unstable materials, hypergolic materials and pyrophoric material sand as well as any substance or mixture of substances which is an irritant, a strong sensitizer or which generates pressure through exposure to heat, decomposition or other means, or as otherwise defined by law.

Health Care / Medical Facility or Clinic: A public or private facility primarily engaged in furnishing, on an outpatient basis, chiropractic, dental, medical, surgical, medical imaging, or other services to individuals, including the offices of chiropractors, physicians, dentists, drug therapists, rehabilitation therapists and other health practitioners, medical and dental laboratories, outpatient care and outpatient care facilities. Patients are not kept overnight except under emergency conditions.

Heavy Rental, Outdoor - Retail establishments selling or renting construction, farm, or other heavy equipment. Examples include cranes, earth moving equipment, tractors, combines, heavy trucks, etc.

Height, Wireless Facility: The height of wireless facility/monopoles and towers shall be measured from the natural grade to the top of all appurtenances. The height of rooftop mounted communication equipment shall be measured from the base of the roof elevation to the top of all appurtenances. The height of building mounted communication equipment shall be measured from the top of the equipment to natural grade.

High Intensity Discharge Lamps: A family of gas-discharge arc lamps which create light by sending an electrical discharge between two electrodes and through a plasma, or ionized gas. The major types of HID lamps include mercury, sodium and metal halide.

Home Occupation: A commercial activity conducted entirely within a dwelling or accessory structure (in a residential zoning district) that can be conducted without any significantly adverse impact(s) on the surrounding neighborhood.

Homeowner Association (HOA): An organization of homeowners of a particular subdivision, condominium or planned unit development.

Hospital: A public or private facility, which can include multiple buildings, for the accommodation of sick, injured, or infirm persons, and for the provision of related inpatient and outpatient services. Services regularly include the keeping of patients overnight. Accessory uses include heliports and related facilities, and parking.

Hotel or Motel: A building or group of buildings with continuous on-site management and containing nine (9) or more sleeping rooms that are occupied or intended or designed to be occupied as the temporary abiding place of persons who are lodged with or without meals, for compensation.

House: A building with at least one habitable room occupied by occupants that are related.



Illuminance: The amount of light falling onto a surface area, measured in foot-candles (lumens per square foot) or lux (lumens per square meter). For conversion purposes, 1 foot-candle (fc) is equal to 10.76 lux (lx).

Impervious Surface: Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land including but not limited to asphalt, concrete and graveled driveways and parking areas.

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

Ingress: Access or entry.

Installed Lighting: Attached, or fixed in place, whether connected to a power source or not.

Interference, Electrical: Disturbance in the operation of various equipment types caused by computers and digital equipment, heavy electrical equipment, lighting systems, faulty electrical devices, etc.

International Fire Code: Developed by the International Code Council, which addresses fire prevention matters and extraordinary fire risks in existing buildings, relies on the International Building Code for most of its new construction criteria.

Irrigation Plan: A plan prepared to scale, showing the layout and details of an irrigation system, including the type and location of all materials specified.

Irrigation System: The combination of elements such as automatic controllers, meters, pressure vacuum breakers, pipes, valves, emitters, bubblers, spray heads, tubing and other materials designed for transporting water from the piping source to the landscaping on the property.

J

Junk Automobile: Any vehicle missing one (1) or more body parts; or is incapable of operating under its own power; or is missing any wheels; or has a missing or severely shattered windshield and/or window glass which prohibits safe operation; or has one (1) or more flat tires for a period of seventy-two (72) or more hours.

Junkyard: The use of a lot, or portion thereof, for the storage, keeping, baling, packing, disassembly, exchange or handling of, including, but not limited to: junk, scrap iron and other metals, paper, rags, rubber tires, bottles, dismantled or wrecked automobiles or other motor vehicles or machinery, but does not include uses confined entirely within enclosed buildings.

K

Kitchenette: An area used or designed for the preparation of food and containing a sink, refrigerator and an electrical outlet, which may be used for a microwave oven. No 220V outlet for a range or oven is provided.

L

Landscape Plan: A plan prepared to scale, showing elements such as trees, shrubs, groundcover, sculpture, walls, signage, lighting, water features, walkways and other organic and inorganic materials. The plan shall include a plant list, indicating the size, quantity, and name, both botanical and common, of all plant materials specified as well as natural and inert groundcover.

Landscaping: The combination of elements such as trees, shrubs, ground cover, vines, and other organic and inorganic materials for the express purpose of creating an attractive and pleasing environment. Public art, water features, plazas, patios, decorative courtyards, signage and lighting may also be considered landscape elements.

Lattice Tower: Any tower that uses three (3) or more poles to form the base and lattice bracing to connect the poles and thereby increase structural support.

Library, Public: A permanent facility for storing and loaning books, periodicals, reference materials, audio and videotapes, computers, and other similar media which is open and available to the public.

Light Emitting Diode (LED): A semiconductor that emits light when electrical current passes through it. Many cities are changing high intensity discharge (HID) lamps street lights to LED due to higher efficiency and lower maintenance costs.

Lighting Plan: A plan prepared to scale, showing the layout and details of lighting and photo metrics, including the type, foot-candles, height fixtures and location of all materials specified.

Light Pollution: Any adverse effect of manmade light including, but not limited to, discomfort to the eye or diminished vision due to glare, light trespass, up lighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky.

Light Reflective Value (LRV): The measurable amount of visible and usable light that reflects from (or absorbs into) a painted surface.

Light Trespass: Stray electric light falling where it is not wanted or needed. Direct light that has its source on one site, and directly illuminates areas beyond the property boundaries. Light trespass is typically produced by stray light from unshielded or misdirected outdoor lighting, and includes glare from direct viewing, as well as “off-site spill” light.

Livestock: Cattle, horses, sheep, goats, fowl and other similar domestic animals, excluding dogs and cats.

Loading Area, Material: An off-street space available for the loading or unloading of goods; not less than fifteen (15') feet wide, twenty-five feet (25') long, and fourteen feet (14') high, and having direct usable access to a street or alley, except that where one such loading space has been provided, any additional loading space lying alongside, contiguous to, and not separated from such first loading space need not be wider than twelve feet (12').

Local Street: Primarily functions to provide direct access to abutting land and for traffic movements within neighborhoods. Local streets connect to collector and arterial streets and have one lane in each direction.

Logo: A graphic design representing a product, identity or service.

Lot Area, Net: The total horizontal area included within the rear, side, and front lot lines of the lot, excluding any streets or highways, whether dedicated or not dedicated to public use, but including off-street automobile parking areas, easements and other accessory uses.

Lot Area: The total area in square feet within the boundary lines of a lot.

Lot, Corner: A lot located at the intersection of two (2) or more streets.

Lot Coverage: The horizontal surface area of a lot that, if looking down from above, would be covered by any building, accessory building, roof or protection.

Lot Depth: The depth of a lot is the mean distance between its front street line and its rear property line.

Lot Depth: The horizontal length of a straight line connecting the midpoints of the front and rear lot lines; and for triangular shaped lots, the shortest horizontal distance between the front lot line and a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

Lot Line, Front: In the case of:

- a corner lot fronting on two (2) private streets, but not on a public street, a line separating the shorter street frontage of the lot from a private street.
- a corner lot fronting on two (2) public streets, a line separating the shorter street frontage of the lot from a public street; alternatively, a property owner may elect that the front lot line shall be the line separating the longer street frontage of the lot from a public street. This election shall be in writing and shall be approved by the Zoning Administrator and shall be recorded with the Pinal County Recorder's Office.
- a corner lot having frontage on one (1) public street and one (1) private street, a line separating the street frontage of the lot from the public street.
- an interior lot fronting on a private street, but not a public street, a line separating the lot from the private street.
- an interior lot fronting on a public street, a line separating the lot from the public street.

Lot Line, Front: In the case of an interior lot, a line separating the lot from the street right of way. In the case of a corner lot, the narrower of the two (2) lot lines adjoining a street right of way.

Lot Line, Rear: The lot line or lines generally opposite or parallel to the front lot line, except in a through lot. If the rear lot-line is less than ten (10) feet long or the lot comes to a point at the rear, said rear lot-line is assumed to be a line not less than ten (10) feet long, lying wholly within the lot, approximately parallel to the front street line.

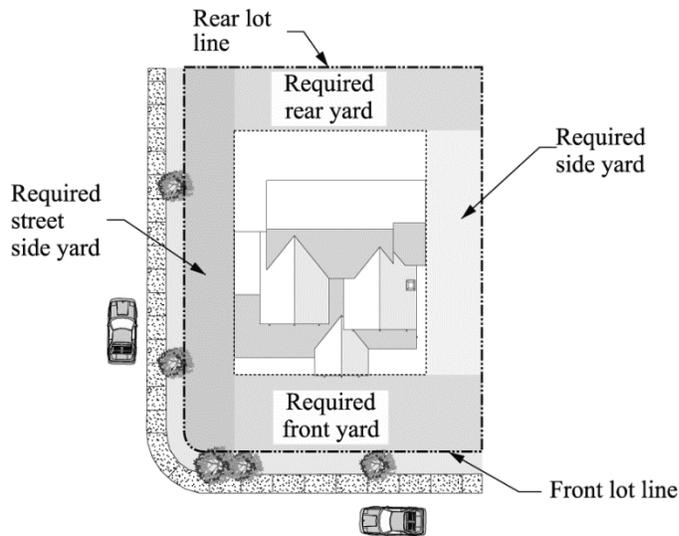


Illustration of Lot Line Types

Lot Line, Side: Any lot line other than a front lot–line or a rear lot–line.

Lot Line: A line dividing one lot from another or from a street or any public place.

Lot Width: The horizontal distance between side lot lines, measured at the required front setback line. If the side property lines are parallel, the shortest distance between these side lines; or if the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.

Lot, Corner: A lot having frontage on two (2) public streets which intersect at a corner of the lot.

Lot, Depth: The average horizontal distance between the front–lot line and the rear–lot line.

Lot, Flag: An interior lot in which the buildable area is located to the rear of a lot abutting a street, and which has vehicular access to the same street using a narrow driveway.

Lot, Interior: Any lot other than a corner lot, but including a through lot.

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

Lot of Record: A lot which is part of subdivision, the plat of which has been recorded in the Office of the Clerk of Maricopa County Recorder's Office, or parcel of land, the deed of which is recorded in the Office of the County Recorder.

Lot, Through: A lot inhabiting a pair of opposite lot lines abutting two streets and which is not a corner lot. On such a lot, both lot lines are front lot lines, except that where a non–access easement has been established, the front lot line shall be considered as that lot line most distant from the lot line containing the non–access easement.

Lot: A single tract or piece of property located in a recorded subdivision having frontage on a publicly dedicated and accepted street or a private road approved by the City that is described and denoted as such. A lot also includes a parcel of land, shown in the records of the Pinal County Assessor's Office, divided to be used separately from other parcels of property by description, as on a recorded survey map or by metes and bounds for purposes of sale, lease or separate use in a legal manner pursuant to all state, county and City requirements for the development and proposed use of that property.

Lumen: The unit used to measure the actual amount of light which is produced by a lamp. Lumen output of lamps is listed on the product packaging.

Luminaire: The complete lighting assembly, less the support assembly. Multiple unshielded or full cutoff lamps on a single pole or standard, shall be considered as a single unit, for purposes of determining total light output from a luminaire lighting assembly. Two or more units with lamps less than three (3) feet apart shall be considered a single luminaire.

M

Maintenance: The repair, painting, trimming, pruning, watering and other on-going activities which are associated with providing an attractive site appearance and safe buildings and structures.

Maintenance or Minor Repair: Means the following:

- Repairs that are necessary to maintain and to correct any damage or deterioration to the structural soundness or exterior or interior appearance of a building or structure, utilizing the same materials and methods, without expanding the building or structure;
- Maintenance of land areas to minimize health and environmental hazards; and
- Repairs that are required to remedy unsafe structural conditions that cause a threat to public safety and/or welfare.

Mansard: A sloped roof or roof-like facade architecturally comparable to a building wall.

Manufactured Home Subdivision: A subdivision designed for residential use with lots for sale where each residence is to be predominantly a manufactured home.

Manufactured Home, Park - A site with required improvements and utilities for the long-term parking of manufactured homes, which may include services and facilities for the residents.

Manufacturing, Heavy: An establishment engaged in the manufacture or compounding process of raw materials. Such activities may include the storage of large volumes of highly flammable, toxic matter or explosive materials needed for the manufacturing process. Examples include, but are not limited to: refining or initial processing of raw materials; rolling, drawing, or extruding of metals; asphalt batching plants; sawmills; meat slaughtering or packing house; and manufacture or packaging of cement products, feed, fertilizer, flour, glue, paint, petroleum products, soap, turpentine, varnish, charcoal, or distilled products.

Manufacturing, Light: An establishment engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Examples include, but are not limited to: airplane, automobile, or truck assembly, remodeling, or repair; bottling works; brewery or distillery, boat building, machine or blacksmith shops; metalworking or welding shops; paint shops; and printing and publishing shops.

Market Garden: A lot or any portion thereof, managed and maintained by a person, for growing and harvesting, farming, or any other use, which contributes to the production of organic agricultural, floricultural, or horticultural products for recreation or direct local consumption rather than for commercial processing.

Master Plan Development: A phased development application which provides information and graphics meeting the requirements of this Chapter, and an overall master plan meeting the requirements of the subdivision ordinance, for the purpose of implementing an integrated development approach for all phases of the proposed development.

Medical Marijuana Cultivation: The process by which a person, including a caregiver or dispensary, grows a marijuana plant. A facility shall mean a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary.

Medical Marijuana Dispensary: A nonprofit entity defined in Arizona Revised Statutes Section 36-2801(11), that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients.

Medical Marijuana Infusion (Or Manufacturing) Facility: A facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible goods.

Medical Marijuana Qualifying Patient: A person who has been diagnosed by a physician as having a debilitating medical condition as defined in Arizona Revised Statutes Section 36-2801.13.

Medical Marijuana: All parts of any plant of the genus Cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

Microbrewery, Craft Distillery or Tasting Room: A facility for the brewing of beer or distilling of alcohol for onsite consumption as well as wholesale and retail sale, subject to State licensing requirements. Food and/or other alcoholic beverages may also be served.

Mixed-use Development: Represented by a horizontal or vertical mix of retail, office, and higher density residential at more urban densities with an emphasis on pedestrian scale and walkability. This category is also appropriate along rail corridors where a mix of commercial, industrial and higher residential densities are appropriate. The general plan uses and densities permitted within this category include neighborhood commercial, community commercial, light industrial, medium-high density residential and high density residential. It is encouraged that zoning applications within the mixed-use category include multiple uses and/or the integration of at least two (2) uses within individual structures. Although not required, it is encouraged that sites designated as mixed-use exceed twenty-five (25) acres in size.

Mixed-use: A mix of retail, office and higher density residential at more urban densities with an emphasis on pedestrian scale.

Mobile Vending Unit: Any motorized or nonmotorized vehicle, trailer, kiosk, pushcart, stand, display, blanket, ground covering or other device designed to be portable and not permanently attached to the ground from which any is used to sell goods, wares, merchandise or food, are peddled, vended, sold, served, displayed, offered for sale or given away. This includes any display consisting solely of the goods, wares, merchandise or food being peddled, sold, served, displayed or offered for sale.

Modification (or alteration): Any addition or modification that changes the exterior architectural appearance or materials of a structure or object. Alteration includes changes in exterior surfaces, changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excludes ordinary maintenance and repairs.

Monopole: A facility used exclusively for wireless facility mounts and is self-supporting with a single shaft of steel, concrete or wood.

Mount: The ground or the structure to which a wireless facility is attached.

Movie Theater: An indoor building for the showing of motion pictures to a large audience.

Multi-Tenanted Building: A building complex or shopping center that contains any number of businesses, greater than one (1), that share the same site, use common points of ingress, and egress to and from the site.

Municipality: The City of Eloy, Pinal County, Arizona.

Municipal Airport Advisory Board: Advisory and oversight responsibilities for policies, fees, and general operations at the Eloy Municipal Airport.

Museum, Cultural Facility: Any permanent institution for the collection and display of objects of art or science, sponsored by a public or quasi-public agency and open and available to the public.

N

National Historic Register: The United States Federal Government's official list of the Nation's historic places, districts, sites, buildings, structures and objects deemed worthy of preservation due to their historical significance.

Natural grade: The undisturbed natural surface of the land, including washes.

Newspaper, general circulation: A newspaper published for the dissemination of local or telegraphic news and intelligence of a general character, which has a bona fide subscription list of paying subscribers, and has been established, printed, and published at regular intervals in the State, County or City.

Nightclub: A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing and musical entertainments are permitted.

Nits: The unit of luminous intensity and is measured in candela per square meter. A computer screen in a dark room has approximately two hundred (200) nits.

Noise Contour: A continuous line on a map of the airport vicinity connecting all points of the same aviation generated noise exposure level.

Non-chartered Financial Institution (Payday Loan/Check-Cashing Facilities): Any person(s) or establishment engaged in the business of cashing checks or accepting deferred deposits for a fee, service charge, or other consideration as well as lending modest sums of money at high interest rates upon the mutual agreement it will be entirely, or partially, repaid when the borrower receives their next paycheck. Such uses are not licensed banks, trust companies, savings and loan associations, credit unions, development corporations, mortgage brokers, thrift companies, pawn brokers, or insurance companies.

Non-profit/Non-governmental (NGO) Organization: A typically non-profit and/or national/international organization that is independent of any governmental organization (but may be funded by governments) that are active in humanitarian, educational, health care, public policy, social, human rights, environmental, and other related areas that seek to effect change according to their objectives.

Nonconforming Building: A building or portion thereof which was lawful when established but which does not conform to a subsequently established district or district regulations.

Nonconforming Lot: A parcel of land having less area, frontage or dimensions than required in the district in which it is located.

Nonconforming Use: A use of land that:

- Legally existed before its current zoning or land use category designation; and
- Has been maintained continuously since the time the applicable regulations governing the land changed; and
- Because of subsequent changes, does not conform to this Chapter or the Eloy General Plan provisions that now govern the land.

Nuisance: A use of property or course of conduct that interferes with the legal rights of others by causing damage, annoyance, or inconvenience.

Nursery, Commercial: A full service retail sales establishment which sells trees, shrubs, and groundcover that are purchased wholesale off site. Accessory items can include packaged fertilizer, seed, mulch, and topsoil, as well as other packaged items commonly associated with a retail plant nursery, as long as such items are stored inside of a solid or screened structure. However, the sale or outside storage of bulk items, and/or the on-site storage of commercial vehicles or heavy equipment, shall be prohibited.

Nursing Home : Establishment with individual rooms supported by communal facilities (such as kitchen, dining, living, and recreation) that provides 24-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the State of Arizona, including but not limited to, rest homes and convalescent hospitals, but not Assisted Living Center or Home, Hospitals, or Clinics.



Occupancy, Certificate of: A document issued by the Chief Building Official and/or Zoning Administrator allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes of the City of Eloy.

Occupancy, Change In: The discontinuance of an existing use and the substitution therefore of a use of a different kind or class.

Occupant: The person or entity occupying or having custody of a structure or premises as a lessee or other.

Office, Business or Professional: An establishment that provides executive, management, administrative, or professional services, but not involving the sale of merchandise except as incidental to a permitted use, and not including a medical office or clinic. Typical examples include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, broadcasting, call centers, and similar offices.

Off-site: Not located within the area of the property to be developed.

Off-street: Land which is not located within the right-of-way of any street or alley.

On-site: Located on the lot that is the subject of discussion.

Opaque: Opaque means that the material shall not transmit visible light.

Open Space, Common: Open space usable by all people within a certain development and such area is owned in common by all property owners in that development.

Open Space, Natural Area: Dedicated open space areas required for the preservation and conservation of plant and animal life, including habitat for fish and wildlife species; and areas required for ecological, cultural and other scientific study purposes for long term public benefit.

Open Space, Public: An open space area conveyed or otherwise dedicated to a municipality, municipal agency, school district, state or county agency, or other public body for recreational or conservational uses.

Open Space, Usable: Land which can be enjoyed by people. This could include landscaped or hardscaped plazas, paseo and promenades, fountains and sitting areas meant to provide an open park like atmosphere. Also includes playgrounds, golf courses, bicycle trails (but not bike lanes), pedestrian trails (not residential sidewalks), and trailheads. Usable open space does not include parking areas and vacant or undeveloped lots.

Open Space: An area that is intended to provide light and air, and is designed for either environmental, scenic, or recreational purposes. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooden areas, and water courses. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

Outdoor Light Fixture: An outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to:

- street lighting;
- parking lot lighting;
- building and structural lighting;
- landscape lighting;
- recreational lighting;
- billboards and other signs (advertising or otherwise);
- product display area lighting;
- building overhangs and open canopies;
- security lighting;
- searchlight, spotlight, flood lights, and laser lights.

Outdoor Light Output, Total: The total amount of light, measured in lumens, from all outdoor light fixture lamps, is calculated as follows:

- For lamp types that vary in light output as they age, the mean lumen output, as defined by the lamp manufacturer, shall be the lumen value used.
- The total light output of each outdoor light fixture shall be based on the largest lamp that the outdoor light fixture is rated to accommodate. For the purpose of compliance with this section, the largest lamp rating for fluorescent and high intensity discharge fixtures shall be based on the installed ballast rating.

Outdoor Musical Entertainment: Any outdoor music or vocal singing projected by natural or amplified means from an individual or individuals for the purpose of entertainment.

Outdoor Recreation Facility: An area designed for active recreation, whether publicly or privately owned, including, but not limited to: baseball, soccer, football, golf, tennis, swimming pools, and race tracks of any sort.

Outdoor Sales: The display of products or services, which are intended for retail or wholesale purchase not within a completely enclosed building.

Outdoor Storage: The location of any goods, wares, merchandise, commodities, junk, debris, or any other item outside of a completely enclosed building for a continuous period longer than twenty-four (24) hours.

Outdoor Vending: Any privately-owned vending stand, vending trailer, mobile food vehicle, or any other non-stationary device that is utilized for the purpose of temporarily displaying, exhibiting, carrying, transporting, storing, selling or offering for sale any food, beverages, goods, wares or merchandise. This definition shall not include temporary outdoor display and sales areas as specified in Section 3.1.31.

Outside Display: The placement of goods, equipment, merchandise or exhibits at a location visible to the public view, other than within a building.

Outside RV Storage: A facility where boats and/or recreational vehicles are stored outside for seventy-two (72) hours or more.

Overflight: The flight of an aircraft over a specific area or territory.

Overlay District: An additional layer of zoning regulations, in connection with the base district classification, which guides development on properties within specified areas. Planned Area Development (PAD); Manufactured Home (MH); Aviation (AO); and Downtown Core (DC) overlay districts.)

Over-the-Counter: The sale of goods, or products from a stock or inventory of goods or products stored on the premises for delivery to the customer at the point of sale.

Owner: A person recorded as such on the records of the County Assessor, or a person who has been granted written authorization by the owner to act on his/her behalf.

P

Panel Antenna: A relatively flat rectangular device that transmits and/or receives radio frequency signals in a directional pattern of less than three hundred sixty (360) degrees.

Parapet: The extension of a false front or wall above a roofline.

Parcel: One or more pieces of land separated from other pieces by description as in a subdivision or by metes and bounds as shown on records in the County Assessor's Office.

Parking, Bicycle: Bicycle parking, designed to serve employees, students, residents, commuters, and others who generally stay at a site

Parking Aisles: That portion of the parking area consisting of the driving lanes providing access to the individual parking spaces.

Parking Area: That portion of a lot that is used by motor vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas (spaces and aisles).

Parking Lot: An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

Parking Lots and Parking Structure: A paved area used for the sole purpose of parking motor vehicles or a structure designed with one or more levels partially or fully enclosed, used for the parking of motor vehicles. The facility may be above, below, or partially below ground. This use does not include private carports or garages.

Parking, Off-Street: Marked or unmarked parking located within a parcel and outside a private or public right-of-way.

Parking, On-Street: Marked or unmarked parking located within a private or public right-of-way.

Parking Space, Compact: Any permanently maintained space, having a width of not less than eight (8) feet and a length of not less than fifteen (15) feet, so located and arranged as to permit the storage of a motor vehicle of compact size.

Parking Space, Standard: A portion of the parking area identified for the parking of one (1) motor vehicle.

Parking Space, Tandem: A parking configuration where one vehicle parks directly behind another and the vehicle in back must be moved in order for the front vehicle to leave.

Parking, Shared: The development and use of parking areas on two (2) or more separate properties or users for joint use by the businesses on those properties.

Permitted Use: Any use allowed in a Zoning District and subject to any restrictions applicable to that Zoning District.

Person: Any person, firm, partnership, association, social or fraternal organization, corporation, estates, trust, receiver, syndicated, branch or government or any other group or combination of groups acting as a unit.

Photometric Study: Simulated lighting design and analysis to determine if a proposed lighting plan will meet the City specifications and requirements for outdoor lighting.

Planned Area Development (PAD): A development as specified by this Ordinance, in which a PAD overlay zoning district is to allow both the City and an applicant enhanced flexibility in the application of development standards in exchange for a more creative approach to land planning and building design that could not otherwise be achieved through strict adherence to the terms of this Ordinance. The intent is to encourage innovative design and to allow for a creative land use mix that will promote a high-quality development reflective of the unique character and setting of the City of Eloy, flexibility can be sought in the zoning standards, in order to encourage more creativity and sustainable design.

Porch: A covered but unenclosed projection from the main wall of a building which may or may not utilize columns or other ground supports for structural purposes.

Poultry Farm/Facility: A poultry operation, with accessory structures, including, but not limited to: feed storage bins, coops, litter storage sites, incinerators, cold storage chests used for collection of dead birds, which at any one time has more than five (5) equivalent animal units (AU). Poultry farms/facilities shall not be permitted to maintain more than two hundred (200) equivalent animal units (AU) per facility at any time.

Poultry: Includes chickens, turkeys, domesticated birds, game birds, fowl and waterfowl.

Premises: Any property or properties developed as a unit, including all building(s), off-street parking, points of access, common area and any other appurtenances, all of which allows the parcel to function as a whole.

Principal (Primary) Use: A use that fulfills a primary or predominant function of an establishment, institution, household, or other entity and occupies at least seventy (70) percent of the gross floor area.

Private Street: Real property recorded as an improved roadway for pedestrian and motor vehicle traffic, constructed and maintained by private parties.

Prohibited Use: A use which is not specifically permitted or analogous to those land uses specifically permitted.

Protected Development Right Plan: A development plan identified as a protected development right plan at the time of the landowner's submission, that, if approved by the City Council, grants to the landowner a protected development right to undertake and complete development and use of the property as shown thereon for a specified period of time.

Protected Development Right: The right to undertake and complete the development and use of the property under the terms and conditions of a protected development right plan, without compliance with subsequent changes in zoning regulations and development standards during the term of the protected development right, except as provided by Arizona Revised Statutes, Section 9-1204.

Public Safety Facility: The conduct of publicly owned safety and emergency services, such as, but not limited to, fire stations, police stations, and emergency medical and ambulance service.

R

Rail Freight Car: A car designed to carry freight or non-passenger personnel by rail and includes, but is not limited to: boxcar, flatcar, gondola car, hopper car, tank car, and occupied caboose.

Ranch, Commercial: An area not less than ten (10) contiguous acres which may be open to the general public and may be used for the following equine uses: polo fields; riding arenas used for scheduled public or club events or activities such as barrel racing, bull riding, cutting, gymkhanas, roping, team penning or other rodeo related activities. Commercial ranch uses do not include: dairies; CAFOs, liveryes; the retail sale of hay, feed or tack; or livestock auctions. A commercial ranch requires a conditional use permit.

Ranch: An area of not less than two and one half (2.5) contiguous acres used for the keeping of agricultural animals, along with necessary accessory uses and limited crop production. Allowed ranch uses shall include: equine boarding, breeding, training, and lessons; the sale of ranch animals; 4-H and other youth related activities. Allowed ranch uses do not include: dairies; CAFOs, liveryes; the retail sale of hay; feed or tack; or equine activities open to the general public.

Ratites: A flightless bird, including ostrich, emu and rhea.

Recorded Plat - A final plat bearing all certificates of approval required by this

Ordinance and the Arizona Revised Statutes and duly recorded in the Pinal County Recorder's Office.

Recreational Vehicle Park - A site with required improvements and utilities for both short-term and long-term parking of recreational vehicles, which include services and facilities for the residents.

Recreational Vehicle Space: A parcel of land which is designated and intended for the accommodation of one (1) recreational vehicle on a short-term basis.

Recreational Vehicle: A vehicular type of unit forty (40) feet or less in length and eight (8) feet or less in width, primarily designed for temporary living quarters, recreation, camping, or travel use, which either:

- Contains its own motive power as in the case of motor homes, mini-motor homes, or recreational vans;
- Is towed by another vehicle as in the case of travel trailers, tent trailers, camper trailers, or watercraft on boat trailers; or
- Is mounted on another vehicle as in the case of truck campers.

Recycling Center: A facility in which recoverable resources including but not limited to newspapers, glassware, plastics, and metal cans are recycled, reprocessed, and treated to return such products to a condition in which they can again be used for production, and in which some of the operations or storage takes place outside of an enclosed building. This facility is not a junkyard or salvage yard.

Redevelopment: To develop something again, typically for the purpose of modernizing an older or outdated building or structure usually intended for a new purpose, use or occupancy type.

Religious Assembly: A facility used primarily to provide assembly and meeting areas for religious activities. Accessory uses include cultural events, parking, caretaker's housing, buildings ancillary to a religious function, pastor's housing, and group living facilities such as convents.

Relocated Dwelling Units: Either relocated site built or factory built structures must meet current International Building Code (IBC) or Uniform Building Code (UBC) codes for onsite work when placed at the new location. If the structure does not meet IBC or UBC codes it will not be allowed.

Research Laboratory: A facility for conducting medical or scientific research, investigation, testing, or experimentation; however, this does not include facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition includes electronic and telecommunications laboratories, including assembly.

Resident Care Home - Housing for a group of no more than six (6) unrelated persons who live in a dwelling because of disability (see "Group Home" for persons without disabilities) and may include staff persons, who may or may not be domiciled in the dwelling, who provide support services, including but not limited to domestic, medical, habilitation, rehabilitation, or other similar services. This definition shall include homes for the developmentally disabled or foster care homes as specifically defined and provided for by the Arizona Revised Statutes, and sober living/substance abuse treatment centers but shall not include halfway/correctional transitional facilities or shelter homes for people at risk.

Resort, Cabins, Lodges: A building or group of buildings containing guestrooms providing outdoor recreational activities such as golf, tennis, horseback riding or swimming for guests. A resort may provide services customarily furnished by a hotel including restaurant, bar and convention facilities. A resort may contain residential dwelling units in conjunction with guestrooms.

Resource Extraction: The on-site extraction of surface or subsurface mineral products or other natural resources, including but not limited to quarries, borrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

Restaurant, With Drive-Through Facilities: Establishments providing food and beverage services to patrons remaining in motor vehicles.

Restaurant, with Off-Track Betting: A facility in which simulcasting of horse or dog racing events held away from the facility are shown for the purpose of pari-mutuel wagering. Operated as an accessory use to a Restaurant as defined within this Ordinance, and authorized by issuance of an Off-site Teletrack Wagering Permit in accordance with A.R.S §5-112, and AAD R19-2-401.

Restaurants: Restaurants providing space for on-premises preparation, consumption, retail sales, and service of food and beverages.

Retail, General: The retail sale or rental of merchandise not specifically listed under another use classification. This classification typical provides goods directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the consumer. Examples include, but are not limited to: pharmacies, jewelry stores, bait shop, bakeries, bookstores, and florists.

Retail, General with Drive-Thru: Same as the above use, but with a drive-thru facility.

Retail, Large Format: A single retail establishment as described above that occupies more than 125,000 square feet of floor area. Examples include, but are not limited to: home improvement stores, grocery super stores, apparel shops, appliance stores, electronic stores, department stores, furniture stores, membership based retail stores, and factory outlet stores.

Retail, Pawn Shop: A business in which a principal business activity involves advancing money on the security of pledged goods or purchasing tangible personal property on the condition that it may be redeemed or repurchased by the seller for a fixed or variable price within a fixed or variable period of time.

Retail, Smoke Shop: A cigar shop, hookah lounge, head shop, electronic cigarette or other retail establishment where the primary activity is the sale of tobacco and smoking related goods/paraphernalia. Smoke shops do not include any individual business establishments that contain tobacco departments/sections that are ancillary to their primary use.

Revegetated: To provide (barren or denuded land) with a new vegetative cover.

Right-of-Way: A public way established or dedicated for public purposes by a duly recorded plat, deed, grant, governmental authority, or by operation of the law.

Rodeo: A public performance featuring bronco riding, calf roping, steer wrestling, and Brahma bull riding.

Roof Mounted: Anything affixed to or located on the roof structure of a building.

S

Safety Lighting: Low level lighting used to illuminate vehicular and pedestrian circulation.

Satellite Dish Antenna: A round, parabolic antenna intended to receive signals from orbiting satellites and other sources. Noncommercial dish antennas are defined as being less than thirteen point twelve (13.12) feet (four meters) in diameter, while commercial dish antennas are usually those larger than thirteen point twelve (13.12) feet and typically used by broadcasting stations.

Security Lighting: Lighting that is fully shielded that is intended to provide bright illumination during emergency situations only.

School, Boarding: Private education institutions having curricula of general academic education consistent with the requirements of the State of Arizona that include group living quarters for a student body or religious order as a normal accessory use. This does not include degree-granting colleges or universities.

School, Public or Private 9-12: Facilities for secondary (high school) education, including public schools, charter schools, and private institutions having curricula of general academic education consistent with the academic requirements of the State of Arizona. This includes accessory facilities traditionally associated with schools, such as athletic stadia, cafeterias and libraries.

School, Public or Private K-8: Facilities for primary education, including public schools, charter schools, and private institutions having curricula of general academic education consistent with the academic requirements of the State of Arizona, including kindergarten, elementary, and junior high school, including accessory facilities traditionally associated with schools, such as athletic fields, cafeterias and libraries.

Screening Device: Any structure intended to conceal, fully or partially, an activity or mechanical element from the public view, adjacent uses, properties and/or streets.

Screening: A wall, fence, hedge, informal planting, or berm, provided for the purpose of buffering a building or activity from neighboring areas or from the street.

Section: A section of this Zoning Ordinance, unless some other Code or statute is mentioned.

Self-Storage, Indoor: A building or group of buildings with controlled access that contains varying sizes of individual, compartmentalized, and controlled access garages, stalls or lockers for the storage of customers' goods or wares. This use does not include outdoor storage.

Service Station with Car Wash: Same as the above use, but with a drive-thru car wash facility.

Service Station: Establishments engaged in retailing automotive/boat fuels and may be in combination with providing convenience services.

Setback line: A line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be placed.

Setback: The required minimum horizontal distance between the building line and the related front side, or rear property line.

Sight Visibility Triangle: The area of visibility on a street corner to allow for safe operations of motor vehicles, pedestrians, and cyclists in the proximity of intersecting streets, rail lines, sidewalks, and bicycle paths. This is a triangular area formed by two (2) intersecting property lines and a line connecting them at a point thirty (33) feet from the intersection of the two property lines. Also see Visibility Triangle.

Sign : Any visual element, or combination of elements, including words or symbols, designed or placed to attract attention or convey information, including any device providing identification, advertising or directional information for a specific business, service, product, person, organization, place, or building, including graphic devices such as logos, obtrusive colored fascia or architectural elements, banners, balloons, streamers, inflatable structures, exterior merchandise displays, projected picture signs, holographic projection signs and other attention attracting media and devices.

Sign Area: Refer to Section 4.3 for additional reference.

Sign Copy: Any graphic image, symbol, text or numerals that advertise or identify an establishment, product, goods or service.

Sign Face: The area or display surface used for the message.

Sign Panel: The area enclosing the copy and graphic components of a sign.

Sign, A Frame: A temporary sign, normally supported by its own frame and not affixed to a structure or permanently ground mounted. It is positioned upright in a manner that forms an “A” when in use; also referred to as a “sandwich” or “tent” sign.

Sign, Abandoned: A sign that is no longer associated with the location, product or activity conducted on the same premises upon which the sign is located for a period of 180 days.

Sign, Advertising: A temporary or permanent sign which includes any copy and/or graphics relating to any business, service, product, person, organization, place, or building in addition to simple identification.

Sign, Animated: A permanent sign with actual motion, including light changes or color changes, or the illusion of motion.

Sign, Attached or Wall Mounted: A permanent sign that is directly attached to the façade or face of a building.

Sign, Awning/Canopy: A permanent sign displayed on, or attached flat against, the surface or surfaces of an awning, canopy or any other surface attached to a building that provides shelter.

Sign, Banner: A temporary sign made of fabric, plastic, or other pliable material without a rigid structural support or internal illumination on which advertising copy or graphics may be displayed.

Sign, Billboard: A permanent, off-premise outdoor advertising sign erected, maintained or used for the purpose of commercial or non-commercial messages.

Sign, Building Mounted: Any sign mounted onto the vertical surface of a building; see Sign, Wall.

Sign, Bulletin Board: A permanent sign which identifies an institution or organization on the premises of which it is located and which contains the name of the institution or organization, the names of individuals connected with the institution and general announcements of events or activities occurring at the institution or similar messages.

Sign, Business Anniversary: A temporary sign indicating that the business displaying the sign is celebrating its annual or multi-annual anniversary of its opening.

Sign, Business: A permanent sign that directs attention to a business or profession or to a commodity or service sold, offered or manufactured or to an entertainment offered on the premises where the sign is located.

Sign, Cabinet: An enclosed frame constructed to hold internal components and covered by a face to hold the advertising sign.

Sign, Canopy: See Sign, Awning/Canopy.

Sign, Changeable Copy: A permanent sign constructed to hold individual letters or individual text sections that are mounted in or on a track system. Changeable Copy Signs are usually used as directory signs.

Sign, Construction: A temporary sign erected on the premises where construction is taking place during the period of such construction indicating the names of the architects, engineers, landscape architects, contractors or similar artisans and the owner, financial supporter, sponsors and similar individuals or firms having a role or interest with respect to the structure or project.

Sign, Development: A permanent sign situated on the subject property indicating the name of a park, complex or center usually located at or near the entry and which may be internally or externally illuminated.

Sign, Directory: A sign listing the names and/or uses, and/or locations of the various tenants or activities within a building, or in a multi-tenant development, or group of buildings. Directory Signs may also be constructed as Changeable Copy Signs.

Sign, Electronic Message Center: A permanent sign that uses computer-generated or electronic components to change advertising copy, messages or color, including signs that flip or rotate.

Sign, Externally Illuminated: A permanent or temporary sign exposed to external artificial lighting (and shielded to prevent light spillage).

Sign, Fascia: A sign that is permanently affixed to the horizontal member or surface at the edge of a projecting roof.

Sign, Flashing: A permanent sign with an intermittent, repetitive or flashing light source.

Sign, Freestanding/Monument: A permanent sign that has its own supporting structure independent of the building or business it identifies.

Sign, Fuel Price: A permanently mounted, two (2) component sign displaying business identification and the retail cost of a gallon of gas/diesel on the premises of the retail establishment.

Sign, Future Development: A temporary sign which announces the proposed development of property prior to the issuance of a building permit.

Sign, Garage Sale: A temporary sign indicating that a private residence is holding a sale on its property of any items previously used on the property.

Sign, Gas-Filled: Any sign that uses neon, argon, krypton or any similar gas to illuminate transparent or translucent tubing or other materials, or any use of neon, argon, krypton or any similar gas lighting on or near the exterior of a building or window.

Sign, Going Out of Business: A temporary sign indicating that the business displaying the sign will cease and be discontinued at a specific location and date.

Sign, Ground Mounted: A Freestanding Sign with no visible base.

Sign, Holiday Decoration: A temporary sign in the form of decorations and/or window painting that are clearly incidental to and customarily and commonly associated with any national, state, local or religious holiday.

Sign, Identification: A sign that contains only the name of the business, person, organization, place, or building at that location.

Sign, Illuminated: A permanent sign, that is lighted, either externally or internally.

Sign, Internally Illuminated: A sign constructed with a light source within the sign structure and positioned behind the face of the sign.

Sign, Legal Non-Conforming: Any permanent sign in existence or under construction, as of the effective date of this Ordinance, which does not conform to the provisions of this Ordinance but which was or is being constructed, erected or maintained in compliance with all previous regulations.

Sign, Menu Board: A permanent sign with a changeable face oriented to the drive-through lane of a business that advertises the menu items or services available from the drive-through window.

Sign, Multi-Tenant Building Identification: A permanent sign for a building complex or center that contains any number of businesses, greater than one, that share the same site and use common points of vehicular ingress and egress to and from the site.

Sign, Nameplate: A permanent sign that may include street number and name, business hours, and business logo.

Sign, Nonconforming: Any sign and/or its structure lawfully erected and maintained which no longer conforms to the provisions of this section for reasons beyond the control of the sign owner, sign user or for reasons beyond the control of the property owner.

Sign, Off–Premise Directional: A temporary, portable sign containing maneuvering guidance to a destination within the City’s municipal boundary, which may only be located in specified areas of City road rights–of–way during specified times.

Sign, Off–Site/Off–Premise: Any permanent or temporary sign that may display a message, whether commercial or noncommercial, that may not necessarily relate to the premises upon which the sign is located.

Sign, On–Site/On–Premise: Any permanent or temporary sign which pertains to the business operated, activity conducted or products sold or manufactured on the premises upon which the sign is located; or which displays a noncommercial message installed or caused to be installed only by the property owner and/or lessee of the property upon which the sign is located.

Sign, Parapet: A sign mounted to the face of a building parapet.

Sign, Permanent: Any sign set in the ground with its own foundation or which is painted on or otherwise anchored to a building, wall or other permanent structure and any of which are installed to achieve a lasting and enduring condition and location.

Sign, Political: A temporary sign that identifies a person, expresses a position, conveys a message concerning, or advocates a position on, the candidacy of a person, party or issue on an upcoming ballot.

Sign, Portable: Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by persons or wheels; signs converted to A: frames; menu and sandwich board signs; balloons used as signs; umbrellas for advertising; and signs attached to or painted on vehicles.

Sign, Projecting: A permanent sign that extends more than twelve (12) inches from a building wall over a property line or right–of–way line.

Sign, Pylon: A Freestanding Sign constructed with a support structure that is more than ten (10) % of the height of the total sign and less than ninety (90) % of the width of the sign. The sign support structure shall not be included in the aggregate sign area computation.

Sign, Reader/Sign Board: A permanent, non–electronic sign only for public facility land uses that conveys schedules of events, rules, regulations, announcements, or similar messages.

Sign, Roof: Any sign affixed on, above or over the roof of a building so that it projects above the roofline is prohibited. The top of a parapet wall shall be considered the roofline. The vertical portion of a mansard roof shall be considered the roofline. The top of the fascia of a hipped roof shall be considered the roofline. Where a parapet wall is combined with a mansard roof, the roofline shall be the top of the parapet.

Sign, Sandwich: See Sign, A–Frame.

Sign, Spherical: A permanent sign that is three (3) dimensional and embodies imagery of a symbol (i.e. book, shoe, glasses, etc.) that assists in advertising a business.

Sign, Street Address: A permanent sign located on-site, consisting of numerals and letters identifying a property address.

Sign, Subdivision Identification: A set of four (4) permanent and identical signs that identify the residential subdivision, are attached to a screen wall or landscape planter adjacent to both sides of the two public streets that provide primary vehicular access, and are designed and sited in a manner consistent with the architectural style and landscape theming of the site and shall be no greater than eight (8) square feet each.

Sign, Temporary: A sign intended to display either commercial or non-commercial messages of a transitory or temporary nature. Portable signs, any sign not permanently embedded in the ground, or signs affixed to a building, wall, fence, or sign structure for a non-permanent time period, are considered temporary signs. A banner, pennant, flag, poster, balloon, construction sign, political sign or an A-frame sign shall be considered a temporary sign.

Sign, Two-Part: A permanent sign composed of two (2) sign panels, at an angle equal to or more than 45 degrees, whose aggregate sign area shall be computed from the total of both panels.

Sign, Walker: A person, who wears, holds or balances a portable sign.

Sign, Wall: A permanent sign which is fastened to any vertical portion of a building; see also Sign, Building Mounted.

Sign, Weekend Directional: A sign, supplying pertinent maneuvering guidance for the purpose of promoting safety and the flow of vehicular or pedestrian traffic (i.e. "one way", "entrance", "exit", etc.).

Sign, Window: Any permanent sign, pictures, symbols or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service that is affixed to, or located within, any area up to six (6) feet behind a window pane, positioned to be read from the exterior of a building.

Single-Family Semi-Detached Dwelling: A single-family dwelling attached to one other single-family dwelling by a common vertical wall, and each dwelling located on a separate lot and having one side yard.

Single Housekeeping Unit : Any number of related, or up to six (6) unrelated, persons living as the functional equivalent of a traditional family, whose members are an interactive group of persons jointly occupying a single dwelling unit, including the joint use of and responsibility for common areas, and sharing household activities and responsibilities (e.g. meals, chores, household maintenance, expenses, etc.) and where, if the dwelling unit is rented, all adult residents have chosen to jointly occupy the entire premises of the dwelling unit, under a single written lease with joint use and responsibility for the premises, and the makeup of the household and length of stay is determined collectively by the residents of the dwelling unit rather than the landlord or property manager.

Site Built Dwelling: A structure or dwelling constructed on the site by craftsmen utilizing materials delivered to the site. Said structure shall consist of footings and foundations poured in place, permanently attached to the walls. Roofing materials, interior and exterior finishes shall be applied on the site. All construction shall be in conformance with all uniform codes in force at the time of construction. This definition does not include relocated site built homes.

Site Plan: A plan, prepared to scale, showing accurately and with complete dimension, the boundaries of a site and the location of all buildings, structures uses, principal site development features, or any other information required by this Ordinance, which is proposed for a specific parcel of land.

Site: The building or structure area leased or owned by, or on behalf of, any business together with its adjacent privately-owned walkway or parking area.

Skyglow: The undesirable and unnecessary emission of light ray, directly or indirectly, into the night sky and commonly noticed aspect of light pollution.

Slope: An inclined ground surface, the differential of which is expressed as a ratio of horizontal distance to vertical distance.

Small Wireless Facility: A wireless facility that meets both of the following qualifications:

Each antenna is located inside an enclosure of not more than six (6) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of the antenna's exposed elements could fit within an imaginary enclosure of not more than six (6) cubic feet in volume.

All other wireless equipment associated with the facility is cumulatively not more than twenty-eight (28) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume pursuant to this subdivision:

- An electric meter.
- Concealment elements.
- A telecommunications demarcation box.
- Ground-based enclosures.
- Grounding equipment.
- A power transfer switch.
- A cut-off switch.
- Vertical cable runs for the connection of power and other services.

Social Service Facility: Facilities providing a variety of supportive services for disabled and homeless individuals and other targeted groups on a less-than-24-hour basis. Examples of services provided are counseling, meal programs, personal storage lockers, showers, instructional programs, television rooms, and meeting spaces. This classification is distinguished from a hospital, nursing home, day care center, group care home, treatment facility, health clinic, or emergency shelters providing 24-hour or overnight care.

Solar Generation Facility: An electrical energy generation plant comprised of one or more freestanding, ground mount devices that capture solar energy and convert it to electrical energy for use by an offsite electric utility provider. Solar generation stations typically utilize photovoltaic solar cells, but they may also be combinations of light reflectors, concentrators, heat exchangers or other technology. A solar generation station is also known as a solar plant, solar generation plant, solar farm, concentrated solar power plant, solar power plant, or solar thermal power plant (if non-photovoltaic).

Special Event Permit: A permit issued by the Zoning Administrator for the purpose of any fair, parade, march, procession, festival, street dance, circus, carnival, concert,

performance, rodeo, race, Christmas tree sales lot or another temporary activity using outdoor spaces and inviting public participation and patronage (with or without charge) whether held on public or private property. There are two types of Special Events: Civic Events and Commercial Activities.

Special Flood Hazard Area (SFHA): The land area covered by the floodwaters of the base flood (one percent annual chance flood) is the Special Flood Hazard Area (SFHA) on the Federal Emergency Management Agency's (FEMA's) Flood Insurance Rate Maps (FIRMs). The SFHA is the area where the National Flood Insurance Program's (NFIP's) floodplain management regulations must be enforced and the area where the mandatory purchase of flood insurance applies. The SFHA includes Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, and V.

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Stable, Commercial: A stable of horses, mules, or ponies, which are bred, hired, shown or boarded on a commercial basis and for compensation. This facility may offer equestrian lessons and may include a show arena and viewing stands.

Stable, Private: A detached accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. "Story" includes a basement, but not a cellar.

Street Width: The shortest distance between street lines, measured at a right angle to the street right-of-way.

Street, Arterial: A street designed to carry large volumes of traffic with a high level of mobility and reduced access points. Arterials provide efficient vehicular movement between originations and destinations of the City as designated on the Circulation Map in the adopted Eloy General Plan.

Street, Collector: Streets that conduct and distribute traffic between arterial and local streets, which balance access and mobility. This is the highest order of street appropriate to a residential neighborhood and residential street frontage along it should be prohibited or severely restricted.

Street, Private: A circulation corridor intended for local vehicular traffic, owned and maintained by a private corporation, individual, or group of individuals.

Street: A right-of-way, dedicated to public or private use, which provides the principal vehicular and pedestrian access to adjacent properties.

Structural Alterations: Any change in the supporting components of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.

Structure: Anything constructed or erected, which requires location on the ground or attached to an object located on the ground.

Subdivision Ordinance: Formally referred to as the “City of Eloy Subdivision Ordinance” which regulates the process, design and improvements of subdivisions where development of property(s) necessitate the division(s) of land to achieve orderly growth and harmonious development patterns. The Subdivision Ordinance helps ensure adequate vehicular and pedestrian traffic circulation through coordinated street systems with relation to major thoroughfares, adjoining subdivisions, and public facilities; to achieve individual property lots of reasonable utility and livability; to secure adequate provisions for water supply, drainage, flood protection, sanitary sewerage, and other health and safety requirements; to ensure consideration for adequate sites for schools, recreation areas, and other public facilities; to promote the conveyance of land by accurate legal description; and to provide practical procedures for the achievement of this purpose.

Subdivision: In accordance with ARS 9-463.02, a “subdivision” means improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

"Subdivision" does not include the following:

- The sale or exchange of parcels of land to or between adjoining property owners if such sale or exchange does not create additional lots.
- The partitioning of land in accordance with other statutes regulating the partitioning of land held in common ownership.
- The leasing of apartments, offices, stores or similar space within a building or trailer park, nor to mineral, oil or gas leases.

Subdivision Plat: Means a map of a subdivision.

Substance Abuse Detoxification Center: An inpatient health facility staffed by medical professionals providing therapy and/or rehabilitation for substance-dependent individuals. Methadone distribution centers are included.

Substance Abuse Treatment Center: A health facility providing therapy and/or rehabilitation for substance-dependent individuals on an outpatient basis. Methadone distribution centers are included.

Sustainability: Sustainability relates to or is a method of using a resource so that the resource is not depleted or permanently damaged. The organizing principle for sustainability

is sustainable development, which includes the integration and balance of social, environmental, human and economic goals in development policies and activities.

Swimming Pool, Hot Tub: A manmade, water filled enclosure that is eighteen (18) inches or more in depth which prevents the direct percolation of surface water into the underlying earth and is used for swimming or recreation.

T

Tasting Room: A facility for alcoholic beverage tasting and retail sales of related merchandise to customers who are physically present at the tasting room, subject to State licensing requirements.

Temporary Lighting: Lighting intended for uses which, by their nature, are of limited duration; for example, holiday decorations, civic/cultural events, or construction projects.

Tenant Improvements: The alteration of interior space.

Temporary Use or Building: A use or structure permitted under this Ordinance to exist for a limited period of time.

Three Hundred Sixty-Degree Architecture: Architectural treatments that are consistently applied to all four sides/elevations of a building. The intent is to avoid excessive architectural treatments on one side of a building at the expense of offering limited enhancements to other sides of a building that may or may not have an appearance from a right-of-way.

Tiny House(s) - A house that is a maximum of 400 square feet (gross) that may be entirely site built, partially site built, or situated on an ADOT licensed and registered trailer. A Tiny House shall not be less than 200 square feet in size (gross) if built on site and not less than 160 square feet (gross) in size if built upon an approved ADOT trailer.

Total Aggregate Sign Area: The entire area of all sign surfaces upon which sign copy and/or imagery may be placed, excluding any supporting structure.

Tour Services: Businesses primarily engaged in providing recreation and other leisure based activities for tourists, as well as local residents, including, but not limited to: jeep tours, helicopter tours, and hiking tours.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antennas for telephone, radio and similar communication purposes, including monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, and digital and/or cellular telephone towers, alternative tower structures, and the like. The term also includes the structure and any support thereto. Lattice type structures or structures which require the use of guy wires are strongly discouraged.

Trade School or Instructional School: A specialized instructional establishment that provides on-site training of business, artistic, or commercial skills, or a trade school that prepares students for jobs in a trade (e.g., carpentry). Examples include, but are not limited to, fine arts schools, computer instructional services, and driving schools.

Traffic Impact Analysis (TIA): A study that provides information on the projected traffic expected from a proposed development. A TIA evaluates the impact of proposed development on the roadways in the immediate proximity of the proposed development.

Traffic Pattern Airspace-need definition: The traffic flow that is prescribed for aircraft landing at or taking off from an airport. The components of a typical traffic pattern are the upwind leg, crosswind leg, downwind leg, base leg, and final approach.

Trailer, Commercial: A vehicle designed for transportation upon its own wheels and drawn by another vehicle and used to conduct a business or occupation, or as a selling or advertising device, even though mounted on jacks, blocks, foundations or supports.

Transfer of Development Rights (TDR): In a Planned Area Development, permitting the unused allowable residential densities from one development to accrue to another development upon trade or sale through the private real estate market. (Example: Increasing the dwelling unit yield for a mixed-use or multiple residence development by acquiring unutilized dwelling unit entitlements from a different site.)

Translucent: Admitting and diffusing light so that objects and the light source beyond cannot be clearly perceived.

Travel Plaza/Truck Stop: Any building, premises, or land in which, or upon which, a business, service, or industry involving the maintenance, servicing, storage, or repair of commercial vehicles is conducted or rendered, including the dispensing of motor fuel or other petroleum products directly into motor vehicles and the sale of accessories or equipment for trucks and similar commercial vehicles. A travel plaza may also include overnight accommodations and restaurant facilities primarily for the use of truck crews.

U

Underlying District: The base zoning district classification applying to a group of properties upon which additional overlay district regulations are superimposed.

Uniform Fire Code: See “International Fire Code”

Uplighting: Fully shielded lighting that is directed in such a manner as to shine light rays above the horizontal plane.

Urban: The combination of buildings, structures, and streetscape that form a distinct neighborhood or section of a city or urban place.

Use: The principal purpose for which a lot or the main building is designed, arranged, or intended, and for which it may be used, occupied, or maintained.

Utility Facility and Service Yard, Major: A service of a regional nature that normally entails the periodic construction/expansion of buildings or structures, and that typically has employees on the site on an ongoing basis. Examples include, but are not limited to: wastewater treatment plants, sewer lift stations, water treatment plants, reservoirs, power plants, and accessory maintenance yards.

Utility Facility, Minor: A service that is necessary to support development within the immediate vicinity and that involves only minor structures. Employees typically are not located at the site on an ongoing basis. Examples include, but are not limited to: electric transformer stations; natural gas regulator stations; telephone/fiber exchange buildings; well, water, and sewer pumping stations; water storage tanks; and water pressure regulating stations.

V

Vacation Home Rental: Any individually or collectively owned single-family or multi-family dwelling unit, rented for occupancy for dwelling, lodging, or sleeping purposes for a period of twenty-nine (29) consecutive days or less, other than ongoing month-to-month tenancy granted to the same renter for the same unit, occupancy on a time-share basis, or a condominium hotel.

Vector Control: Any method used to limit or eradicate the mammals, birds, insects or other arthropods (here collectively called "vectors") which transmit disease pathogens. The most frequent type of vector control is mosquito control using a variety of strategies.

Vehicle, Inoperative: Any motor vehicle that cannot be operated lawfully on a public street or highway for any reason other than the lack of current vehicle registration, or that cannot be moved under its own power.

Vehicle, Electric: A vehicle which uses one or more electric motors for propulsion.

Vehicle Service: A tune-up or a series of maintenance procedures carried out at a set time interval or after the vehicle has travelled a certain distance.

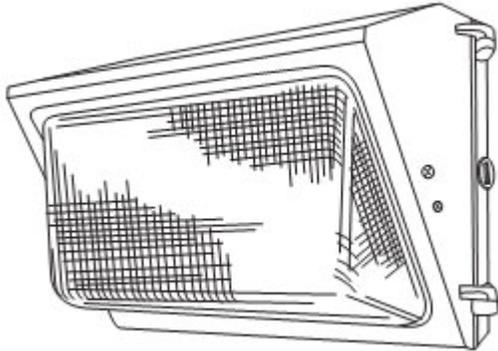
Vehicle Stacking: Generally refers to a circumstance where a parking area, driveway or garage is intentionally designed to provide for one car to be parked directly behind another vehicle, or "stacked" whereas the first vehicle is unable to move without the second vehicle also moving.

Visible: Means capable of being seen (whether or not legible) by a person of normal height and visual acuity walking or driving on a public road.

W

Wall: Means any exterior surface of a building or any part thereof, including windows.

Wall Pack: Any luminaire mounted flush against a wall or similar surface designed to transmit light across a large ground area. An example of a wall pack is shown below:



Waste Facility, Landfill: A planned and approved method or system of solid waste disposal in which the waste is disposed or buried in layers, compacted by earth or other approved methods, also known as a sanitary landfill.

Waste Facility, Transfer Station: A facility or site where solid waste from households, businesses, and industries is transferred from one type of collection vehicle or container to another. Transfer activities occur entirely within covered structures. A transfer station is an intermediary point between the locations of waste generation and the sites of ultimate processing or disposal. This term does not include liquid waste transfer, hazardous or toxic waste disposal, solid waste disposal, or liquid waste recycling or refining activities.

Watchman's Quarters: An attached unit to a principal building that may be used as a permanent residence for employees of businesses or property owners when their presence is required for security purposes by the employer twenty-four (24) hours a day, subject to the provisions of Section 3.2.6.B.

Wheel Stop: means a physical barrier sufficient in size to prevent the movement of automobiles or other vehicles over or past such barrier along a street or parking lot.

Whip Antenna: A long and thin device that transmits and/or receives radio frequency signals in a three hundred sixty (360) degree radial pattern.

Wholesale Establishment: An establishment primarily engaged in the sale or distribution of goods and materials in large quantity to retailers or other businesses for resale to the general public or business customers, and limited retail uses when directly associated with the wholesale use. This term shall not include heavy manufacturing, resource extraction, bulk storage of hazardous materials, or scrap or salvage operations.

Wireless Facility: Equipment at a fixed location, including small wireless facilities, that enables wireless communications between user equipment and a communications network, including both of the following:

- Equipment associated with wireless communications.
- Radio transceivers, antennas, coaxial or fiber-optic cables, regular and backup power supplies and comparable equipment, regardless of technological configuration.

Does not include the structure or improvements on, under or within which the equipment is collocated.

Wireless Facility, Amateur Services, Tower and Antennas - A radio communication service, and associated equipment for the purpose of self-training, intercommunication and technical investigation carried out by amateurs, that is, by duly authorized persons interested in radio technique solely with a personal aim and without pecuniary interest.

Wireless Facilities, Antenna - Any device used to collect or radiate electromagnetic waves, excluding any antenna support structure, other than mounting brackets.

Wireless Facility, Antenna Array - An assembly of antenna elements with dimensions, spacing, and illumination sequence such that the fields for the individual elements combine to produce a maximum intensity in a particular direction and minimum field intensities in other directions.

Wireless Facility, Antenna Support Structure / Tower - A commercially manufactured structure designed and constructed specifically to support an Antenna or Antenna Array and equipment associated with a single or collocated Wireless Facility, and may include a monopole, self-supporting (lattice) tower, guy wire support tower and other similar structures.

Wireless Facility, Attached Wireless Facility - An Attached Wireless Facility is an antenna array that is attached to an existing building or structure, which structures shall include, but not be limited to, utility poles and water towers, with any accompanying pole or attachment device which attaches the antenna array to the existing building or structure, transmission cables, and an equipment facility which may be located either inside or outside of the attachment structure.

Wireless Facility, Camouflaged - A Wireless Facility that is disguised, hidden, part of an existing or proposed structure or placed within an existing proposed structure is considered camouflaged. Examples include “mono-palms”, “mono-pines”, flag poles, clock towers, and water towers.

Wireless Facility, Co-Location - Co-location / Site Sharing shall mean the use of a common Wireless Facility or common site by two (2) or more wireless license holders or by one (1) wireless license holder for more than one type of communications technology and / or placement of a Wireless Facility on a structure owned or operated by a utility or other public entity.

Wireless Support Structure: A structure which may take the form of any one (1) of the following, but does not include a utility pole

- A freestanding structure, such as a monopole.
- A tower, either guyed or self-supporting.
- A billboard.
- Any other existing or proposed structure designed to support or capable of supporting wireless facilities.

Wireless Facility, Height - When referring to a Wireless Facility, height shall mean the distance measured from ground level to the highest point on the Wireless Facility antenna support structure, including the antenna.

Wireless Facility, Setbacks - When referring to an Antenna support structure, Setback shall mean the required distance from the antenna support structure to the property line of the parcel on which the Wireless Facility is located.

Wireless Facility, Temporary Wireless Communication Facility (Temporary WF) - Temporary Wireless Communication Facility shall mean a Wireless Facility which is to be placed in use for a limited period of time, is not deployed in a permanent manner, and does not have a permanent foundation.

Wireless Facility, Tower / Antenna Support Structure - A structure designed and constructed specifically to support an Antenna or Antenna Array, and may include a monopole, self-supporting (lattice) tower, guy-wire support tower and other similar structures.

Wireless Facility, Un-licensed Wireless Service - Un-licensed wireless services are defined as the offering of telecommunications services using duly authorized devices which do not require individual licenses; direct-to home satellite services are excluded from this definition. 47 U.S.C. 332 (c) (7) (C) (iii).

Wireless Facility, Wireless Communication Facility - A Wireless Facility is any facility used for the transmission and/or reception of wireless communication services, usually consisting of an antenna array, transmission cables, equipment facility, and antenna support structure(s).

Wireless Communication Services - Wireless Communication Services shall mean any Personal Wireless Services (as defined in the Federal Telecommunications Act of 1996) which includes Commercial Mobile Services, Un-licensed Wireless Service, Common Carrier Wireless Exchange Access Services, and similar services that currently exist or that may in the future be developed.

Y

Yard, Required Front: An open space extending the full width of the lot between the front lot line and the front line of the building projected to the side lines of the lot. A front yard setback is established parallel to the front lot line.

Yard, Required Rear: An open unoccupied space extending the full width of the lot between the rear lot line and the rear line of the building. A rear yard setback is established parallel to the rear lot line.

Yard, Required Side: An open space extending from the required front yard to the required rear yard between a side setback and a side lot line.

Yard, Side: Open space between the side–lot line, the side–property line, or the proposed side–property line, and the building line and extending from the front yard to the rear yard

Yard: Open space on the same lot with a building or group of buildings, lying between the building (or outer building of a group) and the nearest lot or property line and unoccupied and unobstructed from the ground upward.

Z

Zero Lot Line: The location of a building on a lot in such a manner than one (1) or more of the building's sides rests directly on a lot line.

Zone: An area within which certain uses of land and buildings are permitted and certain others are prohibited; yards and other open spaces are required; lot areas, building height limits, and other requirements are established; all of the foregoing being identical for the zone in which they apply.

Zoning Administrator: The City of Eloy employee responsible for the enforcement and interpretation of the Zoning Ordinance. Also known as the Community Development Director.

Zoning Clearance: The approval by the Zoning Administrator of a plan that is in conformance with the Zoning Ordinance of the City of Eloy.

Zoning District: A designated area in which the same zoning regulations apply.

Zoning Map: The official zoning map of the City of Eloy which depicts the location and boundaries of the various zoning districts within the Eloy municipal limits.

Zoning Ordinance: The Ordinance that identifies the specific district areas and those uses that are permitted, conditional permitted or not permitted in the City of Eloy.

Acronyms

ABC: Aggregate Base Course

ADA: Americans with Disabilities Act

ADOT: Arizona Department of Transportation

AM: Amplitude Modulation

AMA: Active Management Area

AO: Aviation Overlay

ARS: Arizona Revised Statutes

AU: Animal Unit

BP: Business Park

C: Conditional Uses

C-1: Neighborhood Commercial District

C-2: General Commercial District

CAFO: Concentrated Animal Feeding Operation

CCT: Color Correlated Temperature

CUP: Conditional Use Permit

DCO: Downtown Core Overlay

DNL: Day-Night Noise Level

DRC: Design Review Committee

DVD: Digital Video Disks

EIA: Electronic Industries Association

EMC: Electronic Message Center

FAA: Federal Aviation Administration

FAR: Federal Aviation Regulations

FBO: Fixed Base Operators

FCC: Federal Communications Commission

FEMA: Federal Emergency Management Agency

FIRM: Flood Insurance Rate Map

FM: Frequency Modulation

GPA: General Plan Amendment

GVWR: Gross Vehicle Weight Rating

HID: High Intensity Discharge

HOA: Homeowners Association

HUD: United States Department of Housing and Urban Development

I-2: General Industrial

IBC: International Building Code

IESNA: Illuminating Engineering Society of North America

ITE: Institute of Transportation Engineers

L-1: Light Industrial

LED: Light Emitting Diode

LRV: Light Reflect Value

MHO: Manufactured Home Overlay

MHP: Manufactured Home Park

MHS: Manufactured Home Subdivision

MU: Mixed-use District

NFIP: National Flood Insurance Program

NGO: Non-Governmental Organization

NLR: Noise Level Reduction

NP: Non- permitted Use

OSC: Open Space Conservation District

OSR: Open Space Recreation District

P: Permitted Use

PAD: Planned Area Developments

PF: Public Facility

R-2: Small Lot Residential

R-3: Multi-Family Residential

R1-6: Single-family Residential

R1-12: Single-family Residential

R1:43: Estate Residential

R1:54: Estate Residential

RF: Radio Frequency

ROC: Registrar of Contractors

RPZ: Runway Protection Zone

RR-2.5: Rural Residential

RR-5: Rural Residential

RR-20: Rural Residential

RV: Recreation Vehicle

SFHA: Special Flood Hazard Area

TIA: Traffic Impact Analysis

TIA: Telecommunication Industry Association

TDR: Transfer of Development Rights

TUP: Temporary Use Permit

UBC: Uniform Building Code

USC: United States Legal Code

WF: Wireless Facility