

## CHAPTER 21

## City of Eloy 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.~~

### 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~~ July 23, 2018, may be applied. Actions establishing the initiation of this waiver must be made before 3 years from the date of adoption, ~~June 25, 2018~~ July 23, 2018.

### 2.2.3 Residential Use Standards

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
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	P/O	P/O	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	<del>NP</del> P	NP	
	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	P/O	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	P/O	P/O	NP	2.7.10
	Resident Care Home	P	P	P	P	P	P	P	NP	NP	NP	3.1.34
	Tiny Houses, Site Built	P	P	P	P	P	P	P	P	P	<del>P</del> NP	3.1.39
	Tiny Houses, Built on Trailers, Suspension and Axle Removed, Permanently Attached	P	P	P	P	P	P	P	P	P	<del>P</del> NP	3.1.39
	Tiny Houses, Built on Trailers, Suspension and Axle <u>not</u> Removed *	P/O	P/O	P/O	P/O	P/O	P/O	P/O	P/O	P/O	NP	3.1.39
	Tiny Houses, Licensed as Travel Trailers *	P/O	P/O	P/O	P/O	P/O	P/O	P/O	P/O	P/O	C	3.1.39
Tiny House Park	NP	NP	NP	NP	NP	NP	NP	NP	P	NP		
Vacation Home Rentals	P	P	P	P	P	P	P	P	P	NP		
Public and	Assembly Hall/Auditorium	NP	NP	NP	NP	NP	NP	NP	NP	C	P	

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

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		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	
Semi Public	Campground*	P/O	P/O	P/O	P/O	P/O	P/O	P/O	P/O	P/O	P/O	NP	3.1.8
	Child Care, Center	NP	NP	NP	NP	NP	NP	NP	NP	C	C	NP	3.1.11
	College or University	NP	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	P	NP	
	Community Recreation Center	P	P	P	P	P	P	P	P	P	P	P	
	Country Club, Private	P	P	P	P	P	P	P	P	P	P	NP	
	Cultural Facility	C	C	C	C	C	C	C	C	C	C	P	
	Fraternal or Social Club, Nonprofit	NP	NP	NP	NP	NP	NP	NP	NP	C	C	C	
	Library	P	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	C	
	Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	
	Religious Assembly	P	P	P	P	P	P	P	P	P	P	NP	3.1.33
	School, Boarding	C	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	C	P	3.1.35
	School, Public or Private, 9-12	C	C	C	C	C	C	C	C	C	C	P	3.1.35
	Social Service Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	C	P	
	Solar Generation Facility	C	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	NP	P		
Utility Facility, Minor	P	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	C	4.4	
Agriculture	Agriculture, General (farming and ranching; no commercial activities or CAFO's)	P	P	P	P	P	NP	NP	NP	NP	NP	NP	3.1.3
	Caretaker Living Quarters	P	P	NP	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	NP	3.1.7
	Dairy Farms (Commercial)	C	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	3.1.16
	Market Garden	P	P	P	P	P	C	C	C	C	NP	NP	

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	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	C	C	NP	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	

**2.2.5 Single-family Residential Design Guidelines**

**C. Single-family Residential Open Space Guidelines Requirements**

- 4. All residential developments (subdivisions) shall provide the minimum net acreage required by **Subsection 15-598 Chapter 15** 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.**

**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 built~~ on ~~mobile chassis trailers~~ 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 ~~Park 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.

## 4.4 WIRELESS FACILITIES

### 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 administrative approval** 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. **Commercial television and/or radio antennas. All new commercial television and/or radio antennas intended for commercial transmission and broadcasting are permitted under the maximum building height of the underlying Zoning District. Commercial television or radio antennas proposed to exceed the maximum building height of the underlying Zoning District shall be approved by Conditional Use Permit.**
- F. **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 administrative approval** 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 administrative approval** 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

- G.** 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).
- H.** 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.~~

## SECTION 9 - DEFINITIONS & ACRONYMS

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**Alternative Wireless Facility:** Any Wireless Facility that is designed in a stealth-like manner intended to be camouflaged and/or conceal the presence of the Wireless Facility so that the Wireless Facility is not readily apparent to the casual observer. Examples include man made trees, cacti and Alternative Tower Structures.

**Detention/Correctional Facility:** Public or private unit housing individuals who are awaiting trial, or are serving a sentence after being found guilty of a criminal offense.

**Fairground:** An area where land, building and structures are used for the exhibition of livestock and farm products including carnival like entertainment and shows. Events are managed or sponsored by the City or the County.

**4H Program:** Children and young adults raising animals that will participate in competitions sponsored by 4H or other similar agricultural based programs.

**General Market:** A single retail establishment that sells groceries, prepackaged food items and other household items and occupies less than 125,000 square feet of gross floor area.

**Natural area preserves:** Areas which will remain in a natural or undeveloped state to provide resource protection and may include opportunities for passive recreation and environmental education.

**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.

Improved or unimproved land or lands divided for the purpose of financing, sale, lease, or conveyance whether immediate or future, into four (4) or more lots, tracts or parcels of land; or, if a new street is involved, any such property which is divided into two (2) 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 two (2) or more parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse, patio home, or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

**Tiny House Park** – A single parcel of land, not organized as a subdivision, containing more than one tiny home and no other type of dwelling unit.