NAVAJO COUNTY
ZONING ORDINANCE

PUBLIC WORKS DEPARTMENT
PLANNING & ZONING

Navajo County Complex
P.O. Box 668
Holbrook, AZ 86025

LAST AMENDED
12/20/12

$25.00

ORDINANCE NO. Z90-1

An Ordinance adopting an official Land Use Plan and Zoning Regulations for the unincorporated area of Navajo County, Arizona, except land within the boundary of a reservation and outside the authority of Navajo County, in order to promote orderly growth and development within the County.

WHEREAS, in 1974 the Board of Supervisors found it necessary, in order to protect the health, safety, comfort and general welfare of the citizens of Navajo County that a Zoning Ordinance be enacted and enacted such a zoning ordinance, and

WHEREAS, the Board of Supervisors, desire that growth, development and land use within the unincorporated area of Navajo County, except land within the boundary of a reservation and outside the authority of Navajo County, proceed in a manner consistent with the Navajo County General Plan, and

WHEREAS, by authority of the Arizona Revised Statutes, Title 11, Section 801 et seq, as amended, Navajo County, is empowered to enact such an ordinance.

THEREFORE, BE IT ORDAINED by the Board of Supervisors of Navajo County, as follows:

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ARTICLE 1 - TITLE AND PURPOSE

Section 101 - Title.

This Ordinance may be cited as "The Navajo County Zoning Ordinance."

Section 102 - Declaration.

The Navajo County Zoning Ordinance is an enactment for the unincorporated areas of Navajo County Arizona, except land within the boundary of a reservation and outside the authority of Navajo County, dividing the unincorporated areas of said county into Zoning Districts appropriate for various classes of residential, commercial and industrial uses; providing for the establishment of set-back lines; providing for adequate light, air and parking facilities; providing for expediting traffic within the zoning districts; establishing the percentage of a lot or parcel which may be covered by buildings, and the size of yards and other open spaces.

Section 103 - Purpose.

This ordinance is designed to promote the public health, peace, safety, comfort and general welfare of the citizens of Navajo County; to guide, control and regulate the future growth and development in order to promote orderly and appropriate use of land in the entire unincorporated area of said county except land within the boundary of a reservation and outside the authority of Navajo County; to protect the character and the stability of residential, commercial and industrial areas of Navajo County; to secure safety from fire and other dangers and to prevent over-crowding of land and undue congestion of population; to conserve and stabilize the value of property and to encourage, guide and provide a definite plan for the future growth and development of the unincorporated area of Navajo County.

ARTICLE 2 - ZONING DISTRICT

Section 201 - Establishment of Zoning Districts.

For the purpose of this Ordinance, the unincorporated area of Navajo County, except land within the boundary of a reservation and outside the authority of Navajo County is hereby classified into the following zoning districts:

A-General:	General Zoning District
Rural-20:	Rural Zoning District - Twenty (20) Acres per Dwelling Unit.
Rural-10:	Rural Zoning District - Ten (10) Acres per Dwelling Unit.
Rural-5:	Rural Zoning District - Five (5) Acres per Dwelling Unit.
Rural-1:	Rural Zoning District - One (1) Acre per Dwelling Unit.
R1-43:	Single-family Residential Zoning District - 43,000 Square Feet per Dwelling Unit.
R1-10:	Single-family Residential Zoning District - 10,000 square feet per Dwelling Unit.
R-2:	Multiple-family Residential Zoning District.
R-3:	Multiple-family Residential Zoning District.
C-R:	Commercial-Residential Zoning District.
S.D.:	Special Development Zoning District.
IND-1:	Light Industrial Zoning District.
IND-2:	Heavy Industrial Zoning District.
SU-PUD:	Special Uses and Planned Unit Developments.

Section 202 - Boundary Lines on the Zoning District Maps.

The boundaries of the aforesaid zoning districts are shown upon the maps designated as the "Zoning District Maps". The Zoning District Maps, along with all the notations, references, and other information shown thereon, are a part of this Ordinance and have force and effect as if said maps and all the notations, references and other information shown thereon were all fully set forth or described herein.

Section 203 - Boundary Determination.

Where uncertainty exists with respect to the boundaries of any zoning district as shown on the Zoning District Maps, the following rules shall apply:

1. Where zoning district boundaries are indicated as approximately following street or alley lines or the centerline thereof, such lines shall be construed to be the zoning district boundaries.

2. Where zoning district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the zoning district boundaries.

3. Where zoning district boundaries are indicated as approximately following the line of any stream, irrigation canal or other waterway or railroad right-of-way, or the boundary line of public land, the center of such stream, canal or other waterway or of such railroad right-of-way, or the boundary line of such public land shall be construed to be the zoning district boundaries.

4. In unsubdivided land or where a zoning district boundary divides a lot or parcel of land, the location of such boundary, unless indicated by dimensions shown on the Zoning District Maps, shall be determined by the use of the scale appearing on said maps.

5. Where such boundaries have been changed by the Board of Supervisors pursuant to Article 29 of this Ordinance and where such changed boundaries are shown on detailed maps, the detailed maps shall govern in event there is any difference between the boundaries shown on the Zoning District Maps adopted as part of this Ordinance, or subsequent amendments thereto, and the detailed maps.

Section 204 - Public Way Vacations.

Whenever any street, alley or other public way is vacated by the Board of Supervisors, the zoning districts adjoining each side of such street, alley or public way shall be considered as extended to the center of such vacation and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended zoning districts.

Section 205 - Lands Not Previously Zoned.

Lands which for reason of law, change in ownership or for any other reason, come under the authority of Navajo County after this Ordinance becomes effective and which have not been zoned prior thereto by any other jurisdiction having zoning authority, shall be subject to the regulations of the A-General Zoning District until such time as soon as practicable thereafter public hearings are held as required by law for the expressed purpose of zoning such lands pursuant to this ordinance.

Section 206 - Lands Previously Zoned by Other Jurisdictions.

Lands which for reason of law, change in ownership or for any other reason, come under the authority of Navajo County after this Ordinance becomes effective and which have been zoned prior thereto by any other jurisdiction having zoning authority, shall retain such zoning until such time as soon as practicable thereafter public hearings are held as required by law for the expressed purpose of zoning such lands pursuant to this Ordinance.

Section 207 - Interpretation.

In interpreting and applying the regulations of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the regulations of this Ordinance, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul easements, covenants, or other agreements between parties, except that if this Ordinance imposes a greater restriction, this Ordinance shall regulate.

ARTICLE 3 - (A-GENERAL) - GENERAL ZONING DISTRICT

(As Amended 9/18/00 via BOS Resolution No. 79-00, 8/6/2001 via BOS Resolution No. 54-01, 12/10/2001 via BOS Resolution 101-01, 3/11/02 via BOS Resolution No. 16-02, 4/18/05 via BOS Resolution 31-05)

Section 301 - Purpose.

The main purpose of this A-General Zone is to provide for all the unincorporated area of the County, except land within the boundary of a reservation and outside the authority of Navajo County not otherwise designated for some other specific zone, to be included in the "A-General Zone", by this Ordinance. No subdividing shall be conducted or approved in the "A-General Zone", without prior re-zoning of the land so intended. Uses permitted in the "A-General Zone", include farm and non-farm residential uses, farms, recreational, institutional, commercial and industrial uses as specifically listed in this Article. **Other uses may be permitted as Special Uses under Article 20.**

Section 302 - Use Regulations.

A building or premises shall be used only for the following purposes:

1. Single-family dwellings - including conventional site-built homes, Manufactured Homes (including rehabilitated Mobile Homes) and Factory-Built Buildings as defined and regulated in Article 21 hereof.

2. Churches.

3. Farms including customary agricultural uses.

4. Public schools, elementary and secondary.

5. Public and private forests and wildlife reservations.

6. Utility Facilities -- Facilities for the delivery to the public, by a regulated public utility or a public entity, of water, gas, electricity, steam, hot or cold air, telecommunications and cable television service, or sewer service. This shall include the pipes, lines and cables required for the actual delivery of the foregoing, as well as facilities and appurtenances directly related thereto (such as pumping or booster stations along pipelines and substations along transmission lines). It shall not include generating plants, treatment plants, storage yards, business offices or other major utility facilities which may be allowed with a special use permit pursuant to article 20. It likewise shall not include television, radio or telecommunications towers and stations, which shall require a special use permit pursuant to article 20.

7. Publicly owned or operated properties including but not limited to fire stations, police stations and post offices.

8. Golf courses including club houses located thereon, including miniature courses or practice driving tees operated for commercial purposes.

9. Libraries, museums, parks, playgrounds, tennis courts and community buildings.

10. Hospitals and institutions of an educational, religious, charitable or philanthropic nature provided the buildings for such uses are set back from all lot lines a distance of not less than two (2) feet for each foot of building height. Homes for the aged, nursing homes and convalescent homes may be allowed with a Use Permit issued by the Board of Adjustment.

11. Home occupations.

12. Except as otherwise specified, all agricultural uses and the production, harvesting, curing, processing, packaging, shipping and roadside stands offering for sale only farm products produced on the premises.

13. Commercial feed lots, dairy farms, the raising of fur-bearing animals or the raising or feeding of animals that could create noise, odors, dust, or pose a problem of health or sanitation to neighboring properties if within six hundred (600) feet of a property line, will be subject to securing a Use Permit, and periodic inspection to assure compliance.

14. Public riding stables and boarding stables provided the site contains at least ten (10) acres and the building housing the animals is set back from all property lines a distance of not less than one hundred (100) feet.

15. The keeping of horses, providing that:

    a. Corrals, stables, watering areas and feeding stations are set back from all property lines a distance of not less than that required for building setbacks.

    b. Corrals contain at least six hundred square feet (600 sq. ft.) per horse.

16. Plant nurseries and greenhouses for the propagation, cultivation and wholesale distribution of plants produced on the premises. Open storage shall be limited to plants or packaged fertilizer, and the buildings and structures used in connection therewith are set back from all lot lines a distance of not less than that required for residential building setbacks.

17. Fences or free standing walls not to exceed a height of six feet (6').

18. Accessory buildings and uses customarily incidental to above uses, including:

    a. Barns, sheds and stable buildings.

    b. Guest houses and quarters for servants and caretakers employed on the premises, providing that the lot be a minimum of ten thousand square feet (10,000 sq. ft.) in area, that all buildings meet all building setbacks, that the guest house or servants and caretakers quarters be

no greater than seventy-percent (70%) of the square footage of the principal dwelling and subject to securing a use permit. If kitchen facilities are provided therein, any use permit approved for such quarters shall continue if, upon inspection, satisfactory evidence indicates that such buildings are continuing their function as bona fide guest houses, servant's or caretakers' quarters and not as a rental unit.

19. Feed Stores on not less than two and one half (2.5) acres of land.

20. A use similar to any of the foregoing permitted uses may be allowed upon a written determination by the Director of Development Services that the proposed use is similar in nature and impact to the permitted use and is consistent with the overall purposes of the zoning district. The Director's determination may be appealed to the Board of Adjustment pursuant to Article 28 hereof. The burden shall be upon the property owner to prove by clear and convincing evidence that the proposed use is similar to the permitted use.

Section 303 - Sign Regulations.

The sign regulations are as provided in Article 23 hereof.

Section 304 - Height Regulations.

The height of building shall not exceed either thirty (30) feet or two (2) stories and a basement, as defined in Sections 3002.13 and 3002.83. The height shall be measured from the finished grade to the highest point on the roof structure. For the purpose of this Section, finished grade shall be defined as the average of the finished ground level at the center of all walls of the building. A building height greater than thirty feet (30') may be allowed with a use permit.

Section 305 - Yard Regulations.

1. Front Yard:

   a. There shall be a front yard having a depth of no less than twenty (20) feet.

   b. For through lots, a front yard shall be provided along both street lines.

   c. Yards along each street side of corner lots shall conform with regulations applicable to front yards.

2. Side Yard:

   There shall be a side yard on each side of a building having a width of not less than ten (10) feet.

3. Rear Yard:

There shall be a rear yard having a depth of not less than twenty (20) feet, or, in the case of a legally recorded undersized lot or parcel, fifteen percent (15%) of the total lot depth.

Section 306 - Intensity of Use Regulations.

1. Lot area: Each lot shall have a minimum lot area of one (1) acre. Lots with an area less than one (1) acre will be allowed if the parcel has a certified percolation rate of one-hundred twenty minutes per inch (120 min/in) or a certified soils evaluation of 120 min/in or less or if the parcel has access to an approved sewer system.

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

3. Lot width: The minimum lot width shall be thirty-five feet (35').

4. Distance between buildings: The minimum distance between buildings on the same lot shall be fifteen feet (15').

Section 307 - Parking Regulations.

The parking regulations are as provided in Section 2510 hereof.

ARTICLE 4 - (RURAL 20) - RURAL ZONING DISTRICT
TWENTY (20) ACRES PER DWELLING UNIT

(As Amended 9/18/00 via BOS Resolution No. 79-00, 8/6/2001 via BOS Resolution No. 54-01, 12/10/2001 via BOS Resolution No. 101-01, 3/11/02 via BOS Resolution No. 16-02, 4/18/05 via BOS Resolution 31-05)

Section 401 - Purpose.

The primary purpose of this district is to conserve and protect open land uses, foster orderly growth in rural areas, and prevent urban agricultural land use conflicts. The purpose of requiring large minimum parcels of not less than twenty (20) acres in area is to discourage small lot or residential subdivisions where public facilities such as water, sewage disposal, parks and playgrounds, and governmental services such as police and fire protection are not available or could not reasonably be made currently available. Uses permitted in this zoning district include both farm and non-farm residential uses, farms, and recreational and institutional uses.

Section 402 - Use Regulations

A building or premises shall be used only for the following purposes:

1. Single-family dwellings--including conventional site built homes, Manufactured Homes (including rehabilitated Mobile Homes) and Factory-Built Buildings as defined and regulated in Article 21 hereof.

2. Churches.

3. Farms as defined in Article 30.

4. Public, elementary, high and private schools with a curriculum the same as customarily given in public schools.

5. Public and private forests and wildlife reservations.

6. Utility facilities -- facilities for the delivery to the public, by a regulated public utility or a public entity, of water, gas, electricity, steam, hot or cold air, telecommunications and cable television service, or sewer service. This shall include the pipes, lines and cables required for the actual delivery of the foregoing, as well as facilities and appurtenances directly related thereto (such as pumping or booster stations along pipelines and substations along transmission lines). It shall not include generating plants, treatment plants, storage yards, business offices or other major utility facilities which may be allowed with a special use permit pursuant to article 20. It likewise shall not include television, radio or telecommunications towers and stations, which shall require a special use permit pursuant to article 20.

7. Publicly owned or operated properties such as fire stations, police stations and post offices.

8. Golf courses including clubhouses located thereon, including miniature

courses or practice driving tees operated for commercial purposes.

9. Libraries, museums, parks, playgrounds, tennis courts and community buildings.

10. Hospitals and institutions of an educational, religious, charitable or philanthropic nature, homes for the aged, nursing homes, and convalescent homes, provided the buildings for such uses are set back from all lot lines a distance of not less than two (2) feet for each foot of building height.

11. Private clubs and fraternal organizations.

12. Home occupations.

13. Roadside stands offering for sale only farm products produced on premises.

14. Public riding stables and boarding stables provided the site contains at least ten (10) acres and the building housing animals set back from all lot lines a distance of not less than one hundred (100) feet.

15. Plant nurseries and greenhouses for the propagation, cultivation and wholesale distribution of plants produced on the premises, provided such uses including retail sales, open storage is limited to plants or packaged fertilizer, and the buildings and structures used in connection therewith set back from all lot lines a distance of not less than fifty (50) feet.

16. Corrals for the keeping of horses.

17. Fences or free-standing walls not to exceed a height of six (6) feet.

18. Accessory buildings and uses customarily incidental to the above uses, including:

    a. Quarters for servants and caretakers employed on the premises, subject to securing a use permit, and if kitchen facilities are provided therein, any use permit, approved for such quarters shall continue, providing, upon inspection, satisfactory evidence indicated that such quarters are continuing their function as bona fide servant and caretaker quarters and not as a rental unit.

    b. Private swimming pools along with incidental installations, such as pumps and filters, provided such pool and incidental installation are located in other than the required front yard and screened from adjoining lots by a solid wall or protective fence of not less than four and one-half (4-1/2) feet in height nor more than six (6) feet in height, and provided such pool sets back from all lot lines a distance of not less than seven (7) feet.

19. Feed Stores on not less than two and one half (2.5) acres of land.

20. A use similar to any of the foregoing permitted uses may be allowed upon a written determination by the Director of Development Services that the proposed use is similar in nature and impact to the permitted use and is consistent with the overall purposes of the zoning district. The Director's determination may be appealed to the Board of Adjustment pursuant to Article 28 hereof. The burden shall be upon the property owner to prove by clear and convincing evidence that the proposed use is similar to the permitted use.

Section 403 - Sign Regulations.

The sign regulation are as provided in Article 23 hereof.

Section 404 - Height Regulations.

The height of building shall not exceed either thirty (30) feet or two (2) stories and a basement, as defined in Sections 3002.13 and 3002.83.

Section 405 - Yard Regulations.

1. Front Yard:

   a. There shall be a front yard having a depth of no less than twenty (20) feet.

   b. For through lots, a front yard shall be provided along both front lot lines.

   c. Yards along each street side of corner lots shall conform with regulations applicable to front yards.

2. Side Yard:

   There shall be a side yard on each side of a building having a width of not less than thirty (30) feet.

3. Rear Yard:

   There shall be a rear yard having a depth of not less than twenty (20) feet.

Section 406 - Intensity of Use Regulations.

The intensity of use regulations are as follows:

1. Lot Area:

   Each lot shall have a minimum lot area of twenty (20) acres.

2. Lot Width:

   Each lot shall have a minimum width of five hundred (500) feet.

3. Lot Area per Dwelling Unit:

   The minimum lot area per dwelling unit shall be twenty (20) acres.

4. Lot Coverage:

   The maximum lot coverage shall be three percent (3%) of the lot area.

5. Distance Between Buildings:

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

Section 407 - Parking Regulations.

The parking regulations are as provided in Section 2510 hereof.

ARTICLE 5 - (RURAL 10) RURAL ZONING DISTRICT
TEN (10) ACRES PER DWELLING UNIT

(Amended 43/11/02 via BOS Resolution No. 16-02)

Section 501 - Purpose.

The primary purpose of this district is to conserve and protect open land uses, foster orderly growth in rural areas, and prevent urban agricultural land use conflicts. The purpose of requiring large minimum parcels of not less than ten (10) acres in area is to discourage small lot or residential subdivisions where public facilities such as water, sewage disposal, parks and playgrounds, and governmental services such as police and fire protection are not available or could not reasonably be made currently available. Uses permitted in this zoning district include both farm and non-farm residential uses, farm, and recreational and institutional uses.

Section 502 - Use Regulations.

The use regulations are the same as those in the "Rural-20" zoning district.

Section 503 - Sign Regulations.

The sign regulations are as provided in Article 23 hereof.

Section 504 - Height Regulations.

The height of buildings shall not exceed either thirty (30) feet or two (2) stories and a basement, as defined in Sections 3002.13 and 3002.83.

Section 505 - Yard Regulations.

1. Front Yard:

   a. There shall be a front yard having a depth of not less than twenty (20) feet.

   b. For through lots, a front yard shall be provided along both front lot lines.

   c. Yards along each street side of corner lots shall conform with regulations applicable to front yards.

6. Side Yard:

   There shall be a side yard on each side of a building having a width of not less than thirty (30) feet.

3. Rear Yard:

   There shall be a rear yard having a depth of not less than twenty (20) feet.

Section 506 - Intensity of Use Regulations.

The intensity of use regulations are as follows:

1. Lot Area:

   Each lot shall have a minimum lot area of ten (10) acres.

2. Lot Width:

   Each lot shall have a minimum width of three hundred (300) feet.

3. Lot Area per Dwelling Unit:

   The minimum lot area per dwelling unit shall be ten (10) acres.

4. Lot Coverage:

   The maximum lot coverage shall be six percent (6%) of the lot area.

5. Distance between Buildings:

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

Section 507 - Parking Regulations.

The parking regulations are as provided in Section 2510 hereof.

ARTICLE 6 - (RURAL 5) RURAL ZONING DISTRICT
FIVE (5) ACRES PER DWELLING UNIT

(Amended 3/11/02 via BOS Resolution 16-02)

Section 601 - Purpose.

The primary purpose of this district is to conserve and protect open land uses, foster orderly growth in rural areas, and prevent urban agricultural land use conflicts. The purpose of requiring large minimum parcels of not less than five (5) acres in area is to discourage small lot or residential subdivisions where public facilities such as water, sewage disposal, parks and playgrounds, and governmental services such as police and fire protection are not available or could not be made currently available. Uses permitted in this zoning district include both farm and non-farm residential uses, farms, and recreational and institutional uses.

Section 602 - Use Regulations.

The use regulations are the same as those of the "Rural-20" zoning district.

Section 603 - Sign Regulations.

The sign regulations are as provided in Article 23 hereof.

Section 604 - Height Regulations.

The height of buildings shall not exceed either thirty (30) feet or two (2) stories and a basement, as defined in Sections 3002.13 and 3002.83.

Section 605 - Yard Regulations.

1. Front Yard:

   a. There shall be a front yard having a depth of not less than twenty (20) feet.

   b. For through lots, a front yard shall be provided along both front lot lines.

   c. Yards along each street side of corner lots shall conform with regulations applicable to front yards.

2. Side Yard:

   There shall be a side yard on each side of a building having a width of not less than thirty (30) feet.

3. Rear Yard:

   There shall be a rear yard having a depth of not less than twenty (20) feet.

Section 606 - Intensity of Use Regulations.

The intensity of use regulations as are follows:

1. Lot Area per Dwelling Unit:

   Each lot shall have a minimum lot area of five (5) acres.

2. Lot Width:

   Each lot shall have a minimum width of two hundred fifty (250) feet.

3. Lot Area per Dwelling Unit:

   The minimum lot area per dwelling unit shall be five (5) acres.

4. Lot Coverage:

   The maximum lot coverage shall be ten percent (10%) of the lot area.

5. Distance between Buildings:

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

Section 607 - Parking Regulations.

The parking regulations are as provided in Section 2510 hereof.

ARTICLE 7
(RESERVED FOR FUTURE USE)

ARTICLE 8 - (RURAL 1) RURAL ZONING DISTRICT
ONE (1) ACRE PER DWELLING UNIT

(Amended 3/11/02 via BOS Resolution No. 16-02)

Section 801 - Purpose.

The primary purpose of this district is to conserve and protect open land uses, foster orderly growth in rural areas, and prevent urban agricultural land use conflicts. The purpose of requiring large minimum parcels of not less than one (1) acre in area is to discourage small lot or residential subdivisions where public facilities such as water, sewage disposal, parks and playgrounds, and governmental services such as police and fire protection are not available or could not reasonably be made currently available. Uses permitted in this zoning district include both farm and non-farm residential uses, farms, and recreational and institutional uses.

Section 802 - Use Regulations.

The use regulations are the same as those in the "Rural-20" zoning district.

Section 803 - Sign Regulations.

The sign regulations as provided in Article 23 hereof.

Section 804 - Height Regulations.

The height of buildings shall not exceed either thirty (30) feet or two (2) stories and a basement, as defined in Sections 3002.13 and 3002.83.

Section 805 - Yard Regulations.

1. Front Yard:

   a. There shall be a front yard having a depth of not less than twenty (20) feet.

   b. For through lots, a front yard shall be provided along both front lot lines.

   c. Yards along each street side of corner lots shall conform with regulations applicable to front yards.

2. Side Yard:

   There shall be a side yard on each side of a building having a width of not less than thirty (30) feet.

3. Rear Yard:

   There shall be a rear yard having a depth of not less than twenty (20) feet.

Section 806 – Intensity of Use Regulations.

The intensity of use regulations are as follows:

1. Lot Area:

   Each lot shall have a minimum lot area of one (1) acre.

2. Lot Width:

   Each lot shall have a minimum width of one hundred and fifty (150) feet.

3. Lot Area per Dwelling Unit:

   The minimum lot area per dwelling unit shall be one (1) acre.

4. Lot Coverage:

   The maximum lot coverage shall be fifteen percent (15%) of the lot area.

5. Distance between Buildings:

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

Section 807 – Parking Regulations.

The parking regulations are as provided in Section 2510 hereof.

ARTICLE 9 - (R1-43) SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT

43,000 SQUARE FEET PER DWELLING UNIT

(As Amended 9/18/00 via BOS Resolution No. 79-00, 8/6/2001 via BOS Resolution No. 54-01, 12/10/2001 via BOS Resolution No. 101-01, 3/11/02 via BOS Resolution No. 16-02)

Section 901 - Purpose.

The principal purpose of this zoning district is to conserve and protect single-family residential development where minimum lots of not less than forty-three thousand (43,000) square feet in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs, and the availability of public utilities. Principal uses permitted in this zoning district include single-family dwellings, churches, schools, parks, playgrounds, and other community facilities.

Section 902 - Use Regulations.

A building of premises shall be used only for the following purposes:

1. Single-family dwellings--including conventional site built homes, Manufactured Homes (including rehabilitated Mobile Homes) and Factory Built Buildings as defined and regulated in Article 21 hereof.

2. Churches.

3. Public, elementary, high and private schools with a curriculum the same as customarily given in public schools.

4. Utility facilities -- facilities for the delivery to the public, by a regulated public utility or a public entity, of water, gas, electricity, steam, hot or cold air, telecommunications and cable television service, or sewer service. This shall include the pipes, lines and cables required for the actual delivery of the foregoing, as well as facilities and appurtenances directly related thereto (such as pumping or booster stations along pipelines and substations along transmission lines). It shall not include generating plants, treatment plants, storage yards, business offices or other major utility facilities which may be allowed with a special use permit pursuant to Article 20. It likewise shall not include television, radio or telecommunications towers and stations, which shall require a special use permit pursuant to Article 20.

5. Publicly owned or operated properties such as fire stations, police stations and post offices.

6. Golf courses including club houses located thereon, including miniature courses or practice driving tees operated for commercial purposes.

7. Libraries, museums, parks, playgrounds, tennis courts and community buildings, provided such uses are provided on a non-profit basis.

8. Home occupations.

9. Fences or free-standing walls, not to exceed a height of three (3) feet, six (6) inches in any required front yard, and not to exceed a height of six (6) feet elsewhere on the lot.

10. Accessory buildings and uses customarily incidental to the above uses, including:

    a. Corrals for the keeping of horses, provided such corrals are located in the rear yard, set back from all lot lines a distance of not less than forty (40) feet and contain at least twelve hundred (1200) square feet in area for each horse kept therein.

    b. Private swimming pools along with incidental installations, such as pumps and filters, provided such pool and incidental installations are located in other than the required front yard and screened from adjoining lots by a solid wall or protective fence of not less than four and one-half (4-1/2) feet in height nor more than six (6) feet in height, and provided such pool sets back from all lot lines a distance of not less than seven (7) feet.

11. A use similar to any of the foregoing permitted uses may be allowed upon a written determination by the Director of Development Services that the proposed use is similar in nature and impact to the permitted use and is consistent with the overall purposes of the zoning district. The Director's determination may be appealed to the Board of Adjustment pursuant to Article 28 hereof. The burden shall be upon the property owner to prove by clear and convincing evidence that the proposed use is similar to the permitted use.

Section 903 - Sign Regulations.

The sign regulations are as provided in Article 23 hereof.

Section 904 - Height Regulations.

The height of buildings shall not exceed either thirty (30) feet or two (2) stories and a basement, as defined by Sections 3002.13 and 3002.83.

Section 905 - Yard Regulations.

The required yards are as follows:

1. Front Yard:
    a. There shall be a front yard having a depth of not less than twenty (20) feet.

    b. For through lots, a front yard shall be provided along both front lot lines.

    c. Yards along each street side of corner lots shall conform with regulations applicable to front yards.

2. Side Yard:

There shall be a side yard on each side of a building having a width of not less than twenty (20) feet.

3. Rear Yard:

There shall be a rear yard having a depth of not less than twenty (20) feet.

Section 906 - Intensity of Use Regulations.

The intensity of use regulations are as follows:

1. Lot Area:

Each lot shall have a minimum lot area of forty-three thousand (43,000) square feet.

2. Lot Width:

Each lot shall have a minimum width of one hundred (100) feet.

3. Lot Area per Dwelling Unit:

The minimum lot area per dwelling unit shall be forty-three thousand (43,000) square feet.

4. Lot Coverage:

The maximum lot coverage shall be twenty percent (20%) of the lot area.

5. Distance between Buildings:

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

Section 907 - Parking Regulations.

The parking regulations are as provided in Section 2510 hereof.

ARTICLE 10
(*RESERVED FOR FUTURE USE*)

ARTICLE 11 - (R1-10) SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT 10,000 SQUARE FEET PER DWELLING UNIT

(Amended 3/11/02 via BOS Resolution No. 16-02, 4/29/02 via BOS Resolution No. 30-02)

Section 1101 - Purpose.

The principal purpose of this zoning district is to conserve and protect single-family residential development where minimum lots of not less than ten-thousand (10,000) square feet in area are suitable and appropriate taking into consideration existing conditions, including present use of land, present lot sizes, future land use needs, and the availability of public utilities. Principal uses permitted in this zoning district include single-family dwellings, churches, schools, parks, playgrounds, and other community facilities.

Section 1102 - Use Regulations.

The use regulations and sign regulations are the same as those in Article 9.

Section 1103 - Sign Regulations.

The sign regulations are as provided in Article 23 hereof.

Section 1104 - Height Regulations.

The height of buildings shall not exceed either thirty (30) feet or two (2) stories and a basement, as defined in Sections 3002.13 and 3002.83.

Section 1105 - Yard Regulations.

1. Front Yard:

    a. There shall be a front yard having a depth of not less than twenty (20) feet.

    b. For through lots, a front yard shall be provided along both front lot lines.

    c. Yards along each street side of corner lots shall conform with regulations applicable to front yards.

2. Side Yard:

    There shall be a side yard on each side of a building having a width of not less than ten (10) feet.

3. Rear Yard:

There shall be a rear yard having a depth of not less than twenty (20) feet.

Section 1106 - Intensity of Use Regulations.

The intensity of use regulations are as follows:

1. Lot Area:

   Each lot shall have a minimum lot area of ten thousand (10,000) square feet.

2. Lot Width:

   Each lot shall have a minimum width of sixty (60) feet.

3. Lot Area per Dwelling Unit:

   The minimum lot area per dwelling unit shall be ten thousand (10,000) square feet.

4. Lot Coverage:

   The maximum lot coverage shall be thirty percent (30%) of the lot area.

5. Distance between Buildings:

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

Section 1107 - Parking Regulations.

The parking regulations are as provided in Section 2510 hereof.

ARTICLE 12
(RESERVED FOR FUTURE USE)

ARTICLE 13 - (R-2) MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT

(As Amended 9/18/2000 via BOS Resolution No. 79-00, 4/29/02 via BOS Resolution No. 30-02)

Section 1301 - Purpose.

The principal purpose of this zoning district is to provide for multiple-family housing along with other types of high-density housing in locations which are suitable and appropriate taking into consideration existing conditions, including present use of land, future land use needs, and the availability of public utilities. The minimum lot required is six thousand (6,000) square feet in area and the minimum lot area required for each dwelling unit is two thousand (2,000) square feet. Principal uses permitted in this zoning district include multiple-family dwellings and other types of high-density housing, orphanages, rest homes, nursing homes and convents.

Section 1302 - Use Regulations.

A building or premises shall be used only for the following purposes:

1. Any use permitted in the "R1-43" zoning district, subject to all the regulations specified in the use regulations for such "R1-43" zoning district unless this use is otherwise regulated in this article.

2. Multiple-family dwelling.

3. Boarding and lodging houses.

4. Fraternity and sorority houses.

5. Orphanages, rest homes, nursing homes, and convents.

6. Accessory buildings and uses customarily incidental to the above uses.

7. A use similar to any of the foregoing permitted uses may be allowed upon a written determination by the Director of Development Services that the proposed use is similar in nature and impact to the permitted use and is consistent with the overall purposes of the zoning district. The Director's determination may be appealed to the Board of Adjustment pursuant to Article 28 hereof. The burden shall be upon the property owner to prove by clear and convincing evidence that the proposed use is similar to the permitted use.

Section 1303 - Sign Regulations.

The sign regulations are as provided in Article 23 hereof.

Section 1304 - Height Regulations.

The height of buildings shall not exceed thirty (30) feet or two (2) stories.

Section 1305 - Yard Regulations.

1. Front Yard:

   a. There shall be a front yard having a depth of not less than twenty (20) feet.

   b. For through lots, a front yard shall be provided along both front lot lines.

   c. Yards along each street side of corner lots shall conform with regulations applicable to front yards.

2. Side Yard:

   There shall be a side yard on each side of a building having a width of not less than five (5) feet.

3. Rear Yard:

   There shall be a rear yard having a depth of not less than fifteen (15) feet, or in the case of a legally recorded undersized lot or parcel fifteen percent (15%) of the total lot depth.

Section 1306 - Intensity of Use Regulations.

The intensity of use regulations are as follows:

1. Lot Area:

   Each lot shall have a minimum lot area of six thousand (6,000) square feet.

2. Lot Width:

   Each lot shall have a minimum width of sixty (60) feet.

3. Lot Area per Dwelling Unit:

   The minimum lot area per dwelling unit shall be two thousand (2,000) square feet.

4. Lot Coverage*:*

   The maximum lot coverage shall be fifty percent (50%) of the lot area.

5. Distance between Buildings:

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

Section 1307 - Parking Regulations

The parking regulations are as provided in Section 2510 hereof.

ARTICLE 14 - (R-3) MULTIPLE-FAMILY RESIDENTIAL ZONING DISTRICT

(As Amended 9/18/2000 via BOS Resolution no. 79-00, 12/10/2001 via BOS Resolution No. 101-01, 4/29/02 via BOS Resolution 30-02)

Section 1401 - Purpose.

The principal purpose of this zoning district is to provide for multiple-family housing along with certain transient residential and non-residential neighborhoods in locations which are suitable and appropriate taking into consideration existing conditions, including present use of land, future land use needs and the availability of public utilities. The minimum parcel size required is six thousand (6,000) square feet in area and the minimum area required for each dwelling unit is one thousand (1,000) square feet. Principal uses permitted in this zoning district include high-density housing, hospitals and institutions of an educational, religious, charitable or philanthropic nature, private clubs and fraternal organizations, resort hotels, Manufactured home subdivisions and Manufactured Home Parks.

Section 1402 - Use Regulations.

A building or premises shall be used only for the following purposes:

1. Any use permitted in the "R-2" zoning district, subject to all the regulations for such "R-2" zoning district unless the use is otherwise regulated in this Article.

2. Hospitals and institutions of an educational, religious, charitable or philanthropic nature.

3. Private clubs and fraternal organizations, excluding such uses for which the chief activity is a service customarily conducted as a business.

4. Resort hotels, provided there are no outside entrances for business purposes.

5. Manufactured Home subdivisions, subject to the following:

    a. The number of Manufactured Homes (including rehabilitated Mobile Homes), or Recreational Vehicles shall be limited to one (1) on each lot in such subdivision.

    b. The height, yard, intensity of use, and parking regulations of the "R-3" zoning district shall apply to Manufactured Homes (including rehabilitated Mobile Homes), and Recreational Vehicle's located on lots in such subdivision.

6. Manufactured Home Parks, subject to securing a Special Use Permit and the following:

a. Each Manufactured Home (or rehabilitated Mobile Home) space shall have an area of not less than three thousand (3,000) square feet and a width of not less than thirty-six (36) feet, and each Recreational Vehicle space shall have an area of not less than one thousand (1,000) square feet and width of not less than twenty-five (25) feet, except that the number of spaces designed or used for Recreational Vehicles shall not exceed twenty percent (20%) of the total number of spaces provided in such Manufactured Home parks.

b. Manufactured Homes (or rehabilitated Mobile Homes) shall be located on Manufactured Home spaces so as to provide a minimum setback from the nearest edge of any interior drive or roadway of not less than eight (8) feet and so as to provide a minimum setback from any Manufactured Home space boundary not in common with the edge of any interior drive or roadway of not less than five (5) feet, except that in the case of Manufactured Home spaces having boundaries in common with two (2) or more interior drives or roadways the minimum setback from the nearest edge of interior drives or roadways shall be not less than twenty (20) feet on the Manufactured Home's entry side and not less than five (5) feet on the Manufactured Home's non-entry side.

c. Recreational Vehicles shall be located on Recreational Vehicle spaces so as to provide a minimum setback from the nearest edge of an interior drive or roadway of not less than four (4) feet and so as to provide a minimum setback from any Manufactured Home space boundary not in common with the edge of an interior drive or roadway of not less than three (3) feet, except that in the case of Recreational Vehicle spaces having boundaries in common with two (2) or more interior drives or roadways the minimum setback from the nearest edge of interior drives or roadways shall be not less than twenty (20) feet on the Recreational Vehicle's entry side and not less than three (3) feet on the Recreational Vehicle's non-entry side.

d. Recreational Vehicles may be located on Manufactured Home spaces but the minimum setbacks required of Manufactured Homes shall be provided.

e. The location of Manufactured Homes (or rehabilitated Mobile Homes) on Recreational Vehicle spaces is prohibited.

f. The minimum distance between Manufactured Homes (or rehabilitated Mobile Homes) and Recreational Vehicles in the same Manufactured Home Park shall be fifteen (15) feet.

g. The minimum distance between Manufactured Homes (or rehabilitated Mobile Homes) and Recreational Vehicles and buildings in the same Manufactured Home Park shall be ten (10) feet.

h. Each Manufactured Home (or rehabilitated Mobile Homes) or Recreational Vehicle shall set back from all lot lines a distance of not less than eight (8) feet.

i. Service buildings to house toilet, bathing and other sanitation facilities and utilities shall be provided as required by the Navajo County Health Department.

j. Minimum distance or setbacks required herein shall be the shortest of horizontal dimensions measured from the nearest portion of the sidewall of a Manufactured Home (or rehabilitated Mobile Homes) or Recreational Vehicle, or from the patio cover, carport, cabana, ramada or similar appurtenances.

k. The Manufactured Home Park shall be screened from adjoining lots by a solid fence or wall, or suitable planting of not less than three and one-half (3-1/2) feet in height, nor more than six (6) feet in height.

l. The height, yard, and intensity of use regulations of the (R-3) zoning district shall apply to buildings located in Manufactured Home parks but not to the Manufactured Homes (including rehabilitated Mobile Homes) or Recreational Vehicles, except that the area and width of the lot occupied by a Manufactured Home park shall not be less than that required for lots occupied by other uses.

m. In order to permit flexibility in the development of Manufactured Home parks, the strict application of regulations pertaining directly to an individual Manufactured Home space or Recreational Vehicle space and to the location thereon of Manufactured Homes (including rehabilitated Mobile Homes) and Recreational Vehicles need not be applied provided any variance there from is consistent with the purpose of this Ordinance. Open space is to be maintained at a ratio of two (2) square feet for each square foot of covered space and the average area per Manufactured Home space or Recreational Vehicle space in the Manufactured Home park is not less than three thousand (3,000) square feet, except that there shall be no variation in required minimum distance between Manufactured Homes, Recreational Vehicles, buildings and front lot lines.

7. Accessory buildings and uses customarily incidental to the above uses.

8. A use similar to any of the foregoing permitted uses may be allowed upon a written determination by the Director of Development Services that the proposed use is similar in nature and impact to the permitted use and is consistent with the overall purposes of the zoning district. The Director's

determination may be appealed to the Board of Adjustment pursuant to Article 28 hereof. The burden shall be upon the property owner to prove by clear and convincing evidence that the proposed use is similar to the permitted use.

Section 1403 - Sign Regulations.

The sign regulations are as provided in Article 23 hereof.

Section 1404 - Yard Regulations.

The required yards are as follows:

1. Front Yard:

   a. There shall be a front yard having a depth of not less than twenty (20) feet.

   b. For through lots, a front yard shall be provided along both front lot lines.

   c. Yards along each street side of corner lots shall conform with regulations applicable to front yards.

2. Side Yard:

   There shall be a side yard on each side of a building having a width of not less than five (5) feet.

3. Rear Yard:

   There shall be a rear yard having a depth of not less than fifteen (15) feet, or in the case of a legally recorded undersized lot or parcel fifteen percent (15%) of the total lot depth.

Section 1405 - Intensity of Use Regulations.

The intensity of use regulations are as follows:

1. Lot Area:

   Each lot shall have a minimum lot area of six thousand (6,000) square feet.

2. Lot Width:

   Each lot shall have a minimum width of sixty (60) feet.

3. Lot Area per Dwelling Unit:

   The minimum area per dwelling unit shall be one thousand (1,000) square feet.

4. Lot Coverage:

   The maximum lot coverage shall be fifty percent (50%) of the lot area.

5. Distance between Buildings:

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

Section 1406 - Parking Regulations.

The parking regulations are as provided in Section 2510 hereof.

Section 1407 - Height Regulations.

The height of buildings shall not exceed forty (40) feet or three (3) stories.

ARTICLE 15 - (C-R) COMMERCIAL-RESIDENTIAL ZONING DISTRICT

(As amended 5/1/2000, via BOS Resolution No. 36-00; 9/18/2000 via BOS Resolution No. 79-00, 12/10/2001 via BOS Resolution No. 101-01, 4/29/02 via BOS Resolution No. 30-02, 3/11/02 via BOS Resolution No. 16-02), 8/28/12 BOS via Resolution 02-12)

Section 1501 - Purpose.

The principal purpose of this zoning district is to provide for shops and services in convenient locations to meet the daily needs of families in the immediate residential neighborhoods and wholesaling or distribution activities in locations where there is adequate access to major streets or highways. Principal uses permitted in this zoning district include retail and wholesale commerce, commercial entertainment, and some uses of a light manufacturing nature.

Section 1502 - Use Regulations.

A building or premises shall be used only for the following purposes:

1. Any use permitted in the "R-3" zoning district subject to all the regulations specified in the use regulations for such "R-3" zoning district unless the use is otherwise regulated in this article.

2. Antique stores.

3. Art and dance instruction and art galleries.

4. Art metal and ornamental iron shops.

5. Automobile laundries, provided steam cleaning in confined to a completely enclosed building.

6. Automobile parts and supplies.

7. Automobile repair shops and garages provided all operations are conducted within a completely enclosed building.

8. Automobile sales and rentals including display room.

9. Awning and canvas stores.

10. Banks.

11. Bakeries and candy stores, including the manufacturing of bakery and candy products for on-site retail sales only.

12. Barber and beauty shops.

13. Bars and liquor stores.

14. Baths, Turkish, including masseurs.

15. Blueprinting and Photostatting establishments.

16. Boat sales.

17. Book, stationary and gift stores.

18. Bowling alleys.

19. Catering establishments.

20. Cabinet and carpenter shops.

21. Clock and watch repair shops.

22. Clothing and costume rentals.

23. Clothing and dry goods stores.

24. Contractor's Yard.

25. Craft shops which include ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving.

26. Dance halls and night clubs.

27. Day nurseries and nursery schools.

28. Delicatessen stores.

29. Drive-in restaurants and refreshment stands.

30. Drug stores and soda fountains.

31. Electrical shops.

32. Equipment rentals and sales.

33. Feed stores.

34. Florist shops.

35. Funeral homes and chapels.

36. Furniture stores.

37. Frozen food lockers.

38. Gasoline service stations with underground storage of fuels. If over 500 gallons of fuel is stored above ground, a Special Use Permit will be required.

39. Grocery stores and meat markets provided there is no slaughtering of animals or poultry on the premises.

40. Hardware and appliance stores.

41. Hotels and motels.

42. Ice cream stores.

43. Ice distributing stations.

44. Jewelry stores.

45. Kennel, as defined in Article 30, provided that the kennel and any outdoor exercise area or other outdoor area is completely fenced and set back from all lot lines abutting a residential zoning district or preexisting residential use a distance of not less than twenty feet (20').

46. Key and gun shops, including incidental repair work.

47. Laboratories, medical and dental.

48. Laundry agencies and self-service laundries.

49. Lumber yards, including operations incidental to piece sales.

50. Milk depots.

51. Miniature golf courses.

52. Manufactured Home and Recreational Vehicle sales.

53. Music conservatory and music instruction.

54. Offices.

55. Paint and wallpaper stores.

56. Parking lots.

57. Pet shops, not involving the treatment or boarding of cats or dogs.

58. Photographers and artists' studios.

59. Plumbing shops.

60. Pool halls.

61. Printing, lithography and publishing establishments.

62. Private schools operated as a commercial enterprise.

63. Precision and musical instrument repair shops, including optical repair.

64. Public garages.

65. Radio and television broadcasting stations and studios, but not including transmitter towers and stations.

66. Radio and television stores and repair shops.

67. Restaurants and cafes.

68. Retail stores.

69. Shoe repair shops.

70. Stone monument shops.

71. Tailor shops.

72. Taxidermists.

73. Tinsmith shops.

74. Trade schools.

75. Upholstery shops.

76. Used car and truck sales lots.

77. Variety stores.

78. Wholesale stores.

79. Accessory buildings and uses customarily incidental to the above uses.

80. Manufactured Home Parks and Recreational Vehicle Parks, subject to securing a Special Use Permit and the following:

    1. A Manufactured Home Park shall comply with the requirements set forth in Section 1402(6) of this Ordinance.

       A Recreational Vehicle Park shall comply with the requirements set forth in Section 1402(6) of this Ordinance to the extent they are

applicable to Recreational Vehicles and Recreational Vehicle spaces. In order to permit flexibility in the development of Recreational Vehicle Parks, the strict application of regulations pertaining to an individual Recreational Vehicle space, and to the location thereon of Recreational Vehicles, need not be applied provided any variance there from is consistent with the purpose of this Ordinance. Open space is to be maintained at a ratio of two (2) square feet for each square foot of covered area and the average area per Recreational Vehicle space in the Recreational Vehicle Park is not less than one thousand (1,000) square feet, except that there shall be no variation in required minimum distance between Recreational Vehicles, buildings, and front lot lines.

81. A use similar to any of the foregoing permitted uses may be allowed upon a written determination by the Director of Development Services that the proposed use is similar in nature and impact to the permitted use and is consistent with the overall purposes of the zoning district. The Director's determination may be appealed to the Board of Adjustment pursuant to Article 28 hereof. The burden shall be upon the property owner to prove by clear and convincing evidence that the proposed use is similar to the permitted use.

Section 1503 - Sign Regulations.

The sign regulations are as provided in Article 23 hereof.

Section 1504 - Height Regulations.

The height of building shall not exceed either thirty (30) feet or two stories and a basement, as defined in Sections 3002.13 and 3002.83.

Section 1505 - Yard Regulations.

Yards are not required except as follows:

1. Front Yard:

   Where the frontage between two (2) intersecting streets is located partly in a Rural or Residential zoning district there shall be a front yard equal to the front yard required in the adjoining Rural or Residential zoning district but such yard need not exceed twenty (20) feet in depth.

2. Side Yard:

   a. If a lot is occupied by a dwelling, there shall be a side yard on each side of the dwelling having a width of not less than five (5) feet.

   b. Where a lot is adjacent to Rural or Residential zoning district, there shall be a side yard on the side of the lot adjacent to such Rural or

Residential zoning district having a width of not less than ten (10) feet.

c. Where a corner lot abuts a Rural or Residential zoning district whether or not separated by an alley, there shall be a side yard on the street side of such corner lot having a width of not less than ten (10) feet.

d. If a side yard is otherwise provided it shall have a width of not less than three (3) feet.

3. Rear Yard:

a. If a lot is occupied by a dwelling, there shall be a rear yard having a depth of not less than fifteen (15) feet, or, in the case of legally recorded undersized lot or parcel fifteen percent (15%) of the total lot depth.

b. Where a lot abuts a Rural or Residential zoning district whether or not separated by an alley, there shall be a rear yard having a depth of not less than twenty (20) feet.

Section 1506 - Intensity of Use Regulations.

The intensity of use regulations are as follows:

1. Lot Area:

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

2. Lot Width:

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

3. Lot Area per Dwelling Unit:

The minimum lot area per dwelling unit shall be one thousand (1,000) square feet.

4. Lot Coverage:

The maximum lot coverage shall be fifty percent (50%) of the lot area.

Section 1507 - Parking Regulations.

The parking regulations are as provided in Section 2510 hereof.

Section 1508 - Loading and Unloading Regulations.

The loading and unloading regulations are as provided in Section 2511 hereof.

Section 1509 - Additional Regulations.

The additional regulations are as follows:

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

2. Any lighting shall be placed so as to reflect the light away from adjoining Rural or Residential zoning districts.

ARTICLE 16 – ADULT ORIENTED BUSINESS

(Adopted 9/06/05 via BOS Resolution no. 60-05, amended on 2-22-11, via BOS Ordinance No. 02-11))

Section 1601 – Purpose

The principle purpose of regulating Adult Oriented Businesses (AOB's) is to promote the health, safety, prosperity, and well-being within Navajo County. The purpose of this chapter is to establish how AOB zoning regulation occurs within Navajo County.

Section 1602 – Definitions

AOB definitions are found in the Ordinance for Licensing Procedures For Adult Oriented Businesses.

Section 1603 – Zoning Locations

AOB facilities shall be permitted only in areas zoned Commercial-Residential, Industrial-1 or Industrial-2.

Section 1604 – Sign Regulations

Permitted signs shall include the following:

1. Advertising signs, subject to the following:

    a.) The maximum number of allowable advertising signs is two.
    b.) Such signs shall not exceed an area of eighteen (18) square feet Individually, and thirty-six (36) square feet in aggregate.
    c.) Such signs may be double faced.
    d.) Such signs may be illuminated but the source of the illumination shall in no way be visible to traffic, be solely downwards facing towards the sign, and no flashing or intermittent illumination shall be employed.
    e.) Such signs may be free-standing or attached to a wall.
    f.) Such signs shall not exceed twelve (12) feet above grade.
    g.) Such signs may be located in or be projected into required yards, but such sign shall not be located in or project into any street, alley, or parking lot.
    h.) Such signs shall not be moving, animated, or audible in any manner.
    i.) Such signs shall be located only on the property to which it pertains.

2. No temporary signs representing the AOB shall be placed on the property.

3. Permitted signs may display the name of the AOB. Permitted signs may not display drawings or pictures of any kind.

4. Permitted signs shall be maintained to applicable standards for structural integrity and safety, and present a professional appearance.

5. Off-premises signs are subject to the same regulations as “on-premise” signs.

Section 1605 – Height Regulations

The height of the building shall not exceed either thirty (30) feet, or two stories, as defined in Sections 3002.13 and 3002.83.

Section 1606 – Setbacks

1. AOB placement is subject to the following setbacks from other uses:
   a.) An AOB shall not be located within 1,500 feet of any other AOB.
   b.) An AOB shall not be located within 1,500 feet of:
   c.) Schools, Educational facilities, or Libraries
   d.) Boys/Girls Clubs, Parks, Playgrounds, or other Public Recreational Facilities
   e.) Day Care Centers or Nurseries
   f.) Churches
   g.) An AOB surrounded by a 6’opaque fence or wall shall not be located within any 800 feet of any residential use.
   h.) An AOB that is not surrounded by a 6’opaque fence shall not be located within 1,500 feet of any residential use.
2. For purposes of measuring separation distances required in this section, the measurements shall be taken in a straight line from the closest exterior walls of any affected structures without regard to intervening structures or objects or political boundaries.
3. An adult oriented business lawfully operating is not rendered in violation of these provisions by the subsequent location of schools, educational facilities, libraries, boys/girls clubs, parks, playgrounds, public recreational facilities, day care centers, nurseries, or churches within 1,500 feet of the adult oriented business.

Section 1607 – Intensity of Use Regulations

The Maximum lot coverage shall be fifty percent (50%) of the total lot area.

Section 1608 – Parking Regulations

The parking regulations are as provided in Section 2510 hereof. For parking purposes only, an AOB is considered the same as a restaurant.

Section 1609 – Loading and Unloading Regulations

The loading and unloading regulations are as provided in Section 2511 hereof.

Section 1610 – Additional Regulations

The additional regulations are as follows:

1. No AOB Building or premises shall be used for dwellings or other places of

domicile, manufactured home parks, recreational vehicle parks, manufactured home subdivisions, hotels, resort hotels, motels, restaurants, night clubs, bars, or dance halls. An AOB shall be used solely as an AOB, and no other use of the premises is permitted.

2. Any use that is not within a completely enclosed building shall be screened from lots in adjoining Rural or Residential Zoning districts by a solid opaque fence or wall at least six (6) feet in height.

3. Exterior building lighting shall be solely downward facing for the lighting of walkways and parking lots for safety. Any lighting shall be placed so as to reflect away from adjoining Rural or Residential zoning districts.

4. The AOB facilities shall be of site built construction, meeting the proper design for parking, drainage, driveways, utilities, opaque fencing or wall as required herein, and any other design considerations as determined by the Planning & Building staff.

5. No alcoholic beverages shall be sold, served, or consumed on the premises of any AOB.

Section 1611 – Applicability

This ordinance shall apply to all persons engaging in activities described in Article 16, whether or not such activities were commenced prior to the effective date of this ordinance. Persons so engaged as of the effective date shall be in full compliance with this ordinance, including receipt of any required permits, licenses, and reviews, within one (1) year after the effective date of this ordinance.

Section 1612 – Indemnification

This ordinance shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

WHEREAS, after giving notice pursuant to ARS §§ 11-251.05 and 11-829 and Article 29 of the Navajo County Zoning Ordinance, the Board of Supervisors held a public hearing on September 6, 2005, and having heard public comment and after due consideration of those facts presented, find that the consideration of public health, safety, and general welfare and convenience warrant the following action.

NOW, THEREFORE BE IT RESOLVED, the Board of Supervisors hereby amends the Navajo County Zoning Ordinance, by adding new Article 16- Adult Oriented Businesses.

ARTICLE 16A – MEDICAL MARIJUANA

(As adopted 2/22/11 via BOS Ordinance #01-11; as Amended 8/23/11 via BOS Ordinance #05-11)

Section 16A-01 – Definitions:

1. Medical Marijuana Designated Caregiver Cultivation Location:

   An enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 50 square feet of cultivation space where a caregiver designated pursuant to A.R.S. §36-2801 cultivates marijuana for one or more patients under the caregiver's care, each of whom resides in Navajo County at a location at least 25 miles distant from a Medical Marijuana Dispensary. The designated caregiver cultivation location must be accessory to the designated caregiver's primary residence. Medical Marijuana cultivation as an accessory use to the designated caregiver's primary residence must not be detectable from the exterior of the building in which the cultivation takes place.

2. Medical Marijuana Dispensary:

   An entity defined in A.R.S. § 36-2801(11) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials.

3. Medical Marijuana Dispensary Offsite Cultivation Location facility:

   An offsite location where marijuana is cultivated by a Medical Marijuana Dispensary as referenced in A.R.S. § 36-2804(B)(1)(b)(ii).

4. Medical Marijuana Qualifying Patient Cultivation Location:

   An enclosed, locked facility such as a closet, room, greenhouse or other building that does not exceed 50 square feet of cultivation space where one or more patients qualified to cultivate marijuana pursuant to A.R.S. § 36-2801 cultivates marijuana.

   The Qualifying Patient Cultivation Location must be accessory to the qualifying patient's primary residence. Medical Marijuana cultivation as an accessory use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which the cultivation takes place. Medical Marijuana cultivation as an accessory use to the qualifying patient's primary residence shall only be permitted if the residence is located at least 25 miles distant (by straight-line measurement) from a Medical Marijuana Dispensary.

Section 16A-02 – Zoning Locations:

1. Medical Marijuana Qualifying Patient Cultivation Locations and Medical Marijuana Designated Caregiver Cultivation Locations shall be permitted in any zoning district, subject to all rules adopted by the Arizona Department of Health Services.

2. Medical Marijuana Dispensaries shall be allowed in the Commercial-Residential and Industrial (IND-1 and IND-2) zoning districts only, subject to securing a Special Use Permit and the related provisions of Article 20.

3. Medical Marijuana Dispensary Offsite Cultivation Location facilities shall be allowed in the A-General, Commercial-Residential and Industrial (IND-1 and IND-2) zoning districts only, subject to securing a Special Use Permit and the related provisions of Article 20.

Section 16A-03 – Development Standards for Medical Marijuana Dispensary and Medical Marijuana Dispensary Offsite Cultivation Location facilities:

1. Compliance with all rules adopted by the Arizona Department of Health Services.

2. Medical Marijuana Dispensaries or Medical Marijuana Dispensary Offsite Cultivation Locations shall not be located within 1,500 feet of any other Medical Marijuana Dispensary or Medical Marijuana Offsite Cultivation Location. A Medical Marijuana Offsite Cultivation Location shall be associated exclusively with a Medical Marijuana Dispensary (or Dispensaries) located in Navajo County and approved pursuant to this Article 16A.

3. Medical Marijuana Dispensaries and Medical Marijuana Offsite Cultivation Locations shall not be located within 1,500 feet of:

   a. A church; or
   b. A public or private elementary or secondary school; or
   c. A public or private day care center, preschool, nursery, kindergarten, or similar use; or
   d. A public park, playground, or public recreational facility; or
   e. An adult oriented business.

4. Medical Marijuana Dispensaries and Medical Marijuana Offsite Cultivation Locations shall require the approval of a Special Use Permit by the Navajo County Board of Supervisors, pursuant to the requirements of this Article and the related provisions of Article 20.

5. For purposes of measuring separation distances required in this Article, the measurements shall be taken in a straight line from the closest exterior walls of any affected structures without regard to intervening structures or objects or political boundaries.

6. A Medical Marijuana Dispensary or Medical Marijuana Offsite Cultivation Location lawfully operating is not rendered in violation of these provisions by the subsequent location of a church, public or private elementary or secondary school, a kindergarten or preschool or similar use, a park or playground, or an adult oriented business within 1,500 feet of the Medical Marijuana Dispensary or Medical Marijuana Offsite Cultivation Location.

7. This Article shall not be construed as permitting any use or act which is otherwise prohibited or made punishable by law.

Section 16A-04 – Additional Application Requirements for a Special Use Permit for a Medical Marijuana Dispensary:

In addition to the application materials typically required for a Special Use Permit, an application for a Special Use Permit for a Medical Marijuana Dispensary shall also include evidence that the applicant has applied to the Arizona Department of Health Services (ADHS) for a dispensary registration certificate. At a minimum, the Special Use Permit application shall include a copy of the application to ADHS and evidence that ADHS has accepted the application. Failure to provide this information will result in rejection of the Special Use Permit application.

ARTICLE 17 - SPECIAL DEVELOPMENT ZONE

(Amended 3/11/02 via BOS Resolution No. 16-02)

Section 1701 - Purpose.

1. The purpose of the Special Development zone is to provide for the development of subdivisions and other land use projects containing various dwelling types, necessary commercial centers, off street parking areas, open space areas for recreation, and to preserve a rural atmosphere.

2. Deviations from design standards for the specific zone or zones may be permitted provided open spaces are developed and maintained for the use of the residents and provided further that the parcel size, soil conditions, terrain, ground cover and other significant natural features favor this type of development.

Section 1702 - Provisions Required Within the SD Zone.

Planned Unit Development segments are required within the Special Development Zone. A Planned Unit Development or a Special Development project will provide for:

1. Careful application of design which shall be encouraged in order that a more functional, aesthetically pleasing and harmonious living and working environment may be achieved within the County which otherwise may not be possible by strict adherence to the other articles of this ordinance. In all cases a Planned Unit Development design shall together with dwelling types and land use, complement each other and harmonize with existing and proposed land uses in the area.

2. A Planned Unit Development or other Special Development should contain five (5) acres or more, however smaller parcels may be approved by the Commission. Submission of documents detailing the method of title conveyance, type of estate to be granted, method of maintenance of open areas and service areas, conditions of use of the open or recreation areas, as per A.R.S. ∋ 33-1201 et seq. (condominiums), ∋ 32-2181 (subdivisions), or other statutes and regulations applicable to the particular development; shall be made to the Planning Commission for its approval.

Section 1703 - Site Plan Review.

1. Whenever a Planned Unit Development or Special Development is proposed, a master site plan review and public hearings as outlined in Article 29 shall be conducted by the Planning Commission and Board of Supervisors before an SD zoning can be granted. Thereafter, each phase of the development or building proposals shall be submitted to the Planning Director, County Engineer, Health Department and other agencies as may be deemed necessary.

a. The purpose of the site plan review is to enable the Director in consultation with the Health Department, County Engineer, and such other agencies as may be designated by the Director, where underlying conditions of compliance come within their area of jurisdiction, to determine whether the proposed development conforms with this or other County ordinances or regulations, and to guide the Building Inspector in the issuance of building permits.

b. Application for a site plan review shall be filed with the Planning Director on the

prescribed form accompanied by plans, drawings, records, statements, building elevations, topographic contours and other relevant evidence, prepared and certified by a Registered Civil Engineer, Architect or Licensed Land Surveyor (Registered or licensed by the State of Arizona) as may be required by the Director as necessary to show enough detail of the proposed use/or building(s).

c. The Planning Director and other designated agencies shall present to the Commission their views on the merits or demerits of the plan at the Commission's next regular or special meeting, together with such conditions as they deem necessary to protect the public health, safety, peace, comfort and general welfare. The Commission will approve or disapprove the site plan.

d. In order to grant any site plan approval, the findings of the Commission must be that the establishment, maintenance or operation of the use or building(s) applied for will not, under the circumstances of the particular situation, be detrimental to the public health, safety, peace, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.

2. A site plan approval pursuant to the provisions of this article shall run with the land and shall continue to be valid upon a change of ownership of the site which was the subject of the site plan approval.

3. Site plan approval may be revoked if implementation is not begun within one (1) year or other period as set by the Commission, from the date approved, or may be revoked if any of the conditions or items of the permit are violated or if any law or ordinance is violated in connection therewith, and the site plan review fee is not refundable.

The Planning Director shall notify the permittee of a violation or termination of a site plan approval, by mail (return receipt request, or registered) if the permittee has not diligently continued implementation of the permit. If no attempt to change the circumstances of the violation is made within ten (10) days after notification, the permit shall be revoked and considered null and void.

Section 1704 - Types of Planned Unit Development.

1. Residential Planned Unit Development property uses may be designed to contain mixtures of single-family dwellings, duplexes and multiple-family dwellings, including townhouses, condominiums, apartments or patio houses, either single or two-story. The proposed structures may be arranged individually, in groups, or in clusters, without regard to lot areas or immediate density, providing an appropriate amount of land is set aside under a common ownership of all the property owners for permanent recreation and open space uses.

2. When a Neighborhood Planned Unit Development is granted, the property uses may be designed to contain a range of dwelling types, necessary shopping centers, off-street parking area, parks, playgrounds, school sites and other community facilities.

3. When a Manufactured Home Subdivision Planned Unit Development is granted, the property uses may be designed to contain a mixture of mobile home spaces, pursuant to the provisions and standards established in this Article and/or the R-3 zone. Provided,

however, that the zone shall be used only for mobile home and open space areas.

4. Other types of special development projects will be considered on their own merits in accordance with the provisions of this Article.

Section 1705 - Special Provisions.

1. All uses shall be subject to the general provisions as prescribed in Article 25, except as herein modified or by Commission review, including but not limited to the following:

    a. Off-street parking, for Residential Planned Unit Developments shall provide one and one-half (1-1/2) parking spaces for each dwelling unit in a building.

    b. Signs - as determined appropriate by Commission action.

    c. No minimum lot size is established for Planned Unit Developments which may be located in subdivisions, other residential and commercial areas, in which open space, recreational area and other facilities are provided.

    d. No more than seventy percent (70%) of the Planned Unit Development net area shall be covered with buildings or structures.

2. The following development standards shall apply to all Planned Unit Developments, or Special Developments.

    a. Building heights shall not exceed two (2) stories, unless otherwise approved by the Planning Commission in conjunction with a development plan.

    b. All trash collection areas shall be enclosed with a fence or wall, as approved by the County Health Department to adequately screen area.

    c. The minimum distance between one-story main buildings shall not be less than fifteen (15) feet. A two-story main building shall not be erected closer than twenty (20) feet to any other main building. The minimum distance between a building and accessory building shall be ten (10) feet.

    d. No part of any building shall be closer than five (5) feet from the setback. Where off-street parking is provided, a minimum distance of five (5) feet from this parking area shall be required.

    e. No individual sewage disposal systems shall be permitted until a report has been received by the Commission from the Navajo County Environmental Resources Agency stating that such a system will be acceptable. All individual and community sewage disposal systems must be approved by the State and the Navajo County Environmental Resources Agency.

    f. Water system shall be approved by State and Navajo County Environmental Resources Agency and be of such adequacy to support fire hydrants of type and number as recommended by the State Fire Marshall.

    g. All recreation areas shall be of size, based upon the particular use, adequate to meet the needs of the anticipated populations, and shall be arranged so as to be

readily accessible to the residents of the development.

h. Adequate and permanent access to each family dwelling shall be provided for pedestrians and emergency vehicles.

i. A Development Plan conforming to the requirements of this Article and containing the following minimum information shall be submitted to the Planning Commission:

1. Location of each existing and each proposed structure in the development area and uses thereof.

2. Location of all pedestrian walks, malls, driveways, parking areas, recreation and other open areas for the use of occupants and the public.

3. Location and height of all walls, fences, and screen planting including a plan for the landscaping of the development and types of surfacing to be used.

4. Plans and elevations of typical structures to indicate architectural type and construction standards.

5. Other information as deemed necessary by the Director or Commission.

j. Any area shown on the final subdivision plat as a public or private street shall be constructed to County construction standards and shall provide building setbacks as detailed in Section 1705-2d.

Driveways may be constructed in the common ownership areas of the development to serve one or more dwelling units. It is recommended that parking areas be provided close to each dwelling unit and access be provided via driveways.

As part of the review process, the overall road and driveway layout will be checked to ascertain that the public health and safety has been provided for.

ARTICLE 18 - (IND-1) LIGHT INDUSTRIAL ZONING DISTRICT

(As Amended 9/18/2000 via BOS Resolution No. 79-00; 1/17/06 via BOS Resolution #02-06; 8-23-11 via BOS Ordinance #04-11)

Section 1801 - Purpose.

The principal purpose of this zoning district is to provide for light industrial uses in locations which are suitable and appropriate taking into consideration the land uses on adjacent or nearby properties, access to a major street or highway, rail service or other means of transportation, and the availability of public utilities. Principle uses permitted in this zoning district include the manufacture, compounding, processing, packaging or treatment of materials which do not cause or produce objectionable effects that would impose hazards to adjacent or other properties by reason of smoke, soot, dust, radiation, odor, noises, vibrations, heat, glare, toxic fumes, or other conditions that would affect adversely the public health, safety and general welfare.

Section 1802 - Use Regulations.

A building or premises shall be used only for the following purposes:

1. Any use permitted in the "C-R" zoning district, subject to all the regulations in the use regulations for such "C-R" zoning district unless the use is otherwise regulated in this Article; except dwellings or other places of domicile, Manufactured Home Parks, Recreational Vehicle Parks, Manufactured Home subdivisions, hotels, resort hotels and motels shall not be permitted.

2. Art needle work, hand weaving and tapestries.

3. Assembly of electrical appliances, electronic instruments and devices, radios, and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, and crystal holders.

4. Books, hand binding and tooling.

5. Compounding of cosmetics and pharmaceutical products.

6. Contractor's Yard

7. Construction equipment, limited to sales, service and rental.

8. Jewelry, manufacture from precious metals and minerals.

9. Kennel, as defined in Article 30, provided that the kennel and any outdoor exercise area or other outdoor area is completely fenced and set back from all lot lines abutting a residential zoning district or preexisting residential use a distance of not less than twenty-five feet (25').

10. Laboratories, experiential, photo or motion pictures, research or testing.

11. Manufacture of medical, dental and drafting instruments.

12. Manufacture of optical goods and equipment, watches, clocks and other similar precision instruments.

13. Manufacture, compounding, processing, packaging, or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical, perfumed toilet soap, toiletries, but not including the refining and rendering of fats and oils.

14. Manufacture of clay, leather, metal and glass products of a handicraft nature.

15. Manufacture of electrical or electronic apparatus, musical instruments, games and toys.

16. Manufacture, compounding, assembling or treatment of articles or merchandise, from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, glass, hair, leather, paper, plastics, precious or semi-precious metals or stone, light sheet metal, shell, textiles, tobacco, wire, yarns, wood not involving planing mills, and paint not employing a boiling process.

17. Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay.

18. Motion picture producing.

19. Offices.

20. Radio and television broadcasting stations and studios, but not including transmitter towers and stations.

21. Any other office, laboratory and manufacturing uses similar to those uses enumerated herein which do not create any danger to the public health, safety and general welfare in surrounding areas and which do not create any offensive noise, vibration, smoke, dust, odor, heat or glare and which by reason of high value in relation to size and weight of merchandise received and shipped, create very little truck traffic.

22. Accessory buildings and uses customarily incidental to the above uses.

23. Warehousing and storage, including construction material and equipment storage, public utilities materials and equipment storage, and public warehouses, but not including the warehousing and storage of explosives and junk.

Section 1803 - Sign Regulations.

The sign regulations are provided in Article 23 hereof.

Section 1804 - Height Regulations.

The height of buildings shall not exceed forty (40) feet or three (3) stories.

Section 1805 - Yard Regulations.

1. Front Yard:

   Where the frontage between two (2) intersecting streets is located partly in the "IND-1" zoning district and partly in a Rural, Residential or Commercial zoning

district, there shall be a front yard equal to the front yard required in the adjoining Rural, Residential or Commercial zoning district but such yard need not exceed twenty-five (25) feet in depth.

2. Side Yard:

   a. Where a lot is adjacent to a Rural or Residential zoning district, there shall be a side yard on the side of the lot adjacent to such Rural or Residential zoning district having a width of not less than five (5) feet.

   b. Where a corner lot abuts a Rural or Residential zoning district whether or not separated by an alley, there shall be a side yard on the street side of such corner lot having a width of not less than ten (10) feet.

3. Rear Yard:

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

Section 1806 - Intensity of Use Regulations.

The maximum lot coverage shall be fifty percent (50%) of the lot area.

Section 1807 - Parking Regulations.

The parking regulations are as provided in Section 2510 hereof.

Section 1808 - Loading and Unloading Regulations.

The loading and unloading regulations are as provided in Section 2511 hereof.

Section 1809 - Additional Regulations.

The additional regulations are as follows:

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

2. Any lighting shall be placed so as to reflect the light away from adjoining Residential or Rural zoning districts.

ARTICLE 19 - (IND-2) HEAVY INDUSTRIAL ZONING DISTRICT

(As Amended 9/18/2000 via BOS Resolution No. 79-00; 1/17/06 via BOS Resolution #02-06; 8/23/11 via BOS Ordinance #04-11)

Section 1901 - Purpose.

The principal purpose of this zoning district is to provide for heavy industrial uses in locations which are suitable and appropriate taking into consideration land uses on adjacent or nearby properties, access to a major street or highway, rail service or other means of transportation, and the availability of public utilities. Principal uses permitted in this zoning district include industrial uses that are not permitted in any other zoning district.

Section 1902 - Use Regulations.

The building or premises may be used for any commercial or industrial use not in conflict with any ordinance of Navajo County, except that no building permit shall be issued for any of the following uses until and unless the location has been approved by Board of Supervisors after report from the Commission which during its investigation may secure reports from other County departments or agencies such as the Health Department, Highway Department, Parks Department and Engineering Department.

1. Acid manufacture.
2. Ammonia manufacture.
3. Automobile graveyards.
4. Blast furnaces and coke ovens.
5. Celluloid manufacture.
6. Chemicals, manufacture or storage.
7. Contractor's Yard
8. Crematories.
9. Distillation of bones.
10. Cement, lime, gypsum or plaster of paris manufacture.
11. Drop forge industries.
12. Explosives, manufacture or storage.
13. Fat, grease, lard or tallow, rendering of.
14. Feed lots, commercial.
15. Fertilizer manufacture.
16. Gas manufacture.
17. Glue, soap, candle or tallow, manufacture or storage.

18. Iron and steel rolling or manufacture.

19. Junkyards.

20. Match factories.

21. Kennel, as defined in Article 30, provided that the kennel and any outdoor exercise area or other outdoor area is completely fenced and set back from all lot lines abutting a residential zoning district or preexisting residential use a distance of not less than twenty feet (20').

22. Petroleum or its products, refining of.

23. Rock crushers.

24. Rubber, reclaiming, or the manufacture of synthetic rubber or its constituents.

25. Smelting of tin, cooper, zinc or iron ores.

26. Stock foods made of kelp, fish or fishmeal, manufacture or storage.

27. Stockyards or slaughter of animals.

28. Tanneries or the curing or storage of rawhides.

29. Wineries.

30. Wholesale storage of gasoline.

31. Wool pulling or scouring.

32. A use similar to any of the foregoing permitted uses may be allowed upon a written determination by the Director of Development Services that the proposed use is similar in nature and impact to the permitted use and is consistent with the overall purposes of the zoning district. The Director's determination may be appealed to the Board of Adjustment pursuant to Article 28 hereof. The burden shall be upon the property owner to prove by clear and convincing evidence that the proposed use is similar to the permitted use.

Section 1903 - Sign Regulations.

The sign regulations are as provided in Article 23 hereof.

Section 1904 - Height Regulations.

The height of buildings shall not exceed forty (40) feet or three (3) stories.

Section 1905 - Yard Regulations.

Yards are not required except as follows:

1. Front Yard:

Where the frontage between two (2) intersecting streets is located partly in the "IND-2" zoning district and partly in a Rural, Residential or Commercial zoning district, there shall be a front yard equal to the front yard required in the adjoining Rural, Residential or Commercial zoning district but such yard need not exceed twenty-five (25) feet in depth.

2. Side Yard:

   a. Where a lot is adjacent to a Rural or Residential zoning district, there shall be a side yard on the side of the lot adjacent to such Rural or Residential zoning district having a width of not less than five (5) feet.

   b. Where a corner lot abuts a Rural or Residential zoning district whether or not separated by an alley, there shall be a side yard on the street side of such corner lot having a width of not less than ten (10) feet.

   c. If a side yard is otherwise provided it shall have a width of not less than three (3) feet.

3. Rear Yard:

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

Section 1906 - Intensity of Use Regulations.

The maximum lot coverage shall be fifty percent (50%) of the lot area.

Section 1907 - Parking Regulations.

The parking regulations are as provided in Section 2510 hereof.

Section 1908 - Loading and Unloading Regulations.

The loading and unloading regulations are as provided in Section 2511 hereof.

Section 1909 - Additional Regulations.

1. A building or premises shall not be used for dwellings or other places of domicile, mobile home parks, travel trailer parks, mobile home subdivisions, hotels, resort hotels and motels.

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

3. Any lighting shall be placed so as to reflect the light away from adjoining Rural and Residential zoning districts.

ARTICLE 20 - SPECIAL USES AND PLANNED UNIT DEVELOPMENTS

(As Amended 9/20/1999 via BOS Resolution #96-99; 9/18/2000 via BOS Resolution #78-00; 12/10/2001 via BOS Resolution #101-01; 3/11/02 via BOS Resolution #16-02; 9/8/02 via BOS Resolution #76-02; 2/7/05 via BOS Resolution #09-05; 4/18/05 via BOS Resolution #31-05; 1/17/06 via BOS Resolution #02-06; 11/10/09 via BOS Ordinance #03-09; 3/23/10 via BOS Ordinance #03-10; 10/26/10 via BOS Ordinance #06-10; 8/23/11 via Ordinance #04-11)

Section 2001 - Special Uses.

The Board of Supervisors may permit as a Special Use the following uses in zoning districts from which they are otherwise prohibited by this Ordinance, unless any such use is further prohibited by this Article.

1. Airports, heliports and other landing areas.

2. Amusement parks, drive-in or outdoor theaters.

3. Automobile repair shops and garages provided all operations are conducted within a completely enclosed building.

4. Beauty and Barber Shops, Nail Parlors.

5. Bed and Breakfasts.

6. Cemeteries and mausoleums.

7. Circus and carnival grounds having permanent facilities.

8. Contractor's Yard – Provided that no special use permit shall be granted unless the parcel is in the A-General, rural or residential zoning district, and provided further that the area used as a storage area for materials or supplies shall be screened from adjacent properties by natural or man made means at least six (6) feet in height.

9. Crushing facilities in the Rural (RU), A-General and Commercial-Residential Zoning Districts, subject to the submission of a performance bond for clean-up with a time limit not to exceed two (2) years.

10. Day Care Facilities and Nurseries accommodating seven or more clients.

11. Development or extraction of earth projects, clay, coal, gas, gravel, minerals, sand, stone and topsoil.

12. Dormitories, commercial.

13. Electric power generating plants and facilities, including but not limited to those operated by nuclear or fossil fuel or solar, wind or geothermal energy.

14. Experimental and proving grounds.

15. Feed lots, commercial; dairy farms, the raising of fur bearing animals, or the raising or feeding of animals that could create noise, odors, dust, or pose a problem of health or sanitation to neighboring properties if within six hundred (600) feet of a property line, will be subject to periodic inspection to assure compliance.

16. Flammables, propane, butane, etc, the retail distribution of, with the storage of 500 gallons or more above ground.

17. Guest ranches, providing the guest ranch is under unified ownership and management.

18. Kennel, as defined in Article 30, provided that the kennel and any outdoor exercise area or other outdoor area is completely fenced and set back from all lot lines in accordance with the underlying zoning district, and that the operation shall conform to the applicable requirements of the "Navajo County Animal Control Ordinance".

19. Lumber mills, saw mills, molding mills, planing mills with attendant facilities.

20. Manufactured Home Parks, subject to all the regulations applicable to Manufactured Home Parks as specified in the use regulations for the "R-3" zoning district.

21. Manufactured Home Subdivisions, provided that the individual lots in the subdivision shall be subject to the height, yard, intensity of use and parking regulations for the zoning district in which such lots are located, except that the number of Manufactured Homes (including rehabilitated Mobile Homes) or Recreational Vehicles in such subdivision shall be limited to one (1) on each individual lot.

22. Medical/Dental Offices with four (4) or less employees.

23. Plant nurseries and greenhouses for propagation, cultivation and wholesale distribution of plants produced on the premises, provided such uses including retail sales and open storage is limited to plants or packaged fertilizer, and the buildings and structures used in connection therewith set back from all lot lines a distance of not less than fifty (50) feet.

24. Privately and commercially operated recreational lakes, swimming pools and tennis courts.

25. Public riding stables and boarding stables provided that the buildings housing animals be set back from all lot lines a distance of not less than one hundred (100) feet.

26. Race tracks.

27. Recreational and Family Camps including ancillary support services in the Rural (RU) and A-General Zoning Districts.

28. Recreational Vehicle parks, subject to all the regulations applicable to RV parks, specified in the use regulations for the “R-3” zoning district.

29. Recycling facilities in the Rural (RU), A-General and Commercial-Residential Zoning Districts.

30. Resort hotels, provided that there are not outside entrances for business purposes.

31. Sport arenas.

32. Storage of manufactured homes, travel trailers, boats and aircraft.

33. Television, wireless towers, and radio transmitter towers and stations, subject to approval by Federal Regulatory Agencies.

34. Warehousing and storage, mini-storage, including outdoor storage, i.e., recreational and equipment storage, public utilities, but not including the warehousing and storage of explosives or junk.

35. Zoo.

36. Landfills with the following conditions:

    Landfills may be permitted in Navajo County in the rural, industrial and A-General districts only subject to securing a Special Use Permit and the development standards listed below. Landfills shall be classified according to the type(s) of waste(s) they may accept for disposal. Surface impoundments, including but not limited to evaporation ponds, settling ponds, storm water retention ponds, and sewage treatment ponds are not landfills. Fill material approved by the Building Department consisting primarily of inert materials as defined by the State of Arizona and intended for construction grading may be exempt from this section subject to receiving a grading permit from the Building Department.

Section 2002 - General Conditions Applicable To All Special Use Permits

1. An application for a Special Use Permit, together with the applicable fee as established from time to time by the Board of Supervisors, shall be submitted to the Director. The application shall be accompanied by plans together with a supporting statement as to the proposed use The plans and supporting statement shall be in sufficient detail to enable the Director, the Commission and the Board of Supervisors to evaluate the nature and scope of the proposed use and its effects on the public health, safety and general welfare. The application plans and supporting statement shall be considered by the Commission at a public hearing. Notice and procedure for said hearing shall conform to the requirements of Article 29 hereof.

2. The Commission shall transmit its recommendation, together with the plans, and supporting statement, to the Board of Supervisors for consideration and public hearing. Notice and procedure for said hearing shall conform to the requirements of Article 29 hereof.

3. In making its recommendation, the Commission shall consider the compatibility of the proposed use with the permissible uses in the zoning district in which the property is located, the current and likely future uses of properties in the vicinity of the proposed use, and the effects of the proposed use on the public health, safety and general welfare.

4. The recommendation of the Commission may include reasonable requirements and stipulations as deemed necessary to achieve the purposes of this Ordinance and promote the public health, safety and general welfare, including but not limited to the following:

    a. Yard and open spaces.
    b. Fences and walls, or other screening.
    c. Surfacing of parking areas and specifications therefore.
    d. Street improvements, including provision of service roads or alleys when practical and necessary.
    e. Regulation of points of vehicular ingress and egress.
    f. Regulation of signs.
    g. Landscaping and maintenance thereof.
    h. Maintenance of grounds.
    i. Control of noise, vibration, odor and other potentially dangerous or objectionable elements.
    j. Technical studies to ensure that the public health, safety and general welfare will not be adversely affected.
    k. Such other requirements and stipulations as may reasonably be required to ensure that the public health, safety and general welfare will not be adversely affected.
    l. Time limit within which the proposed use shall be developed, together with provisions for review and possible revocation of the Special Use Permit if development does not proceed diligently.

5. A Special Use Permit may run with the land or be granted for a specific time period. The procedure to extend a permit shall be the same as the procedure for obtaining a permit; provided, however, that any request to extend a permit shall be made no later than 60 days before the expiration of the permit and provided further that an extension of not more than 90 days may be summarily granted by the Board of Supervisors without notice or hearings as otherwise required by Article 29 hereof

6. An application to amend a Special Use Permit shall be processed in the same manner as an application to obtain a Special Use Permit; provided, however, that changes to site plans or to stipulations that do not alter the nature or scope of the approved use may summarily approved be by the Board of Supervisors without notice or hearings as otherwise required by Article 29 hereof.

Section 2003 - Special Requirements Applicable To Landfills.

Applications for a Special Use Permit for landfills must be submitted and reviewed in accordance with Article 20. In addition, the following information must be provided:

1. A listing of all applicable Federal, State and local regulations that govern the proposed use.

2. A proposed "Health and Safety Plan" (Plan) as described in Appendix A of this ordinance.

3. The method(s) of land-filling proposed.

4. The proposed hours of operation and delivery of waste shipments.

5. The petitioner must provide the documents necessary to support compliance with Section 2001.28 & 2002.

Section 2004 - Waste Classifications.

1. "Class I" Waste is a hazardous waste as defined in 40 CFR 261 and amendments thereto.

2. "Class II" Waste consists of or contains chemically or biologically decomposable material, but does not include Class I waste. Class II waste includes, but is not limited to, the following: municipal and industrial solid waste, dead animals, sewage sludge and agricultural wastes.

3. "Class III" Waste consists of non-water soluble, non-decomposable inert solids. Class III waste includes, but is not limited to the following: construction and demolition wastes, such as earth, rock, concrete, asphalt paving fragments, inert plastics, plasterboard, and demolition material containing minor amounts of wood and metals, vehicle tires, industrial wastes such as clay products, glass inert slag's, asbestos, inert tailings and inert rubber scrap.

Section 2005 - General Conditions Applicable To Landfills.

The siting, establishment and operation of a landfill must comply with all applicable existing and future rules and regulations adopted by the Environmental Protection Agency (EPA) and the Arizona Department of Environmental Quality (ADEQ), or their successor agencies, including the Aquifer Protection Permit Rules adopted by ADEQ and in effect at the time of the review of the application. As a prerequisite to approval of the application for this Special Use, the Board of Supervisors may attach the following conditions:

1. That the Health and Safety Plan may be required to go beyond State and Federal requirements and include State and Federal or other recommendations for the handling of certain materials.

2. That there is a plan for the future use of the property upon cessation of land-filling activities, and that such re-use plan of the property is not inconsistent

with adopted long range plans for the area.

3. That the plan includes the creation of an escrowed sinking fund or other financial assurance acceptable to Navajo County and/or ADEQ to finance the future use of the property, such system to be funded while the property is still being used for land-filling and to be established in annual increments roughly equivalent to the development phase for the use of the site. The funding system must begin at the time of the development of the landfill. A sinking fund must be escrowed at least annually with the first annual payment thereto beginning in the first fiscal year of land-filling operations.

4. That the landfill is visually screened from adjacent property and provides a buffer zone for protection of adjacent properties. Site specific conditions such as topography, elevation, surrounding land use or screening on adjoining properties may allow the Board to mitigate the requirements for screening and buffer zones.

5. The landfill site must be maintained in a neat condition and fencing must be installed where necessary to catch blowing material. Additional fencing may be required on a case by case basis to provide security around active waste disposal cells.

6. Access roads and driveways to the site must be all-weather roads. Access roads must connect directly to an arterial highway and will not require the use of any "street, collector" (servicing residential areas), or "streets, residential" as defined in the Navajo County Subdivision Regulations in effect at the time of this amendment.

7. Sanitary toilet facilities, as recommended by the Navajo County Health Department, must be provided for employees at the landfill site.

8. That the landfill operator provides a list of generators and/or copies of waste manifests as may be required by EPA or ADEQ, for all material disposed in the landfill. This list shall be provided to Navajo County on a semi-annual basis.

9. Scavenging will not be allowed on the landfill site.

10. That the applicant will notify the Board of any changes requested or agreed to by ADEQ or the EPA, after the Special Use Permit has been granted by the Board. Such changes may require modification of the Special Use Permit as specified in this Article.

11. That the applicant will file, with the Board, a final copy of all permits issued for the landfill by ADEQ or the EPA.

12. All landfills must have a "Notice of Landfill Use" recorded against the title of the land that identifies all lands to be used for land-filling purposes. A landfill site plan and restrictions, if any, against future uses may also be required to be recorded. These documents must be recorded by a date specified as a condition by the Board.

13. The Board may waive or modify any of the requirements listed in 2005-2 through 2005-10.

Section 2006 - Landfill Classifications.

1. Class I.

   Class I landfills may accept Class I waste as defined in Section 2004 for disposal.

   Class II and III wastes may also be placed in Class I landfills at the discretion of the landfill operator, unless otherwise restricted by Navajo County or ADEQ.

2. Class II.

   Class II landfills may accept Class II waste as defined in Section 2004 for disposal.

   Class II landfills may accept Class III wastes, at the discretion of the landfill operator, unless otherwise restricted by Navajo County or ADEQ. Class II landfills SHALL NOT accept Class I wastes for disposal.

3. Class III.

   Class III landfills may accept Class III waste as defined in Section 2004 for disposal.

   Class I wastes SHALL NOT be placed in Class III landfills. Class III landfills may accept specific, pre-approved Class II wastes with prior written consent from the Board and ADEQ.

Section 2007 - Residential Planned Unit Development.

1. The purpose of the Residential Planned Unit Development is to provide for the large scale residential development wherein variation in the lot size, dwelling types and open space about them is warranted due to topography or other considerations.

2. The owners or authorized agent of a site comprising an area of not less than ten (10) acres may submit to the Board of Supervisors a plan to develop that entire site as a Residential Planned Unit Development.

3. The plan shall be referred to the Commission for its review, report and for public hearing. Notice and procedure for public hearing shall conform to the procedures prescribed in Article 29 hereof.

4. The Commission having held public hearing shall then present its report and recommendation and the plan to the Board of Supervisors for consideration

and public hearing. Notice and procedure for public sharing shall conform to procedures prescribed in Article 29 hereof.

5. The recommendation of the Commission shall include the reasons for approval or disapproval of the plan, and if recommended for approval specific evidence and facts showing that the plan meets with the following:

   a. That the buildings shall be used only for single-family dwellings, two-family dwellings or multiple-family dwellings, customary accessory uses such as off-street parking and community facilities.
   b. That the average lot area per dwelling unit, exclusive of the area occupied by streets, shall not be less than that required by the zoning district regulation otherwise applicable to the site.

   c. That the proposed Residential Planned Unit Development will not adversely affect adjacent property or the permitted use thereof.

6. The recommendation of the Commission may include reasonable conditions as deemed necessary to promote the purpose of this Ordinance including but not limited to the following:

   a. Yard and open spaces.

   b. Fences and walls.

   c. Regulation of points of vehicular ingress and egress.

   d. Regulation of signs.

   e. Landscaping and maintenance thereof.

   f. Maintenance of grounds.

   g. Time limit within which the proposed Residential Planned Unit Development shall be developed.

7. Building permits that are in accordance with the approved plan may be issued even though the use of land and the location of the buildings to be erected do not conform to the zoning district regulations otherwise applicable to the site.

8. The establishment of the Residential Planned Unit Development may be accomplished in any Rural or Residential zoning district and not in any other zoning district.

9. Amendments shall be processed in the same manner as the initial plan to develop the site as a Residential Planned Unit Development.

Section 2008: Wind Energy Generation Facilities

1. <u>Introduction and purpose</u>

The purpose of this section is to:

- Specify Special Use Permit application requirements for the development of utility-scale wind energy projects with actual or planned generating capacity of at least one megawatt.

- Establish standards for the permitting, construction, operation, maintenance and decommissioning of utility-scale wind energy generation facilities.

This section does not apply to personal or institutional wind energy generation equipment that is intended to generate electricity or heat water for use primarily on the property on which the equipment is located, or to facilities with an actual or planned generating capacity of less than one megawatt.

2. <u>Definitions</u>

The following terms are defined as follows for purposes of this section. Other definitions may be found in Article 30.

<u>SUP</u>: A Special Use Permit approved by the Board of Supervisors pursuant to this section and the other applicable provisions of this ordinance.

<u>Project boundary</u>: The boundary of a Wind Energy Generation facility project as set forth in the project site plan and incorporated into the SUP.

<u>Setback distance</u>: The distance from the center of the wind turbine electrical generator tower foundation to the nearest property line, edge of a public road right-of-way or railroad right-of-way, third-party transmission line, above-ground pipeline, communication tower, other structure or other boundary established by Navajo County.

<u>Wind Energy Generation facility</u>: An energy generation facility using wind technology and consisting of one or more wind turbines and accessory structures and buildings, including substations, anemometers and associated electrical infrastructure, with an actual or planned generating capacity of at least one megawatt. The term does not include stand-alone wind electricity generating systems primarily for on-site residential, institutional, commercial or agricultural use which may feed residual power into the electrical grid as defined by the Arizona Corporation Commission.

<u>Wind turbines (or towers)</u>: A wind energy system that uses the wind to turn a set of aerodynamic blades or devices attached to an electric generator or turbine. The term does not include small wind turbines used primarily to generate electricity for on-site residential, institutional, commercial or agricultural use.

3. <u>Zoning Districts in which allowed / SUP required</u>

Wind Energy Generation facilities are allowed only in the A-General, Rural and Industrial

Zoning Districts, subject to securing an SUP and to the applicable site development standards set forth herein. The SUP application shall comply with the submittal application requirements of Navajo County for the particular project.

4. <u>General development standards for Wind Energy Generation facilities</u>

a. A minimum of on-site roadways shall be constructed. Temporary access roads and excess roadway widths for initial equipment/facility installation shall be re-vegetated, using native species plants and seeds, to a pre-project condition (to the extent reasonably possible) after completion of installation as a condition of the SUP. The applicant shall submit a plan of all proposed roads, temporary and permanent, for review and approval by the Public Works Department prior to the issuance of any grading or building permits.

b. Electrical collector lines, which connect electricity generation devices to any substations, shall be placed underground except where (a) they cross sensitive biological or archaeological resources, such as canyons, wetlands or sites eligible for the national register, or rugged terrain that would prevent the use of underground trenching technology, (b) project terrain is found to be unsuitable, as determined by the applicant and confirmed by the County Engineer, or (c) burying the lines would violate applicable laws or regulations. In these cases, collector lines will be allowed above ground subject to approval by the Public Works Department. Utility lines serving the electricity or phone requirements of buildings shall be placed in accordance with the utility's easement requirements.

c. Wind Energy Generation projects shall include fire control and prevention measures as outlined in the Uniform Fire Code and as required by the local Fire District or State Fire Marshall.

d. Wind Energy Generation projects shall comply with applicable Federal Aviation Administration (FAA) lighting, navigation and other requirements. Lighting shall be the minimum required by FAA regulations or other public safety considerations. The use of low-intensity, red pulsating/blinking lighting is preferred so long as consistent with FAA regulations. The use of strobes and strobe-type lighting for nighttime use is prohibited unless specifically required by the FAA. All lighting shall be in compliance with the Navajo County Lighting Ordinance.

e. Wind Energy Generation facility projects shall comply with applicable Federal Communication Commission (FCC) requirements, including those applicable to microwave communication links in the vicinity. Wind Energy Generation facilities shall minimize and mitigate telecommunication interference (electromagnetic fields and communications interference generated by the project). No interference with public communication systems shall be allowed.

f. Towers, generator housings, hubs and blades shall be painted a non-reflective, unobtrusive color which shall complement the surrounding landscape, including but not limited to white, off-white, beige or tan. The design of other buildings and other structures shall, to the extent reasonably feasible and consistent with public safety, use materials, colors, textures, screening and landscaping that will blend the facility into the existing environment

g. The applicant shall avoid locating turbines in mountain passes or draws or on cliff edges in order to minimize avian and/or bat collisions when wildlife studies show that the project would pose a significant risk to avian and/or bat populations. Towers and nacelles shall be designed so as not to attract nesting birds or serve as perches for raptors. The SUP holder shall refer to the Arizona Game and Fish Department's and the U.S. Fish and Wildlife Services' wind guidelines that have been developed to aid the project proponents in reducing impacts to wildlife.

h. A letter from the Arizona Game and Fish Department will be required prior to scheduling of the SUP application for a hearing before the Planning and Zoning Commission, detailing the agency's comments and/or recommendations for the project. Pre-construction and post-construction wildlife studies shall be developed and performed with consideration given to the Arizona Game and Fish Department and U.S. Fish and Wildlife Service guidelines. Any wildlife impacts discovered during formal post-construction surveys shall be identified in the formal annual report submitted to the Arizona Game and Fish Department and U.S. Fish and Wildlife Service, with a copy to the Public Works Department. The formal annual report shall include avian and bat deaths due to the project.

i. All wind towers must be designed and constructed, to the greatest extent feasible, so as to prevent interior/exterior access by the public and shall have interior ladders and locking doors.

j. Experimental or prototype wind towers are prohibited. All wind towers must be standard production models commercially available from the manufacturer.

k. Wind turbine designs with blades downwind of the tower are prohibited.

l. For construction and permit purposes, all wind towers shall conform to the regulations for the applicable seismic zone of the building code.

m. Documentation confirming an interconnection agreement and a power purchase agreement (or equivalent agreements) shall be required prior to issuance of any building or construction permits.

n. All necessary building, grading and other permits shall be obtained from the Public Works Department prior to any site preparation or construction. All facilities must be designed and constructed in compliance with all applicable federal, state and local development and building and safety codes.

o. No building or structure may be constructed or occupied prior to full compliance with all applicable Public Works Department requirements, including but not limited to requirements concerning grading and drainage plans, flood control requirements, and the issuance of building and other permits for the proposed structures.

p. Floodplain Use Permits (where required) for any development in a floodplain shall be obtained through the Flood Control District prior to any such development.

q. All wind towers and other structures shall comply with all applicable county, state and federal laws, ordinances and regulations.

r. Signs associated with the project are limited to one project identification, information, interpretive and address sign of not more than 24 square feet located on the project site at each point of ingress and egress. No other signs shall be installed except for required warning and directional signs. Limited logos and/or manufacturer names shall be permitted on the generator housing or hub. No other advertisements, prominent logos, or other prominent messages are allowed on any tower, blade, generator housing, hub or any other part of any structure. Signage shall not be used for advertising. Prior to installation of any signs, the SUP holder shall obtain sign permits from the Public Works Department for all signs for which permits are required.

s. Project fencing, if applicable, shall include minimum 18 inch by 18 inch signs warning of the presence of high voltage. Such signs shall be located a maximum of 300 feet apart and at all points of site ingress and egress. Projects without fencing shall place such warning signs on each transformer building and all points of ingress and egress. Project fencing, if applicable, shall be a minimum of six feet and maximum of eight feet in height (excluding barbed wire or cyclone wire fencing, which is permissible).

t. Navajo County reserves the right to contract with a qualified third-party consultant for the review and evaluation of the proposed project and any of the application materials, particularly the sound study. The selection of a consultant shall be made in consultation with the applicant, with a mutually agreed-upon "not to exceed" contract amount prior to final selection of the consultant. The cost for any such review shall be reimbursed to Navajo County by the applicant before any building permit is issued. Additionally, and if deemed necessary, the reasonable cost for any third-party review(s) of any long-term monitoring or response to complaints or operational changes shall be reimbursed to Navajo County by the SUP holder within 30 days after written demand by the County. In such cases Navajo County shall provide written notice of the use of a third-party consultant to the applicant prior to such use.

u. A decommissioning plan shall be required and shall address the removal of the facilities and the restoration of the site upon a revocation of the SUP pursuant to paragraph 6 of this Section 2008 or the expiration of the SUP. Removal of the facilities and restoration of the site shall mean that all safety hazards created by the installation and operation of the Wind Energy Generation facility shall be removed and the site shall be restored to its pre-project condition to the extent reasonably possible, including the removal of foundations and footings to 36" below grade and the re-vegetation of any roads created or other areas graded or disturbed during the project. The SUP holder shall maintain a decommissioning bond in the amount of the full decommissioning cost at the end of the anticipated life of the project, net of salvage value, as estimated by a Professional Engineer registered in the State of Arizona. Said bond shall be reviewed and approved as to form, substance and amount by the Public Works Department. The engineer's estimate of decommissioning cost shall be renewed no less than every five years by a Professional Engineer registered in the State of Arizona, and a copy of each renewed estimate shall be provided to the Public Works Department for review and approval. The decommissioning bond shall be adjusted in accordance with the renewed cost estimate within 30 days after approval by the Public Works Department. The SUP holder shall provide proof that the bond is in place no later than the date of the commencement of construction. Bond(s) shall be provided for the benefit of Navajo County and all private lessors on whose land any portion of the project will be located. This requirement shall be a condition of approval of the SUP. The Board of Supervisors, upon the recommendation of the County Attorney and the Director of Public Works, may approve

variations from the requirements of this paragraph if warranted by the particular circumstances of a project.

v. Noise requirements and mitigation measures:

(1) Audible sound limits:

A. Audible noise due to project operations shall not exceed the greater of: (a) 45 dBA $L_{Aeq,10}$; or, (b) the measured background, $L_{A90,10}$ plus 5 dB, as measured at the exterior at any legal residence, school, library or hospital in existence at the time of approval of the SUP.

B. If sound levels resulting from a proposed facility exceed the criteria specified above, a waiver may be granted by the Board of Supervisors after review and recommendation by the Planning and Zoning Commission, provided that the following has been accomplished:

1. An irrevocable written consent (or sound waiver easement) has been obtained from each affected property owner, stating that the owner is aware of the proposed facility and the sound limitations imposed by this section, that consent is granted to allow sound levels to exceed the maximum limits specified herein, and that such consent will be memorialized in a notice recorded with the Navajo County Recorder to notify future owners of the affected property that sound levels may exceed the sound levels specified herein. The consent shall include a legal description of the affected property. A copy of each such consent on which the SUP holder relies shall be submitted prior to approval of the SUP.

(2) All wind turbine operations shall meet the operational low-frequency noise requirements applicable to wind turbines as specified in Noise Requirement Guidelines adopted, published and amended from time to time by the Board of Supervisors.

(3) Background and Compliance Testing:

The requirements of subparagraph (1) above require that background (pre-development) sound levels be properly assessed, that sound levels be forecast in advance of SUP approval, and that, once a project commences operation, sound levels again be assessed as part of compliance-period assessment. Before an SUP is issued, the applicant's independent consultant shall complete a sound evaluation by determining existing (pre-project) background sound levels and forecasting ambient sound levels anticipated upon completion of the facility. The evaluation shall address facility aging and planned or probable modifications. If the project is permitted and constructed, when it is in operation the SUP holder's independent consultant shall complete a compliance-period sound evaluation. Background and post-construction compliance sound measurements shall comply with Noise Requirement Guidelines adopted, published and amended from time to time by the Board of Supervisors. If there is any conflict between the requirements of this ordinance and the requirements of such guidelines, the more stringent requirement(s) shall control.

For phased / staged development, background sound levels shall be determined before the initial phase of the project. For a situation in which multiple developments by the same or multiple developers are expected in an area, the same applies.

(4) During the first three months of facility operation and more specifically during a period of normal full production operations, the SUP holder shall verify compliance with subparagraph (1) above utilizing an independent consultant. If operational sound is found to exceed the limits specified in subparagraph (1) above, the SUP holder shall institute remedies to achieve compliance with the applicable limits, or submit a consent from each owner of an affected property in accordance with subparagraph v.(1).B above. During the remedy period the SUP holder shall identify and remove from service the equipment responsible for the excessive sound until the problem can be cured or mitigated. Navajo County staff may require additional compliance testing when deemed appropriate.

(5) Plans for determining background sound levels and for modeling/simulation shall be submitted by the applicant for the Public Works Department's review and approval in advance of the work.

w. Setbacks. The minimum safety setback distance, location and spacing requirements for Wind Energy Generation facilities shall be as follows. As used herein, "total tower height" means the height from grade to the top of the structure, including the uppermost extension of any blade (i.e., "straight up").

(1) Wind towers shall be placed in accordance with the greater of the applicable setback and location requirements set forth in paragraphs A, B and C below:

A. Such that the sound standards established in subparagraph 4.v of this Section 2008 will not be exceeded.

B. Setbacks related to areas outside the project boundary:

i. Setback to existing residence: Individual wind towers shall be placed within the project boundary at least ½-mile (2,640 feet) from an existing residence that is located outside of the project boundary.

ii. Setback to adjacent privately-owned land that is not zoned Industrial (I-1 or I-2):

a. Parcels greater than 2.5 acres in size: Individual wind towers shall be placed within the project boundary at least ¼-mile (1,320 feet) or 150% of the total tower height (whichever is greater) from the common property line with such parcels.

b. Parcels 2.5 acres or smaller in size: Individual wind towers shall be placed within the project boundary at least ½-mile (2,640 feet) or 150% of the total tower height (whichever is greater) from the common property line with such parcels.

Adjacent parcel sizes as set forth in paragraphs a-d above shall be determined as of the effective date of this Section 2008.

iii. All other adjacent land not included in one of the foregoing categories: Individual wind towers shall be placed at least 1.1 times (110%) the total tower height from the project boundary.

C. Setbacks related to areas within or outside the project boundary:

i. Roadway (public or publicly-maintained): Individual wind towers shall be set back from any public or publicly-maintained roadway (as measured to the nearest edge of the right-of-way) at least ¼-mile (1,320 feet).

ii. Railways, utility lines, interior phase lines and structures: Individual wind towers shall be set back from any railway (as measured to the nearest edge of the right-of-way), or from any utility line (above or below ground - as measured to the nearest edge of the utility easement), or from any interior phase line or structure (regardless of use), at least 1.5 times (150%) the total tower height.

(2) The minimum setbacks from the project boundary for all non-tower uses and structures (such as administrative buildings, meteorological or anemometer towers, maintenance buildings, operations buildings, transformers, etc.) shall conform to the setback requirements for the Zoning District in which the use or structure is located.

(3) The Board of Supervisors may approve a reduction in the setback requirements set forth above in accordance with any or a combination of the following circumstances:

A. The project shares a common property line with another approved Wind Energy Generation facility.

B. An irrevocable written consent from an affected property owner has been obtained, stating that the owner is aware of the proposed facility and the setback requirements imposed by this section, that consent is granted to allow lesser setbacks than those specified herein, and that such consent will be memorialized in a notice recorded with the Navajo County Recorder to notify future owners of the subject property that setbacks are less than those specified herein.

C. An adjacent property owner who is also pursuing the development of a Wind Energy Generation facility or similar use has filed a letter of consent to the proposed setback reduction with the Public Works Department.

D. The parcel on which the project is located and an adjacent parcel are held in common ownership.

E. The current use of an adjacent property generates sound in excess of that permissible for the Wind Energy Generation facility under the terms of this section.

(4) Setback areas may be used for access within the development but are otherwise to remain in their current vegetative state.

5. Use Of SUP, Terms And Conditions

a. Any Wind Energy Generation facility that is granted an SUP shall be developed in accordance with the schedule for development and stipulations set forth in the SUP.

b. An SUP for a Wind Energy Generation facility shall be valid for the anticipated useful life of the project.

c. An SUP for a Wind Energy Generation facility shall be granted in the name of the applicant and may be transferred or assigned to a new holder only with the written approval of the Board of Supervisors, following a public hearing. The new holder shall only be bound to agree to all existing conditions and shall provide adequate assurances to demonstrate that the new holder has the financial ability to fulfill the obligations as specified in the SUP.

6. SUP Suspension And Revocation

a. Any SUP issued pursuant to this section may be suspended or revoked in whole or part by the Board of Supervisors for material non-compliance with the requirements of this section or the stipulations set forth in the SUP. An SUP shall be subject to suspension or revocation at a duly noticed public hearing only if the SUP holder has failed to cure the material non-compliance after no less than 30 days' written notice of such non-compliance from the Director of Public Works.

b. If a Wind Energy Generation facility becomes unsafe or inoperable, the SUP is likewise subject to suspension or revocation by the Board of Supervisors as follows:

(1) An "inoperable Wind Energy Generation facility" is one that does not generate a significant amount of electricity for 180 consecutive days, unless such non-generation is due to an act of nature, declared emergency or other cause beyond the reasonable control of the SUP holder or unless the SUP holder demonstrates that modernization, rebuilding or repairs are in progress or are planned and will be diligently completed.

(2) An "unsafe Wind Energy Generation facility" is one that has been found by a state or federal administrative agency or a court of competent jurisdiction to have materially violated applicable health or safety laws, unless the SUP holder demonstrates that measures to cure such violations are in progress or are planned and will be diligently completed.

(3) Every unsafe or inoperable Wind Energy Generation facility is hereby declared to be a public nuisance per se which shall be subject to abatement by all available legal and equitable remedies.

(4) Upon a complaint by the Director of Public Works that a Wind Energy Generation facility is inoperable or unsafe, the Board of Supervisors shall convene a public hearing at the earliest possible date after written notice to the SUP holder. Pending a final determination that the facility is inoperable or unsafe, the Board may suspend the SUP in whole or part or impose such conditions as may be appropriate to protect the public health, safety and welfare. Upon a final determination that the facility is

inoperable or unsafe, the Board may suspend or revoke the SUP in whole or part or impose such conditions as may be appropriate to protect the public health, safety and welfare.

c. No later than 30 days after the revocation or expiration of the SUP, the decommissioning plan required by subparagraph 4.u of this Section 2008 shall be implemented and decommissioning shall proceed diligently to completion.

7. Joint Agency Approvals

a. If the applicant is also applying to the State of Arizona, U.S. Bureau of Land Management (BLM) Forest Service (USFS) or other federal agency for a right-of-way grant, lease or any other form of authorization or approval for a wind energy project in Navajo County to be located in whole or part on land managed by the State, BLM, USFS or other federal agency, or the applicant is also applying to the Western Area Power Administration or other federal power marketing agency (PMA) for an interconnection or transmission agreement for a wind energy project in Navajo County, then the applications may be jointly considered by the Planning and Zoning Commission and Board of Supervisors and the State, BLM, USFS, other federal agency or PMA (including without limitation joint hearings and coordinated application and mitigation requirements), and any and all findings, reports, studies, statements, assessments or analyses issued, approved or adopted by the State, BLM, USFS, other federal agency or PMA, including any mitigation measures required by any of those agencies, may be considered and adopted by the Planning and Zoning Commission and the Board of Supervisors in connection with the SUP application.

b. This Section 2008 does not purport to regulate wind energy generation projects on state or federal land except insofar as state or federal agencies may require compliance with Navajo County zoning requirements as part of their own application processes.

c. In the event of any inconsistency between any requirement of this Section 2008 and any requirement of state or federal law, now or in the future, the state or federal requirement shall control and this section shall be interpreted and applied consistently therewith.

8. Public Outreach.

As part of the SUP review and approval process, and to ensure adequate public outreach, the applicant shall do the following:

a. Provide the following:

(1) A list of all property owners of record within one mile of the project boundary, with current contact information (address and telephone number).

(2) A list of all property owners of record within 300 feet of each access route to the project from a public roadway, as well as within 300 feet of each public roadway that requires any improvements in connection with the project, with current contact information (address and telephone number).

(3) Notice by first class mail to all property owners listed under subparagraphs (1) and

(2) above, such notice to include a narrative description of the project, identification of transportation routes, vicinity map showing surrounding properties, and a layout of the proposed facility and accessory buildings indicating setback distances to property lines.

(4) Notice by first class mail to all incorporated communities within three miles of the project boundary.

b. Schedule, publicize and conduct at least two public meetings (in collaboration with neighborhood groups and property owner associations, where available) in the project area at least 30 days before the Planning and Zoning Commission hearing. Public Works staff is available to suggest to the applicant potential meeting sites and publicity measures.

Feedback cards shall be provided to attendees and tabulated results shall be submitted to the Public Works Department within five days after each meeting.

c. Establish a web site or ".ftp" site; linked to the Navajo County web site if possible, giving a summary of the project (site plan, context plan and summary description) and applicant contact information before holding the first public meeting as required above. Provide a mechanism on this site for the submission of public comments.

d. Provide a contact name and telephone hotline, the details of which are printed on a prominent sign at each project entrance and maintained on record with the Public Works Department, by which citizens can leave comments and complaints 24 hours a day for the life of the project. The SUP holder shall take all reasonable efforts to review and address (including returning the call when appropriate) all non-urgent messages within 72 hours and all urgent messages within 24 hours. Provide the County with a monthly summary of complaints and the manner in which they were addressed.

ARTICLE 21 -- FACTORY-BUILT HOUSING

(As adopted December 10, 2001 via BOS Resolution No. 101-01)

Section 2101 - Purpose:

The purpose of this Article is to accommodate the permanent placement of Manufactured Homes and residential Factory-Built Buildings as attractive and affordable alternatives to conventional site-built homes. This Article regulates the placement of Manufactured Homes, residential Factory-Built Buildings, Mobile Homes and Recreational Vehicles in all unincorporated areas of Navajo County with the exception of Manufactured Home Parks, Recreational Vehicle Parks and Manufactured Home Subdivisions (except as expressly stated in Section 2103(1) in regard to Mobile Homes).

Section 2102 - Definitions:

1. As used herein, the following terms shall be defined in accordance with A.R.S. 41-2142 and the related regulations of the State Office of Manufactured Housing, as amended from time to time:

   Accessory Structure
   Installation
   Manufactured Home
   Mobile Home
   Recreational Vehicle

2. Factory-Built Building shall mean a residential Factory-Built Building as defined in A.R.S. 41-2142 and the related regulations of the State Office of Manufactured Housing, as amended from time to time.

Section 2103 - Installation.

1. A Mobile Home shall not be placed or relocated within any unincorporated area of Navajo County, including a Manufactured Home Park, Recreational Vehicle Park or Manufactured Home Subdivision, unless the Mobile Home has been certified as rehabilitated by the State Office of Manufactured Housing pursuant to regulation A.A.C. R4-34-606, as amended from time to time. A Mobile Home that has been certified as rehabilitated shall be deemed a Manufactured Home for purposes of this Ordinance.

2. The placement of Recreational Vehicles shall be governed by Article 22 (Recreational Vehicle Placement) and the provisions of this Ordinance applicable to Recreational Vehicle Parks. Recreational Vehicles shall not be used as dwellings except in accordance with Article 22, and the provisions of this Ordinance applicable to Recreational Vehicle Parks.

3. Manufactured Homes, Factory-Built Buildings, rehabilitated Mobile Homes and Accessory Structures shall be Installed pursuant to the standards adopted by the State Office of Manufactured Housing as set forth in regulations A.A.C. R4-34-201 through R4-34-706 and R4-34-801 through R4-34-805, as amended from

time to time. Navajo County enforces these regulations pursuant to a Delegation Agreement with the State Office of Manufactured Housing.

4. All Installations of Manufactured Homes, Factory-Built Buildings, rehabilitated Mobile Homes and Accessory Structures shall also comply with (1) all zoning regulations applicable to the zoning district in which they are located; (2) all applicable requirements of the Navajo County Flood Control Regulations; and (3) all applicable fire and health codes.

5. Manufactured Homes, Factory-Built Buildings and rehabilitated Mobile Homes shall be permanently connected to electric power, water supply and sewage disposal service at the time of Installation.

6. Manufactured Homes, Factory-Built Buildings and rehabilitated Mobile Homes shall have the tongue, axles, transporting lights and towing apparatus removed before occupancy.

7. All construction not within the definition of Accessory Structure, as well as all post-Installation additions, alterations or structures, shall comply with the applicable requirements of the Navajo County Building Safety Ordinance.

Section 2104 - Permits.

1. All Manufactured Homes, Factory-Built Buildings, rehabilitated Mobile Homes and Recreational Vehicles shall bear the applicable approval insignia of the State Office of Manufactured Housing in regard to the construction of the unit.

2. Permits for the Installation of Manufactured Homes, Factory-Built Buildings, rehabilitated Mobile Homes and Accessory Structures shall be issued by the Navajo County Development Services Department. Application requirements, permit fees and inspection fees shall be in accordance with the applicable regulations of the State Office of Manufactured Housing in effect at the time the application is submitted. Fees shall also be as approved by the Navajo County board of Supervisors.

3. The Development Services Department will issue an Installation Permit when the application is complete and the proposed Installation has been determined to comply with the applicable regulations of the State Office of Manufactured Housing, the applicable zoning provisions of this Ordinance, the applicable provisions of the Navajo County Flood Control Regulations, and applicable fire and health codes.

4. When the Installation is complete and has been inspected and approved by the Planning & Building Division, a Certificate of Compliance will be issued. No Certificate of Occupancy will be issued unless a current Certificate of Compliance is in effect.

5. Post-installation additions, alterations or structures will require an application for a Building Permit in accordance with the *Navajo County Building Safety Ordinance.*

ARTICLE 22 - RECREATIONAL VEHICLE PLACEMENT

(As amended 1/10/2000 via BOS Resolution No. 04-00, 12/10/2001 via BOS Resolution No. 101-01)

Section 2201 - Purpose.

The purpose of this Article is to allow the temporary placement of a Recreational Vehicle (RV) while protecting the environmental, aesthetic and quality-of-life values of Navajo County. This Article regulates the placement of an RV outside of an approved RV Park. This Article does not regulate the placement of an RV within the boundaries of an approved RV Park, National Forest, National Park, State Park or County Park. This Article provides for the temporary placement of an RV for one time each calendar year for a period not to exceed 30 consecutive days without a permit or for up to one year with a Temporary RV Permit.

Section 2202 - Definitions.

1. **A Recreational Vehicle** or RV shall mean a Recreational Vehicle as defined by Article 21 of this Ordinance.

2. **Placement of an RV** means the location of an RV on a parcel for dwelling or sleeping purposes for a period of 24 hours or more.

3. **Recreational Vehicle Park** means a parcel of land upon which two or more RV's are placed for dwelling or sleeping purposes, regardless of whether a charge is made for such placement.

4. **Temporary RV Permit** means a permit issued pursuant to Section 2205 or 2206.

5. **Director** means the Director of the Navajo County Development Services Department or his or her designee pursuant to Section 3002(20).

6. **Referral by the Director** means the Director has decided that a particular matter should be considered and decided by the Board of Supervisors instead of the Director. The Director's decision to refer a matter to the Board of Supervisors shall be final.

7. **Special Event Permit** means a permit issued pursuant to Section 2206 or 2513(4).

8. **Adjoining Property** means all parcels of land that are identified by separate parcel numbers in the Office of the Navajo County Assessor and that either physically touches the subject parcel or would touch it if not separated by a dedicated right-of-way.

Section 2203 - General Provisions.

1. The placement of a single RV is allowed, subject to compliance with the other provisions of this Article, in the following districts only: A-General, Rural (RU), Single Family (R1) and Special Development (but only if the site plan provides for RV placement).

2. An RV shall not be placed in the following zones: I-1, I-2, C-R or Multi-Family Residential, except in an approved RV Park or as may be permitted under Article

28 hereof. Provided, however, that the Director (or the Board of Supervisors upon referral by the Director) may, on a case-by-case basis, waive this restriction and grant a Temporary RV Permit for placement in any of these zones upon a showing of good cause.

3. No RV shall be placed on a permanent basis.

4. No RV shall be used for storage without the existence of a principal dwelling on the same parcel. Provided, however, that the Director (or the Board of Supervisors upon referral by the Director) may, on a case-by-case basis, waive this restriction and grant a Temporary RV Permit for storage upon a showing of good cause.

5. No RV shall be placed as a rental unit.

6. The placement of an RV in violation of Deed Restrictions or Covenants, Conditions and Restrictions is discouraged. However, Deed Restrictions and CC&R's are private matters between the owners of the parcels to which they apply. Enforcement is not the responsibility of Navajo County.

7. The placement of an RV is subject to all zoning regulations, including setbacks, applicable to the parcel on which the RV is placed. In addition to the setback requirements, the RV shall be placed an additional ten feet from all property lines.

8. The placement of an RV is subject to the Navajo County Floodplain Ordinance. A separate Floodplain Use Permit may be required from the Flood Control District (Department of Public Works).

9. Solid waste (garbage) and sewage shall be disposed of in an approved system and are subject to all applicable Health Department regulations.

10. No temporary or permanent site-built additions or improvements shall be attached to the RV. Any structure such as a snow shed, porch, deck or carport shall be free-standing. Building Permits are required.

9. The fee for a Temporary RV Permit shall be in accordance with a schedule of fees adopted by the Board of Supervisors.

Section 2204 - Thirty-Day Placement Without Permit.

Subject to the provisions of Section 2203, a single RV may be placed for one time each calendar year for a period not to exceed 30 consecutive days without a Temporary RV Permit.

Section 2205 - Placement With Temporary RV Permit.

Subject to the provisions of Section 2203, a single RV may be placed for a period of up to one year upon the issuance of a Temporary RV Permit pursuant to this section. The permit may be renewed for one additional period of up to one year upon the approval of the issuing authority.

1. A Temporary RV Permit may be issued by the Director (or the Board of Supervisors upon referral by the Director) at the same time that a Building Permit is issued for the construction of a principal dwelling on the parcel. The Temporary RV Permit shall run with the Building Permit. The Temporary RV Permit shall expire when the Building Permit expires or a Certificate of Occupancy is issued for the principal dwelling, whichever occurs first.

2. A Temporary RV Permit may be obtained from the Director (or the Board of Supervisors upon referral by the Director) in circumstances other than in connection with the issuance of a Building Permit. The Director or the Board (as the case may be) shall determine, on a case-by-case basis, the merits of the request and may impose conditions consistent with the intent and purposes of this Article.

3. The Director may notify adjoining property owners of an application for a Temporary RV Permit in any reasonable manner and may solicit their comments prior to issuance of the permit. The Director's decisions as to whether the application warrants notice to adjoining property owners, and as to the manner of such notice, shall be final.

4. A decision of the Director concerning the issuance of a Temporary RV permit may be appealed to the Board of Supervisors by the applicant or any adjoining property owner in the manner set forth in Section 2513(6).

5. The RV must be hooked up to an approved septic system or sanitary sewer upon placement.

6. All utility hookups shall originate from the parcel on which the RV is placed. Utilities may be connected, subject to securing the appropriate permits, upon compliance with requirement number 5 above.

Section 2206 - Special Event Placement

A Temporary RV Permit may be issued for the placement of one or more RV's in connection with the issuance of a Special Event Permit pursuant to Section 2513(4) of this Ordinance. The Temporary RV Permit shall be issued by the Director or the Board of Supervisors, whichever is responsible for issuing the Special Event Permit. There shall be a separate fee for the Temporary RV Permit.

ARTICLE 23 - SIGN REGULATIONS

(As Amended 9/18/2000 via BOS Resolution No. 78-00, 12/10/2001 via BOS Resolution No. 100-01)

Section 2301 - Purpose.

The purpose of this section is to: 1) maintain traffic and public safety, 2) promote the attractiveness of communities for local economic development and growth; and 3) allow for adequate and effective signs for communicating identification while preventing signs from dominating the visual appearance of the area in which they are located.

Section 2302 - Definitions

For the purpose of this ordinance, the following words shall be as specified below and in accordance with Section 3001, General Rules for Construction of Language.

1. Building Wall:

   The entire surface area, including windows and doors, of an exterior wall of a building. For the purposes of this ordinance, the area of a wall will be calculated for only the first three stories, or 45 feet in height of a building, whichever is less.

2. Canopy:

   A permanent structure other than an awning made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles or as a decorative feature on a building wall. A canopy is not a completely enclosed structure.

3. Changeable Copy:

   Copy that is or can be changed manually in the field or through mechanical means. e.g., reader boards with changeable letters.

4. Commercial Message:

   A message placed or caused to be placed before the public by a person or business enterprise directly involved in the manufacture or sale of the products, property, accommodations, services, attractions, or activities that are offered or exist for sale or for hire.

2. Copy:

   Any words, letters, numbers, figures, characters, symbols, logos, or insignia that are used on a sign display surface area.

6. Farm Product Sales:

   Seasonal sale of farm products raised on the premises or where products are raised as an accessory to a residential use.

7. Grade:

   The height of the top of the curb, or if no curb exists, the height of the edge of pavement in the lane of travel adjacent to the sign.

8. Linear Frontage:

The length of a property abutting a public right-of-way from one side lot line to another.

3. Logo:

A business trademark or symbol.

10. Parapet:

That portion of a building wall or false front that extends above the roof line.

4. Sight Distance Triangle:

The triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines each point being 35 feet from the intersection, and the two intersecting right-of-way lines, or 50 feet back from the curb line, whichever is greater. On some occasions, the County Engineering Department may require additional sight zones as deemed necessary to provide adequate safety for motorists.

12. Sign:

Any device for visual communication, including any structure or natural object apart thereof, that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

13. Sign Face Area:

The area within a single, continuous perimeter enclosing the extreme limits of characters, lettering, logos, illustrations or ornamentations, together with any material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in the sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area. Only one side of a sign shall be included in the calculation.

14. Sign Structure or Support:

Any structure that supports or is capable of supporting a sign including decorative cover.

5. Sign Height:

The distance measured from the highest point of a sign to the base of the sign at the ground.

16. Sign Types:

The following are types of signs included in this ordinance:

a. Advertising Sign:

A sign that directs attention to a business, profession, or industry located upon the premises where the sign is displayed; to type of products sold, manufactured or assembled; and/or to services or entertainment offered on said premises, but not a sign pertaining to the preceding if such activity is only minor and incidental to the principal use of the premises.

b. Banner:

A sign intended to be hung either with or without a frame, possessing characters, letters, illustrations, or ornamentations applied to plastic or fabric of any kind, excluding flags and emblems of political, professional, religious, education, or corporate organizations.

c. Bulletin Board:

A sign used to announce meetings or programs to be held on the premises of a church, school, auditorium, library, museum, community recreation center, or similar noncommercial places of public assembly.

d. Campaign or Election Sign:

A sign that advertises a candidate or issue to be voted upon on a definite election day.

e. Canopy and Awning Signs:

A sign attached to or painted or printed onto a canopy or awning. For the purposes of this ordinance, the permitted size of a canopy or awning sign will be calculated on the basis of the size of the building wall to which the canopy is attached. It will, for measuring purpose, be considered a wall sign.

f. Construction Sign:

A sign placed at a construction site identifying or announcing the project or name of the architect, engineer, contractor, financier, or others involved in the development of the project.

g. Directional or Instructional Sign:

A sign designed to guide vehicular and/or pedestrian traffic by using such words as “Entrance”, “Exit”, “Parking”, “One-Way”, or similar directional instruction but not including any advertising message. The name or logo of the business or use to which the sign is giving direction may also be included on the sign.

h. Directory Sign:

A secondary sign on which the names and locations of occupants or the use of a building or property is identified.

i. Flag:

A piece of durable fabric or distinctive design attached to a permanent pole, that is used as a symbol or decorative feature.

j. Flashing Sign:

A sign that uses an intermittent or flashing light source to attract attention.

k. Ground Mounted Sign:

A sign which extends from the ground or which has a support which places the bottom thereof less than 2 feet from the ground.

l. Government Sign:

Any temporary or permanent sign erected and maintained for any governmental purposes.

m. Identification Sign:

A sign which displays only the name, address, and/or crest, or insignia, trademark, occupation or profession of an occupant or the name of any building on the premises.

n. Illuminated Sign:

A sign either internally or externally illuminated.

o. Incidental Sign:

A sign used in conjunction with equipment or other functional elements of a use or operation. these shall include, but are not limited to drive through window menu boards, and signs on automatic teller machines, gas pumps, vending machines, or newspaper delivery boxes.

p. Memorial Sign or Plaque:

A sign designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved with the building's creation, cut into or attached to a building surface.

q. Monument Sign:

A monolithic sign in which the bottom of the sign is flush with the ground and the vertical dimension of the sign is greater than the horizontal dimension.

r. Nonconforming Sign:

Any sign which was lawfully erected in compliance with applicable code provisions and maintained prior to the effective date of this ordinance, and which fails to conform to all applicable standards and restrictions of this ordinance.

s. Off-Premises Sign:

A sign that directs attention to a business commodity, service, or establishment conducted, sold, or offered at a location other than the premises on which the sign is erected.

t. On-Premises Sign:

A sign that directs attention to a business commodity, service, or establishment conducted, sold, or offered on the premises on which the sign is erected.

u. Outdoor Advertising Sign:

A type of off-premise sign, generally, but not limited to, a rigidly assembled sign, display, or devise, usually free standing that is affixed to the ground or to a building, the primary purpose of which is to display advertising copy or posters. Such signs commonly referred to as "billboards" are generally designed so that the copy or poster on the sign can be changed frequently and the advertising space is for lease.

v. Planned Development Sign:

A sign used in conjunction with an approved planned residential, office, businesses, industrial or mixed use development.

w. Pole Sign:

A detached sign erected and maintained on a freestanding frame, mast, or pole and not attached to any building but not including ground-mounted signs.

x. Portable or Moveable Sign:

A sign that is not permanently attached to the ground, a structure, or a building that can easily be moved from one location or another. For example, a sign on wheels.

y. Primary Sign:

The main or principal sign located on a premises.

z. Projecting Sign:

Any sign other than a wall, awning, canopy, or marquee sign, which is affixed to a building and is supported only by the wall on which the sign is mounted.

aa. Public Interest Sign:

A sign on private property that displays information pertinent to the safety or legal responsibilities of the general public such as warning and no trespassing signs.

bb. Real Estate Sign:

A sign that is used to offer for sale, lease, or rent the premises upon which such sign is placed.

cc. Roof Sign:

A sign erected or maintained in whole or in part upon or over the roof or parapet of a building.

dd. Secondary Sign:

A sign used in addition to a primary sign on a premise.

ee. Temporary Sign:

A sign which is not permanently installed in the ground or affixed to any structure or building, and which is erected for a period of time as permitted in this ordinance.

ff. Temporary Planned Development Sign:

A sign that pertains to the development of a new subdivision, planned multi-family development, planned shopping center, industrial, office, or business park, or similar land parcel.

gg. Vehicular Sign:

Signs on parked vehicles visible from the public right-of-way where the primary purpose of the vehicle is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purposes of this ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.

hh. Wall Sign:

Any sign directly attached to an exterior wall of a building or dependent upon a building for its support with its exposed face parallel or approximately parallel to the plane of the building or structure on which the sign is affixed. Signs directly painted on walls shall be considered wall signs.

ii. Window Sign:

Any sign attached to or directly applied onto a window or glass door of a building intended for viewing from the exterior of such building.

Section 2303 - Procedures.

1. Permit Required:

Except as otherwise provided in this ordinance, it shall be unlawful for any person to erect, construct, enlarge, move or replace any sign or cause the same to be done, without first obtaining a permit for such sign from the Development Services Department as required by this ordinance for sign locations under the jurisdiction of Navajo County.

Notwithstanding the above, changing or replacing the permanent copy on an existing lawful sign shall not require a permit, provided the copy change does not change the nature of the sign such as to render the sign in violation of this ordinance.

2. Application and Issuance of Permit:

Applications for permits shall contain the following information:

a. The street name and street number of the building or the structure to which the sign is to be erected, or the tax parcel identification number of the lot onto which the sign is to be located.

b. Names, addresses, and telephone numbers of the applicant, owner of the property on which the sign is to be erected or affixed, the owner of the sign, and the licensed contractor erecting or affixing the sign.

c. If the applicant is not the owner of the property on which the sign will be located, written permission from the property owner or a designated representative stating agreement that the sign may be erected on the parcel for which the permit has been applied shall be required.

d. A site or plot plan of the property involved, showing accurate placement of the proposed sign.

e. Two (2) blueprints or inked, scaled drawings of the plans and specifications of the sign to be erected or affixed as deemed necessary by the Development Services Department Director. Such plans may include but shall not be limited to details of dimensions, materials, copy, and size of the proposed sign. For wall signs, dimensions of the building wall on which the sign is to be affixed and the location and the size of existing wall signs shall also be included.

f. Applications for Billboard Permits for outdoor advertising signs, in addition to the above information, shall contain a survey prepared by a registered surveyor showing at least the following: the location of all outdoor advertising signs within 1,000 ft. on the same side of the street and within 500 ft. on the opposite side of the street; structures within 20 ft.; residential districts and institutional uses within 500 ft.; and applicable setbacks and side or rear yards in the zoning district.

g. Locations of addresses in accordance with the County Address Ordinance. No permit for a sign shall be issued unless the provisions of the Address Ordinance have been met or will be met with the erection of the sign.

h. Other information as the Director of the Development Services Department may require to determine full compliance with this and other applicable codes.

3. Issuance of Permits:

Upon the filing of an application for a Sign Permit or Billboard Permit, the Development Services Department shall examine the plans and specifications, and as necessary, may inspect the premises upon which the sign is proposed to be erected or affixed. If the proposed sign is in compliance with all the requirements of this ordinance and other applicable codes, a permit may be issued. Any permit issued in accordance with this section shall automatically become null and void unless the work for which it was issued has visibly been started within 6 months of the date of issue or if the work authorized by it is

suspended or abandoned for one year.

4. Fees:

   The fees for Sign Permits and Billboard Permits shall be in accordance with a schedule of fees adopted by the Board of Supervisors.

5. Final Inspection:

   Upon notification or completion by the permit holder, the Development Services Department shall make a final inspection of the sign to verify conformance with applicable codes.

Section 2304 - General Provisions.

The following provisions shall apply to all signs.

1. Construction Standards:

   All signs shall be constructed and installed in accordance with the applicable provisions of this ordinance.

2. Electrical Standards:

   All illuminated signs shall be installed in accordance with the applicable provisions of the National Electrical Code.

3. Maintenance of Signs:

   All signs shall be maintained in good structural and aesthetic condition. Deficiencies such as chipped paint, broken plastic, missing letters and exposed light bulbs shall be evidence of lack of maintenance.

Section 2305 - Prohibited Signs.

The following signs are prohibited under any circumstances:

1. Signs extending into the public right-of-way.
2. Roof signs.
3. Strobe lights and rotating beacons - direct light, other than time and/or temperature signs.
4. Signs that is similar in color, design, and appearance to traffic control signs.
5. Vehicular signs as defined in Section 2302.
6. Off-premise signs, except outdoor advertising.
7. Nonconforming signs.
8. Other signs not expressly allowed by this ordinance.

Section 2306 - Signs not Requiring a Permit.

The following types of signs are exempted from permit requirements and allowed in all

zones, but shall be in conformance with all other requirements of this ordinance.

1. Memorial signs, plaques, or grave markers that is not commercial in nature.

2. Public interest signs.

3. On premises directional and instructional signs

4. Identification signs not exceeding 2 square feet in area, that indicate the name and/or address of the occupant.

5. Window signs with a total copy area not exceeding 50 percent of the window or glass door onto which the sign(s) are located. Signs covering more than 50 percent of windows or doors require a permit.

6. Incidental signs, however in no case shall a drive-in service window menu board sign be oriented to the public right-of-way or exceeds 32 square feet in size.

7. Flags or permanent poles.

8. Campaign or Election signs provided:

    a. Individual signs shall not exceed 32 square feet in area.

    b. All signs shall be removed within 7 days after the election for which they were made.

    c. Candidates shall be held responsible for violations.

    d. No signs shall be permitted in the public right-of-way.

9. Real estate signs other than temporary planned development signs, provided:

    a. Signs advertising individual single family lots and duplexes under 3 acres in size or individual units within attached housing shall not exceed 12 square feet. Rider signs such as additional description signs, not exceeding a total of 2 square feet in sign face area shall be permitted in addition to the 12 square feet.

    b. Signs advertising all other uses shall not exceed one square foot for every 5 linear feet of frontage of the advertised property, up to a maximum of 64 square feet in sign face area.

    c. Only one sign per street front of the advertised property shall be erected.

    d. Properties having a continuous frontage in excess of 850 linear feet may be allowed an additional sign so long as such sign is no closer than 850 feet from another real estate sign on the property.

    e. Signs shall not be illuminated.

    f. Signs shall be removed within 10 days after the sale is closed or, rent or lease transaction is finalized.

10. Construction signs, other than temporary project development signs provided:

a. Signs located on single family lots or duplex lots shall not exceed 24 square feet in area. Rider signs not exceeding 2 square feet in area shall be permitted in addition to the 24 square feet.

b. Signs are confined to the site of construction.

c. Only one sign per street front of property under construction shall be erected.

d. Signs shall not be illuminated.

e. Signs shall be removed within 10 days after the completion of the project.

11. Temporary farm products signs provided:

a. Signs are located on the premises where the products are sold.

b. Signs shall not exceed 24 square feet in area.

c. Only one sign shall be erected.

d. Signs shall be removed within 10 days of the termination of sale activities.

12. Temporary special event signs or banners for religious, charitable, civic, fraternal, or similar organizations, provided:

a. No more than one sign per street front shall be permitted per event.

b. Banners shall be erected for a period not to exceed 4 weeks.

c. No more than 6 such signs per establishment shall be erected within a calendar year.

d. No banner shall extend above the second floor level of a building or 45 feet above grade, whichever is less.

Section 2307 - Sign Regulations - A- General, Rural and Single Family Residential Zoning Districts.

Signs shall be permitted as follows:

1. Signs identifying the name of the occupant of a residence, the occupant's profession or title, and the address of the dwelling, subject to the following:

a. Such sign shall not exceed two (2) square feet in area.

b. Such sign may be illuminated but the source of illumination shall not be visible, and no flashing or intermittent illumination shall be employed.

c. Such sign shall be placed flat against a wall of a building, but placement against a wall of a building shall be no higher than eight (8) feet above grade.

d. Such sign shall be located on the property to which it pertains and the number shall be limited to one (1) for each dwelling.

2. Signs identifying churches, schools, public utility buildings and facilities, publicly

owned or operated properties, libraries, museums, community buildings, hospitals, institutions of an educational, religious, charitable or philanthropic nature, homes for the aged, nursing homes, convalescent homes, private clubs, fraternal organizations and roadside stands, subject to the following:

a. Such sign shall not exceed twenty-four (24) square feet in area.

b. Such sign may be illuminated but the source of illumination shall not be visible, and no flashing or intermittent illumination shall be employed, except for emergency entrances to hospitals.

c. Such sign may be placed flat against a wall of a building or such sign may be free-standing, but placement against a wall of a building shall be no higher than twelve (12) feet above grade or above the roof line. The height of a free-standing sign shall not exceed twelve (12) feet above grade.

d. Such sign shall not be located in or project into any required yard, and placement of such sign when free-standing shall be parallel with the street.

e. Such sign shall contain no advertising copy.

f. Such sign shall be located on the property to which it pertains and the number be limited to one (1) for each such church, school, public utility building or facility, publicly owned or operated property, library, museum, community building or hospital, institution, home for the aged, nursing home, private club, fraternal organization or roadside stand.

3. Signs identifying public and private forest, wildlife reservations, golf courses, parks, playgrounds, tennis courts, public riding stables, and boarding stables, subject to the following:

a. Such sign shall not exceed twenty-four (24) square feet in area.

b. Such sign may be double-faced.

c. Such sign may be illuminated but the source of illumination shall not be visible, and no flashing or intermittent illumination shall be employed.

d. Such sign may be placed flat against a wall of a building or such sign may be free-standing, but placement against a wall of a building shall be no higher than twelve (12) feet above grade or above the roof line. The height of a free-standing sign shall not exceed twelve (12) feet above grade.

e. Such sign may be located in or project into required yards but such sign shall not be located in or project into any alley or street.

f. Such sign shall contain no advertising copy.

g. Such sign shall be located on the property to which it pertains and the number shall be limited to one (1) for each entrance to such public or private forest, wildlife reservation, golf course, park, playground, tennis court, public riding stable or boarding stable.

4. Permanent directional signs, subject to the following:

   a. Such sign shall not exceed two (2) square feet in area.

   b. Such sign may be double faced.

   c. Such sign may be illuminated but the source of illumination shall not be visible, and no flashing or intermittent illumination shall be employed.

   d. Such sign may be placed flat against a wall of a building or such sign may be free-standing, but placement against a wall of a building shall be no higher than eight (8) feet above grade. The height of a free-standing sign shall not exceed twelve (12) feet above grade.

   e. Such sign may be located in or project into required yards but such sign shall not be located in or project into any alley or street.

   f. Such sign may be used to designate entrances or exits to or from a parking area if necessary for that purpose, but the number shall be limited to one (1) for each entrance or exit.

   g. Such sign shall contain no advertising copy.

5. Temporary directional signs, subject to the following:

   a. Such sign shall not exceed twelve (12) square feet in area.

   b. Such sign may be illuminated but the source of illumination shall not be visible, and no flashing or intermittent illumination shall be employed.

   c. Such sign may be placed flat against a wall of a building or such sign may be free-standing, but placement against a wall of a building shall be no higher than eight (8) feet above grade. The height of a free-standing sign shall not exceed twelve (12) feet above ground.

   d. Such sign may be located in or project into required yards but such sign shall not be located in or project into any alley or street.

   e. Such sign shall contain no advertising copy.

   f. Such sign shall be removed from the property within ten (10) days after the purpose of the sign is fulfilled.

6. Temporary signs pertaining to the sale, lease, hire or rental of property, subject to the following:

   a. Such sign shall not exceed twelve (12) square feet in area.

   b. Such sign may be double-faced.

   c. Such sign shall not be illuminated.

   d. Such sign may be placed flat against a wall of a building or such sign may be free-standing, but placement against a wall of a building shall be no higher than twelve (12) feet above grade nor above the roof line. The height of a free-standing sign shall not exceed twelve (12) feet above

grade.

e. Such sign may be located in or project into required yards but such sign shall not be located in or project into any alley or street.

f. Such sign shall not be moving, animated or audible in any manner.

g. Such sign shall be located on the property to which it pertains and the number shall be limited to one (1) for each such property.

h. Such sign shall be removed from the property within ten (10) days after the purpose of the sign is fulfilled.

7. Temporary free-standing signs pertaining to the subdivision or development of land, subject to the following:

a. Such sign shall not exceed one hundred fifty (150) square feet in area; and where there is no more than one (1) of these signs the sign area shall not exceed one hundred fifty (150) aggregate square feet.

b. Such sign may be double faced.

c. Such sign shall not be illuminated.

d. Such sign shall not exceed twelve (12) feet in height.

e. Such sign shall not be located in or project into any required yard.

f. Such sign shall not be moving, animated or audible in any manner.

g. Such sign shall be located on the property to which it pertains and the number shall be limited to four (4) for each such property.

h. Such sign shall be removed from the property within ten (10) days after the purpose of the sign is fulfilled.

8. Temporary signs identifying the contractors and subcontractors, if any, engaged in the construction or repair of a building or buildings:

a. Such sign shall not exceed twenty-four (24) square feet in area.

b. Such sign may be double-faced.

c. Such sign shall not be illuminated.

d. Such signs may be placed flat against a wall of a building or such sign may be free-standing, but placement against a wall of a building shall be no higher than twelve (12) feet above grade.

e. Such sign may be located in or project into required yards but such sign shall not be located in or project into any alley or street.

f. Such sign shall contain no advertising copy.

g. Such sign shall be located on the property to which it pertains and the number shall be limited to one (1) for each property.

Section 2308 - Sign Regulations for Multiple-Family Residential Zoning Districts.

R-2 MULTIPLE-FAMILY RESIDENTIAL:

Signs as permitted in the "R-3" zoning district and signs identifying orphanages and convents subject to the following:

1. Such sign shall not exceed twenty-four (24) square feet in area.

2. Such sign may be illuminated but the source of illumination shall not be visible, and no flashing or intermittent illumination shall be employed.

3. Such sign may be placed flat against a wall of a building or such sign may be free-standing, but placement against a wall of a building shall be no higher than twelve (12) feet above grade or above the roof line. The height of a free-standing sign shall not exceed twelve (12) feet above grade.

4. Such sign shall not be located in or project into any required yard and placement of such sign when free-standing shall be parallel with the street.

5. Such sign shall contain no advertising copy.

6. Such sign shall be located on the property to which it pertains and the number shall be limited to one (1) for each such orphanage or convent.

R-3 MULTIPLE-FAMILY RESIDENTIAL:

Signs as permitted in "R-2" zoning district and the following:

1. Signs identifying hospitals, institutions of an educational, religious, charitable or philanthropic nature, private clubs, fraternal organizations and resort hotels, subject to the following:

    a. Such sign shall not exceed twenty-four (24) square feet in area.

    b. Such sign may be illuminated but the source of illumination shall not be visible, and no flashing or intermittent illumination shall be employed, except emergency entrance signs for hospitals.

    c. Such sign may be placed flat against a wall of a building or such sign may be free-standing, but placement against a wall of a building shall be no higher than twelve (12) feet above grade or above the roof line. The height of a free-standing sign shall not exceed (12) feet above grade.

    d. Such sign shall not be located in or project into any required yard, and the placement of such sign when free-standing shall be parallel with the street.

    e. Such sign shall contain no advertising copy.

    f. Such sign shall be located on the property to which it pertains and the number shall be limited to one (1) for each hospital, institution, private club, fraternal organization or resort hotel.

6. Signs identifying Manufactured Home parks, subject to the following:

a. Such sign shall not exceed twenty-four (24) square feet in area.

b. Such sign may be double-faced.

c. Such sign may be illuminated but the source of illumination shall not be visible and no flashing or intermittent illumination shall be employed.

d. Such sign may be placed flat against a wall of a building or such sign may be free-standing, but no placement against a wall of a building shall be no higher than twelve (12) feet above grade nor above the roof line. The height of a free-standing sign shall not exceed twelve (12) feet above grade.

e. Such sign may be located in or project into required yards but such sign shall not be located in or project into any street or alley.

f. Such sign shall contain no advertising copy.

g. Such sign shall be located on the property to which it pertains and the number shall be limited to one (1) for each Manufactured Home park.

Section 2309 - C-R Commercial-Residential Zoning District.

Signs as permitted in the "R-3" zoning district and the following:

1. Advertising signs, subject to the following:

a. Such sign shall not exceed an area of one (1) square foot for each linear foot of street adjoining the property to which it pertains, except that the area need not be less than sixty (60) square feet and in no case shall the area exceed one hundred fifty (150) square feet. Where there are more than one (1) of these signs located on the property, the aggregate sign area shall not exceed one (1) square foot for each linear foot of street adjoining the property or one hundred fifty (150) square feet, whichever is less; however, nothing contained herein shall require the aggregate sign area for any one (1) establishment on the property to be less than sixty (60) square feet.

b. Such signs may be double-faced.

c. Such sign may be illuminated but the source of illumination shall not be visible, and no flashing or intermittent illumination shall be employed.

d. Such sign may be attached to a wall of a building or such sign may be free-standing.

e. Such sign shall not exceed a height of twenty-four (24) feet above grade.

f. Such sign may be located in or project into required yards but such sign shall not be located in or project more than one (1) foot into any street or alley.

g. Such sign shall not be moving, animated or audible in any manner.

h. Such sign shall be located on the property to which it pertains.

2. Temporary signs pertaining to the sale, lease, hire or rental of property, subject to the following:

   a. Such sign shall not exceed sixty (60) square feet in area.

   b. Such sign may be double-faced.

   c. Such sign shall not be illuminated.

   d. Such sign may be placed flat against a wall of a building or such sign may be free-standing, but placement against a wall of a building shall not be higher than twelve (12) feet above grade nor above the roof line. The height of a free-standing sign shall not exceed twelve (12) feet above grade.

   e. Such sign shall contain no advertising copy.

   f. Such sign shall not be moving, animated or audible in any manner.

   g. Such sign shall be located on the property to which it pertains and the number shall be limited to one (1) for each such property.

   h. Such sign shall be removed from the property within ten (10) days after the purpose of the sign is fulfilled.

3. Temporary signs identifying the contractors and subcontractors, if any, engaged in the construction or repair of a building or buildings, subject to the following:

   a. Such sign shall not exceed sixty (60) square feet in area.

   b. Such sign may be double-faced.

   c. Such sign shall not be illuminated.

   d. Such sign may be placed flat against a wall of a building or such sign may be free-standing, but placement against a wall of a building shall be no higher than twelve (12) feet above grade nor above the roof line. The height of a free-standing sign shall not exceed twelve (12) feet above grade.

   e. Such sign may be located in or project into required yards but such sign shall not be located in or project into any street or alley.

   f. Such sign shall contain no advertising copy.

   g. Such sign shall be located on the property to which it pertains and the number shall be limited to one (1) for each such property.

Section 2310 - Sign Regulations for Light and Heavy Industrial Zoning Districts.

Signs as permitted in the C-R zoning district, and temporary signs pertaining to the sale, lease, hire or rental of property subject to the following:

1. Such sign shall not exceed two hundred (200) square feet in area.

2. Such sign may be double-faced.

3. Such sign shall not be illuminated.

4. Such sign may be placed flat against a wall of a building or such sign may be free-standing, but placement against wall of a building shall be no higher than twenty-four (24) feet above the roof line. The height of a free-standing sign shall not exceed twenty-four (24) feet above grade.

5. Such sign may be located in or project into required yards but such sign shall not be located in or project into any street or alley.

6. Such sign shall not be moving, animated, or audible in any manner.

7. Such sign shall be located on the property to which it pertains and the number shall be limited to one (1) for each such property.

8. Such sign shall be removed from the property within ten (10) days after the purpose of the sign is fulfilled.

Section 2311 - Outdoor Advertising Signs.

Outdoor Advertising Signs (billboards) are permitted only upon the issuance of a Billboard Permit by the Director of Development Services. A Billboard Permit is required regardless of whether the billboard will be located in an area regulated by the Arizona Department of Transportation (ADOT) pursuant to the Highway Beautification Act, A. R. S. □ 28-7901 et seq., or in any other unincorporated area of Navajo County. Permit applications shall be on a form approved by the Director.

A Billboard Permit shall be issued only if the billboard meets all of the following requirements. For requirements 2-6 inclusive, a deviation of not more than 10% may be allowed for good cause in the Director's sole discretion. Any other deviation shall require a Variance from the Board of Adjustment pursuant to Article 28 hereof.

The billboard shall:

7. Be located either:

   (A) in the C-R, IND-1 or IND-2 Zone along a highway which is part of the Interstate, Primary or Secondary System, as evidenced by a permit issued by ADOT pursuant to ARS □ 28-7901 et seq.; or

   (B) in the C-R, IND-1 or IND-2 Zone along a highway which has been established as a County Highway by the Board of Supervisors pursuant to ARS □ 28-6701 et seq.

8. Either:

   (A) Meet the ADOT spacing requirements if located along a highway that is part of the interstate system.

   (B) If not located along the interstate highway, be located at least 1000 feet from any other billboard on the same side of the road and at least 100 feet from any free standing on-premise sign (unless the sign is attached to the same supporting structure as the billboard); provided, however, that no billboard shall be located within one-half mile of the corporate limits of

any incorporated city or town. (This one-half mile limitation applies to billboards approved after January 9, 2001.)

9. Be a maximum of 26 feet in height above the road grade.

10. Be a maximum of 320 square feet per side (unless located along an Interstate Highway, in which case up to 640 square feet may be permitted).

11. Not be located within 1000 feet of a federal, state, county or city park.

12. Have a minimum of 10 vertical feet of clearance.

13. Have any light source located at the top of the billboard, shielded in compliance with Section 3.01(a) of the Navajo County Lighting Ordinance and any applicable ADOT restrictions.

14. Be maintained to applicable standards for structural integrity and safety and present a professional appearance.

If a billboard fails to comply with any of the foregoing requirements, the Billboard Permit may be revoked by the Board of Supervisors pursuant to a recommendation by the Director. At least 30 days before making such a recommendation to the Board, the Director shall deliver or mail a notice of noncompliance to the owner of the property on which the billboard is located. Such notice shall be delivered or mailed to the property owner at the current address for property tax notices as shown in the records of the County Assessor. If the billboard is separately taxed, a duplicate notice shall be delivered or mailed to the current address for tax notices as shown in the office of the County Assessor. The noncompliance may be cured any time prior to the effective date of revocation. If the noncompliance is not timely cured, the billboard shall be removed within 30 days after the effective date of revocation. If the billboard is not timely removed, the Director may take appropriate enforcement action pursuant to Article 24 and/or Article 27 hereof or may pursue any other available legal remedy.

This Section shall not apply to billboards existing as of July 10, 2000, or to reasonable alterations or repairs thereof; provided, however, that such billboards shall be subject to all provisions of Article 26 hereof (non-conforming uses).

Section 2312 - Additions to Sign Regulations.

1. The sign area shall be the entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed. The supports or uprights on which the sign is supported shall not be included in determining the area of the sign.

2. When the two faces of a double-faced sign have identical dimensions and the maximum distance between these two faces does not exceed two (2) feet, the area of a double-faced sign shall include only one of the faces.

3. Signs projecting or extending over streets shall be erected not less than eight (8) feet above any part of the sidewalk of such street. The projection or extension of

signs over the vehicular lanes of streets shall not be permitted. Signs projecting or extending over alleys shall be not less than fifteen (15) feet above grade directly beneath such sign.

4. Special development zoning sign regulations are included in Section 1705.1.b.

5. Sign regulations for special uses are included in Section 2006.6.d.

ARTICLE 24 - NUISANCE ABATEMENT

(As Amended September 20, 1999 via BOS Resolution No. 96-99)

Section 2401 - Purpose & Authorization.

Pursuant to **A.R.S. 11-268**, requiring an owner, lessee, occupant, lien holder or other person having an interest in real property in Navajo County to remove rubbish, trash, weeds, filth, debris or dilapidated buildings constituting a public nuisance; prescribing the procedure for notice and appeal; providing for the removal, abatement or injunction thereof by the County and the assessment of the costs thereof as a lien against the property in the event of non-compliance; and prescribing a penalty for the placement of such materials on the property of another.

Section 2402 - Definitions.

As used herein, capitalized terms shall have the following meanings:

1. **"Board"** means the Navajo County Board of Supervisors.

2. **"Building"** means any structure on Real Property, movable or immovable, permanent or temporary, vacant or occupied, used (or of a type customarily used) for human lodging or business purposes, or where livestock, produce, or personal or business property is located, stored or used.

3. **"Contiguous Sidewalks, Streets and Alleys"** means any sidewalk, street or alley, public or private, adjacent to the edge or boundary, or touching on the edge or boundary, of any Real Property.

4. **"County"** means the unincorporated areas of Navajo County.

5. **"Dilapidated Building"** means any Building in such disrepair, or damaged to such an extent, that its strength or stability is substantially less than a new Building, or that is likely to burn or collapse, and the condition of which endangers the life, health, safety or property of the public.

6. **"Grounds"** means any private or public land, vacant or improved.

7. **"Lessee"** means a person who has the right to possess Real Property pursuant to a lease, rental agreement or similar instrument.

8. **"Lien holder"** means a person having a lien against Real Property as shown in the public records maintained in the office of the Navajo County Recorder.

9. **"Lots"** means any plot or quantity of land, vacant or improved, private or public, as surveyed, platted or apportioned for sale or any other purpose.

10. **"Occupant"** means a person who has the actual use, possession or control of Real Property. This term does not include any corporation or association operating or maintaining rights-of- way for and on behalf of the United States government, either under contract or federal law.

15. **"Owner"** means a person who is a record owner of Real Property as shown by the public records in the office of the Navajo County Recorder, and includes a person holding equitable title under a recorded installment sales contract, contract for deed or similar instrument.

16. **"Person"** means an individual, partnership, corporation, association, trust, state, municipality, political subdivision, or any other entity that is legally capable of owning, leasing or otherwise possessing Real Property.

13. **"Public Nuisance"** means a Dilapidated Building or an accumulation of rubbish, trash, weeds, filth or debris that constitutes a hazard to the public health and safety as determined by the Navajo County Planning & Building Department, Health Department, or other department with jurisdiction over the condition.

17. **"Real Property"** means Buildings, Grounds, or Lots, as well as Contiguous Sidewalks, Streets and Alleys, located in the County.

Section 2403 - Removal of Public Nuisance by Owner, Lessee or Occupant, Lien Holder or Other Person having an interest in Real Property; Removal by County; Assessment of Costs; Recordation and Priority of Lien.

1. **Duty to Remove:** The Owner, Lessee, Occupant, Lien holder, or other person having an interest in Real Property shall remove or otherwise abate a Public Nuisance located thereon within thirty (30) calendar days after service of a Notice to Abate or Enjoin as provided herein.

2. **Notice to Abate or Enjoin:** The Notice to Abate or Enjoin shall be served by the County Attorney on behalf of the Board not less than thirty (30) calendar days before the date for compliance and shall include the estimated cost of removal if the Owner, Lessee or Occupant does not comply. The estimated cost of removal may be provided by a qualified contractor or may be a good faith estimate by the department initiating the Notice to Abate.

3. **Service of Notice to Abate or Enjoin:** The Notice to Abate or Enjoin shall either be personally served or mailed by certified mail to the Owner, Lessee or Occupant at his or her last known address, or the address to which the tax bill for the property was last mailed. If the Owner does not reside on the property, a duplicate notice shall also be sent to the Owner at his or her last known address. The Notice to Abate or Enjoin shall also be served or mailed by certified mail to any Lien holder having a Lien against the Real Property**.** Failure or refusal to claim a notice within the time allowed by the postal authorities shall be deemed to constitute receipt by the addressee.

4. **Appeal of Notice to Abate or Enjoin:** Any Person receiving a Notice to Abate or Enjoin or otherwise having an interest in the Real Property may appeal to the Board as follows:

    a. **Notice of Appeal:** A written Notice of Appeal shall be filed with the Clerk of the Board within fifteen (15) days after the Notice to Abate or Enjoin

was personally served or actually received by mail (as evidenced by the certified mail receipt or postal notice of refusal).

b. **Contents of Notice of Appeal:** The Notice of Appeal shall state in reasonable detail why the appellant should not be required to comply with the Notice to Abate or Enjoin.

c. **Hearing on Appeal:** Upon receipt of the Notice of Appeal, the Board shall place the matter on the agenda for its next regular meeting. The department which initiated the Notice to Abate or Enjoin shall appear and present evidence as to the existence of the Public Nuisance. The appellant may present evidence controverting the existence of the Public Nuisance. The hearing shall be informal and without regard to the rules of procedure or evidence governing court proceedings. The Board shall hear and decide the appeal, and its decision shall be final. The appeal shall be sustained unless the Board upholds the Notice to Abate or Enjoin by unanimous vote.

d. **Extension of Time for Compliance:** If the Board's decision is adverse to the appellant, the date for compliance set forth in the Notice to Abate or Enjoin shall be extended by the number of days elapsing between the filing of the Notice of Appeal and the rendering of the Board's decision.

5. **Removal by Board:** If the Owner, Lessee, Occupant, Lien holder or other person having an interest in the Real Property fails to remove or otherwise abate the Public Nuisance within thirty (30) calendar days (or such extension thereof as may follow an appeal or be granted in writing by the County Attorney or the Board), the Board may, at the expense of the Owner, Lessee, Occupant, Lien holder or other person having an interest in the Real Property by unanimous vote, remove or abate the Public Nuisance or cause it to be removed, abated or enjoined; provided, however, that if such removal, abatement, or injunction is not undertaken within one hundred and eighty (180) days after the right to do so first accrues, a new Notice to Abate or Enjoin shall be served as provided in Paragraph 3.

a. **Cost of Removal:** The cost of removal, abatement, or injunction shall not exceed the estimate set forth in the Notice to Abate or Enjoin, together with associated legal expenses incurred by Navajo County. Before undertaking the actual removal or abatement, or injunction, the department which initiated the Notice to Abate or Enjoin shall attempt to obtain at least three written estimates from qualified contractors (if available locally) and shall accept the lowest such estimate. Alternatively, the removal, abatement or injunction may be performed by Navajo County personnel, and the cost shall be deemed to be the same as the lowest estimate obtained from a qualified contractor.

b. **Dilapidated Buildings:** Before the removal of a Dilapidated Building, the Board shall consult with the state historic preservation officer to determine if the Building may be of historical value. Upon the removal of a Dilapidated Building, the County Assessor shall adjust the valuation of the

Real Property on the property assessment tax roll from the date of removal.

c. **Assessment:** Upon the removal, abatement, or injunction of the Public Nuisance, the actual cost of removal or abatement, together with the actual costs of any additional inspections and other incidental costs, as well as associated legal expenses, shall be an Assessment against the Real Property on which the Public Nuisance was located. The form of the Assessment (setting forth the facts supporting it, as well as the date and amount and a legal description of the Real Property) shall be approved by the Board and signed by the Chairman.

d. **Notice of Assessment:** A Notice of Assessment shall be served in the same manner as the Notice to Abate or Enjoin. The Notice of Assessment may be appealed in the same manner as the Notice to Abate or Enjoin, but the issue on appeal shall be limited to the amount of the Assessment. An appeal shall extend the time for payment as set forth in Paragraph 4.d.

e. **Recordation of Assessment:** If the Owner, Lessee, Occupant, Lien holder or other person having an interest in the Real Property fails to pay the Assessment within thirty (30) calendar days after receipt of the Notice to Abate or Enjoin (or any extension as may follow an appeal or be granted in writing by the County Attorney or the Board), the Assessment shall be delinquent and may be recorded in the office of the Navajo County Recorder. The Assessment shall be a lien against the Real Property from and after the date of recordation and shall accrue interest at the statutory judgment rate until paid. The Lien of the Assessment shall be prior and superior to all other liens, obligations or encumbrances against the Real Property, except liens for general taxes and prior recorded mortgages.

f. **Foreclosure:** The Board may, but shall not be obligated to, by unanimous vote, bring an action to enforce the Assessment lien in the Navajo County Superior Court at any time after the Assessment becomes delinquent in accordance with paragraph "g" below. A sale of the Real Property to satisfy the assessment shall be made on judgment of foreclosure and order of sale. The recorded Assessment is prima facie evidence of the truth of all matters recited therein and of the regularity of all proceedings before the recordation thereof.

g. **Assessment:** The assessment shall run against the Real Property until it is paid and shall be due and payable in equal annual Installments as follows. If any installment is not paid when due and payable, the assessment shall be deemed delinquent and subject to foreclosure.

(1) An assessment of less than $500 shall be paid within one year after the assessment is recorded.

(2) An assessment of $500.00 to $999.99 shall be paid within two years after the assessment is recorded.

(3) An assessment of $1,000 to $4,999.99 shall be paid within three years after the assessment is recorded.

(4) An assessment of $5,000 to $9,999.99 shall be paid within six years after the assessment is recorded.

(5) An assessment of $10,000 or more shall be paid within ten years after the assessment is recorded.

h. **No Bar to Subsequent Assessments:** A prior Assessment under this Ordinance is no bar to a subsequent Assessment, and any number of liens on the same Real may be enforced in the same action.

Section 2404 - Placing Rubbish, Trash, Filth or Debris on Property of Another; Penalty; Assessment.

1. **Placing Rubbish, Trash, Filth or Debris on Property of Another is Prohibited:** Any Person who places rubbish, trash, filth or debris on any Real Property not owned by or under the control of said Person is guilty of a Class 1 Misdemeanor.

2. **Liability for Costs:** In addition to any fine which may be imposed pursuant to Paragraph 1, the Person shall be liable for all costs which may be assessed for the removal of the rubbish, trash, filth or debris pursuant to Section 2403.

Section 2405 - Non-Exclusive Remedy.

The remedies provided for in this Ordinance shall be in addition to any and all other remedies, civil or criminal, available to Navajo County pursuant to statute or common law, specifically including those set forth in A.R.S. 13-2908, 36-602 and 49-143 and the *Uniform Code for the Abatement of Dangerous Buildings*.

ARTICLE 25 - GENERAL PROVISIONS

(As Amended 12/12/1999 via BOS Resolution No. 106-99, 1/10/2000 via BOS Resolution No. 04-00, 5/1/2000, via BOS Resolution No. 36-00, 5/22/2000 via BOS Resolution No. 42-00, 12/11/2000, via BOS Resolution 105-00, 8/6/2001, via BOS Resolution 53-01, 12/10/2001 via BOS Resolution 101-01, 4/29/02 via BOS Resolution No. 30-02, 3/11/02 via BOS Resolution No. 16-02, 12/2/02 via BOS Resolution No. 84-02)

Section 2501- Applying General Provisions.

The regulations set forth in this Article qualify or supplement, as the case may be, the zoning district regulations appearing in this Ordinance.

Section 2502 - Exempt Uses.

This Ordinance shall not prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing, or general agricultural purposes, if the lot concerned is five or more contiguous acres in the following zones: C-R, Ind-1, and Ind-2. This paragraph shall not affect any of the foregoing uses or zones in which they are expressly permitted (allowed). For example, this paragraph has no effect on agricultural uses allowed in the A-General Zone.

Section 2503 - Accessory Buildings and Uses.

1. Accessory buildings shall not be constructed upon a lot until the construction of the principal building has been actually commenced, and accessory buildings shall not be used for dwelling purposes for other than servants and caretakers employed on the premises.

2. Accessory buildings may be built in the required rear yard but such accessory buildings shall not occupy more than thirty percent (30%)of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line or setback line, except that in the case of corner lots, accessory buildings shall not be nearer to the street than a distance equal to not less than one half (1/2) of the depth of the required front yard of the corner lot and when a garage is entered from an alley, it shall not be located nearer than ten (10) feet to the alley line.

3. Accessory buildings on through lots shall not be nearer to either street than a distance equal to the required front yard of such lot.

Section 2504 - Number of Principal Buildings on a Lot.

Where a lot is located in a Multiple-Family Residential, Commercial or Industrial zoning district, more than one (1) principal building may be located on the lot but only when the locations of such buildings conform to all the open space requirements around the lot for the zoning district in which the lot is located. Yard regulations in such case may be applied around the principal buildings as though there were only one principal building on the lot.

Section 2505 - Adjustment Permitting an Additional Dwelling Unit.

In zoning districts permitting multiple-family dwellings, if an amount of lot area not allocated to a dwelling unit is more than eighty percent (80%) of that required for one dwelling unit, such remaining lot area may be used to satisfy the lot area requirement for an additional dwelling unit.

Section 2506 - Additional Lot Area and Dimension Regulations.

1. Any lot of record existing at the time this Ordinance or amendments thereto become effective, which does not conform with the lot area of width requirements for the zoning district in which it is located may be used for any use permitted in that zoning district provided other applicable regulations of the Ordinance are complied with.

2. Any lot, after this Ordinance or amendments thereto become effective, shall not be reduced in any manner below the lot area and dimension requirements of this Ordinance for the zoning district in which it is located, or if a lot is already less than the minimum so required, such lot area or dimension shall not be further reduced.

3. Any lot, after this Ordinance or amendments thereto become effective, shall not be reduced or diminished so as to cause the yards, lot coverage or other open spaces to be less than that required by this Ordinance, or to decrease the lot area per dwelling unit except in conformance with this Ordinance. No building permits shall be issued on any lot in violation of this section.

Section 2507 - Additional Yard and Open Space Regulations.

1. Required yard or other open space around any existing buildings, or which is herewith provided around any building for the purpose of complying with this Ordinance shall not be construed as providing a yard or open space for any other building.

2. Every part of a required yard shall be open to the sky, unobstructed, except as enumerated in the following:

a. Accessory buildings may locate in the required rear yard subject to applicable regulations elsewhere in this Ordinance.

b. Ordinary projections of window sills, cornices, eaves and other ornamental features may project a distance not exceeding two (2) feet into any required yard, except that in the case of accessory buildings in the required rear yard this projection shall not exceed one (1) foot beyond the walls of such accessory buildings.

c. Chimneys may project a distance not exceeding two (2) feet into any required yard.

d. Fire escapes may project a distance not exceeding five (5) feet into any required yard. Such projection shall be a distance at least two (2) feet from any lot line or setback line.

e. Bay windows and balconies may project a distance not exceeding three (3) feet into the required front or rear yard, provided that such features shall not occupy, in the aggregate, more than one-third (1/3) of the length of the wall of the building on which they are located.

f. Uncovered stairs and necessary landings may project a distance not exceeding six (6) feet into the required front or rear yard, provided that such stairs and landings shall not extend above the entrance floor of the

building except for a railing not to exceed three (3) feet in height.

g. Terraces, patios, platforms, and ornamental features which do not extend more than three (3) feet above grade may project into any required yard, provided such features shall be distant at least two (2) feet from any lot line or setback line.

3. Where an open space is more than fifty percent (50%) surrounded by a building which is two (2) stories or more in height, the minimum width of open space shall be at least thirty (30) feet from two-story buildings, and forty (40) feet from three-story buildings.

4. Side yards for dwelling units erected above other uses conducted in the same building are not required in excess of the side yards that would be required for such buildings were it not to contain the dwelling units.

5. Where forty percent (40%) or more of the frontage on one (1) side of a street between two (2) intersecting streets is developed with buildings that have observed, with a variation of five (5) feet or less, a front yard greater in depth than that required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

6. Where forty percent (40%) or more of the frontage on one (1) side of a street between two (2) intersecting streets that have not observed a required front yard, or where buildings on such street have observed, with a variation of more than five (5) feet, a front yard greater in depth than that required, then where a building is to be erected within one hundred (100) feet of existing buildings on both sides, the required front yard shall be a line drawn between the two closest front corners of the adjacent building on the two (2) sides; or where a building is to be erected within one hundred (100) feet of an existing building one (1) side only, such building may be erected as close to the street as the existing adjacent building.

Section 2508 - Additional Height Regulations.

1. Public or public service buildings, hospitals, institutions or schools may be erected to a height not exceeding sixty (60) feet, and churches may be erected to a height not exceeding seventy-five (75) feet, if the building is set back from each lot line at least one (1) foot for each foot of additional building height above the height limit otherwise permitted in the zoning district in which the building is located.

2. Chimney's, church steeples, refrigeration coolers, or ventilating fans, elevator bulkheads, fire towers, ornamental towers or spires, wireless towers, and mechanical appurtenances necessary to operate and maintain the buildings, may be erected to a height not exceeding one hundred (100) feet, if such structure is set back from each lot line at least one (1) foot for each foot of additional height above the height limit otherwise permitted in the zoning district in which the structure is located.

3. Buildings or structures or any portions thereof exceeding a height of twenty (20) feet shall not be erected or structurally altered within five hundred (500) feet of the projected centerline of an existing or proposed runway or landing strip for a

distance of one thousand (1,000) feet from the end of the existing or proposed runway or landing strip buildings or structures or any portion thereof shall not be erected to exceed a height that would interfere with the takeoff or landing of a plane with a glide angle of one (1) foot vertical for every forty (40) feet horizontal, such glide angle to be computed as beginning at a point on the extended center line of the runway two hundred (200) feet beyond and at the same elevation as the end of the runway pavement; or if runway pavement is not provided, one hundred (100) feet beyond and at the same elevation as the end of the landing strip.

4. The following limitations shall apply to the height of fences, walls, gateways, ornamental structures, hedges, shrubbery and other fixtures, construction and planting on corner lots in all zoning districts where front yards are required:

   a. Such barriers to clear unobstructed vision at corners of intersecting streets shall be limited to a height not over two (2) feet above the established elevation of the nearest street line, for a distance of twenty-five (25) feet along both the front and side lot lines measured from the point of intersection, of the said intersecting lot lines.

   b. Within the isosceles triangle formed by measuring along both the front and side lot lines a distance of twenty-five (25) feet from their point of intersection and by connecting the ends of the respective twenty-five (25) feet of distances, such barriers shall be limited to a height of not over two (2) feet above the elevation of the street line level at said intersecting streets.

   c. Within the said triangle, and in cases where front yards are terraced, the ground elevation of such front yards shall not exceed two (2) feet above the established street line elevation at said intersecting streets.

Section 2509 - Administrative Waiver

The director of development services may, in the director's sole discretion, grant an administrative waiver of up to 15% from any dimensional requirement(s) set forth in this zoning ordinance (including lot area, lot width, lot coverage, setback, building height and any other requirement stated in feet or square feet) in circumstances where strict compliance would not be desirable or feasible. For example, if the minimum lot size is 10,000 square feet, the director may grant an administrative waiver of up to 1,000 square feet (so as to allow a 9,000 square foot lot). Requests for administrative waivers shall be made to the director in writing and shall state why strict compliance is not desirable or feasible. If a waiver is granted, it shall be in writing and shall be recorded in the office of the county recorder. If a waiver is denied, the property owner may apply to the board of adjustment for a variance, which shall be granted or denied in accordance with the standards applicable to variances.

Section 2510 - Parking Regulations.

1. Parking for Dwellings: For all single, two or multiple-family dwellings hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) parking space for each dwelling unit in the building.

2. Parking for Places of Public Assembly: For every building or part thereof hereafter erected, or for any building converted to such uses or occupancy to be used principally as a place of public assembly or for any addition thereto, there shall be provided parking space as indicated below:

   a. Churches: One (1) parking space for every five (5) persons for which seating is provided.

   b. Theaters, Auditoriums, Arenas, Indoor and Outdoor Stadiums: One (1) parking space for every five (5) persons for which seating is provided.

   c. Bowling Alleys and Similar Recreational Uses: One (1) space for each three hundred (300) square feet of floor area, or fraction thereof, in the building.

   d. Funeral Homes, Private Clubs and Fraternal Organizations, Libraries, Museums, And Community Buildings: One (1) parking space for each five hundred (500) square feet of floor area, or fraction thereof, in the building.

   e. Other Places of Public Assembly: One (1) parking space for each three hundred (300) square feet of floor area, or fraction thereof, in the building.

3. Parking for Boarding Houses, Lodging Houses, Fraternities and Sororities: For all boarding houses, lodging houses, fraternities and sororities hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) parking space for each occupant for which the building is designed to accommodate.

4. Parking for Hotels, Motels, Guest Ranches and Resort Hotels: For all hotels, motels, guest ranches and resort hotels hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) parking space for each guest room or suite of rooms in the buildings.

5. Parking for Hospitals, Institutions of a Religious, Charitable or Philanthropic Nature, Orphanages, Rest Homes, Nursing Homes and Convents: For all hospitals and institutions of a religious, charitable or philanthropic nature, orphanages, rest homes, nursing homes and convents hereafter erected, or for any building converted to such use or occupancy there shall be provided one space, for every five (5) beds in the building, and one (1) parking space for each staff physician.

6. Parking for Schools and other Similar Educational Institutions: For all schools and other similar educational institutions hereafter erected, or for any building converted to such use of occupancy, there shall be provided one (1) parking space for every three (3) employees including administrators, teachers and building maintenance personnel, and one (1) parking space for every five (5) high school, college or university students predicated upon the designed capacity of the physical plant.

7. Parking for Manufactured Home Subdivisions: For all Manufactured Home subdivisions there shall be provided one (1) parking space for each lot in such subdivision.

8. Parking for Manufactured Home Parks: For all Manufactured Home parks there shall be provided one (1) parking space for each Manufactured Home space or Recreational Vehicle space in such parks, and one (1) additional parking space for every four (4) Manufactured Home spaces in such park.

9. Parking for Recreational Vehicle Parks: For all Recreational Vehicle Parks there shall be provided one (1) parking space for each Recreational Vehicle space in such park.

10. Parking for Office Buildings: For all office buildings hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) parking space for each two hundred fifty (250) square feet of floor area, or fraction thereof, in the ground level floor of the building and one (1) parking space for each three hundred (300) square feet of floor area, or fraction thereof, in other than the ground level floor of the building.

11. Parking for Restaurants, Night Clubs, Bars and Dance Halls: For all restaurants, night clubs, bars and dance halls hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) parking space for each fifty (50) square feet of floor area, or fraction thereof, in the building exclusive to the area designed for kitchens, restroom, storage, service or other non-public purposes.

12. Parking for Other Commercial Buildings: For all other commercial buildings hereafter erected, or for any building converted to such use of occupancy, there shall be provided one (1) parking space for each two hundred (200) square feet of floor area, or fraction thereof, in the ground level floor for the building and one (1) parking space for each two hundred fifty (250) square feet of floor area, or fraction thereof, in other than ground level floor of the building.

13. Parking for Wholesale, Manufacturing and Industrial Buildings: For all wholesale, manufacturing and industrial buildings hereafter erected, or for any buildings converted to such use or occupancy, there shall be provided one (1) parking space for each three (3) employees on the largest working shift, or one (1) parking space for each one thousand (1,000) square feet of floor area, or fraction thereof, in the building, whichever is greater.

14. Fractional Measurements Involving Parking Spaces: Unless other wise provided for in the specific parking regulations, one (1) additional parking space shall be required if the number of required parking spaces results in a fractional number of more than one-half (1/2).

15. Location of Required Parking Spaces: The required parking spaces shall be located as follows:

    a. On the same lot as the use they are intended to serve.

    b. Within four hundred (400) feet of the premises they are intended to serve, if approved as a variance by the Board of Adjustment having jurisdiction.

16. Collective Action Relative to Parking: This Ordinance shall not be construed to prevent the joint use of parking spaces for two (2) or more buildings or uses if the total of such spaces when used together is not less than the sum of spaces

required for the various individual buildings or uses computed separately.

17. Mixed Uses: In the case of mixed uses, the required parking shall be the sum of the required parking spaces for the various uses computed separately, and such spaces for one (1) use shall not be considered as providing required parking for any other use.

Section 2511 - Loading and Unloading Regulations.

1. Loading and Unloading for Commercial Buildings: For all commercial buildings hereafter erected, or for any building converted to such use or occupancy there shall be provided one (1) loading and unloading space for each twenty-five thousand (25,000) square feet of floor area, or fraction thereof, devoted to such use in the building.

2. Loading and Unloading for Wholesale, Manufacturing and Industrial Buildings: For all wholesale, manufacturing and industrial buildings hereafter erected, or for any building converted to such use or occupancy there shall be provided one (1) loading and unloading space for each ten thousand (10,000) square feet of floor area, or fraction thereof, devoted to such use in the building.

3. Location of Required Loading and Unloading Spaces: The required loading and unloading spaces shall in all cases be on the same lot as the use they are intended to serve. In no case shall required loading and unloading spaces be part of the area used to satisfy the parking requirements.

4. Collective Action Relative to Loading and Unloading: This Ordinance shall not be construed to prevent the joint use of loading and unloading spaces for two (2) buildings or uses if the total of such spaces when used together is not less than the sum of spaces required for the various individual buildings or uses computed separately.

5. Mixed Uses: In the case of mixed uses, the required loading and unloading spaces for the various uses computed separately, and such spaces for one use shall not be considered as providing required loading and unloading for any other use.

Section 2512 - Time Share Projects.

Time Share Use, Time Share Estate and conversion of existing structures, buildings or dwelling units to a Time Share Project, shall be subject to the minimum requirements of zoning district established; in addition to regulations as follows:

1. A site plan shall be submitted for any time share project, and shall be processed pursuant to the provisions in Article 17, except the minimum requirements of the established zoning district shall control where in conflict with said Article 17.

2. A public hearing in accordance with Article 29 shall be conducted by the Planning Commission and Board of Supervisors before a time share project can the granted. In order to grant site plan approval, the findings of the commission must be that establishment of project applied for will not, under circumstances of the particular situation, be incompatible with the existing neighborhood and would not introduce or place into a neighborhood a character of property or use which would clearly be detrimental to property values in that neighborhood.

3. A letter explaining the services to be made available to time-share interest owners, provisions for maintenance, method of assessments and tax collection of time intervals or fractional interest, formation and irrevocable share of the homeowners association, health and sanitation procedures, rules of conduct, provisions for assessment of damages, ownership of facilities, procedures for termination of the project, and provisions for access to financial records and other information as necessary to insure protection to surrounding properties, shall be submitted.

4. Further should the Arizona Real Estate Division, as per 32-2197.06 A.R.S., for any reason not issue the real estate report, except as exempt, then the time share approvals shall be void until said real estate report is written, or otherwise provided by laws applicable. The property is not limited from other uses consistent with the provisions of the zoning district or approved site plan, but not for time share purposes.

Section 2513 - Temporary Buildings and Uses/Special Events.

1. Definitions.

   a. Temporary Use Permit means a permit issued pursuant to Section 2513(2) or 2513(3). The fee for a temporary use permit shall be in accordance with a schedule of fees adopted by the Board of Supervisors.

   b. Special Event Permit means a permit issued pursuant to Section 2206 or 2513(4).

   c. Director means the Director of the Navajo County Development Services Department or his or her designee pursuant to Section 3002(20).

   d. Referral by the Director means the Director has decided that a particular matter should be considered and decided by the Board of Supervisors instead of the Director. The Director's decision to refer a matter to the Board of Supervisors shall be final.

   e. Adjoining Property means all parcels of land that are identified by separate parcel numbers in the Office of the Navajo County Assessor and that either physically touches the subject parcel or would touch it if not separated by a dedicated right-of-way.

2. Temporary Use Permit for construction-related temporary buildings and uses.

   a. Temporary buildings, Manufactured Homes and Recreational Vehicles used in conjunction with construction work may be permitted only during the period of construction, subject to obtaining a Temporary Use Permit from the Director (or the Board of Supervisors upon referral by the Director) and the following conditions:

      (1) The duration of the Temporary Use Permit shall not exceed one year from the date of approval, but the permit may be renewed for up to two additional one-year periods if the property owner submits to the Director (or the Board of Supervisors upon referral by the Director) satisfactory evidence of the need for renewal.

(2) Unless the Temporary Use Permit is renewed, the temporary building, Manufactured Home or Recreational Vehicle shall be removed from the site upon the expiration of the permit, within ten days after the completion of construction, or upon the granting of a Certificate of Occupancy, whichever occurs first.

(3) Temporary placement of a Recreational Vehicle shall be subject to the provisions of Article 22, except that no Temporary RV Permit shall be required if a Temporary Use Permit has been issued.

b. Temporary construction uses (such as the cutting and storage of lumber or the storage of materials and equipment used in conjunction with construction work) may be permitted only during the period of construction, subject to obtaining a Temporary Use Permit from the Director (or the Board of Supervisors upon referral by the Director) and the following conditions:

(1) The duration of the Temporary Use Permit shall not exceed one year from the date of approval; but the permit may be renewed for up to two additional one-year periods if the property owner submits to the Director (or the Board of Supervisors upon referral by the Director) satisfactory evidence of the need for renewal (such as continuing construction-related activities on the subject property; a valid Building Permit, Grading Permit or other authorization for construction; and/or a valid construction-related contract).

(2) Unless the Temporary Use Permit is renewed, the temporary use shall cease upon the expiration of the permit, within ten days after the completion of construction, or upon the granting of a Certificate of Occupancy, whichever occurs first.

3. Temporary Use Permit for real estate offices for the sale of subdivision lots.

a. Temporary real estate offices for the sale of lots in a subdivision for which the final plat has been approved by the Board of Supervisors may be permitted, subject to obtaining a Temporary Use Permit from the Director (or the Board of Supervisors upon referral by the Director) and the following conditions:

(1) The office shall be located on the property being subdivided and shall be used solely for the sale of these lots.

(2) The office shall comply with the height, setback, intensity of use, utility (including sewer) and parking regulations for the zoning district in which it is located.

(3) The duration of the Temporary Use Permit shall not exceed two years from the date of approval, but the permit may be renewed for one or more additional periods of not more than one year each if the property owner submits to the Director (or the Board of Supervisors upon referral by the Director) satisfactory evidence of

the need for renewal (such as evidence that lots remain unsold).

(4) Unless the Temporary Use Permit is renewed, the office shall be removed upon the expiration of the permit or the sale of all lots in the subdivision, whichever occurs first.

4. Special Event Permit for short-term events. This section applies to the short-term uses listed herein. If this section prescribes regulations more restrictive than the zone in which the use will be located, the provisions of this section shall apply.

a. Uses for which a Special Event Permit may be issued. All time requirements are one time each calendar year for a specified number of consecutive days unless specifically stated otherwise. Only one Special Event Permit may be issued for a parcel at any one time in a given year, except as noted below. Permits shall not have overlapping time frames.

(1) Outdoor special events, including:

- Transient amusement activities (carnivals, circuses and similar events).
- Temporary faith-based assemblies (including tent revivals), and seasonal festivals.
- Outdoor sales events (sidewalk and parking lot sales, auctions and similar events).
- Outdoor art and craft shows and exhibits. Such events shall be limited to a maximum of two times per year, not to exceed five days per event.

(2) Christmas tree sales lots, not to exceed 60 days of site occupation and operation per year.

(3) Political campaign offices, not to exceed 60 continuous days of site occupation and operation.

(4) Religious, patriotic, historic or similar displays or exhibits within yards, parking areas or landscaped areas, not to exceed 30 days of display in any one-year period for each exhibit. No permit shall be required for a display or exhibit created by a homeowner or a religious, charitable or educational organization on the homeowner's or organization's own property for the purpose of commemorating a traditional holiday or historical event.

(5) Stands for the sale of jewelry, furs, rugs and household items, not to exceed 30 days per year.

(6) Stands for the sale of produce, not to exceed 30 days per year. The provisions of this subsection do not apply to the sale of produce grown on the premises.

(7) Temporary retail food sales, not to exceed 30 days per year. This shall include stands for food sales at one-day special events. No permit shall be required for the sale of "home-baked" items

prepared by a homeowner or the members of a religious, charitable or educational organization for sale on the homeowner's or organization's own property.

(8) Other short-term uses determined to by the Director (or by the Board of Supervisors upon referral by the Director) to be similar to the foregoing.

b. Special Event Permit. All short-term uses listed in Section 4(a) shall require a Special Event Permit from the Director (or the Board of Supervisors upon referral by the Director). The application for a Special Event Permit shall be on a form approved by the Director and shall include a detailed description of the proposed use, a site plan describing the location of the proposed use on the subject property, a statement of the date(s) on which the use will take place, the proposed daily hours of operation for the use, and a written authorization from the owner of the property on which the use will be located. The fee for a Special Event Permit shall be in accordance with a schedule of fees adopted by the Board of Supervisors. The Director (or the Board of Supervisors, as the case may be) may require a cash bond not to exceed $5,000 to defray the cost of cleaning up the site if the permittee leaves it in an unsatisfactory condition (see section 4(d) below). Any such bond shall immediately be refunded to the permittee upon the cessation of the use if the site is in satisfactory condition.

c. Special Event Permit from Board of Supervisors for longer periods. Any temporary use of the type listed in section 4(a) shall require a Special Event Permit from the Board of Supervisors if the period of use will exceed the allowable maximum set forth in Section 4(a). The duration of a Special Event Permit for any such use shall not exceed 90 consecutive days one time each calendar year.

d. Performance standards. Approval of a Special Event Permit shall be conditioned upon the permittee's compliance with the following performance standards and any additional conditions deemed necessary by the Director (or the Board of Supervisors upon referral by the Director) in order to reduce possible detrimental effects to surrounding properties and protect the public health, safety and welfare.

(1) Noise. Noise shall not be generated by any use to the point of disturbing the peace, quiet or comfort of neighboring properties.

(2) Parking. Adequate parking areas (including handicap parking) are required in the vicinity of the event. Parking shall be provided on the same property as the event to the fullest extent possible. Public rights-of-way shall be kept open and traversable during the operating hours of the event, and the permit holder shall ensure that there is no unreasonable interference with public travel.

(3) Location. No permit shall be issued for a site where the use is deemed potentially hazardous to the public. This includes heavily congested or trafficked areas where the use may impede or inconvenience the public. No use shall be permitted in a public

right-of-way.

(4) Sanitation. All requirements of the County Health Department and other health authorities shall be met. Adequate provisions for the disposal of solid waste and waste water are required for all uses.

(5) Signage. One freestanding or wall-mounted on-site sign not exceeding six square feet in area and six feet in height is permitted. Sign text and graphics which relate only to the approved short-term temporary use shall be removed immediately upon expiration of the permit. Off-premise signage, on private property, which describes the location of the use shall be allowed, subject to compliance with all applicable provisions of Article 23 (Sign Regulations) and the approval of the property owner. Lighted signage is permitted in accordance with the provisions of Section 2513(d)(6). A diagram of the sign indicating size, text and location must be submitted with the permit application. No signage is permitted in any public right-of-way unless approved by both the Director and the Navajo County Public Works Department. Additional on-site or off-site directional signage may be permitted at the discretion of the Director (or the Board of Supervisors upon referral by the Director).

(6) Lighting. All lighting sources shall be aimed or shielded so that the direct illumination is confined to the property on which the use is located. The operation of searchlights or similar lighting sources is prohibited.

(7) Other permits. Any required Health Department or Sheriff's Office permits or licenses, etc., shall be obtained before the use commences.

e. Restoration of site after use. The site shall be left free of debris, litter or any other unsightly evidence of the use upon completion or removal of the use and shall thereafter be used only in accordance with the applicable provisions of the zoning regulations.

5. Notice. The Director may notify adjacent property owners of an application for a Temporary use Permit in any reasonable manner and may solicit their comments prior to issuance of the permit. The Director's decisions as to whether the application warrants notice to adjoining property owners, and as to the manner of such notice, shall be final.

6. Appeal. If a Temporary Use Permit or Special Event Permit is denied by the Director, or the applicant is dissatisfied with the conditions of any such permit, or any adjoining property owner is dissatisfied with the granting of any such permit by the Director, the applicant or adjoining property owner may appeal to the Board of Supervisors within ten calendar days of after the decision of the Director. The appeal shall be filed by delivering to the Director a notice of appeal, describing in reasonable detail the reason(s) for the appeal. A filing fee in accordance with a fee schedule adopted by the Board of Supervisors shall be paid at the time of filing. The decision of the Board of Supervisors shall be final.

The permit shall be stayed while the appeal is pending.

Section 2514 - Storage of Manufactured Homes, Mobile Home, RVs, Aircraft, or Boats.

Unless permitted under the regulations set forth in Section 2513 or in Section 2001 hereof, or unless permitted by the use regulations for a specific zoning district, the location or storage of Manufactured Homes and Recreational Vehicles outside of Manufactured Home parks, Recreational Vehicle parks and Manufactured Home subdivisions, and the location or storage of aircraft, boats, Recreational Vehicles shall be subject to the following:

1. At no time shall the Manufactured Home, Recreational Vehicle, aircraft, or boat, be occupied or used for living, sleeping or housekeeping purposes.

2. If a Manufactured Home, Recreational Vehicle, aircraft, or boat, is located or stored outside of a garage or carport, it shall be placed in the rear yard of the lot, except that placement in other than the rear yard for loading and unloading purposes may be permitted for a period of time not to exceed twenty-four (24) hours. An application for a variance to this provision can be made to the Board of Adjustment who will determine, on a case by case basis the merits of the request.
3. No Manufactured Home, Mobile Home, or Recreational Vehicle shall be stored on a parcel without the existence of a principal dwelling. An application for a variance to this provision can be made to the Board of Adjustment who will determine, on a case by case basis the merits of the request.

Section 2515 - Lots Divided by Zoning District Boundaries

Whenever a lot of record existing on the effective date of this ordinance is divided by a zoning district boundary in such a manner that more than fifty percent (50%) of the lot (by area) is located in one zone, the lot may be developed as though the entire lot were in that zone, but only if the distance from the zoning district boundary to the lot lines of the portion of the lot in the other zone does not exceed 25 feet at any point (measured perpendicularly from the zoning district boundary to the lot lines). This section shall also apply to any lot of record which is divided by a change in zoning district boundaries after the effective date of this ordinance.

Section 2516 – Unsightly, Unsanitary or Hazardous Accumulations and Conditions

1. Unsightly, unsanitary or hazardous accumulations of junk (as defined in section 3002); household garbage; feces; appliances or fixtures; discarded household items or furnishings; inoperable vehicles (as defined herein); vehicles undergoing major repair or restoration (as defined herein); vehicle parts: dismantled machinery; construction materials; wood pallets; unusable firewood (as defined herein); fire hazards (as defined herein); and other debris or junk, as well as holes, tanks and child traps (as defined herein), are prohibited; provided, however, that junk is permitted in junkyards (as defined in section 3002), and unsightly but sanitary and non-hazardous accumulations and conditions are permitted in association with other businesses where such accumulations or conditions are necessary to the business (such as recycling facilities) and at construction sites during the period of actual construction. Unsightly accumulations or conditions that would be deemed offensive by a reasonable neighbor or passer-by, as determined by the Director, shall be removed,

enclosed in a permanent structure or screened with conventional fencing materials in such a manner that they are no longer visible to neighbors or passers-by. Unsanitary or hazardous accumulations or conditions shall be eliminated as ordered by the Director. The notice of violation shall specify with reasonable particularity the nature of the unsightly, unsanitary or hazardous accumulation or condition.

2. For the purposes of this section:

"Inoperable vehicle" means a vehicle or any portion thereof which is incapable of movement under its own power and will remain so without major repair or reconstruction.

"Major repair" means the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or oil pan.
"Vehicle" means any self-propelled device in, upon, or by which any person or property is or may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

"Fire Hazards" mean dead or dying trees, bushes, stumps or limbs, as well as accumulations of dead organic matter and yard debris (including, but not limited to pine needles, leaves, and grass clippings, but excluding maintained compost areas), which are determined to pose a fire hazard by the Director with the concurrence of the local Fire Department or Fire Marshall.

"Holes, tanks, and child traps" include, but are not limited to, holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, and refrigerators, freezers or iceboxes with unlocked doors.

"Major Repair" means the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or oil pan.

"Unusable firewood" means any firewood that is more rot than wood and is not cut into lengths designed to fit an approved wood-burning stove.

"Vehicle" means any self-propelled device in, upon, or by which any person or property is or may be transported upon a public roadway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

3. Subject to paragraph 1, all abandoned materials (such as home furnishings, machinery, wood, metal, plastics, and rubble) shall be stored in an enclosed area by the owner or occupant of the property upon which the materials are located, in such a manner as to not be visible from any point lying without the property upon which the materials are located.

Section 2517 - Prohibition Against Mobile Homes Built Before June 15, 1976

Notwithstanding any other provision of the Zoning Ordinance, from and after January 1, 2000, no Mobile Home as defined in A.R.S. §41-2142 (i.e., a structure built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a dwelling when

connected to on-site utilities, except a Recreational Vehicle or Factory-Built Building) shall be located within the unincorporated area of Navajo County. This prohibition shall not apply to any Mobile Home lawfully located within the unincorporated area of Navajo county as of January 1, 2000, but it shall apply to any such Mobile Home which is thereafter relocated to another location within the unincorporated area of Navajo County. This prohibition shall likewise not apply to any Mobile Home that has been certified as rehabilitated to HUD (Department of Housing and Urban Development) standards by the State Office of Manufactured Housing or its designee in accordance with Board of Manufactured Housing Regulation Number R4-34-107, Rehabilitation of Mobile Homes. If a Mobile Home lawfully located in the unincorporated area of Navajo County as of January 1, 2000 is thereafter to be relocated to another location within the unincorporated area of Navajo county, the owner shall cause the Mobile Home to be certified as rehabilitated to HUD standards prior to such relocation.

Section 2518 – Adult Oriented Businesses

Notwithstanding any provision of this Ordinance, an “Adult Oriented Business” as defined in A.R.S. § 11-821 (including an “adult arcade”, “adult bookstore”, “adult video store”, “cabaret”, “adult live entertainment establishment”, “adult theater”, “massage establishment which offers adult services”, or “nude model studio” as defined in said statute) may be located only in the C-R, IND-1, or IND-2 zone and only upon the issuance of a Special Use Permit pursuant to Article 20 hereof. If the Adult Oriented Business will be located within three (3) miles of the corporate limits of a municipality that regulates such business by Ordinance or Code, the Special Use Permit shall include conditions to ensure consistency with the Municipal Ordinance or Code.

ARTICLE 26 - NON-CONFORMING USES

Section 2601- Continuing Existing Uses.

Any use of land, building or structure, lawfully existing at the time this Ordinance or amendments thereto become effective, may be continued, even though such uses do not conform with the regulations of this Ordinance or amendment thereto for the zoning district in which it is located.

Section 2602 - Discontinuance of Non-Conforming Uses.

1. In the event that a non-conforming use of land, building or structure is discontinued for a period of twelve (12) consecutive months, any future use thereof shall be in conformity with the regulations of this Ordinance.

2. In the event that a non-conforming use of land, building or structure is destroyed by fire, explosion, act of God or act of the public enemy to the extent that seventy-five percent (75%) of its value, according to the appraisal there of by competent appraisers, then and without further action by the Board of Supervisors the future use thereof shall from and after the date of such destruction be subject to all the regulations of this Ordinance, or amendments thereto for the zoning district in which such future use is located.

Section 2603 - Expansion of a Non-Conforming Use.

1. A non-conforming use of land, building or structure shall not be enlarged, expanded, reconstructed or structurally altered unless such enlargement, extension, reconstruction or structural alteration, and further use of such property conform with the regulations of this Ordinance for the zoning district in which such property is located, except that a non-conforming business use may expand to one hundred percent (100%) of the business area pursuant to ARS 11-830, paragraph B.

   However, because of the potential of substantial impacts on the surrounding area, any and all expansion permitted under ARS 11-830, paragraph B, of such use will require a special use permit, pursuant to Article 20 herein, by which the County may impose reasonable conditions upon the use to protect the public health, safety, convenience and welfare. Proposed expansion of any use beyond the entitled one hundred percent (100%) is subject to all the provisions of Article 20, and may be denied by the Board of Supervisors.

2. For the purposes of this section "expansion" means the following:

   a. The construction of new buildings.

   b. The addition to existing buildings.

   c. The extension of a use into land originally zoned for the use, but not currently utilized by that use.

   d. An increase in equipment or machinery horsepower by replacement or

improvement by more than fifty percent (50%) per unit intended for like increases in production volume.

3. For the purposes of this section, "expansion" does not mean the following:

   a. Any improvement required by Federal, State or local environmental or health agency.

   b. Any increase in production volume utilizing existing equipment.

   c. Any extension of the use into an existing floor area originally designed for such extension, but not currently utilized by that use.

4. No use established in violation of this ordinance in its original or amended text may be considered as a conforming use or gain rights as a non-conforming use. Further, the express intent of this Article does not waive the requirement for building permits when expanding under the provisions of this section. Under no circumstances do the provisions of this section permit the addition of new uses substantially different from the existing use.

Section 2604 - Change of Non-Conforming Use.

If no structural alterations are made, any non-conforming use of land, building or structure may be changed to another non-conforming use provided the proposed use is of the same or more restricted classification as evidenced by a finding and resolution of record by the Board of Adjustment having jurisdiction.

ARTICLE 27 - ADMINISTRATION AND ENFORCEMENT

(As Amended 12/12/1999 via BOS No. 106-99; 1/10/2000 via BOS No. 04-00; 5/1/2000 via BOS No. 36-00; 5/22/2000 via BOS No. 42-00; 12/11/2000 via BOS Resolution No. 105-00; 8/6/2001 via BOS Resolution No. 53-01; 12/10/2001 via BOS Resolution 101-01; 4.29/2002 via BOS Resolution No. 30-02; 3/11/2002 via BOS Resolution No. 16-02; 12/1/2002, via BOS Resolution No. 84-02; 6/23/2009 via BOS Resolution No. 02-09)

Section 2701 - Duties

It shall be the duty of the Deputy Director of Public Works for Planning and Zoning, the Code Enforcement Officers, Building Inspectors, Navajo County Sheriff and all other Navajo County officials charged with the enforcement of the law to enforce all provisions of this Ordinance and the Navajo County Building and Safety Codes. As used herein, "Building and Safety Codes" means the codes adopted pursuant to Arizona Revised Statutes, Title 11, Chapter 6, Article 3.

The Deputy Director of Public Works for Planning and Zoning, as appointed by the Board of Supervisors, shall be and shall have all the authority of the "County Zoning Inspector" as provided in Section 11-808(A) of the Arizona Revised Statutes. The Code Enforcement Officers and Building Inspectors, as appointed by the Board of Supervisors, shall be and shall have all the authority of "Deputy Zoning Inspectors" as provided in Section 11-808(A) of the Arizona Revised Statutes

Section 2702 - Applications and Permits

The Deputy Director of Public Works for Planning and Zoning and staff shall receive applications and issue permits required by this Ordinance and the Building and Safety Codes. The Code Enforcement Officers and Building Inspectors shall examine premises where permits are to be issued or were issued and shall make inspections to ensure compliance with this Ordinance and the Building and Safety Codes.

Section 2703 - Violations / Inspections

A Code Enforcement Officer or Building Inspector shall investigate alleged violations of this Ordinance and the Building and Safety Codes and is authorized to issue such notices of violation, citations or complaints as may be required to enforce the provisions of this Ordinance and the Building and Safety Codes. The provisions of this Ordinance and the Building and Safety Codes shall normally be enforced in response to citizen complaints, but complaints may also be initiated by the Board of Supervisors or the Deputy Director of Public Works for Planning and Zoning. Citizen complaints may be made anonymously, and the names of citizen complainants shall not be disclosed without their prior consent. A Code Enforcement Officer or Building Inspector, in the performance of duties imposed by law, shall have a right of reasonable access to all parcels of land subject to this Ordinance and the Building and Safety Codes.

Section 2704 - Enforcement

If a violation of this Ordinance or the Building and Safety Codes is found to exist, the Deputy Director of Public Works for Planning and Zoning shall, after reasonable efforts to achieve voluntary compliance have failed, consult with the County Attorney and initiate the appropriate enforcement action:

1. Administrative enforcement (Hearing Officer procedure) pursuant to A.R.S. §§ 11-808 and 11-866.

2. Nuisance abatement pursuant to A.R.S. § 11-268 and Article 24 of this Ordinance.

3. Civil enforcement (complaint for injunctive relief) in Justice Court or Superior Court.

4. Criminal prosecution pursuant to A.R.S. §§ 11-808 and 11-866 or other applicable statute(s).

5. Any other remedy authorized by law.

6. The pursuit of any of the foregoing enforcement actions shall not preclude other enforcement action(s) related to the same violation, facts or conditions; provided, however, that if an alleged violator is cited pursuant administrative enforcement procedure, the alleged violator shall not be subject to a criminal charge arising out of the same facts.

Section 2705 - Administrative Enforcement (Hearing Officer)

1. Pursuant to A.R.S. §§ 11-808 and 11-866, the office of the Navajo County Zoning Hearing Officer is hereby established.

2. One or more Zoning Hearing Officers shall be appointed by the Board of Supervisors to serve at the pleasure of the Board. A Hearing Officer may be an employee of Navajo County but shall not be an employee of the Public Works Department.

3. The Hearing Officer is authorized to hear and decide complaints alleging violations of this Ordinance, the Building and Safety Codes, and any other Navajo County ordinance or regulation specifically authorizing the Hearing Officer procedure.

4. In the performance of his or her duties, the Hearing Officer is authorized to administer oaths; issue subpoenas and summonses for the appearance of persons before the Hearing Officer; make any other orders necessary or appropriate for the determination and resolution of alleged violations; and, upon determining that a violation exists, to assess civil penalties as authorized by A.R.S. §§ 11-808 and 11-866 and this Ordinance or other applicable law.

5. The rules and procedures for administrative enforcement shall be set forth in Hearing Officer Rules and Procedures to be adopted and amended from time to time by resolution of the Board of Supervisors.

Section 2706 - Penalties

1. Pursuant to A.R.S. §§ 11-808 and 11-866, a violation of this Ordinance or the Building and Safety Codes is punishable upon conviction as a class 2 misdemeanor.

2. Pursuant to A.R.S. §§ 11-808 and 11-866, the Hearing Officer established pursuant to Section 2705 is authorized to assess, upon a determination of responsibility, a civil penalty not to exceed the maximum fine for a class 2 misdemeanor as then set by Arizona Revised Statute for each violation of this Ordinance or the Building and Safety Codes.

3. Each day that a violation exists and is proven constitutes a separate violation of this Ordinance or the Building and Safety Codes.

4. Pursuant to A.R.S. §§ 11-808 and 11-866, if any building or structure is or is proposed to be erected, constructed, reconstructed, altered, maintained or used or any land is or is proposed to be used in violation of this Ordinance or the Building and Safety Codes, the Board of Supervisors, the County Attorney, the Deputy Director of Public Works for Planning and Zoning or any adjacent or neighboring property owner who is specially damaged by the violation, in addition to the other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceedings to prevent or abate or remove the unlawful erection, construction, reconstruction, alteration, maintenance or use.

5. Upon a determination by the Hearing Officer or by a civil or criminal court that a violation of this Ordinance or the Building and Safety Codes exists, no building permit, septic permit, floodplain use permit or other permit or approval within the jurisdiction of Navajo County, the Navajo County Flood Control District or the Navajo County Public Health Services District shall be issued for the subject parcel until the violation has been cured or abated.

ARTICLE 28 - BOARDS OF ADJUSTMENT

(As Amended 10/12/1999 via BOS Resolution No. 104-99; 9/18/2000 via BOS Resolution No. 78-00, 3/11/2002 via BOS Resolution 16-02)

Section 2801 -- Creation and Membership.

Pursuant to A.R.S. 11-807, there shall be one or more Boards of Adjustment. Each board shall have jurisdiction in all unincorporated areas in which the Zoning Ordinance has been applied. Each board shall be composed of not less than three and not more than five members and shall include at least one member from each supervisorial district in which the Zoning Ordinance has been applied. Each member shall be a resident and taxpayer of the unincorporated area of the supervisorial district from which the member is appointed.

Members of each Board of Adjustment shall be appointed by the Board of Supervisors for staggered terms of four years and shall be eligible for reappointment. The Board of Supervisors may remove any member for good cause after a public hearing. Vacancies shall be filled for the unexpired term of the member whose position has been vacated.

Section 2802 -- Powers and Duties.

Each Board of Adjustment shall have only those powers and duties prescribed by A.R.S. 11-807 and the Zoning Ordinance, which are as follows:

1. Interpretations. The board may interpret the Zoning Ordinance when the meaning of any word, phrase or section is in doubt, when there is a dispute between a citizen and the Director of Development Services, or when the location of a district boundary is in doubt.

2. Variances. The board may grant variances from the terms of the Zoning Ordinance concerning the construction or placement of buildings and structures associated with permitted uses when, due to peculiar conditions, a strict interpretation would work an unnecessary hardship, if in granting the variance the general intent and purposes of the Zoning Ordinance will be preserved. "Peculiar conditions" must relate to the property on which the use is proposed and shall include exceptional narrowness, shallowness or shape, unusual topographic features, or other extraordinary features of the property or its surroundings which would result in unnecessary hardship for the owner if the Zoning Ordinance were strictly applied. No variance shall be granted if the hardship has been self-imposed by the owner or is a matter of mere inconvenience or personal preference. In granting a variance, appropriate conditions to preserve the intent and purposes of the Zoning Ordinance may be prescribed. A variance shall not be granted so as to allow a use not permitted by the regulations applicable to the zoning district in which the property is located.

3. Use Permits. The board may grant use permits as permitted by the regulations applicable to the zoning district in which the property is located. No use permit shall be granted unless the board finds that the use and the manner of conducting it (including any associated buildings or structures) will be consistent with the intent and purposes of the Zoning Ordinance and will not be detrimental to persons residing or working in the vicinity, to adjacent property or the neighborhood in general, or to the public welfare. In granting a use permit, appropriate conditions to preserve the intent and purposes of the Zoning

Ordinance may be prescribed (including, without limitation, the acquisition of right-of-way for street widening purposes in accordance with the recommendations of the Public Works Department if it appears that the use would increase traffic congestion). Unless otherwise stated on the permit, a use permit shall be permanent and shall run with the land.

Section 2803 -- Meetings and Rules.

Meetings of each Board of Adjustment shall be held at the call of the Chairman as necessary for the transaction of business. All meetings shall be held in accordance with the Arizona Open Meeting Law, A.R.S. 38-431 et seq. Each board shall publish agendas and keep minutes of its proceedings and actions in accordance with the Arizona Open Meeting Law. Each board shall elect its own officers, which shall include at least a Chairman and Vice Chairman, and may adopt rules or procedures for its proceedings. The Chairman, or in his absence the Vice Chairman, may administer oaths and compel the attendance of witnesses. A copy of each resolution, variance, permit, interpretation or other action of each board shall be filed in the office of the Director of Development Services.

Section 2804 -- Applications.

1. Variances and Use Permits. An application for a variance or use permit shall be submitted to the Director of Development Services on a form approved by the Director. The application shall be accompanied by:

    a. An accurate site plan and description of the property, detailed description of the proposed use, preliminary floor plans and elevations of all proposed buildings, and an estimate of the valuation of the proposed construction.

    b. Satisfactory evidence of the applicant's ability and intention to proceed with construction in accordance with the plans within six months after the variance or use permit is granted.

    c. Reasons for requesting the variance or use permit.

2. Interpretations. An application for an interpretation of the Zoning Ordinance shall be submitted to the Director of Development Services in the form of a letter identifying the section of the ordinance for which the interpretation is requested and explaining how the applicant believes the section should be interpreted.

    a. If the application involves a dispute with the Director, the letter shall also explain the Director's interpretation and how it differs from the applicant's. In such cases, the application shall be filed within 30 days after the applicant has received the Director's interpretation in writing. The filing of the application shall stay (postpone) any further action based on the Director's interpretation unless the Director certifies in writing to the Board of Adjustment that a stay would cause imminent peril to life or property; in such cases, further action shall not be stayed unless the applicant obtains an injunction from a court of competent jurisdiction.

3. In all cases, the Director shall review the application and promptly transmit copies to the members of the Board of Adjustment. If there is more than one board, applications shall be assigned on a rotating basis.

Section 2805 -- Fees.

1. Variances and Use Permits. The fees for Variances and Use Permits shall be in accordance with a schedule of fees adopted by the Board of Supervisors.

2. Interpretations. There shall be no fee for filing an application for an interpretation.

Section 2806 -- Public Hearings and Notice.

1. Variances and Use Permits. Upon receipt in proper form of an application for a variance or use permit, the Board of Adjustment shall hold a public hearing after giving notice thereof at least ten days in advance by posting the subject property and mailing notice by first-class mail to the applicant, and to the owners of record of all parcels physically adjoining the subject property and all parcels separated from the subject property by a public road.

2. Interpretations. Upon receipt in proper form of an application for an interpretation, the Board of Adjustment shall hold a public hearing after giving notice thereof at least ten days in advance by posting the subject property and mailing notice by first-class mail to the applicant.

Section 2807 -- Expiration of Variances and Use Permits.

A variance or use permit shall automatically expire if substantial construction, in accordance with the plans for which the variance or permit was granted, has not been completed within one year from the date on which the variance or permit was granted. If an appeal is filed in accordance with Section 2808, this time period shall be tolled while the appeal is pending.

Section 2808 -- Appeals.

Any person aggrieved in any manner by an action of a Board of Adjustment may within 30 days appeal to the Navajo County Superior Court, and the matter shall be heard de novo as appeals from courts of Justices of the Peace. A copy of the appeal document as filed in the Superior Court, or a separate notice of appeal, shall be served on the Director of Development Services within the same 30-day period by personal service or by mail. Personal service includes delivery to a responsible person in the Department of Development Services at its office in Holbrook. Service by mail is complete on mailing.

ARTICLE 29 - AMENDMENTS

As Amended 5/1/2000, via BOS Resolution No. 36-00, 12/11/2000, via BOS Resolution No.104-00, 3/11/2002 via BOS Resolution No. 16-02)

Section 2901 - Authority.

The Board of Supervisors may from time to time, after receiving report and recommendation thereupon by the Commission and after public hearings required by law, amend zoning district boundaries or the regulations herein or subsequently established. Amendment may be initiated either by application or by the Commission on its own motion.

Section 2902 - Amendments Initiated by Petition.

1. Any owner or owners of property desiring a re-classification of their property, or an amendment, supplement or change of the regulations of this Ordinance, shall file with the Board of Supervisors a application, duly signed and acknowledged, describing the proposed amendments, supplements or change of the regulation of this Ordinance, zoning boundaries or districts. Each such application shall also be accompanied by a map showing the existing and proposed district boundaries and other information relating thereto, and by the fee prescribed herein.

2. Upon receipt in proper form of such application, the Board of Supervisors shall submit the same to the Commission for report and recommendation. Prior to presenting its report and recommendation to said Board, the Commission shall hold a public hearing thereon after giving at least fifteen (15) days' notice thereof by publication once in a newspaper of general circulation in the County Seat and by adequate posting of the area of concern in said petition at least fifteen (15) days in advance of the public hearing. The Commission shall also send notice by first class mail to each real property owner as shown on the last assessment of the property within three hundred feet of the proposed amendment or change, and to all Counties, Municipalities and Tribal entities which are contiguous to the area of the amendment or change. The notice sent by mail shall include at a minimum, the date, time and place of the hearing on the proposed amendment or change including a general explanation of the matter to be considered, a general description of the area of the proposed amendment or change. The real property owners within the zoning area may file approvals or protests of the proposed rezoning, and notification that if twenty percent of the property owners by area and number within the zoning area file protests, an affirmative vote of three-fourths of all members of the Board will be required to approve the rezoning.

3. Upon receiving the report and recommendation of the Commission, the Board of Supervisors shall hold a public hearing on such application giving at least fifteen (15) days' notice thereof by publication once in a newspaper of general circulation in the County Seat and by adequate posting of the area of concern in said application at least fifteen (15) days in advance of the public hearing. After public hearing the Board of Supervisors may adopt the applicant's proposed change provided that if twenty percent (20%) of the owners, by number and by area, of all other property within three hundred (300) feet of the proposed change file a protest, such change shall not be made except by the three-fourths vote of all members of the Board of Supervisors.

Section 2903 - Amendments Initiated by the Commission.

Amendments initiated by the Commission are subject to the same public hearing requirements set forth herein for amendments initiated by an application, and shall include adequate posting of the area of concern in amendments changing zoning district boundaries at least fifteen (15) days in advance of all required public hearings. Upon concluding the public hearings, the Board of Supervisors may adopt amendments initiated by the Commission provided that if, in the case of amendments changing zoning district boundaries, twenty percent (20%) of the owners, by number and area, of all other property within three hundred (300) feet of the proposed change file a protest, such amendment shall not be made except by a three-fourths vote of all members of the Board of Supervisors.

Section 2904 - Right-of-Way Acquisition.

The recommendation of the Commission concerning amendments changing zoning district boundaries may include appropriate provision for acquiring right-of-way for street widening purposes if it appears that the adoption of such amendment would have the effect of increasing traffic congestion. The amount of land recommended for such acquisition, however, shall not extend beyond the setback lines as recommended by the Public Works Department.

Section 2905 - Re-Consideration of Denied Petition.

If an application for amendment is denied by the Board of Supervisors, that application shall not be re-filed nor shall there be filed with the Board of Supervisors any other application for the same amendment within one (1) year unless there is a change of circumstances warranting such filing.

Section 2906 - Fees.

Unless a different amount is expressly stated elsewhere in the Zoning Ordinance, the fees for amendments, rezoning, permits, and all other reviews, approvals, and similar actions provided for in the Zoning Ordinance shall be in accordance with a published schedule of fees adopted by the Board of Supervisors, as the same may be amended from time to time.

Section 2907 - Reserved for Future Use.

Section 2908 - Board of Supervisors Adoption of Amendments and Special Use Permits Without a Second Public Hearing.

Pursuant to Arizona Revised Statutes ∋11-829(c), the Board of Supervisors, following a public hearing by the Planning & Zoning Commission, may adopt the recommendations of the Planning & Zoning Commission through the use of a consent calendar without holding a second public hearing if no objection, protest, or request for a second public hearing was made at the Planning & Zoning Commission hearing. If there was an objection, protest, or request for a public hearing, or if any member of the Board of Supervisors requests that the matter be removed from the consent calendar, the Board of Supervisors shall hold a public hearing thereon upon notice as required by Section 2902(3).

ARTICLE 30 - DEFINITIONS

(As amended 1/10/2000 via BOS Resolution No. 04-00, and 5/22/2000, via BOS Resolution No. 42-00, 12/10/2001 via BOS Resolution No. 101-01, 3/11/2002 via BOS Resolution No. 16-02) (1/17/06 via BOA Resolution No. 02-06; 8/23/11 via BOS Ordinance #04-11)

Section 3001 - General Rules for Construction of Language.

All words used in the present tense shall include the future tense. All words in the singular number shall include the plural number, and all works in the plural number shall include the singular number. The word "structure" includes the word "building" the word "shall" is mandatory and not directory, and the word "may" is permissive.

Section 3002 - Definitions.

For the purpose of this Ordinance, certain words are hereby defined:

1. Accessory Building:

   A building or structure which is customarily incidental and subordinate to, and the use of which is customarily incidental and subordinate to that of the principal building, structure or use on the same lot.

2. Airport:

   A landing area used regularly by aircraft for receiving or discharging passengers or cargo.

   a. Heliport:

      A landing area solely for the use of helicopters. A heliport may include one or more helipads.

   b. Landing Area:

      Any locality, either land or water, including airports, and landing fields, which is used or intended to be used for the landing and take-off of aircraft, or for receiving or discharging passengers or cargo.

   c. Landing Area Boundary:

      The outer limit of the land or water of a landing area.

3. Alley:

   A passage or way open to public travel which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

4. Alley Line:

   The boundary which separates the right-of-way of an alley from the abutting property.

5. Area of Jurisdiction:

   That part of the county without the corporate limits of any municipality.

6. Automobile Graveyard:

Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.

7. Basement:

That portion of a building between floor and ceiling that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling.

8. Board of Supervisors:

The Board of Supervisors of Navajo County.

9. Boarding House:

A building where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons.

10. Building Area:

The portion of a lot which is within the envelope formed by the required yards. See "Yard Required".

11. Building:

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

12. Building, Community:

A public building designed or used for community activities of an educational, recreational or public service nature.

13. Building Height:

The vertical distance from grade to the highest point of the coping of a flat roof; to the deck line or a mansard roof; or the average height of the highest gable, hip or gambrel roof.

14. Building, Principal:

A building in which is conducted the principal use of the lot on which it is situated. In a residential zoning district any dwelling is deemed to be the principal building on the lot on which it is situated.

15. Carport:

A roofed structure with two (2) or more open sides under which a vehicle may be driven.

16. Cellar:

That portion of a building between floor and ceiling which is partly below and

partly above grade, but so located that the vertical distance from grade to floor below is greater than the vertical distance from grade to ceiling.

17. Church:

A building in which people participate in or hold religious services, meetings and other related activities. The "church" shall include buildings in which the religious services of any denomination are held. For the purpose of this definition, a "church" shall be required to maintain a tax exempt status per ARS 42-11109.

18. Commission:

The Planning and Zoning Commission of Navajo County.

19. Contractor's Yard:

The Use of any parcel or any portion thereof by a person or company engaged in a construction business or trade or a related field for the storage of building materials or supplies (including without limitation aggregate, sand, concrete block, lumber or pipe) and/or the storage or parking or construction or construction-related equipment (including without limitation vehicles such as commercial trucks, hauling trailers, backhoes or loaders) used in such business or trade.

Limited exception for vehicles and equipment at owners residence: the parking or storage of no more than two automobiles or pick-up trucks used in a construction business or trade or a related field, together with the parking and/or storage of no more than one piece of drivable construction or construction-related equipment having a empty vehicle weight of no more than 32,000 pounds, together with a hauling trailer for such equipment, in any zoning district shall be deemed a permitted ancillary use and shall not be deemed a contractor's yard provided that the parcel is at least one half acre in area and is occupied as a residence by the owner and only operator of the vehicles and equipment, and provided that construction materials or supplies are stored on site behind a six foot high opaque fence. However, a contractor may park one piece of drivable equipment per an additional one-half acre of land for each piece of such equipment.

20. Corral:

A pen or enclosure for confining animals.

21. Director:

The Director of the Navajo County Development Services Department or his or her designee.

22. Dwelling:

A building or portion thereof designed or used exclusively for residential occupancy, including single-family, two-family and multiple-family dwellings, but not including hotels, boarding and lodging houses.

23. Dwelling Group:

A group of three (3) or more buildings which occupy a parcel of land in one (1) ownership and have a yard in common.

24. Dwelling Multiple:

A building or portion thereof designed for occupancy by three (3) or more families.

25. Dwelling, Single-Family:

A building designed for occupancy by one (1) family, including a conventional site-built home, a Manufactured Home (including a rehabilitated Mobile Home) and a Factory-Built Building as defined and regulated in Article 21 hereof, but not a Recreational Vehicle.

26 Dwelling, Duplex:

A building designed for occupancy by two (2) families.

27. Dwelling Unit:

One (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having its own cooking and sanitary facilities.

28. Factory-Built Building:

Shall mean a Factory-Built Building as defined in A.R.S. 41-2142 and the related regulations of the State Office of Manufactured Housing, as amended from time to time.

29. Family:

One (1) or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, or hotel as herein defined.

30. Farm:

An area of not less than two (2) contiguous acres which is used for the commercial production of farm crops such as vegetable, fruit trees, grain and other crops and their storage on the area, as well as the raising thereon of farm poultry and farm animals, such as horses, cattle, sheep and swine for commercial purposes. The term "farm" includes the operating of such an area for one (1) or more of the above uses, including dairy farms, with the necessary accessory uses for treating or storing the produce, provided that the operation for any such accessory uses is secondary to that of the farm activities, and provided further that the farm activities do not include commercial pen feeding or commercial feed lots, or the commercial feeding of garbage or offal to swine or other animals.

31. Feed Lot, Commercial:

A livestock feeding or handling facility operated for the purpose of accommodating the needs of others in whole or in part for a fee or fees paid to the operator or owner for the accommodations, materials and services received.

32. Flammables:

Propane, butane, etc, the retail distribution of, with the storage of 500 gallons or more above ground.

33. Floor Area:

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

34. Garage, Private:

An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of occupants in the building to which such garage is accessory, but not including the parking or temporary storage of delivery or truck motor vehicles having a capacity in excess of one (1) ton.

35. Garage, Public:

A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor vehicles.

36. Grade:

a. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street, or if there be no sidewalk, then the elevation of the roadway at the center of the wall adjoining the street.

b. For buildings having walls adjoining more than one (1) street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets, or if there be no sidewalks, then the average of the elevation of the roadway at the centers of all walls adjoining the street.

c. For buildings having no walls adjoining the street, the average level of the natural surface of the ground adjacent to the centers of all exterior walls of the building.

d. Any wall parallel or nearly parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

37. Guest:

Any transient person who occupies a room for sleeping purposes.

38. Guest Ranch:

A building or group of buildings containing two or more guest rooms, other than a

boarding house, hotel or motel, and including outdoor recreational facilities such as but not limited to, horseback riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities, intended for the use primarily by guests of the guest ranch, but not including bars and restaurants which cater primarily to other than guests of the guest ranch.

39. Guest Room:

A room which is designed for occupancy by one or more guests for sleeping purposes, but having no cooking facilities and not including dormitories.

40. Home Occupation:

Any occupation or profession which can be conducted entirely within a dwelling unit and carried on by a member of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof in any manner and in connection with which there is no employees other than a member of the immediate family residing in the dwelling unit. Any occupation or profession which can be considered offensive, obnoxious, noisy, or which creates a nuisance in any way or which requires additional parking area, outside storage, accessory buildings in conjunction with the occupation or profession, outdoor advertising, or any other outside alteration of the dwelling cannot be considered a home occupation. Any proposed home occupation shall be submitted to the Navajo County Development Services Department for review, to insure that the proposed use is in conformance with this Ordinance.

41. Hospital:

An institution for the diagnosis, treatment or other care of human ailments. The term hospital is deemed to include sanitarium, preventorium, clinic, rest home, nursing home, convalescent home and maternity home.

42. Hotel:

A building in which lodging or boarding and lodging are provided for more than twenty (20) persons and offered to the public for compensation and in which ingress and egress to and from all guest rooms are made through an inside lobby or office.

43. Hotel, Resort:

A building or group of buildings, other than a motel, boarding house or lodging house, containing individual guest rooms, suites of guest rooms, and dwelling units, and which furnishes services customarily provided by hotels.

44. Junk:

Any old scrap copper, brass, rope, rags, batteries, paper, trash, wood and rubber debris, waste, or junked , dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old scrap ferrous or non-ferrous material.

45. Junkyard:

An establishment or place of business which is maintained, operated, or used for

storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. The term "junkyard" does not include garbage dumps and sanitary landfills.

46. Kennel:

Any premises used for the breeding, selling or boarding of dogs, cats, and/or other small domesticated household pets (not including farm animals), or for the breeding or keeping of dogs for racing purposes. This includes commercial kennels and other for-profit breeding, selling or boarding operations, as well as Humane Societies, rescue shelters, “no kill shelters,” animal control facilities and similar nonprofit operations. It does not include the routine breeding or keeping of animals solely for the personal enjoyment of the owner or occupant of the premises. A kennel shall be a permitted use in the C-R (Commercial-Residential), IND-1 (Light Industrial), and IND-2 (Heavy Industrial) zoning districts subject to the regulations of that zoning district, and shall require the approval of a Special Use Permit in any other zoning district, pursuant to Section 2001.18. (Kennel operators should be aware that some provisions of the Navajo County Animal Control Ordinance, Ordinance No. 02-06, may also apply, regardless of whether the kennel is an allowed use or has been authorized by a Special Use Permit. The interpretation and enforcement of the Animal Control Ordinance is the responsibility of the Navajo County Public Health Services District.)

47. Labor Camp:

Any camp or similar place of temporary abode, establishment by or for the care of workmen engaged in construction, repair and alteration work on roads or highway, railroads, or in lumbering or agricultural operations, or in other industrial activities.

48. Laundry, Self-Service:

A building within which clothes washing and drying machines, and clothes dry cleaning machines, either coin operated or attendant operated, are provided on a rental basis for use by individuals for doing their own laundry and dry cleaning. Self-service laundry does not include outdoor drying facilities.

49. Loading and Unloading Space:

A permanently maintained space on the same lot as the principal building accessible to the street or alley and not less than ten (10) feet in width, twenty (20) feet in length, and fourteen (14) feet in height.

50. Lodging House:

A building where lodging only is provided for compensation to three (3) or more persons, but not to exceed twenty (20) persons.

51. Lot:

Any lot, parcel, tract of land, or combination thereof, shown on a plat of record or recorded by metes and bounds that is occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) principal building together with

its accessory buildings, the open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street or upon an officially approved place.

52. Lot Area:

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

53. Lot, Corner:

A lot which has an interior angle of one hundred thirty-five (135) degrees or less at the intersection of two (2) street lines. A lot abutting upon a curved street is considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of one hundred thirty-five (135) degrees or less.

54. Lot Coverage:

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

55. Lot Depth:

For lots having front and rear lot lines which are parallel, the shortest horizontal distance between such lines; for lots having front and rear lot lines which are not parallel the shortest horizontal distance between the mid-point of the front lot line and the mid-point of the rear lot line; and the triangular shaped lots, the shortest horizontal distance between the front lot line and line within the lot, parallel to and at a maximum distance from the front lot line and 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.

56. Lot, Interior:

A lot other than a corner lot.

57. 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 which forms the side boundary of the corner lot.

58. Lot Line:

Any line bounding a lot.

59. Lot Line, Front:

The boundary of a lot which separates the lot from the street; and in the case of the corner lot, the front lot line is the shorter of the two (2) lot lines separating the lot from the street except that where these lot lines are equal or within fifteen (15) feet of being equal, either lot line may be designated the front lot line but not both.

60. Lot Line, Rear:

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

61. Lot Line, Side:

The boundary of a lot which is not a front lot line or a rear lot line.

62. Lot of Record:

A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Navajo County; or a lot, parcel or tract of land, the deed of which has been recorded in the office of the County Recorder of Navajo County.

63. Lot, Through:

A lot having a pair of opposite lines abutting two streets, and which is not a corner lot. On such lot, both lot lines are front lot lines.

64. Lot Width:

For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve or a street, the distance between side lot lines measured thirty (30) feet behind the required minimum front yard line on a line parallel to the street or street chord.

65. Manufactured Home:

Shall mean a manufactured home or rehabilitated Mobile Home as defined in Article 21 hereof.

66. Mobile Home:

Shall mean a mobile home as defined in Article 21 hereof.

67. Manufactured Home Park:

Any parcel of land upon which are located three (3) or more Manufactured Homes or Recreational Vehicles occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such accommodations.

68. Manufactured Home Space:

A plot of ground within a Manufactured Home Park or Recreational Vehicle park designed for the accommodation of one Manufactured Home, (or a rehabilitated Mobile Home) or Recreational Vehicle together with its accessory structures including carports or other off-street parking areas, storage lockers, ramadas, cabanas, patios, patio covers, awning, and similar appurtenances.

69. Manufactured Home Subdivision:

A subdivision designed and intended for residential use where residence is exclusively in Manufactured Homes (or a rehabilitated Mobile Home).

70. Motel:

A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not Manufactured Home parks or Recreational Vehicle parks.

71. Non-Conforming Use:

The lawful use of any building, lot, parcel or tract of land existing at the time this Ordinance, or amendments thereto, become effective, which does not conform with the use regulations of the zoning district in which it is located.

72. Parking Lot:

An area, other than a street or alley, devoted to unenclosed parking spaces.

73. Parking Space:

A permanently surfaced area, enclosed or unenclosed, of not less than eight (8) feet, six (6) inches in width and having an area of not less than one hundred eighty (180) square feet, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

74. Planning and Zoning Commission:

The Planning and Zoning Commission of Navajo County.

75. Recreational Vehicle (RV):

Shall mean a recreational vehicle as defined in Article 21 hereof.

76. Recreational Vehicle Park:

Any parcel of land upon which two (2) or more Recreational Vehicles for dwelling or sleeping purposes, are located regardless of whether or not a charge is make for such accommodations.

77. Recreational Vehicle Space:

A plot of ground within a Manufactured Home Park or Recreational Vehicle park designed for the accommodation of one Recreational Vehicle together with its accessory structures including carports or other off-street parking areas, storage lockers, ramadas, cabanas, patios, patio covers, awnings and similar appurtenances.

78. School:

An institution of learning, such as elementary and secondary schools, colleges

and universities, which offers instruction in branches of learning and study, but not including business colleges, nursery schools, dancing schools, riding academies, or trade or vocational schools.

79. Service Stations:

A building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair or activities which are subordinate to the sale of petroleum products.

80. Setback Line:

A line which defines the future right-of-way of streets.

81. Sign:

Any device for visual communication, including any structure or natural object apart thereof, that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

82. Single Family Residential Commercial:

A group of single-family dwellings designed for individual separate ownership with unified management that provides common services and outdoor recreational facilities, but not including public bars, public restaurants or any commercial activity in connection therewith.

83. Special Event Use Permit:

A permit for a short-term use, issued in accordance with Section 2206 or 2513(4) of this Ordinance.

84. Story:

That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the surface of such floor and the ceiling or roof above it.

85. Street:

All property dedicated or otherwise reserved for public or private street uses, or having thereon a public easement for such use.

86. Street Line:

The boundary which separates the right-of-way of a street from the abutting property.

87. Structural Alteration:

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.

88. Temporary RV Permit:

A permit for the temporary placement of a Recreational Vehicle, issued in accordance with Section 2205 or 2206 of this Ordinance.

88A. Temporary Use Permit:

A permit authorizing a temporary use, issued in accordance with Section 2513(2) or 2513(3) of this Ordinance.

89. Structure:

Anything constructed or erected which requires location on the ground and attached to something having location on the ground or attached to something having location on the ground, including manufactured homes, mobile homes and factory-built buildings, but not including tents, vehicles or recreational vehicles.

90. Time Share Estate:

Means of right of occupancy in a time-share project which is coupled with an estate in the real property.

91. Time Share Interval:

Means a time-share estate, a time-share period.

92. Time Share Projects:

Means a project in which a purchaser receives the right in perpetuity, for life or for a term of years to the re-current, exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis, for a period time that has been or will be allotted from the use or occupancy periods into which the project has been divided.

93. Time Share Use:

Means a license or contractual or membership right of occupancy in a time-share project which is not coupled with an estate in the real property.

94. Use:

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

95. Use, Accessory:

A use which is customarily incidental and subordinate to the principal use of a lot or a building, including bona fide servant or caretaker quarters, and located on the same lot therewith.

96. Use, Principal:

The main use of land or building as distinguished from an accessory use.

97. Yard:

The open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the principal building is to be used; however, on any lot wherein a setback line has been established by the regulations of this Ordinance for any street abutting the lot, such measurement is to be taken from the principal building to the setback line. See "Yard, Required".

98. Yard, Front:

A yard extending across the front of a lot and being the minimum horizontal distance between the street line and the principal building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.

99. Yard, Rear:

A yard extending between the side yards of a lot or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots and interior lots the rear yard is in all cases at the opposite end of the lot from the front yard.

100. Yard Required:

The minimum open space as specified by the regulations of this Ordinance for front, rear and side yards, as distinguished from any area in excess of the minimum required. See "Buildable Area".

101. Yard, Side:

A yard between the building and side lot line of a lot and extending from the front yard to the rear lot line as defined or along the full depth in absence of front and rear yards and being the minimum horizontal distance between a side lot line and the side of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. An interior side yard is defined as the side yard adjacent to a common lot line.

102. Zoning District:

Any portion of the unincorporated area of Navajo County, except land within the boundary of a reservation and outside the authority of Navajo County in which the same zoning regulations apply.

ARTICLE 31 - VIOLATION AND PENALTY

Section 3101 - Violation.

Any building or structure erected or maintained or any use of property in violation of this Ordinance shall be so noticed and the County Attorney shall immediately commence action, or actions, proceeding or proceedings for the abatement, removal and enjoinment thereof, in the manner provided by law; and shall take such other actions and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or, remove such building, structure or use and restrain and enjoin any person from establishing, erecting or maintaining such building or structure, or using any property in violation of this Ordinance. It shall be the right and duty of every citizen to participate and assist the County officials in the enforcement of the regulations of this Ordinance.

Section 3102 - Penalty.

Any person, persons, firm or corporation violating any of the provisions of this Ordinance shall, upon conviction thereof, by due process, be sentenced to pay a fine as a Misdemeanor Class Two (2) not exceeding seven hundred and fifty dollars ($750.00) or by imprisonment of not more than four (4) months or both. Such fine and imprisonment are at the discretion of the Court. Each day that a violation of any of the provisions of this Ordinance shall constitute and be deemed a separate offense.

ARTICLE 32 - SEPARABILITY CLAUSE, REPEAL OF CONFLICTING ORDINANCES, ENACTMENT

Section 3201 - Separability Clause.

Should any article, section or regulation of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof other than the article, section or regulation so declared to be unconstitutional or invalid.

Section 3202 - Repeal of Conflicting Ordinance.

All ordinances or portions of ordinances in conflict with this Ordinance, or inconsistent with the regulations of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

Section 3203 - Enactment.

In order to preserve the Public Peace, Health and Safety, it is necessary that this Ordinance become immediately operative. It is therefore declared to be an emergency measure, to take effect immediately upon its passage, by the Board of Supervisors. The "Health and Safety Plan" details the operations of the proposed landfill and thereby the protection of the general public's and landfill employees' health, safety and general welfare. A comprehensive "Health and Safety Plan" may have a positive influence on final permit approval.

The outline provided below identifies the minimum amounts of information required to be addressed in the "Health and Safety Plan", Navajo County may require more information for a particular landfill where circumstances exist warranting such requirement. Further, the petitioner should understand that the "Health and Safety Plan" must be submitted to the Arizona Department of Environmental Quality for further review and approval.

Section 2 – Organization

The "Health and Safety Plan" should contain at least the following seven (7) elements, which comprehensively address health and safety.

1) Waste background;
2) Site facilities and operation;
3) Personnel protection;
4) Contaminant monitoring;
5) Decontamination;
6) Emergency procedures;
7) Training

Section 3 – Content

Contents of the Plan should reflect EPA, ADEQ, and OSHA requirements and recommendations.

1. **Waste Background**

The following information should be supplied describing the wastes to be handled by the proposed facility:

a. Type of wastes:

- Name, category and/or hazard class if applicable (i.3, municipal, industrial hazardous)

b. Quantities of wastes (approximate);
c. Percent of volume by waste category
d. Physical and chemical properties of hazardous materials or hazardous wastes.
e. Physiological or toxicological health studies of hazardous materials or hazardous wastes
f. Other.

2. **Site Facilities and Operation**

The following information should address both short and long term operation procedures for the landfill from day-to-day waste disposal to cell and site closure.

Access control:

Drives
Gates
Supervision
Signage – waste specific if necessary
Other

Perimeter control:

- Fencing
- Signage
- Buffer areas
- Screening
- Other

Hours of operation

Handling of specific waste type or categories:

- Manifests;
- Reporting procedures;
- Records of inspection and monitoring;
- Other

3. Personnel Protection

The following information should detail all measures taken to ensure the lasting health of the landfill employees:

a. Protective clothing (PPE) – eyewear, respirator, outerwear, footwear;
b. On-Site hygiene practices;
c. Safety equipment;
d. Health monitoring;
e. Other

4. Contaminant Monitoring

a. Air monitoring – when required:

- Method
- Frequency
- Location
- Availability of reports
- Other

b. Water:

- Method
- Frequency
- Location
- Availability of reports;
- Other

5. Documentation – Related to Hazardous Materials or Wastes

The following information should outline practices and equipment used to contain contaminants within the site and to decontaminate employees prior to them leaving the site:

a. Measure to prevent contamination of surrounding areas
b. Measure to decontaminate affected employees
c. Other

6. Emergency Procedures

This section is provided to establish protocols and to define the equipment necessary for emergency response procedures to be implemented during the occurrence of emergency situations – personnel injury or environmental – during activities within the landfill:

a. On-site Emergency Response System:

- Communications system
- Reporting procedures
- Transportation of injured parties
- Other

b. Relevant Emergency Response Service contracts:

- Fire
- Police/DPS
- Ambulance
- Environmental quality
- Other

c. Safety equipment:

- First aid;

- Contaminant control equipment (i.e. water spray for controlling asbestos emissions);
- Other

d. Landfill operator responsibilities:

- Training – first aid, decontamination procedures
- Application of first aid
- Decontamination
- Reporting
- Other

e. Road emergencies:

- Equipment
- Procedures
- Other

7. Training:

a. EPA, ADEQ, or OSHA requirements for landfill operator or waste handler
b. Training for attendant employees
c. Other

APPENDIX "A"

A GUIDELINE FOR DRAFTING A HEALTH AND SAFETY PLAN AS REQUIRED FOR A LANDFILL SPECIAL USE PERMIT

Section 1 – Purpose.

The purpose of this Appendix is to provide applicants for a Landfill Special Use Permit for the development of a "Health and Safety Plan" as required by Navajo County Zoning Ordinance Article 16, Section 1601.aa.2.b and 1601.aa3.a. and the Arizona Depart of Environmental Quality (A.D.E.Q.) Solid Waste Facility Plan, that must be approved pursuant to A.R.S. §49-762.03.

The "Health and Safety Plan" details the operations of the proposed landfill and thereby the protection of the general public's and landfill employees' health, safety and general welfare. A comprehensive "Health and Safety Plan" may have a positive influence on final permit approval.

The outline provided below identifies the minimum amounts of information required to be addressed in the "Health and Safety Plan", Navajo County may require more information for a particular landfill where circumstances exist warranting such requirement. Further, the petitioner should understand that the "Health and Safety Plan" must be submitted to the Arizona Department of Environmental Quality for further review and approval.

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4) Contaminant monitoring;
5) Decontamination;
6) Emergency procedures;
7) Training

Section 3 – Content

Contents of the Plan should reflect EPA, ADEQ, and OSHA requirements and recommendations.

2. **Waste Background**

The following information should be supplied describing the wastes to be handled by the proposed facility:

a. Type of wastes:
   - Name, category and/or hazard class if applicable (i.3, municipal, industrial hazardous)

f. Quantities of wastes (approximate);
g. Percent of volume by waste category
h. Physical and chemical properties of hazardous materials or hazardous wastes.
i. Physiological or toxicological health studies of hazardous materials or hazardous wastes
f. Other.

2. **Site Facilities and Operation**

The following information should address both short and long term operation procedures for the landfill from day-to-day waste disposal to cell and site closure.

Access control:
Drives
Gates
Supervision
Signage – waste specific if necessary
Other

Perimeter control:
- Fencing
- Signage
- Buffer areas
- Screening
- Other

Hours of operation

Handling of specific waste type or categories:
- Manifests;
- Reporting procedures;
- Records of inspection and monitoring;
- Other

3. Personnel Protection

The following information should detail all measures taken to ensure the lasting health of the landfill employees:

f. Protective clothing (PPE) – eyewear, respirator, outerwear, footwear;
g. On-Site hygiene practices;
h. Safety equipment;
i. Health monitoring;
j. Other

4. Contaminant Monitoring

c. Air monitoring – when required:
- Method

- Frequency
- Location
- Availability of reports
- Other

d. Water:
- Method
- Frequency
- Location
- Availability of reports;
- Other

5. Documentation – Related to Hazardous Materials or Wastes

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- Ambulance
- Environmental quality
- Other

c. Safety equipment:
- First aid;
- Contaminant control equipment (i.e. water spray for controlling asbestos emissions);
- Other

d. Landfill operator responsibilities:
- Training – first aid, decontamination procedures
- Application of first aid
- Decontamination
- Reporting
- Other

e. Road emergencies:
- Equipment
- Procedures
- Other

7. Training:

d. EPA, ADEQ, or OSHA requirements for landfill operator or waste handler
e. Training for attendant employees
f. Other

APPENDIX "B"

SIGN REGULATIONS – GRAPHIC SUPPLEMENT

Sign Face Area

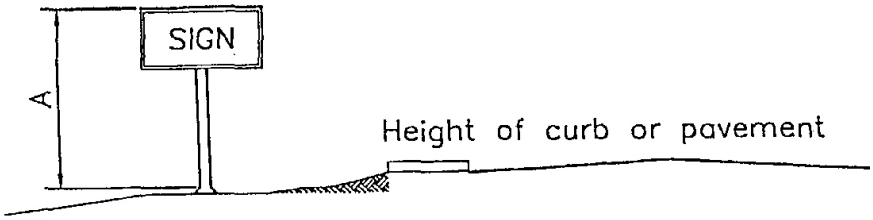
The area within a single, continuous perimeter enclosing the extreme limit of characters, lettering, logos, illustrations or ornamentation, together with any material or color forming an integral part of the display or to differentiate the sign from the background to which it is placed. Structural supports bearing no sign copy shall not be included in the sign area. If a sign is attached to an entrance wall or fence, only that portion of that wall or fence onto which the sign face or letters are placed shall be calculated in the sign area. Only one side of a sign shall be included in the calculation.

Sign Structure or Support

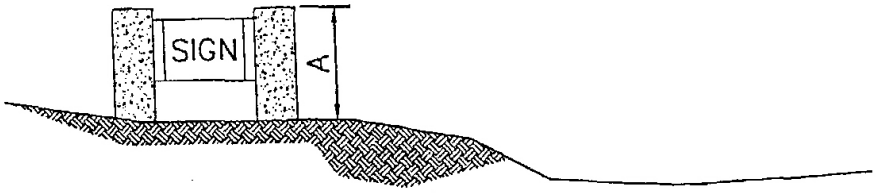
Any Structure that supports or is capable of supporting a sign including decorative cover.

Sign Height

The distance measured from the highest point of a sign to the base of the sign at the ground.



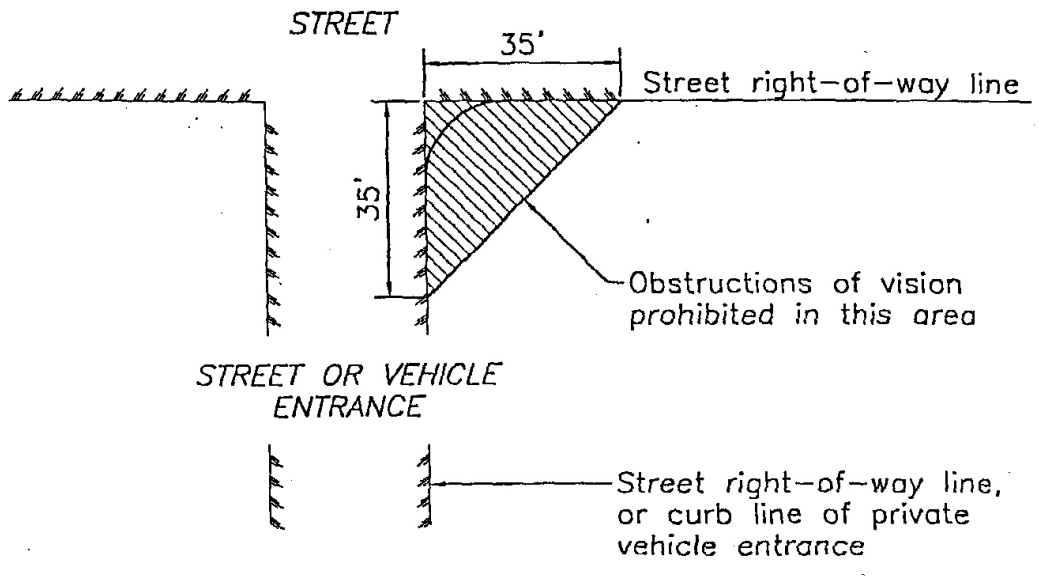
Pole Sign



Ground Sign

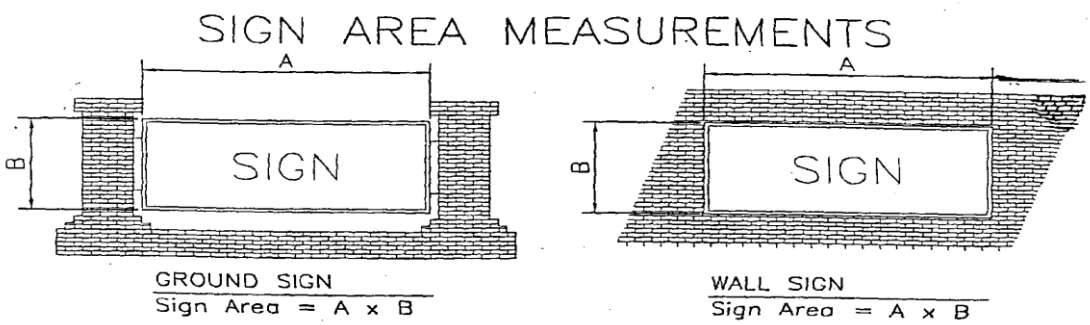
Sight Distance Triangle

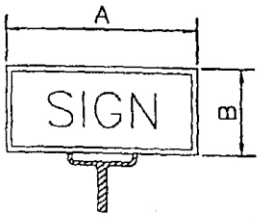
The triangular area formed by a diagonal line connecting two points located on intersection right-of-way lines each point being 35 feet from the intersection, and the two intersecting right-of-way lines, or 50 feet back from the curb line, whichever is greater. On some occasions, the County Engineering Department may require additional sight zones as deemed necessary to provide adequate safety for motorists.



Sign

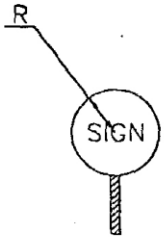
Any device for visual communication, including any structure or natural object apart thereof, that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.





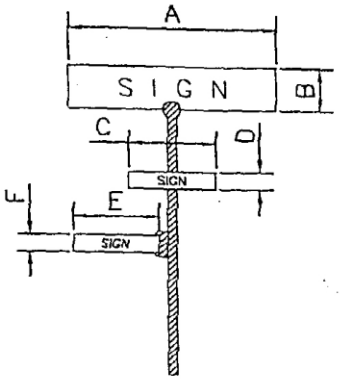
POLE SIGN

Sign Area = A x B



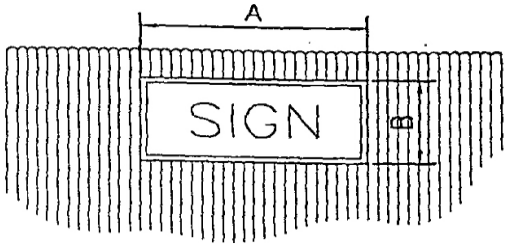
POLE SIGN

Sign Area = $\pi \times R^2$



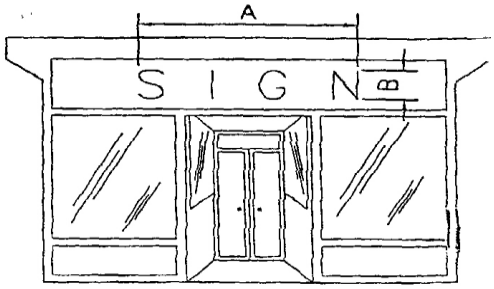
POLE SIGN

Sign Area =
(AxB) + (CxD) + (ExF)



FENCE SIGN

Sign Area = A x B



STORE FRONT

Sign Area = A x B