

**TITLE 11
ZONING**

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- 11-1 General Provisions
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**CHAPTER 11-1
GENERAL PROVISIONS**

SECTIONS:

- 11-1-1 Title**
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- 11-1-4 Declaration**
- 11-1-5 Interpretation**

11-1-1 Title:

This ordinance is known as, and is entitled “The Revised Zoning Ordinance of the City of Willcox, Arizona” and may be so cited and pleaded. (Prior code §17.04.010).

11-1-2 Intent of this Title.

The intent of this title is to promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the city by guiding development within the city in accordance with a comprehensive plan, which plan has been designed:

- A. To encourage and facilitate orderly growth and development in the area;
- B. To create conditions favorable to prosperity, civil activities, and recreational, educational and cultural opportunities;
- C. To facilitate adequate provisions for transportation, water, sewerage, schools, parks, and other public requirements;
- D. To reduce the waste of physical, financial and human resources resulting from excessive scattering of population;
- E. To secure safety from fires, floods, traffic hazards, and other dangers;
- F. To lessen congestion in the streets, prevent the overcrowding of land and provide adequate light and air;
- G. To stabilize and improve property values; and
- H. To promote a more attractive and wholesome environment.

11-1-3 Purpose and Application.

- (A) The purpose of this Zoning Ordinance and the intent of its application is to provide the minimum requirements for the implementation of the General Plan and to promote the public interest, health, comfort, safety, convenience, and general welfare; and to provide for adequate light and air, avoidance of over-crowding of land and excessive concentration of population by establishing land use classifications and by imposing regulations on the use of land, on the location, height and bulk of buildings and structures and by establishing standards for design and development.
- (B) This Zoning Ordinance establishes procedures, offices, boards and commissions for the enforcement, interpretation and processing of amendments, variances, Special and Council Use Permits and appeals, and for violations and penalties for infractions of these Zoning Regulations.
- (C) It is not the intention of this Zoning Ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this Ordinance.
- (D) All buildings, structures, and uses of land, constructed or developed shall be subject to all provisions of this Zoning Ordinance.
- (E) All changes to distinguishing traits or primary features of the use of a building or land as evidenced by increased parking requirements, Change of Occupancy, change of outside storage, or other features, occurring to existing properties after the effective date of this Zoning Ordinance, shall be subject to all provisions of this Zoning Ordinance. The use of a building or land shall refer to the primary or specific purpose for which the building or land is occupied, designed, intended, or maintained.

11-1-4

Declaration.

In establishing the zones, the boundaries thereof, and regulations and restrictions applying within each of the zones, due and careful consideration was given to the suitability of the land for particular uses, and to the character of the zones, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city. (Prior code §17.04.040).

11-1-5

Interpretation.

In interpreting and applying the provisions of this title, said provisions thereof shall be held to be the minimum requirements needed to promote the public health, safety, convenience, order, prosperity, and general welfare of the present and future inhabitants of the city, Except as specifically provided herein, it is not intended by the adoption of the ordinance codified herein to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or ordinance, or any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to law relating to the erection, construction, establishment, moving alteration or enlargement of any building or improvement; nor is it intended by this title to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which this title imposes a greater restriction than is imposed or required by other existing provisions of law or ordinance, then in such case the provisions of this title shall govern. (Prior code §17.04.050).

**CHAPTER 11-2
DEFINITIONS**

SECTIONS:

11-2-1 Purpose of this chapter.

11-2-2 Word usage.

11-2-3 For brevity of text.

11-2-4 Definitions.

11-2-1 Purpose of this chapter.

It is the purpose of this chapter to define words, terms and phrases contained within this title for the purpose of promoting consistency and precision in the interpretation of the title.

11-2-2 Word usage.

In the interpretation of this title, the provisions and rules of this section shall be observed and applied, except when the context clearly require otherwise:

The word person includes a firm, association, organizations, partnership, trust, company or corporation as well as an individual.

The word shall is mandatory and the word may is permissive.

The word lot includes the words plot or parcel.

The word building includes the word structure.

The words used or occupied includes the words intended, designed, or arranged to be used or occupied.

When not inconsistent with the context, the present tense includes the future tense; the singular number includes the plural; and the plural number includes the singular. All words and terms shall be interpreted according to their common usage unless otherwise defined.

11-2-3 For brevity of text.

For brevity of the text, the following terms are used in this title:

“Board” means the City of Willcox Board of Adjustment

“Commission” means the City of Willcox Planning and Zoning Commission.

“Committee” means the development review committee.

“Council” means the City of Willcox Council.

“DHS” means Arizona Department of Health.

“MAG” Maricopa Association of Governments (Public works specifications and details)

11-2-4 Definitions

When used in this title, the following terms shall have the meanings herein ascribed to them:

“**Abut**” means to physically touch or border upon or to share a common boundary, property line, or right-of-way. Parcels having only one common corner are not considered as abutting parcels.

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

“**Accessory Dwelling Unit**” means a dwelling unit on the same lot with and of a nature customarily incidental and subordinate to the principal structure or use.

“**Accessory Structure**” means a use of land or of a building or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot with such principal use or building.

“**Accessory Structure, Detached**” means a subordinate structure accommodating an accessory use which is structurally independent and not physically attached to, and separated from, the principal building by a distance of at least six feet (6').

“**Accessory Use**” means an ancillary use in a residence district which:

A. Is clearly incidental to and customarily found in conjunction with a principal use; and

B. Is subordinate to the purpose of the principal use; and

C. Contributes to the comfort, convenience or necessity of occupants in the principal use; and

D. Is located on the same lot or parcel as the principal use served; and

E. Includes hobbies and other activities provided there is no non-resident employee, exterior storage, commercial storage as provided in the International Building Code, or other exterior indication of a non-residential use; and

F. Shall not include any commercial use as defined in this Chapter except the furnishing of services for compensation limited to swimming and fine art instruction, sewing, baby sitting of five (5) or less persons, door to door and telephone solicitation, and arts and crafts.

“**Acre**” means a measure of land area containing forty-three thousand five hundred sixty (43,560) square feet.

“**Addition**” means an extension or increase in floor area or height of a building or structure.

“**Adjacent**” means nearby, but not necessarily touching (abutting).

“**Adjoining Lot or Land**” means a lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.

“**Adult Activities Restricted**” shall include the following:

A. Adult Bookstore:

- (1) Having as a substantial portion of its stock in trade, books, magazines and other periodicals depicting, describing, or relating to "specified sexual activities" or which are characterized by their emphasis on matter depicting, describing or relating to "specified anatomical areas", or
- (2) Having as a substantial portion of its stock in trade, books, magazine and other periodicals, and which excludes all minors from the premises or a section thereof.

B. Adult Live Entertainment Establishment: An establishment which features topless or bottomless dancers, go-go dancers, exotic dancers, strippers or similar entertainers.

C. Adult Theater: An enclosed building:

- (1) Regularly used for presenting any film or plate negative, film or plate positive, film or tape designed to be projected on a screen for exhibition of films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen depicting, describing or relating to "specified sexual areas" or characterized by an emphasis on matter depicting, describing or relating to "specified anatomical areas"; or
- (2) Used for presenting any film or plate negative, film or plate positive, film or tape designed to be projected on a screen for exhibition, or films, glass slides or transparencies, either in negative or positive form, designed for exhibition by projection on a screen and which regularly excludes all minors.

D. Adult Only Massage Establishment: An establishment in which is carried on the business of providing any service or massage or body manipulation, including exercises and heat and light treatments of the body, and all forms and methods of therapy and which regularly excludes all minors.

“**Adult Care Home**” means a residential care institution, licensed by the Arizona Department of Health Services (DHS), which provides supervisory care, personal care, or custodial care services to not more than ten (10) adults who are unrelated to the manager or owner of the home and who require the assistance of no more than one (1)

person to walk or to transfer from a bed, chair, or toilet, but who are able to self-propel a wheel chair.

“**Agent**” means any person, firm partnership, association, joint venture, corporation, or any other entity or combination of entities who represents or acts for or on behalf of a declarant.

“**Agriculture**” means the growing of soil crops in the customary manner in the open. It shall not include livestock raising activities; nor shall it include retailing of products on the premises. (Prior code §17.08.020).

“**Agricultural Use**” means the production, keeping or maintenance for sale, lease, or personal use of plants or animals useful to humans, including but not limited to forages and sod crops, grains and seed crop, dairy animals and dairy products, poultry and poultry products, livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals, bees and apiary products, fur animals, trees and forest products, fruits of all kinds, including grapes, nuts and berries, vegetables, nursery, floral, ornamental and greenhouse products or lands devoted to a soil conservation or forestry management program.

“**Air Pollution**” means the presence of contaminants in the air of concentrations that interfere directly or indirectly with human health, safety or comfort, or with the full use and enjoyment of a person's property.

“**Airport**” means an area of land or water that is used or intended to be used for the landing and take-off of aircraft, including its buildings and facilities, if any.

“**Aisle**” means the travel way by which cars enter and depart parking spaces.

“**Alley**” means a dedicated right-of-way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

“**Alteration**” means a change in construction or a change in occupancy. Where the term of alteration is applied to a change of construction, it is intended to apply to any change, addition or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another.

“**Amendment**” means any change, modification, deletion or addition to the wording, text or substance of this title, or any change, modification, deletion or addition to the application of the title to property within the city. An amendment may include any alteration.

“**Amusement and Recreation Services**” means establishments engaged in providing

amusement or entertainment for fee or admission charge and including such activities as dance halls, studios, theatrical productions, bands, orchestras and other musical entertainment, bowling alleys, billiard and pool establishments, commercial sports such as arenas, rings, racetracks, public golf courses, and coin-operated devices, amusement parks, membership sports and recreation clubs, swimming pools, riding clubs, carnival operations, expositions, game parlors, and horse shows.

“Animal Hospital” means the place where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care.

“Animal Kennel” means any structure or premises where animals are kept, boarded, bred, trained or sold for commercial gain.

“Antique” means a product that is sold or exchanged because of its increased value derived due to oldness as respects the present age but not simply because same is not a new product

“Apartment” means one building or portion thereof which is designed built, rented or leased to occupy residents of three or more families living independently of each other and doing their own cooking in the same building.

“Apartment Unit” means one or more rooms with a private bath and kitchen facilities comprising an independent, self-contained dwelling unit in a building containing three or more dwelling units.

“Appeal” means an action which permits anyone to arrange for a hearing from other than the individual or group from whose decision the appellant seeks redress.

“Applicant” means a person submitting an application for development, rezoning or other action.

Approval, Conditional “Conditional Approval” means an affirmative action by the commission and council indicating that approval of a preliminary plat or plan will be forthcoming upon satisfaction of certain specified stipulations.

Approval, Final. “Final Approval” means unconditional approval of a final plat or plan by the council as evidenced by certification thereon by the city clerk.

“A.R.S.” means Arizona Revised Statutes.

“Arterial Street” means a general term designating streets of major significance to the community including section line and major streets and State and County highways, which are designed to carry substantial volumes of traffic, providing a system for city-wide through traffic movement.

“Assisted Living Facility” means a residential care institution intended for occupancy by persons of advanced age or limited ability for self care, which may provide food,

transportation, recreation, or other services to the residents thereof, and which is licensed by the Arizona Department of Health Services to perform supervisory care, personal care, or custodial care services. The term shall include boarding houses, dormitories, apartments, and similar multiple residence living arrangements when operated as an assisted living facility as defined herein, but shall not include group homes for the handicapped, adult care homes, nursing homes, hospitals, or hotels.

“Attic” means the part of a building which is immediately below and wholly or partly within the roof framing.

“Automatic Car Wash” means a structure containing facilities for washing automobiles using a chain conveyor or other method of moving the cars along and in an automatic or semiautomatic application of cleaner, brushes, rinse water and heat for drying.

“Automobile” means a self-propelled free-moving vehicle with four or more wheels, primarily for conveyance on a street or roadway.

“Automobile Sales” means the use of any building, land area, or other premises for the display and sale of new or used automobiles, panel trucks or vans, trailers or recreation vehicles and including any warranty work and other repair service conducted as an accessory use.

“Automobile Service Station” means any building, land area, or other premises or portion thereof used, or intended to be used, for the retail dispensing or sales of vehicular fuels, including as an accessory use, the sale and installation of lubricants, batteries, tires and similar accessories.

“Automobile Wrecking Yard” See “Junkyard”.

“Awning” means a shelter or cover projecting from and supported by an exterior wall of a building.

“Bar” means an establishment including, but not limited to, a cocktail lounge, discotheque, night club or tavern, the main use of which is to serve spirituous liquors for on-site consumption. Such a facility may serve food, provide dancing and entertainment.

“Base Flood” means the flood having a one percent chance of being equaled or exceeded in any given year.

“Bed and Breakfast Establishment” means a dwelling in which the occupants of the dwelling provide, for compensation, the short term lodging and meals for guests, occupying not more than five (5) guest rooms, located within the dwelling or within an accessory building on the same lot or property.

“Bedroom” means a private room planned and intended for sleeping, separable from other rooms by a door and accessible to a bathroom without crossing another bedroom or living room.

“Berm” means a mound of earth or the act of pushing earth into a mound.

“Block” means that property abutting one (1) side of the street and lying between the two (2) nearest intersecting streets or nearest intersecting street on subdivided land.

“Board” means the City of Willcox Board of Adjustment.

“Boarding House” means a dwelling in which three (3), four (4) or five (5) rooms are occupied as guest rooms and in which food may be served to the occupants thereof. Any dwelling in which more than five (5) rooms are occupied as guest rooms shall be deemed to be a motel or hotel. A boarding house shall not include buildings for persons requiring physical or mental care by reasons of age, infirmity or disease.

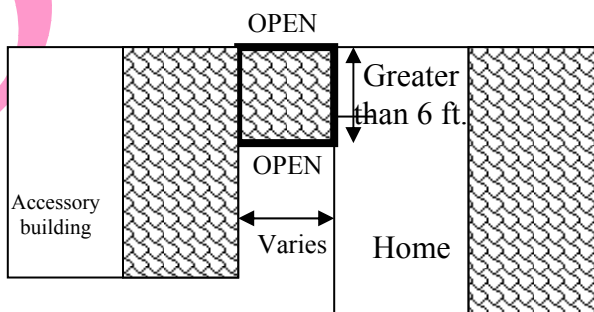
“Buffer” means a structure or landscaping element which is at least three (3) feet high, ten (10) feet wide, and which is able to obscure a minimum of fifty (50) percent of see-through visibility

“Building” means any structure, either temporary or permanent, having a one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals, or property of any kind. This shall not include dog houses, play houses or similar structures.

“Building (Accessory)” means a subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to a principal use.

“Building Area” means the area of a lot remaining after the minimum yard and open space requirements have been met

“Building (Attached)” means a building which has at least a part of a wall in common with another building, or which is connected to another building by a roof that exceeds six (6) feet wide between opposite open ends.



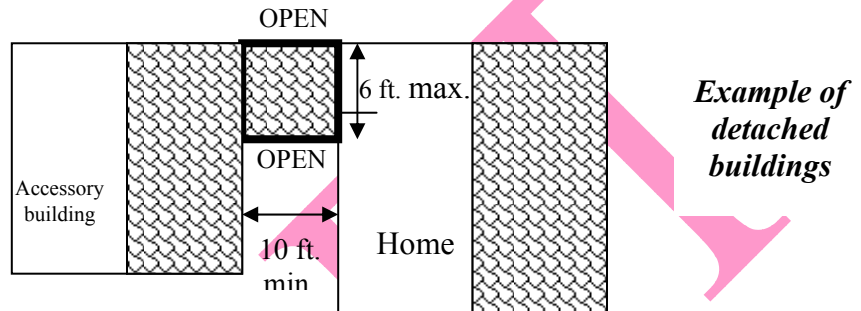
*Example of
attached
buildings*

“Building (Community)” means a public or quasi-public building used for community

activities of an educational, recreational or public service nature.

“Building Coverage” means the horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

“Building (Detached)” means a building, which is separated from another building or buildings on the same lot, buildings connected only with a roof not more than six (6) feet wide between opposite open ends shall be deemed to be detached.



“Building (Factory-Built)” see “Factory Built Home”

“Building Footprint” means the ground area within the outside edges of the exterior walls of a building at design grade.

“Building Height” means the vertical distance of a building measured from the average elevation of the finished grade within twenty (20) feet of the structure to the highest point of the roof, fascia, or parapet.

“Building Inspector” see “Inspector”

“Building Line” means the line parallel to the street line at a distance therefrom equal to the depth of the front yard required for the zoning district in which the lot is located.

“Building Permit” means written permission issued by the building inspector for the construction, repair, alteration or addition to a building or structure.

“Building (Principal)” means a building in which is conducted the principal use of the lot on which it is located.

“Building (Setback)” means the minimum distance as prescribed by this ordinance between any property line and the closest point of the foundation or and supporting post or pillar of any building or structure related thereto. (See Yard, Front, Side and Rear).

“Bulk Storage” means the storage of chemicals, petroleum products, and other materials and aboveground containers for subsequent resale to distributors or retail

dealers or outlets.

“**Camp**” means to engage in activities defined as camping.

“**Camping**” means to use real property for temporary recreational activity or living accommodation purposes, such as sleeping activities, or making preparations to sleep, including the laying down of bedding for the purpose of sleeping, or storing personal belongings, or making any fire, or engaging in cooking activities, or using any tent, shelter, structure or vehicle, including trailers, motor homes or recreational vehicles, for sleeping, including as a temporary place of rest.

“**Campground**” means any lot, parcel or tract of land used, designed, maintained, and intended for rent of plots or sites to accommodate temporary camping by the traveling public with or without sanitary facilities and water, whether or not a charge is made for the use of the park and its facilities.

“**Canopy**” see “Awning”

“**Carport**” means a roofed structure providing space for the parking or storage of motor vehicles and entirely open on two or more sides.

“**Ceiling Height**” means clear vertical distance from the finished floor the finished ceiling.

“**Cemetery**” means land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbarium’s, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

“**Certificate of Occupancy**” means a document issued by the director of Development Services allowing the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes of the City.

“**Change of Use**” means any use which differs from the previous use of a building or land.

“**Child Care Center**” means a private facility maintained for the purpose of providing care, supervision or training for five or more children under the age of sixteen (16) years and not related to the proprietor, for periods of more than one hour but less than twenty-four (24) hours per day, apart from their parents or guardians, for compensation.

“**Church**” means a permanently located building or group of buildings or structure wherein people regularly assemble for religious worship and which is maintained and controlled by a religious body to sustain public worship and church-related uses.

“Clinic” means an establishment where patients are admitted for examination and treatment by one or more medical practitioners, typically physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.

“Club” means a group of people organized for a common purpose to pursue common goals, interests and activities, and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and constitutions and bylaws.

“Cocktail Lounge” see “Bar.”

“Code” see “City of Willcox Municipal Code.”

“Commercial Retail Sales and Services” means an establishment, which engage in the sale of general retail goods and accessory services.

“Commercial Use” means the buying, selling, leasing or storage of real or personal property, or the furnishing of services for compensation. The term shall also include the parking or storage of equipment, machinery or supplies to be utilized elsewhere for compensation.

“Commercial Vehicle” means any motor vehicle licensed by the state as a commercial vehicle.

“Common Access way” means a commonly shared or used pedestrian or vehicular way that connects or serves two or more properties.

“Common Ownership” means ownership by one (1) or more individuals in any form of ownership.

“Common Wall” see “Party Wall.”

“Communication Tower” means a mono-pole, lattice tower, guyed tower, or similar structure, which may support appurtenances and antennae, intended for wireless communication purposes, such as a television antenna, cellular or PCS phone tower, or HAM radio tower.

“Compatible” means a relation and consistency between exterior appearances in the neighborhood so that the structures have a similar appearance or are at least in harmony or holding to the same basic principles.

“Comprehensive Plan” or “Master Plans” see “General Plan.”

“Conditional Use” means a use which, although not specifically permitted in a given zoning district, would become harmonious or compatible with neighboring uses through the establishment and maintenance of qualifying conditions.

“Conditional Use Permit” means a permit issued in conjunction with the establishment of a conditional use setting forth by incorporation or reference all qualifying conditions governing the use of the property.

“Condominium” means real estate, portions of which are designated for separate ownership with the remainder designated for common ownership by the owners of the separate portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

“Condominium Association” means a community association which administers and maintains the common property and common elements of a condominium.

“Construction Permit” see “Building Permit.”

“Construction Yard” means an outdoor storage yard for construction equipment materials and supplies, accessory to an on-site business office.

“Contiguous” means in contact with.

“Convalescent Home” see “Nursing Home.”

“Convenience Centers” means an establishment which are designed and intended to serve the daily or frequent trade or service needs of surrounding population. Such establishments include grocery stores, variety stores, drug stores, coin-operated laundry and dry-cleaning establishments, beauty shops, barber shops, or combination thereof, but do not include repair garages, automobile sales yards, clothing stores, or drive-ins where customers consume food on the premises outside of buildings. (Prior code §17.08.130).

“Corral Fence” means a enclosure for pen for horses, cattle, or similar livestock with a maximum height of six (6) feet. Between the height of three (3) feet six (6) inches and six (6) feet the fence shall be constructed so that a minimum of sixty-six (66) percent of the fence is open or transparent.

“Correctional Facility” means a prison for long-term confinement.

“Correctional Transitional Facility” means a supervised residential facility which offers temporary housing for individuals who are completing a sentence or have left an institutional setting, such as a hospital, medical facility, drug or alcohol treatment facility, prison or other form of incarceration, subject to placement from an official agency, so as to allow transitioning from institutional to community living, or who are required by a court system or otherwise legally obligated to participate in a rehabilitation or recovery program for alcohol, drug/substance abuse or other behaviors, and which typically includes structured supervision, such as professional counseling, job training, job placement assistance and other social service assistance. The term shall not include group homes for the handicapped or facilities primarily providing

counseling or other services to individuals that do not reside on the premises.

“**Corner-lot**” see “Lot-Corner.”

“**Council**” means the City Council of the City of Willcox.

“**County**” means Cochise County, State of Arizona.

“**County Health Department**” means the Cochise County Health Department.

“**Court**” means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

“**Court Apartment**” or “**Dwelling Group**” means one (1) or more dwellings (other than mobile home parks and farm labor camps), arranged around two (2) or three (3) sides of a court which opens onto a street. “Court apartment” or “dwelling group” may include single-family, two-family, or multiple family dwellings. (Prior code §17.08.140).

“**Cul-de-Sac**” see “Street, Cul-de-sac.”

“**Curb Cut**” means the opening along the curb line at which point vehicles may enter or leave the roadway.

“**Day Care**” means the care, supervision and guidance of persons unaccompanied by parent, guardian or custodian, on a regular basis for periods of less than twenty-four (24) hours per day in a place other than the person's own home.

“**Day Care Center**” see “Child Care Center.”

“**Dead Storage**” means goods not in use and not associated with any office, retail or other business use on premise in a self-storage facility or structure.

“**Deck**” means an exterior floor system supported on at least two (2) opposing sides by an adjoining structure and/or posts, piers, or other independent supports without a roof.

“**Dedication**” means the designation of land by its owner for any general or public use.

“**Density**” means the number of dwelling units per unit of land.

“**Detention Basin**” means a storage facility for the temporary storage of storm water runoff with metered discharge.

“**Development Incentive Permit**” means a discretionary authorization issued by the Zoning Administrator/Board of Adjustment which provides incentives for the development of Infill Property as defined in this Chapter.

“**Development Services Director**” means a person appointed by the city council or

person designated.

“Developer” means the legal or beneficial owner or owners of a lot or of any land included in the proposed development including a holder of an option or contract to purchase or other persons having enforceable, proprietary interests in such land.

“Display Surface” means the area made available by the sign for the purpose of displaying the message.

“District” means a portion of the city within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title.

“Drainage” means:

- A. Surface water runoff;
- B. The removal of surface water from land from drains, grading, or other means which include runoff controls to minimize erosion and sedimentation during and after construction of development;
- C. The means for preserving the water supply and the prevention or alleviation of flooding.

“Drainage Way” means any natural or artificial watercourse, trench, ditch, swale, or similar depression into which surface water flows.

“Drive-in Restaurant” means a building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle.

“Drive-in Theater” means an open-air theater where the performance is viewed by all or part of the audience from motor vehicles.

“Drive-through Facility” means a business operation which provides goods or services passed through exterior windows or mechanical devices to patrons within motor vehicles.

“Driveway” means a private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

“Dwelling” means an enclosed space providing complete independent living facilities for a family including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling, Attached. **“Attached Dwelling”** means a one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.

Dwelling, Conventional. **“Conventional Dwelling”** means a single or multiple

dwelling constructed on the site utilizing basic materials delivered to the site or manufactured on the site. Said dwelling shall consist of a permanent foundation with solidly attached walls, which shall be constructed in place. Roofing materials, interior and exterior finishes, and other building components shall be installed onsite.

Dwelling, Detached. “Detached Dwelling” means a dwelling which is not attached to any other dwelling by any means.

Dwelling, Multifamily. “Multifamily Dwelling” means a building designed exclusively for occupancy by two (2) or more families living independently of each other.

Dwelling, Semi-Detached. “Semi-detached Dwelling” means a one-family dwelling unit attached to another one-family dwelling by common vertical wall in which each dwelling is located on a separate lot.

Dwelling, Single-Family. “Single-family Dwelling” means a building containing one (1) dwelling unit.

Dwelling, Single-Family Detached. “Single-family Detached Dwelling” means a dwelling which is designed for and not occupied by more than one (1) family and surrounded by open space or yards and which is not attached to any other building by any means.

Dwelling, Townhouse. “Townhouse Dwelling” means a one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside. No unit is located over another unit and each unit is separated from any other unit by one (1) or more common fire resistant walls.

Dwelling, Two-Family. “Two-family Dwelling” means a structure on a single lot containing two (2) dwelling units each of which is totally separated from each other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall except for a common stairwell exterior to both dwelling units. Also known as a duplex.

Dwelling Unit, Efficiency. “Efficiency Dwelling Unit” means a dwelling unit consisting of not more than one (1) habitable room together with kitchen or kitchenette and sanitary facilities.

“Easement” means a grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation, or other person or entity.

“Educational Institution” means any institution (including charter schools) established for the purposes of offering instruction acceptable to the educational authorities within the school district of jurisdiction in several branches of learning and study to pupils in programs for preschool children with disabilities, kindergarten

programs or any combination of grades one through twelve but not including stand alone business colleges, riding academies, or trade, art, music, dancing, nursery or vocational schools, can include an elementary school, high school, college, university or similar facility.

“Egress” means an exit.

“Elevation” means:

- A. A vertical distance above or below a fixed reference level;
- B. A flat scale drawing of the front, rear or side of a building.

“Enlargement” means an increase in the size of an existing structure.

“EPA” means the Environmental Protection Agency.

“Excavation” means removal or recovery by any means whatsoever of soil, rocks, minerals, mineral substances, or organic substances other than vegetation from water or land on or beneath the surface thereof or beneath the land surface, whether exposed or submerged.

“Existing Grade or Elevation” means the vertical location of the ground surface prior to excavating or filling.

“Existing Use” means the use of a lot or structure at the time of the enactment of the ordinance codified in this title.

“Exterior Wall” means any wall which defines the exterior boundaries of a building or structure.

“Façade” means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

“Factory Built (Modular) Home” means a structure, as further defined in Arizona Revised Statutes, Section 41-2142(14); a residential or nonresidential building including a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an off-site location to be assembled on-site, except that it does not include a manufactured home, mobile home or a recreational vehicle as defined in this chapter. Structure shall meet or exceed city adopted building codes. A blue tag issued by the Arizona Office of Manufactured Housing identifies a factory built (modular) home.

“Family” means;

- A. An individual or two (2) or more persons related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit; or
- B. Not more than five (5) persons, who need not be related, living together as a single housekeeping unit within a dwelling.

“Fast Food Service” means the retail sales in a building of convenience food or specialty menu items, and ordered and served at a counter or window, whether for consumption on or off the premises, when the facility is designed primarily to serve customers arriving by automobile.

“Fair Housing Act” means the Federal law enacted in 1968 to protect people from discrimination in housing based on race, color, religion, sex, familial status, national origin, pregnant women, and handicap (disability). Also includes various amendments, rules and orders approved since then, including the Fair Housing Amendments Act of 1988.

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

“Fence” means a barrier to define boundaries, or to decorate, or to confine or exclude people or animals. Materials permitted may consist of timber, earth, stone, living plants, such as hedges, and metal. Interior fences shall not be subject to the provisions of this ordinance, with the exception of height restrictions and materials permitted for use.

“Fence-Sight Obscuring” means a fence which permits vision through not more than ten (10) percent of each square foot more than eight (8) inches above ground. Fences or planting shall be arranged in such a way as to effectively prevent vision of objects, which are screened by it. (Ord. NS-243, adopted February 3, 2003)

“Findings” means a written statement of facts, conclusions and determinations based on the evidence presented in relation to the approval criteria and prepared by the approval authority in support of a decision.

“Fire Lane” See adopted Fire Code

“Flood or Flooding” means a temporary inundation of land not normally covered by water due to unusual and rapid accumulation or runoff of surface waters from any source, or a rise in flow or stage of any stream or watercourse that results in water overtopping its banks and adjacent areas that are not normally covered by water.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Floodplain” means the relatively flat areas or low lands adjoining the channel of a watercourse or areas where drainage is or may be restricted by man-made structures which have been or may be covered partially or entirely by floodwater.

Floor Area, Gross. "Gross Floor Area" means the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the center line of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

Floor Area, Net. "Net Floor Area" means the total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor when used or intended to be used for human habitation or service to the public.

"Foster Home" means a home licensed by the Arizona Department of Economic Security maintained by persons having care or control of one (1) to five (5) minor children, other than those related by blood, marriage, or adoption or related to such individuals, or who are legal wards of such individuals.

"Fractional Numbers or Measurements" means in determining the requirements of this title, whenever a fraction of a number or unit is one-half (1/2) or more, and whenever a fraction of a number or unit resulting from a computation is one-half (1/2) or more, said fraction shall be considered as a whole number or a unit. Where the fraction is less than one-half (1/2), said fraction shall not be considered in determining the number. (Prior code §17.08.210).

"Fraternal Organization" means a group of people formally organized for a common interest, usually cultural, religious or entertainment, with regular meetings, rituals and formal written membership requirements.

"Freight Station" means a facility for loading, unloading and warehousing of freight.

"Freight Terminal" means a facility for loading and unloading of freight for current distribution but not warehousing.

"Frontage" means the length of any one property line which abuts a legally accessible street right-of-way.

Garage, Private. "Private Garage" means a building, or portion thereof, in which only motor vehicles used by the tenants of the building, or buildings on the premises are stored or kept.

Garage, Public. "Public Garage" means a building, other than a private garage, designed or used for servicing, repairing or storing motor vehicles.

"Garage Sale" see "Yard Sale"

"General Plan" means a municipal statement of land development policies, which may include maps, charts, graphs and text which set forth objectives, principles and standards for local growth and redevelopment enacted under the provisions of this title

or any prior statute.

“Grade” means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Grade, Finished. “Finished Grade” means the final elevation of the ground surface after development.

Grade, Natural. “Natural Grade” means the elevation of the ground surface in its natural state, before manmade alterations.

“Guest” means a person staying or receiving services for compensation at a hotel, motel, boardinghouse, rooming house or rest home, or similar use. (Prior code §17.08.240).

“Guest House” means a detached accessory building containing a separate living area to be used by the occupants of the premise, family members and their guests, and which has a sleeping area, sanitary facilities, and with or without separate cooking facilities. Said use shall be clearly secondary and subordinate in size and location to the primary residence, meet all other applicable standards and not be offered as a separate rental unit.

“Halfway House” see “Correctional Transitional Facility.”

“Handicapped” means a person who:

- A. Has a physical or mental impairment which substantially limits one (1) or more of such person's major life activities;
- B. Has a record of having such an impairment; or
- C. Is regarded as having such an impairment. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act (21 United States Code 802)).

“Hardscape” means a part of a building's grounds consisting of structures, such as plazas, retaining walls and sidewalks, made with materials such as concrete and sidewalk pavers.

“Hazardous Materials” means any substance characterized as flammable solids, corrosive liquids, radioactive materials, oxidizing materials, highly toxic materials, poisonous gases, reactive materials, unstable materials, hypergolic materials and pyrophoric materials and any substance or mixture of substances which is an irritant, a strong sensitizer or which generates pressure through exposure to heat, decomposition or other means.

“Height” means for the purpose of determining the height limits in all zones set forth in

this chapter, the datum shall be mean sea level elevation unless otherwise specified.

“Home Occupation” means an activity carried on by the occupant of a dwelling as a secondary use, including professional and semi-professional offices when conducted and entered from within the dwelling, in connection with which there is no public display of stock-in-trade upon the premises, not more than one (1) non-resident of the premises is employed and not more than one-fourth (1/4) of the floor area of one story of the principal building, or a detached home workshop of not more than two hundred (200) square feet in area is used for such home occupation; and provided that the residential character of the dwelling is not changed by said use and that such occupation does not cause any sustained changes by said use and that such occupation does not cause any sustained or unpleasant or unusual noises, vibrations, noxious fumes, odors, or cause any parking or traffic congestion in the immediate neighborhood.

“Hospital” means an institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

“Hotel” means a facility offering transient lodging accommodations to the general public and may provide additional services such as restaurants, meeting rooms, and recreation facilities.

“Impervious Surfaces” means those surfaces which do not absorb water. They consist of all buildings, parking areas, driveways, roads, sidewalks, and any areas of concrete or asphalt. In the case of lumberyards, areas of stored lumber constitute impervious surfaces.

“Ingress” means access or entry.

“Inspector” means either a residential or commercial building inspector, a plumbing, electrical or mechanical inspector or other specialty to inspect structures at different stages of completion. Is certified by the International Code Council (ICC).

“Junk” means scrap metals and their alloys and bones, used cloth, rubber, rope, tinfoil, bottles, old machinery, tools, appliances, fixtures, utensils, lumber, boxes or crates, pipe or pipe fittings, tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, but are subject to being dismantled.

“Junkyard” means any area, lot, land, parcel, building or structure or part thereof used for the storage, collection, processing, purchase, sale or abandonment of waste paper, rags, scrap metal or other scrap or discarded goods, materials, machinery or two or more unregistered, inoperable motor vehicles or other type of junk.

“Kennel” means any premises or structure in which more than four (4) dogs and/or more than four (4) cats, six (6) months or older are kept or cared for boarded or maintained.

“Landscaping” means any of the following or combinations thereof: material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms; and nonliving durable material commonly used in landscaping, such as but not limited to rocks, pebbles, sand, walls or fences, but excluding paving.

“Land Use Plan” means a plan adopted and maintained by the city council which shows how the land should be used-an element of the comprehensive plan. (Prior code §17.08.320).

“Laundry (Self-help)” means a building in which domestic type washing machines and/or dryers are provided on a rental basis for use by individuals doing their own laundry.

“Livestock” means meat animals, cattle, sheep, swine, horses, ponies or goats or any mutations or hybrids thereof.

“Livestock Corral” see “Corral.”

“Livestock Feed Yard” see “Feedlot”

“Living Open Space” means that portion of the yards on a zoning lot which is not used by automotive vehicles, but which is reserved for outdoor living space, recreational space and landscaping. (Prior code §17.08.350).

“Loading Space” means is a permanently maintained space on the same lot as the principal building accessible to a street or alley and not less than ten (10) feet in width, twenty (20) feet in length, and fourteen (14) feet in height.

“Lodging House” means any building or portion thereof, containing not more than five (5) guest rooms which are used by no more than five (5) guests, where rent is paid in money, goods, labor or otherwise.

“Long Term” means a period of thirty (30) days or more.

“Lot” means a tract of land bounded on all sides by property lines, of sufficient size to meet minimum zoning requirements, for use, coverage, area setbacks, and other areas as required by this title.

“Lot Area” means the total area within the boundary lines of a lot.

Lot, Corner. “Corner Lot” means a lot abutting on two or more intersecting streets

having an interior angle of intersection not exceeding one hundred thirty-five (135) degrees.

“Lot Coverage” means that portion of the lot that is covered by buildings and structures.

“Lot Depth” means the horizontal distance between front and rear lot lines measured along the median between the two (2) side lot lines.

Lot, Interior. “Interior Lot” means a lot other than a corner lot, with frontage only on one (1) street.

Lot, Key. “Key Lot” means an interior lot, one (1) side of which is contiguous, or separated only by an alley from the rear line of a corner lot.

“Lot Line” means a line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Lot Line, Front. “Front Lot Line” means the Director of Development Services or his designee shall determine

the front lot line in accordance with one of the following:

- A. Corner lot: The front lot line of a corner lot shall be the shorter of the two (2) lines adjacent to the streets. Where lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing frontage of the other lots on the block. If such front is not evident, then either may be considered the front of the lot but not both.
- B. Interior lot: The front lot line of an interior lot shall be the line coterminous with the street frontage.
- C. Through lot: The front lot line of a through lot shall be that line which is obviously the front by reason of the prevailing frontage of the other buildings on the block.
- D. Combined lots: Where two (2) or more lots are used as a building site and where the main building crosses lot lines, then the entire area shall be considered as one (1) lot, except that the front of the parcel shall be determined to be the front of the individual lots as originally platted or laid out.

Lot Line, Interior. “Interior Lot Line” means any side lot line not adjacent to a street.

Lot Line, Rear. “Rear lot line” means a lot line which is opposite to and most distant from the front lot line. In the case of a corner lot, the Director of Development Services or his designee shall determine the rear lot line; in the case of an irregular or triangular-shaped lot, a lot line ten (10) feet in length within the lot parallel to and at the maximum distance from the front lot line.

Lot Line, Side. “Side Lot Line” means any lot line which is not a front or rear lot line.

Lot, Minimum Area of. “Minimum Area of Lot” means the smallest lot area established by this title on which a use or structure may be located in a particular

district.

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

“Lot Width” means the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line:

- A. If the side lot lines are parallel, the lot width is the shortest distance between these side lines.
- B. If the side lot lines are not parallel, the lot width of the lot shall be the length of a line measured at right angles to the axis of the lot at a point which is equal to or greater than the required front yard setback for the district in which it is located.

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

“Maintain” means to cause or allow to continue in existence; when the context indicates, "maintain" shall mean to preserve and care for a structure, improvement, conditions or area so that it remains attractive, safe and presentable and carries out the purposes for which it was installed, constructed or required.

“Manufactured Home or Housing” means a single or multiple dwelling manufactured in a factory to standards established by the U. S Department of Housing and Urban Development, built after June 15, 1976, eligible for conventional mortgage financing, and which, when affixed to a permanent foundation, will meet nationally recognized building codes; delivered to the building site in one or more sections and attached to a permanent foundation; having exterior dimensions not less than twenty-four (24) feet by forty (40) feet; having a roof that is pitched at a slope not less than two (2) inch vertical rise to one (1) foot horizontal run and consisting of shingles, tiles or other materials customarily used for conventional dwellings; having exterior siding consisting of nonreflective, nonmetallic materials such as wood, pressed board, stucco or masonry veneer.

“Manufactured Home Park” means any parcel or tract of land, under single or unified ownership designed, maintained, used and intended for rent or lease of individual lots, spaces or sites in whole or part to accommodate manufactured homes for dwelling or sleeping purposes, including any accessory buildings, structures or appurtenances. A manufactured home park does not include lots or spaces upon which unoccupied manufactured homes, mobile homes or unoccupied house, travel or commercial trailers are parked for display, inspection, lease or sale.

“Manufactured Home Subdivision” means a subdivision intended and designed for

residential use with individual parcels or lots for sale where the residence is to be a manufactured home exclusively.

“Master Plan” see “General Plan”

“Mobile Home” means a structure transportable in one or more sections which is built on a permanent chassis, having at least four hundred (400) square feet of living space, and designed to be used as a year-round dwelling unit, with or without a permanent foundation, when connected to the required utilities. Built prior to June 15, 1976.

“Mobile Home Park” means a development providing two (2) or more rental spaces for occupancy by mobile homes together with certain accessory buildings and uses provided for the benefit and enjoyment of the residents of the park.

“Mobile Home Subdivision” means a subdivision that is to be used specifically as a single-family residential use, for mobile homes. Expressly prohibited for residential purposes are buses, recreational vehicles, motor homes, campers, trailers and other similar vehicles.

“Motel” see “Hotel”

“Motor Home” means any vehicular-type unit thirty-five (35) feet or less in length and eight (8) feet or less in width, primarily designed as temporary living quarters for camping or travel use.

“Motor Vehicle” means any vehicle which is self-propelled.

“Noise Pollution” means a continuous or episodic excessive noise in the human environment.

“Nonconforming Structures” means a building or structure, or portion thereof, lawfully erected or altered, which no longer adheres to the specific development regulations of the code applicable to the zoning category in which the building or structure is located.

“Nonconforming uses” means an activity conducted in a building, structure or on a site, lawfully established or maintained, which no longer adheres to the specific use regulations in the code applicable to the zoning category in which such use is located.

“Nuisance” means any act, action or condition relating to the use of property by an owner or occupant thereof, which creates a threat to the life, health or safety of the owner, occupant or others; or which creates a unsafe, unhealthy or unsightly conditions preventing the full use and enjoyment of the property of others.

Nursery and Day Care Schools. See “child care.”

“Nursing Home” means a health care institution providing inpatient beds or residential beds and nursing services for curative, restorative and preventative nursing care offering continuing care to person(s) who need nursing services on a continuing basis but who do not require hospital care or direct daily care from a physician.

“Plant Nursery” means buildings, land and facilities for the cultivation of plants for subsequent replanting. It also includes the cultivation of water grown agricultural products. (Prior code §17.08.440).

“Occupancy” or “Occupied” means the residing of an individual or individuals overnight in a dwelling unit, or the installation, storage or use of equipment, merchandise or machinery in any public, commercial or industrial building.

“Occupant” means the individual or individuals in actual possession of a premises.

Odor, Noxious. “Noxious Odor” means any odor which is offensive to human beings.

“Office” means a place where a particular kind of business is transacted or a service is supplied, excluding retailing, according to the following:

- A. Place in which functions, such as consulting, record keeping, or clerical work are performed; or
- B. Place in which a professional person (e.g. a physician or lawyer) conducts his or her professional services.

“Off-street Parking Space” means a storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

“On-street Parking Space” means a temporary storage area for a motor vehicle which is located on a dedicated street right-of-way.

“Open Space” means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Open Space, Common. “Common Open Space” means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complimentary structures and improvements as are necessary and appropriate.

Open Space, Private. “Private Open Space” means common a open space held in private ownership, the use of which is normally limited to the occupants of a single

dwelling or building.

Open Space, Public. "Public Open Space" means an open space owned by a public agency and maintained by it for the use and enjoyment of the general public.

"Outside Display" means materials and items for sale in conjunction with a retail business that are displayed outside or underneath a canopy for an indefinite period and which are not stored within a building. This does not include outside vending machines or architectural props or decorations. It does include up to six (6) bales of hay, alfalfa and other baled items.

"Outside Storage" means materials and items for sale in conjunction with a retail business that are stored outside or underneath a canopy for an indefinite period and which are not stored within a building. This does not include outside vending machines or architectural props or decorations.

"Owner" means the person indicated on the records of the Cochise County Assessor, or other official body, as the owner of record of the property in question.

"Parapet" or "Parapet Wall" means that part of any wall extending above the roof line.

"Parking Access" means the area of a parking lot that allows motor vehicles including parking lots, garages, private driveways and legally designated areas of public streets.

Parking Area, Private. "Private Parking Area" means a parking area for the private use of the owners or occupants of the lot on which the parking area is located.

Parking Area, Public. "Public Parking Area" means a parking area available to the public, with or without compensation, used to accommodate clients, customers or employees.

"Parking Lot" means an off-street, ground-level area, surfaced and improved for the temporary storage of more than four (4) motor vehicles.

"Parking Space" means a space, not less than twenty (20) feet in length and not less than eight (8) and five-tenths (5/10) feet in width for the parking of a mobile vehicle, exclusive of driveways and ramps. (Prior code §17.08.450).

"Party Wall" means a shared wall between two (2) separate structures, buildings, or dwelling units.

"Peak Flow Traffic" means the largest number of vehicles passing over a designated section of a street during a twenty-four (24) hour period.

"Person" means any person, firm, partnership, association, social or fraternal

organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

“Pets (Household Pets)” means dogs, cats, rabbits, birds, ect. (and other small animals under one hundred (100) pounds), for family use only (noncommercial) with cages, pens, ect.

Plan, Comprehensive. “Comprehensive Plan” means the Willcox General Plan together with any supplements thereto.

Plan, Master Development. “Master Development Plan” means a preliminary map indicating tentative layout of streets and location of schools, recreation areas, and other community facilities for the entirety of a landholding of which a portion is to be submitted as a preliminary plat; a map meeting the needs of this title.

“Planned Area Development (PAD)” means a residential or commercial development guided by a total design plan in which one (1) or more zoning development standards, including use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

“Planned Unit Development (PUD)” means a residential or commercial development guided by a total design plan in which one (1) or more of the development standards of this ordinance, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.

“Planning Commission” means the City of Willcox Planning and Zoning Commission.

Plans, Engineering. “Engineering Plans” means plans, profiles, cross-sections, specifications, and other details of construction of the improvements required under the provisions of this title, prepared by a registered engineer in accordance with the approved preliminary plat and in compliance with adopted city standards.

“Planting Plan” means a plan showing the location and dimensions of planting beds, irrigation equipment, curbs and other protective features around the edge of the planting beds and the location and species of plants to be planted in the beds. (Prior code §17.08.470).

“Plat” means a map of a subdivision.

Plat, Preliminary. “Preliminary Plat” means a preliminary map including supporting data indicating a proposed subdivision design prepared in accordance with the provisions of this title.

Plat, Final. “Final Plat” means a map of all or part of a subdivision essentially conforming to an approved preliminary plat prepared in accordance with the provisions

of this title.

Plat, Recorded. “Recorded Plat” means a final plat bearing all the certificates of approval required by this title and filed in the office of the county recorder.

“Porch (Open)” means a porch in which any portion extending into a front or side yard shall have no enclosure by walls, screens, lattice or other materials higher than fifty-four (54) inches above top of porch floor: which porch is to be used solely for ingress and egress.

“Portable Carport” means a nonpermanent structure designed as a shelter for motor vehicles, boats, etc. Such structure shall be easily relocatable, shall not be permanently affixed to a foundation, and shall not otherwise require the issuance of a building permit under the International Building Code (For conditions governing installation, see Section 17.12.030(E)).

“Premises” means a zoning lot together with buildings and structures located thereon. (Prior code §17.08.480).

“Premises Occupation” means an occupation conducted on the premises outside of a dwelling, by persons residing on the premises. (Prior code §17.08.490).

“Principal Use” means the main use to which the premises are devoted and the primary purpose for which the premises exist.

“Private Street” means real property recorded as improved roadway for pedestrian and motor vehicle traffic, constructed and maintained by private parties.

“Professional Office” means any building, structure or portion thereof used or intended to be used as an office for a lawyer, architect, engineer, surveyor, planner, optometrist, accountant, doctor, dentist or other similar professions.

“Public Building” means facilities for conducting public business constructed for various public agencies. Includes all federal, state, county and city offices and buildings.

“Public Hearing” means hearings held as required by law.

“Public Street” means real property dedicated for, and recorded as, public right-of-way for pedestrian and motor vehicle traffic, having a minimum width of fifty (50) feet. The term shall not include public right-of-way designated for limited access freeways.

“Public Utility” means private or public facilities for distribution of various services, such as water, power, gas, communication, etc., to the public.

“Public Parks and Playgrounds” means a tract of land which is owned by a public

agency and which has been partially or totally developed or designated for recreational purposes. (Prior code §17.08.500).

“Public Way” means any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

“Recreational Facilities” means buildings, structures or areas built or developed for purposes of entertaining, exercising or observing various activities participated in either actively or passively by individuals or organized group.

“Recreational Vehicle” means a vehicular type unit, as further defined in Arizona Revised Statutes, Section 41-2142(30), which is one of the following:

- A. A portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls, which fold for towing by another vehicle and unfold for camping;
- B. A motor home designed to provide temporary living quarters for recreational, camping or travel use and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the complete vehicle;
- C. A park trailer built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has gross trailer area of not less than three hundred twenty (320) square feet and not more than four hundred (400) square feet when it is set up, except that it does not include fifth wheel trailers;
- D. A travel trailer mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and has a trailer area of less than three hundred fifty (350) square feet. This subdivision includes fifth wheel trailers;
- E. A portable truck camper constructed to provide temporary living quarters for recreational, travel or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck.

Recreational Vehicle Park. See “Travel Trailer Park.”

“Rental Unit” means any housing unit which is occupied pursuant to a lawful rental agreement, oral or written, express or implied, and which was not owned as a condominium unit or cooperative unit on the effective date of the ordinance codified in this title.

“Restaurant” means an establishment where meals are prepared and served to the public for consumption on the premises entirely.

Restaurant, Drive-through. see “Drive-through Restaurant.”

“Rest Home” see “Hospital.”

Rest Home, Nursing “Nursing Rest Home” means a building for the care and keeping of elderly or infirm people afflicted with infirmities or chronic illness. (Prior code §17.08.510).

“Retail Services” means an establishment providing services of entertainment, as opposed to products, to the general public, including eating and drinking places, hotels and motels, finance, real estate and insurance, personal services, motion pictures, amusement and recreation services, health, educational and social services, museums and galleries.

“Renovation” means an interior or exterior remodeling of a structure, other than ordinary repair.

“Retaining Wall” means a wall or terraced combination of walls used to retain earth but not supporting a wall of a building.

“Retention Basin” means a pond, pool or basin used for the permanent storage of water runoff.

“Right-of-Way” means the area between boundary lines of a street or other dedicated area.

“Roadway” means that portion of a road or alley right-of-way that is improved for vehicular traffic and is narrower in width than the right-of-way.

“Roof” means a continuous solid sheathing top covering on a structure which provides protection from rain, wind, sun or other natural elements.

“Roof Line” means the highest point of a structure including parapets, but not to include spires chimneys or heating or cooling mechanical devices. (See Figure 2 and 3)

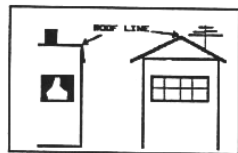


Figure 2

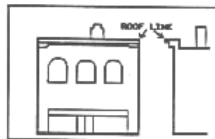


Figure 3

“Rooming House” means a dwelling, otherwise permitted in the district in which it is situated, containing five (5) or fewer guestrooms and in which food may or may not be served to the occupants thereof. Any dwelling in which more than five (5) rooms are occupied as guestrooms shall be deemed a hotel.

“Sales Office (temporary)” means a real estate facility for on-site sales only within an approved subdivision.

“Salvage Yard,” see “Junkyard” (Section 17.08.290). (Prior code §17.08.530).

“School” means an institution licensed by the Arizona Department of Education.

School (Nursery) see “Child Care.”

“Screen or Screening Device” means a visual barrier which may be composed of earthen berms, landscape materials, and/or structural elements utilized in accordance with the provisions of this ordinance.

“Secondary Medical Dwelling” means a mobile home (HUD compliant), park trailer or manufactured home with kitchen facilities, used exclusively by an ill, handicapped or elderly person in need of special care or supervision, or a care provider for such a person, if the ill, handicapped or elderly person is the owner or resident of the main dwelling or a relative of the owner or resident of the main dwelling.

“Self-service Storage Facilities” means a multi-unit facility designated or used for the purpose of providing individual, compartmentalized and controlled access stalls or lockers for the dead storage of customers’ goods and wares.

Service Station. see “automobile service station.”

“Setback” means the minimum allowable horizontal distance from a given point or line of reference to the nearest vertical wall or other element of a principal building or structure as defined herein. The point or line of reference will be the lot line following any required dedication, or a special or reservation line if one is required pursuant to this title.

“Sight Triangle” means a triangular-shaped portion of land established at street or alley intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

“Sign” means any identification, description, illustration, symbol, or device which is affixed directly or indirectly upon a building, vehicle, structure, or land and which conveys information identifying or directing attention to or advertising a product, place, activity, person, institution, or business.

Sign, Home Occupation. “Home Occupation Sign” means a sign containing only the name and occupation of a permitted home occupation.

“Site” means the land area designated for development, exclusive of any right-of-way. The land area may be a portion of a lot, a single lot, or consist of more than one lot.

“Site-Built Home” means a home that is constructed primarily on its site, piece by piece. Although some components may be prefabricated off- site such as roof trusses door and window units etc. The home is erected on an approved foundation, framed, wired, plumed and provided with HVAC and finished by workers on location using stock materials

“Site Plan” means the development plan for one or more lots on which is shown the existing and proposed conditions of the lot including: topography, vegetation, drainage, floodplains, marshes and waterways; open spaces, walkways, means of ingress and egress, utility services, landscaping, structures and signs, lighting and screening devices; any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

“Sleeping Room” means a room other than a guestroom, in which no cooking facilities are provided.

“Slope” means the degree of deviation of a surface from the horizontal, usually expressed in percent or degrees, or as a ratio.

“Small Animal Hospital or Clinic” means a facility having reasonable sound attenuation construction features where animals other than livestock are given medical treatment, and where limited kennel facilities for the short-term boarding of animals awaiting or convalescing from treatment may be provided.

“Special Exception-Conditional Use” means a use which is not specifically permitted in a zone, e.g., an electric substation in a residential zone, but which may be permitted as a special exception, subject to compliance with conditions prescribed by the board of adjustment. (Prior code S17.08.560).

“Special Event” means a temporary use in all zoning districts which:

- A. Is intended for purposes of entertainment, education, commercial promotion, or cultural, religious, ethnic, or political expression.
- B. Is conducted on public or private property on a site or in an area which may not be specifically zoned, authorized, or otherwise approved for such use on a permanent basis.
- C. Is carried on in a temporary structure, or outside.
- D. May occur in conjunction with an existing permitted use or as a separate activity.
- E. Includes parades, sporting events, circuses, fairs, carnivals, festivals, religious revivals, political rallies, vehicle shows and displays, and similar recognized temporary activities.
- F. Shall not include wedding and funeral ceremonies, holiday boutiques, elections, private yard sales, Christmas tree and pumpkin sales lots, and charity car washes.

“Square Footage, Net” means the net square footage is determined by subtracting from the total square footage of the parcel that area deemed necessary for street dedication and that area used for private streets and common driveways, if any.

“Start of Construction” means the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six feet above grade, as defined herein, for more than fifty (50) percent of the total perimeter, or is more than twelve (12) feet above grade as defined herein, at any point, such usable or unused under-floor space shall be considered as a story.

“Steel storage Containers” means a steel structure sometimes referred to as a cargo container, which is independent of any trailer or axles, and is commercially produced and designed for the purpose of storage of personal or commercial belongings/products. Does not include tractor-trailers, boxcars, refurbished sea cargo/ocean going containers, freight containers or commercial trailers.

Story, First. “First story” means the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade, as defined herein, for more than fifty (50) percent of the total perimeter, or not more than eight feet below grade, as defined herein, at any point.

“Street” means any existing or proposed street, avenue, boulevard, road, lane, parkway, place, bridge, viaduct, or easement for public vehicular access, or a street shown in a plat heretofore approved pursuant to law, or a street in a plat duly filed and recorded in the Cochise County recorder's office. A street includes all land within the street right-of-way, whether improved or unimproved, and includes such improvements as pavement, shoulders, curbs, gutters, sidewalks, parking spaces, bridges and viaducts, bike lanes, pedestrian facilities, utility areas, and other such design features.

Street, Arterial. “Arterial street” means a street so designated on the traffic circulation plan whose primary function is to carry traffic between and through major traffic generators.

Street, Collector. “Collector Street” means a street so designated on the traffic circulation plan whose primary function is to carry traffic from local streets to arterial streets and whose secondary function is to provide access to abutting properties.

Street, Cul-de-Sac. “Cul-de-sac Street” means a short local street that meets adopted MAG specs.

Street, Frontage. “Frontage Street” means a local street parallel and adjacent to an arterial street which provides access to abutting property, intercepts other local streets and controls access to the arterial street.

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

Street, Local. “Local Street” means a street serving the primary function of providing access to abutting property.

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

“Structure” means a combination of materials forming a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

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

“Subdivision of Land” (see Arizona Revised Statutes, Section 9-463).

“Substantial Improvement” means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

- A. Before the improvement is started; or
- B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial” improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

“Swimming Pool” means any permanent structure containing or intended to contain water for recreational uses, including wading pools.

“Swap Meet” means an occasional or periodic commercial activity held in an open or

enclosed structure where:

- A. Groups or sellers rent space on a short-term basis to display, barter, or sell goods or services to the public;
- B. One (1) or more sellers bring goods for auctioning to the public.

“Temporary Structure” means a structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

“Tenant” means any person who occupies or has a leasehold interest in a rental unit under a lawful rental agreement, whether oral or written, express or implied.

“Theater” means a building or part of a building devoted to showing motion pictures, or for dramatic, musical or live performances.

Theater, Drive-In. “Drive-in Theater” means an open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid-admission basis to patrons seated in automobiles.

“Tract” means an area, parcel, site or piece of land or property.

“Tractor Trailer” means a semi and full trailer having a minimum length of forty-eight (48) feet in length or truck-tractor or any combination thereof, or any truck exceeding twenty-six thousand (26,000) pounds in gross vehicle weight rating (GVWR).

Trade School. see “Vocational school.”

“Traffic Generator” means a use in a particular geographic area which is likely to attract into the area substantial vehicular or pedestrian traffic.

“Travel Trailer” see “Recreational vehicle.”

Travel Trailer Court. see “Travel trailer park.”

“Travel Trailer Park” means a plot of ground upon which two or more rental spaces with the required utilities and improvements are located and maintained for occupancy by recreational vehicles as temporary living quarters for recreational and vacation purposes.

“Tree” means any self-supporting woody plants or species which normally grow to an overall height of at least fifteen (15) feet.

“Use” means the purpose or activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

“Use Conditional Permit” means a permit issued by the director setting the terms and

conditions for any use specified in this title as subject to a use permit. Such permit shall set forth by incorporation or reference all stipulations and limitations governing the permitted use, as well as any specified time limits.

Use, Principal. “Principal Use” means the main or primary purpose for which land or a structure is designed, arranged or intended or for which it is occupied or maintained.

Use, Temporary. “Temporary Use” means a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Utility, Public. “Public Utility” means any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, communication, rail transportation, water, sewage collection, or other similar service.

“Utility Services” means establishments engaged in the generation, transmission and/or distribution of electricity, gas, including water and irrigation systems and sanitary systems used for the collection and disposal of garbage, sewage and other wastes by means of destroying or processing materials.

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

“Vehicle Repair” means the general repair, alteration, rebuilding, maintenance or reconditioning of vehicles, including motor, body, frame, upholstery, interior or paint work.

“Vehicle Sales Lot” means a lot used for display, sale or rental of new or used vehicles, including but not limited to, automobiles, boats, trailers and recreational vehicles.

“Vocational School” means a facility that provides a curriculum of specialized instruction and training for a specific occupation or trade.

“Warehouse” means a building or buildings used for the commercial storage of goods, where no retail or wholesale operations are conducted at the site.

“Wholesale” means the bulk sale of goods generally for resale to a person other than the direct consumer.

“Yard” means a required open space on the same lot with a principal use unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot upward; provided, however, that fences, walls, poles, posts, other customary yard accessories, ornaments and furniture or other allowable accessory

structures or uses may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front. “Front yard” means a required open space extending the full width of the lot between a building and the front lot line or reservation line.

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

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

“Yard Sale” means a sale of used household belongings, typically held outdoors or in the garage at the home of the seller.

Yard, Side. “Side yard” means a required open space extending from the required front yard to the required rear yard between a building and the nearest side lot line or reservation line, unoccupied and unobstructed from the ground upward except as specified elsewhere in this title.

“Zoning” means the dividing of the city into districts or zones and the establishment of regulations governing the use, placement, spacing and size of land and buildings within each zone or district.

“Zoning administrator” means is designated by the City Manager and is charged with the responsibility of administering and enforcing the City of Willcox Zoning Ordinance.

“Zoning clearance” means the verification by the Zoning Administrator indicating that a proposed building, structure or use meets all the requirements of this ordinance.

CHAPTER 11-4 SUPPLEMENTARY REQUIREMENTS AND PROCEDURES APPLICABLE WITHIN ZONES

SECTIONS:

- 11-4-1 Intent
- 11-4-2 Yard Space for One Building Only
- 11-4-3 Yards to be Unobstructed—Exceptions
- 11-4-4 Every Dwelling to be on a Zoning Lot
- 11-4-5 Sale or Lease of Required Space Prohibited
- 11-4-6 Accessory buildings and uses
- 11-4-7 Accessory Building Prohibited as Living Quarters
- 11-4-8 Storage of Trucks in Residential Zones Prohibited

- 11-4-9 Storage of Junk and Debris in Residential Zones Prohibited
- 11-4-10 Additional Height Allowed for Public Buildings
- 11-4-11 Additional Setbacks for Large Buildings Required
- 11-4-12 Mutual Garages Across Lot Lines
- 11-4-13 Mutual Dwellings Across Lot Lines
- 11-4-14 Minimum Height of Dwellings and Fences
- 11-4-15 Clear View of Intersecting Streets
- 11-4-16 Location of Barns
- 11-4-17 Drainage
- 11-4-18 Effect of Street Plan
- 11-4-19 Exception to Front and Side Setback Requirements
- 11-4-20 Concessions in Public Parks and Playgrounds
- 11-4-21 Sewage Disposal
- 11-4-22 Location of Gasoline Pumps
- 11-4-23 Off-Street Parking and Loading
- 11-4-24 Parking and Storage of Vehicles and Boats
- 11-4-25 Motor Vehicle Access
- 11-4-26 Landscaping and Screening
- 11-4-27 Signs
- 11-4-28 Temporary Uses and Structures
- 11-4-29 Trailer Houses or Mobile Homes Prohibited-Exceptions
- 11-4-30 Utility Buildings and Structures Permitted in Residential Zones
- 11-4-31 Dwelling Sites to Have Frontage on a Public Street
- 11-4-32 Uses Prohibited in Zones Unless Expressly Permitted
- 11-4-33 Moved Building
- 11-4-34 Permit Rest Home
- 11-4-35 Required Buffer
- 11-4-36 Dust Abatement
- 11-4-37 Portable Carports
- 11-4-38 Threats to Public Health and Safety
- 11-4-39 Restricted Adult Activities
- 11-4-40 Undeveloped Property
- 11-4-41 Parking and Storage of Vehicles and Boats

11-4-1 INTENT: The intent of this chapter is to accumulate, under one heading, regulations which apply to two or more zones rather than to repeat them several times. It is not the intent of this chapter to specify uses allowed within a zone but to set forth supplementary and qualifying conditions which must be complied with in connection with such uses. (Prior code §17.12.010).

11-4-2 YARD SPACE FOR ONE BUILDING ONLY: No required yard or other open space around an existing building, which is needed to comply with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing the yard or open space on the lot where a building is to be erected or established. (Prior code §17.12.020).

11-4-3 YARDS TO BE UNOBSTRUCTED—EXCEPTIONS: Every part of a required yard shall be open to the sky and unobstructed except for permitted accessory buildings and except for ordinary and customary projection of sills, belt courses, cornices, and other ornamental features and unenclosed steps and unwallied stoops, porches, and carports, which may project up to three (3) feet into a required yard. No projection into a required court which is provided in connection with a court apartment shall be constructed except for customary sills, belt courses, and cornices which may extend into the court not more than sixteen (16) inches. Canopies over gasoline pumps may extend into a required yard but not closer than three (3) feet to the property lines. (Prior code S17.12.030).

11-4-4 EVERY DWELLING TO BE ON A ZONING LOT: Only one building which contains a dwelling shall be located and maintained on a zoning lot as defined in this title, except in large scale developments. (Prior code §17.12.040).

11-4-5 SALE OR LEASE OF REQUIRED SPACE PROHIBITED: No space needed to meet the width, yard, area, coverage, parking, frontage on a public street, or other requirement of this title for a lot or building may be sold, bequeathed, or leased apart from such lot or building unless other space so complying is provided, nor shall any land be sold which will result in an existing or future lot for dwelling purposes that does not comply with all of the provisions of this title. (Prior code §17.12.050).

11-4-6 ACCESSORY BUILDINGS AND USES:

A. Customary outbuildings, including garages, sheds, swimming pools, satellite earth stations, accessory buildings, may be located within or maintained as accessory to any building lawfully within the boundaries of any specified district.

B. Accessory Buildings.

1. Accessory buildings constructed of metal, wood, or block with a roof area exceeding one hundred twenty (120) square feet may be built in the required rear yard but such accessory buildings shall not occupy more than twenty five (25) percent of the required rear yard. (See Section 17.84 for setback and separation requirements).
2. Metal accessory buildings may be built on the property line provided the roof area does not exceed one hundred twenty (120) square feet.
3. Accessory buildings shall not exceed the height of the main building except by conditional use.
4. In the case of corner lots, accessory buildings shall be placed not less than fifteen (15) feet from the street. (Prior code §17.12.060).

11-4-7 ACCESSORY BUILDING PROHIBITED AS LIVING QUARTERS: Living and sleeping quarters shall not be permitted in any accessory building in any residential zone. (Prior code S17.12.070).

11-4-8 STORAGE OF TRUCKS IN RESIDENTIAL ZONES PROHIBITED: The storage of more than one (1) truck having a rated capacity of one and one-half (1 ½) tons (except farm trucks) and the storage of construction equipment such as bulldozers, graders, cement mixers, compressors, dump trucks, etc., shall not be permitted on any lot in any residential zone, provided that construction equipment may be stored on a lot during construction of a building thereon, but not to exceed one (1) year. (Prior code §17.12.080).

11-4-9 STORAGE OF JUNK AND DEBRIS IN RESIDENTIAL ZONES PROHIBITED: No yard or other open space surrounding an existing building in any residential zone, or which is hereafter provided around any building in any residential zone, shall be used for the storage of junk, debris, or obsolete vehicles; and no land shall be used for such purposes, except as specifically permitted herein. (Prior code §17.12.090).

11-4-10 ADDITIONAL HEIGHT ALLOWED FOR PUBLIC BUILDINGS: Public buildings and churches may be erected to any height provided the building is set back from required building setback lines a distance of at least one (1) foot for each additional foot of building height above the maximum height otherwise permitted in the zone in which the building is located. (Prior code §17.12.100).

11-4-11 ADDITIONAL SETBACKS FOR LARGE BUILDINGS REQUIRED: Side setbacks for large buildings in residential zones shall be not less than the length of the building wall measured along the side yard, added to twice the average height and divided by ten (10) except that no dwelling shall be set back less than the minimum distance required in the zone. (Prior code §17.12.110).

11-4-12 MUTUAL GARAGES ACROSS LOT LINES: An accessory building such as a detached carport or garage may be constructed across a common lot line by written agreement between the two (2) adjoining property owners when such agreement is recorded in the office of the county recorder. (Prior code §17.12.120).

11-4-13 MUTUAL DWELLINGS ACROSS LOT LINES: In zones in which two (2)-family dwellings are permitted, a two (2)-family dwelling may be constructed across a common lot line when separated on the line by a dividing wall, provided, a written agreement between the two (2) adjoining property owners is recorded in the office of the county recorder. (Prior code §17.12.130).

11-4-14 MINIMUM HEIGHT OF DWELLINGS AND FENCES: No dwelling shall be erected which has a ceiling height of less than one (1) story above the average level of the grade on which the dwelling is located. No fence or wall shall be constructed higher than four (4) feet above the grade in any required front or side yard that fronts on a street; provided, however, that fences constructed in side yards that front on streets may be constructed to a height of six (6) feet when located more than twenty-five (25) feet from the front property line. (Prior code §17.12.140).

11-4-15 CLEAR VIEW OF INTERSECTING STREETS: In all zones which require a front yard, no obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points thirty-five (35) feet from the intersection of the street lines. (Prior code §17.12.150).

11-4-16 LOCATION OF BARN: No barn, corral, or coop shall be constructed closer than one hundred (100) feet to any existing dwelling. (Prior code §17.12.160).

11-4-17 DRAINAGE: Surface water from roof tops shall not be allowed to drain onto adjacent lots except after written agreement between the two parties. (Prior code §17.12.170).

11-4-18 EFFECT OF STREET PLAN: Wherever a front or side yard is required for a building, which building abuts on a proposed street which has not been constructed but which has been

designated by the planning and zoning commission as a future street, the depth of such front or side yard shall be measured from the planned street lines. (Prior code §17.12.180).

11-4-19 EXCEPTION TO FRONT AND SIDE SETBACK REQUIREMENTS: The setback from the street for any dwelling located between two (2) existing dwellings in any residential zone may be the same as the average for said two (2) existing dwellings, provided the existing dwellings are on the same side of the street, and are located within one hundred fifty (150) feet of each other. (Prior code §17.12.190).

11-4-20 CONCESSIONS IN PUBLIC PARKS AND PLAYGROUNDS: Concessions, including but not limited to amusement devices, recreational buildings, and refreshment stands, shall be permitted in a public park or playground when approved by the city council. (Prior code §17.12.200).

11-4-21 SEWAGE DISPOSAL: Where domestic sewage facilities are to be used which are not connected to a public sewer, approval of such facilities shall be obtained from the Cochise County Health Department before a building permit may be issued. (Prior code §17.12.210).

11-4-22 LOCATION OF GASOLINE PUMPS: In the areas of the original town site and lots that existed prior to the adoption of this amendment, gasoline pump islands shall be set back not less than eighteen (18) feet from any street line to which the pump island is vertical and twelve (12) feet from any street line to which the pump island is parallel and not less than twelve (12) feet from any residential zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. In no case shall pumps be set closer than twelve (12) feet to any street line, nor closer than twelve (12) feet to any side or rear property line. Lots from which gasoline is dispensed to customers at retail shall be not less than twenty-five (25) feet in width nor less than one hundred (100) feet in length. New development outside of the original town site located in commercial or industrial zones shall comply with section 11-4-23 Off-Street Parking and Loading and section 11-42 Site Development and Architectural Character Requirements.

11-4-23 OFF-STREET PARKING AND LOADING: The following regulations are established to increase safety and lessen congestion in the public streets, to provide adequately for parking needs associated with the development of land and increased automobile usage, to set standards for off-street parking according to the amount of traffic generated by each use, and to reduce on-street storage of vehicles.

A. Number of Spaces. The following required off-street parking spaces for the particular use are minimum requirements:

1. Residential structures, not including boarding and rooming houses, shall have at least one (1) off-street parking space per dwelling unit.
2. Parking for Multiple Dwellings:
 - a. For multiple dwelling units, three (3) parking spaces shall be provided for each two (2) dwelling units containing two (2) bedrooms or less, and two (2) parking spaces shall be provided for each apartment unit containing three (3) or more bedrooms.
 - b. For multiple dwellings where the dwelling unit consists of one (1) room in addition to a bathroom and a kitchen (efficiency), one (1) space shall be provided for each such unit.
 - c. As a means of encouraging the occupants of multiple dwellings to use the required off-street

parking space in preference to on-street space, entrances to buildings containing multiple dwellings shall be provided in locations that are as direct and convenient to the required off-street parking spaces as are the fronting streets

3. Boardinghouses shall have one (1) parking space for each two hundred (200) square feet of floor space devoted to bedrooms or one (1) space for each two (20 persons' domiciles in the premises, whichever is greater;
4. Convalescent, nursing, and other such institutions shall have one (1) visitor parking space per three (3) patient beds, plus one (1) parking space for each employee at work in the home during daylight hours;
5. Hotels and motels shall have one (1) parking space per room or suite, plus one (1) parking space for each employee at work on the premises during daylight hours;
6. Private clubs and lodge halls shall have one (1) parking space per three (3) members, based on the design capacity of the facility;
7. Churches shall have one (1) parking space per five (5) seating spaces in the main assembly room;
8. Theaters, auditoriums, sports arenas, and places of assembly shall have one (1) parking space per two (2) people based on the design of the structure;
9. Mortuaries or funeral parlors shall have twenty (20) parking spaces or one (1) space for each twenty-five (25) square feet of floor space in all assembly rooms, whichever is greater;
10. Medical clinics shall have three (3) parking spaces per staff doctor, plus one (1) parking space for each nondoctor employee at work on the premises during daylight hours;
11. Restaurants, taverns, and lounges shall have one (1) parking space per three hundred (300) square feet of floor area;
12. Professional offices, except clinics, shall have one (1) parking space per four hundred (400) square feet of office floor area;
13. Government buildings shall have one (1) parking space per each employee plus one (1) space for each four hundred (400) square feet of floor area in the building;
14. Retail stores and personal service shops and other business buildings not specifically mentioned elsewhere in this subsection shall have parking space at the rate of three (3) spaces per one thousand (1000) square feet of floor area;
15. Drive-ins (retain shall have at least twelve (12) off-street parking spaces, or sufficient off-street parking spaces to accommodate all patrons or customers, whichever is greater. No patron or customer may be served in automobiles which are parked on public streets;
16. Industrial, manufacturing, and wholesale establishments shall have one (1) parking space per two (2) employees based on the largest shift;
17. Uses Not Mentioned. The required off-street parking for any building, structure or use of land of a type which is not listed in this subsection shall be determined by the board of adjustment under its power of interpretation. The board of adjustment shall be guided by comparison with the requirements for similar uses which are listed.

B. Location and Control of Parking Facilities. Off-street parking facilities required by this title shall be located on the same lot or parcel of land as the use they are intended to serve, except that in cases of practical difficulty for uses other than dwellings, the board of adjustment may approve a substitute location which meets the following conditions:

1. All or part of substitute location must be on an adjacent lot or within two hundred (200) feet from the main use measured along or across a public street;

2. The substitute lot must be in the same possession as the use it is intended to serve and must be maintained as long as the use or structure exists. Such possession may be by deed or long-term lease (at least twenty (20) years). Where parcels or tracts of land are not a part of the plot on which the principal use lies, the applicant shall submit with his application for a building permit an instrument duly executed and acknowledged, which subjects said parcels or tracts of land to parking uses in connection with the principal use for which it is made available. The applicant shall deposit the necessary recording fee, and upon the issuance of a building permit, the zoning administrator shall cause said instrument to be recorded in the office of the county recorder;
3. Not more than thirty (30) percent of the area contained within a required front yard or side yard adjacent to a street in any residential zone may be used for driveways or for the parking of automobiles.
4. Computation of Required Parking Spaces. For the purpose of computing off-street parking spaces which are required by this title, the following rules shall apply:
 - a. "Floor area" means gross floor area, unless otherwise specified for a particular use;
 - b. In stadiums, sports arenas, churches, and other places of assembly in which benches or pews are used in place of seats, each eighteen (18) inches of length of such benches or pews shall be counted as one (1) seat.
5. Combined Parking Areas. The required off-street parking and loading facilities may be provided collectively for two (2) or more buildings or uses, provided that the total number of parking spaces shall be not less than the sum of the requirements for each of the individual uses.
6. Mixed Uses. In the event that two (2) or more uses occupy the same zoning lot, or parcel of land, the total requirements for off-street parking and off-street loading space shall be the sum of the requirements of the various uses computed separately.
7. Access to Parking Facilities.
 - a. Access driveways shall be provided for ingress to and egress from all parking and loading facilities. Each parking and loading space shall be easily accessible to the intended user;
 - b. Forward travel to and from parking facilities from a dedicated street or alley shall be required for all uses, except for parking which has been provided in connection with one and two-family dwellings. The parking area shall be adequate to facilitate the turning of vehicles to permit forward travel upon entering a street;
 - c. Access to all off-street parking facilities shall be designed in a manner which will not interfere with the movements of vehicular and pedestrian traffic.
8. Circulation within a Parking Area. Circulation within a parking area shall comply with the following requirements:
 - a. Parking area with more than one (1) aisle must be so arranged that a car need not enter the street to reach another aisle within the same parking area;
 - b. Directional signs shall be required to differentiate between entrances and exits to the street.
9. Location of Parking Facilities Restricted. Parking and loading facilities may be located any place on the premises except for areas that are required to be landscaped. Off-street parking space which is required in connection with a use shall be construed to be part of that use and shall not be located within another zone unless expressly permitted therein.
10. Lighting of Parking Areas. Any lighting used to illuminate off-street parking facilities or vehicle sales areas shall be so arranged as to reflect the light away from the adjoining premises in any residential zone.
11. Continuing Obligation. The required off-street parking and loading facilities shall be a continuing obligation of the property owner so long as the use requiring vehicle parking or loading space

continues. It is unlawful for an owner of any building or use to discontinue or dispense with the required vehicle parking or loading space without providing other vehicle parking or loading space which meets the requirements of this title.

12. Plot Plan Approval Required. At the time a building permit is requested for any building or structure, or at the time the use of land is changed which requires additional off-street parking space, a plot plan shall be submitted showing the location and layout of such required space along with access aisles, roadways, curbs and curb cuts. The zoning administrator shall disapprove such plans if he finds that the required spaces are not usable for standard sized automobiles or do not comply with the requirements for off-street parking as set forth in this title.
13. Landscaping Required. Except in commercial zones, all off-street parking lots for five (5) or more vehicles shall be bordered by a curb and hedge as directed by the zoning administrator. A landscaped strip at least three (3) feet in width may be substituted in lieu of a hedge.
14. Off-street Loading Space Required. For every building having a gross floor area of five thousand (5000) square feet or more to which goods, material, merchandise, or supplies are received or distributed by vehicle, there shall be provided at least one (1) off-street loading space. One additional loading space shall also be provided for each additional twenty thousand (20,000) square feet of gross floor area of such building or for each vehicle which must be loaded or unloaded at the same time, whichever requirement is greater. Each required off-street loading space shall be not less than ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height. (Prior code §17.12.230).

11-4-24 PARKING AND STORAGE OF VEHICLES AND BOATS:

A. Purpose and Intent: The purpose of this section is to establish standards for outdoor residential uses, storage and activities related to motor vehicles and nonmotorized vehicles. These standards are intended to protect property values by reducing visual blight, aid in emergency access and fire safety, guard against the creation of rodent and pest harborage, and reduce the impact on the natural environment from the leaking of motor vehicle fluids.

B. Parking of Vehicles and Boats in Right-of-Way: It is unlawful for any person to park and/or permit any other person to park a recreational or utility vehicle, boat or trailer that intrudes into the public right-of-way or obstructs visibility from adjacent driveways or street corners.

C. Disabled or Unlicensed Vehicles and Boats: It is unlawful for any person to keep, store or park, or to permit any other person to keep, store or park, any disabled vehicle or boat, or unlicensed vehicle or boat, on any privately owned residential property within the City unless that vehicle or boat is stored and parked outside public view within a fully enclosed building at all times. Auto or boat repair shops may have disabled licensed vehicles or boats on the premises which are being repaired, but these vehicles or boats shall not be parked clearly within public view or in the right-of-way.

D. Vehicle as Dwelling Unit: It is unlawful for any person to use any parked or stored recreational or utility vehicle as a permanent or temporary dwelling unit; provided, however, temporary guests who travel in a recreational or utility vehicle may reside in the vehicle on the host's premises on a temporary basis not to exceed thirty (30) days in any one (1) year, and so long as such vehicle is not parked in the right-of-way, or obstructing visibility from adjacent driveways or street corners.

E. Appearance: All recreational, commercial and utility vehicles and boats shall be maintained in a clean, well-kept condition which does not detract from the appearance of the surrounding area.

Vehicles and boats which are kept on-site shall be operational and currently registered and licensed.

F. Vehicles in Residential Areas:

1. Commercial: It is unlawful for any person to park or store commercial vehicles in residential

areas. This provision does not apply to temporary parking for delivery, pick up, moving or service activities. For the purpose of this section, a “commercial vehicle” is defined as a vehicle of a size and weight that is not typically found in a residential area; for example, a typical home use pick up truck with a commercial logo on the side would be permitted. However, semi-trucks, semi-cabs, tractor trailers or heavy equipment would not be permitted to be parked or stored in a residential area. Heavy equipment may be parked on a site that is in the process of being developed.

2. Recreational: Travel trailers, campers, or motor homes may be parked in a residential area, as long as the vehicle complies with the provisions of this code. The vehicle shall be kept in a side or rear yard and screening from the adjacent properties is encouraged. If the vehicle cannot be stored in a side or rear yard due to site constraints, the vehicle shall be parked off-site during those extended times when not in use.
3. Motorized Vehicles such as Cars, Trucks, Recreational Vehicles, and Motorcycles: Shall not be permitted to park in the pervious surface areas of front or streetside yards of a residential use property. Exceptions: driveways, carports, garages.

G. Boats and Boat Trailers, Flatbed Trailers, Hauling Trailers, and Similar Vehicles: Boats and boat trailers, flatbed trailers, hauling trailers, and similar vehicles shall not be stored or parked in the front vegetated landscaping of a residential area, unless parked in the driveway, carport or garage. If the boat and/or trailer is parked in a driveway, screening from adjacent properties is encouraged. Canoes and kayaks are not required to be sight screened.

11-4-25 MOTOR VEHICLE ACCESS: Access to all lots and parcels of land having frontage on a public street shall be controlled as follows:

- A. Adequate frontage upon a public street;
- B. Access shall be by not more than two driveways from any one street;
- C. Driveways shall be not closer to each other than twenty (20) feet unless a greater distance is required elsewhere in this title;
- D. In residential zones, driveways shall be not more than twenty (20) feet in width, except as may be approved for a large-scale development;
 1. On corner lots, no driveway shall be closer than twenty-five (25) feet to the point of intersection of the front property line with the side property line which abuts upon a street;
 2. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city.
- E. Each driveway shall be not more than thirty (30) feet in width in any commercial or industrial zone measured at right angles to the centerline of the driveway, except as increased by permissible curb return radii.
 1. On corner lots, no driveway shall be closer than twenty-five (25) feet to the point of intersection of the front property line with the side property line which abuts upon a street;
 2. Where there is no existing curb and gutter or sidewalk, a curb or fence may be required by the city.
- F. Where the said private road is to provide access to not more than two (2) residences, the said private road shall not be more than twenty (20) feet in width and shall be covered at a minimum with a four (4) inch depth of aggregate base course or a minimum of a four (4) inch depth of decomposed granite;
- G. Where access to a public road for three or more residences is to be provided by way of a private road, all standards and requirements for subdivisions as contained in the code and ordinances of the

city shall apply, or shall be subject to those conditions imposed by reason of the issuance of a use permit in accordance with the code and ordinances of the city;

H. All private roads, for so long as they shall remain private, shall be maintained to the foregoing standards, and in the event the city is required to perform any maintenance upon the same for the health and welfare of the people of the city, the said city may assess the cost thereof against the party;

I. In no event shall this subsection be construed to allow or permit any private roads to have guard or gate houses or stalls or other obstructions or impediments of any kind or nature whatsoever to free and unrestricted access and travel for emergency and other vehicles. (Prior code §17.12.240)

11-4-26 LANDSCAPING AND SCREENING:

A. PURPOSE:

This article provides standards for the installation and maintenance of landscaping, walls and screening devices in order to preserve and enhance the natural environment and beauty of the city, to minimize the adverse effects of development, and to promote the general welfare of the citizens of Willcox. Landscaping materials, including ground cover, shrubs, and trees facilitate the control of erosion and the reduction of glare and dust, and soften the visual impact of building masses. Walls and screening devices allow the separation of potentially incompatible uses and the buffering of road noise and intensive activities. Landscaping, walls and screening devices together, help to effectuate privacy, logical development, and enhancement of property values. In order to preserve the unique natural character of the town, these standards emphasize the retention of native trees, shrubs, rock formations, and other natural site features. To conserve water resources, use of drought tolerant plant materials and efficient irrigation systems is encouraged.

B. Applicability:

this section shall apply to:

1. all new multi-family and nonresidential development;
2. change of use from residential to nonresidential where approvals are required;
3. change of use from single-family to multi-family residential where approvals are required; and
4. expansion, remodeling, and renovation of existing buildings on a lot or building tract, or a related or stand alone parking lot shall provide an amount of landscaping and screening commensurate with the level or scale of the improvements.

C. General requirements:

1. Landscape and site plan;

All proposed buildings and uses shall be shown on a landscape and site plan prepared by an Arizona registrant, unless waived by the development services director. Landscaping shall be installed per approved plan unless otherwise modified by the development services director or designee. All landscape and site plans shall indicate:

- a. location of existing and proposed buildings, parking areas, drainage and street improvements;
- b. location of existing trees outside of building footprints;
- c. locations and general types of landscaped treatment areas -- i.e., lawn areas, low-water use areas, and inorganic areas;
- d. proposed plant or inorganic materials to be used in each treatment area;
- e. underground irrigation systems to be used in each planted area;
- f. curbs, walls and screening devices.

2. Location of utilities and drainage facilities:

- a. proposed utilities shall be located, when possible, so that their installation will not adversely affect vegetation to be retained on a site.

b. drainage ways and detention basins may be located with landscaped areas when designed compatible with the planted area and plant species.

D. Installation;

Landscaping, underground irrigation systems, walls and screening structures shall be installed in accordance with the approved landscape or screening plan prior to issuance of a final certificate of occupancy for the building or use. The Development Services Director may grant a temporary certificate of occupancy for up to six (6) months when a performance bond is provided by the applicant to guarantee the completion of any incomplete landscape or screening improvements.

E. Maintenance requirements;

1. Unless otherwise specified, the maintenance of landscaping in the public right-of-way is the responsibility of the adjacent property owner, whether an individual, corporation, or homeowner's association.
2. Landscaped areas shall be reasonably maintained by the owner or the lessee of the property, including pruning, trimming, weeding, and other requirements necessary to create an attractive appearance for the development. Lack of maintenance of required landscaping material shall constitute a violation of this code.
3. Plant materials not surviving shall be replaced within ninety (90) days of its demise.
4. Landscaping in rights-of-way;
Approval of the Public Works Director is required prior to placing landscaping and other improvements in rights-of-way.
5. Irrigation;
All required landscaped areas shall include a permanent, underground water irrigation system as defined herein to insure the long-term health and growth of the landscape. Irrigation system design shall take into consideration the water-demand characteristics of plant or landscape materials used. Alternative irrigation systems may be approved by the Development Services Director subject to proven effectiveness.
7. Site disturbance;
Any portion of a site disturbed by site preparation and/or construction, especially cut or fill slopes, shall be adequately revegetated and stabilized, prior to issuance of a certificate of occupancy.
8. Existing vegetation – replacement and credits;
 - a. To the extent practical, existing significant landscape features shall be preserved and incorporated into the final landscape and site plans. Existing landscaping may be used to meet the requirements of this code if it meets the purpose and intent of this article and is included on the approved landscape plan. Such vegetation shall be protected during all phases of site development and given sufficient area and means for growth and water absorption. A credit of up to a two hundred (200) percent may be allowed toward shrubs otherwise required pursuant to sec. e, minimum landscaping standards; sec. h, screening standards; and sec. f, parking area landscaping, for every shrub greater than two (2) square feet that is preserved or transplanted.
 - b. The tree replacement requirement shall be fifty (50) percent of the total caliper of trees removed from outside of the building envelope. a two hundred (200) percent credit toward the tree replacement requirement shall be granted for retaining and preserving healthy trees four (4) inch or greater in caliper size. This tree credit shall also count toward required landscaping in sec. e, minimum landscaping standards; sec. h, screening standards; and sec. f, parking area

landscaping. Trees to be preserved shall be adequately protected from vehicles, undermining or collapse.

9. Minimum landscaping standards;

All undeveloped areas of each lot or tract and the adjacent right-of-way or parkway shall be landscaped with trees, shrubs, grasses, ground cover and other organic and assorted inorganic materials that create an attractive appearance in accordance with the requirements of this section; provided, however, smooth concrete or asphalt surfaces are not landscaping. Clustering of trees and shrubs is encouraged.

a. Trees, shrubs, and grasses;

Recommended plant materials for on-site landscaping are listed in the plant palette below. Minimum landscaping shall include the following frequency and size of plantings:

- (1) trees one tree shall be utilized per twenty-five (25) linear feet (in no case closer than twenty-five (25) feet apart) of required landscaped area.
- (2) shrubs four shrubs per two hundred (250) square feet (or fraction thereof) of required landscaped area shall be provided.
- (2) grasses, ground covers, and inorganic materials any combination of grasses, ground covers, and inorganic materials may be used for the balance of the required landscaping at the developer's discretion, however, a dressing of gravel, decomposed granite or mulch shall be required to hold moisture, slow runoff, and restrain weed growth. Such dressing material shall be selected and sized to withstand potential removal by wind and storm water flows.

10. Plant types/minimum plant sizes;

The following minimum plant size requirements shall apply in all cases: per Table E.2

PLANT TYPE/ MINIMUM PLANT SIZES	
DECIDUOUS TREES	ONE (1) TO ONE AND A HALF (1 ½) INCH CALIPER (MEASURED ONE (1) FOOT ABOVE GROUND)
EVERGREEN TREES	FIVE (5) FEET TALL
SHRUBS	FIVE (5)-GALLON CONTAINER SIZE EIGHTEEN (18) INCHES TALL
WOODY GROUND COVER	ONE (1)-GALLON CONTAINER WITH TWELVE (12) INCH SPREAD

Table E.2

11. Landscape plant list:

a. Public rights-of-way;

Plants listed on the drought tolerated and low water usage plant list are required for planting within the public right-of-way.

b. All other properties;

Plants used to satisfy landscape requirements other than public rights-of-way are not specified in the interest of property owner discretion and creativity. However, please see the recommended plant list, or plant palette.

12. Parking area landscaping;

Parking lot landscaping shall be subject to the following minimum standards:

a. Parking lot perimeters;

- (1) Street frontages;
 - (A) All parking lots adjacent to a street shall be landscaped with a minimum width of ten (10) feet on site (measured from the right-of-way edge), with plantings as specified in sec. e, minimum landscaping standards. Right-of-way edges shall be cleaned up and integrated with the street frontage landscaping. The minimum landscape strip may be reduced along part of the frontage provided an average landscaped width of ten (10) feet is maintained long the overall frontage.
 - (B) In addition, parking areas with street frontages longer than two hundred (200) feet shall be screened from street view to a height of three (3) feet with a masonry wall, berm or dense landscaping, or a combination of two (2) or more of these elements. Such walls shall utilize materials and otherwise be designed to be compatible with the architecture of the principal structure on the site. Landscaping shall be provided adjacent to the outside of such walls with plantings as specified in sec. e, minimum landscaping standards.
- b. Other parking perimeters;

Non-frontage perimeters of a parking lot shall be landscaped with a five (5) foot wide landscape strip with plantings as specified in sec. 9., minimum landscaping standards. This minimum landscape strip may be reduced to three (3) feet when a minimum three (3) foot high wall is provided in accordance with sec. 12., above.
- c. Transfer of required landscaping;

The development services administrator may approve the transfer of required parking area landscaping from required locations to other locations on the site provided the purpose for this section is achieved.
- d. Landscape protection;

All landscaped areas adjacent to vehicular parking and access areas shall be protected by six (6) inch vertical concrete curbing, six (6) inch pre-cast bumpers, or similar materials in order to control storm water flows and minimize damage by vehicular traffic. Vehicles may overhang landscaped areas up to two (2) feet into landscaped areas that are at least five (5) feet wide, but may not overhang sidewalks and other pedestrian walkways. This provision applies equally to vehicle display areas.
- e. Landscaped islands;

Parking lots with more than fifty (50) spaces shall provide landscaped parking islands according to the following standards:

 - (1) all landscaping parking islands shall be a minimum of four (4) feet wide and contain a minimum of forty (40) square feet in area; provided, however, landscape islands may be aggregated into fewer and larger islands that meet overall planting and area standards.
 - (2) minimum of one (1) tree and two (2) shrubs for every ten (10) parking spaces shall be preserved or planted within the parking lot.
 - (3) no parking space is farther than one hundred (100) feet from a landscaped area.
 - (4) these requirements may be modified upon approval of the Development Services Director where exceptional design of the parking lot merits such modification and where the intent of the standard is met through alternate design schemes.
 - (5) foundation plantings; one (1) small (under-story) tree and four (4) shrubs per fifty (50) linear feet of building wall shall be required within four (4) foot minimum width planters along all building walls that are fifty (50) feet or longer; provided, however, that this

requirement shall not apply where other required landscaping adjoins the building or where such walls are not visible from surrounding streets.

13. Screening standards; where screening is required by this code, minimum screening in accordance with the following standards shall apply in addition to other applicable requirements. Existing vegetation or natural conditions may be used to satisfy these requirements (see sec. b, applicability).

a. Screening materials;

Screening may be accomplished by the use of plants, earth berms, solid walls, or trees and shrubs in combination as necessary to produce an effective screening from view off-site of the use or facility requiring screening within a reasonable time.

b. Screening plant list;

Plants used to satisfy any required screening standards shall be limited to plants with a mature height of between six (6) and fifteen (15) feet and foliage characteristics similar to those of the recommended plants for this purpose.

c. Height of screening devices;

The height of screening devices shall be measured from the highest finished grade adjacent to the screening device to maximize effectiveness in accordance with the maximum fence height requirements.

d. Outdoor storage areas;

All outdoor storage areas for materials and garbage containers, heavy equipment, or other similar items shall be screened from street view by a minimum six (6) foot high screening device. Such screening device shall consist of plant material and/or a wall constructed of or finished with materials compatible with the principal structure on the site. (see also sec. 13. f., dumpster and solid waste receptacles setbacks.)

e. Mechanical equipment;

(1) roof-mounted equipment shall be screened from view from the adjoining street(s) or alley(s) in a manner integrated with the roof structure and color.

(2) ground-mounted mechanical equipment shall be screened from off-site view by a screening device consisting of either plant material, a wall constructed of or finished with materials to match the principal structure on the site, a lattice, or other similar containment.

f. Dumpsters and solid waste receptacles;

Dumpsters and receptacles shall be completely screened from view of adjacent property in a more restrictive zoning district by opaque fence or wall that is at least one (1) foot taller than the dumpster or solid waste receptacle.

g. Loading area;

Loading areas shall be screened from view off-site on three (3) sides by a solid, fence, finished wall, or hedge at least six (6) feet in height.

17-12-27 SIGN CODE:

The following section shall be known and cited as the city of Willcox Sign Code.

The uses, locations, types, heights, sizes and illumination of signs are regulated in order to protect the attractiveness of the city, to enhance tourism, to promote commerce, to preserve property values, to

insulate residential areas from the undue impact of signs, to foster the effectiveness of business signage, to promote traffic and pedestrian safety, and to protect the general welfare.

Definitions

“**Commercial and/or Industrial Center**” means a group of two (2) or more businesses associated by a common agreement or common ownership with common parking facilities.

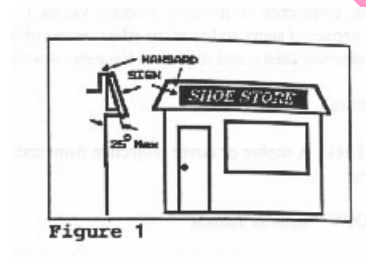
“**Construction (Beginning)**” means the placement or attachment of sign-related materials (e.g. posts, poles, brackets, standards, bolts, screws, lumber, concrete, block, footings, paint) on the ground or on an existing building or other structure.

“**Grade**” means an average elevation of the ground within a radius of twenty (20) feet from the center point of the sign.

“**Interstate Freeway Interchange**” means where ingress or egress is obtained to a federal interstate highway; specifically delineated as lying within three-hundred (300) feet of the federal right-of-way and between the two (2) points of widening of the interstate highway right-of-way approaching the interchange. (see example)

“**Lighting, Internal-Reverse Print**” means an internally lighted sign in which the visible lighted area constitutes less than fifty (50) percent of the total sign area, with lighted or visible letters against a dark background.

“**Mansard**” means a roof with two (2) angles of slope, the lower portion of which is steeper and is architecturally comparable to a building wall. Also a facade with a slope approaching the vertical which imitates a roof. (see figure 1)



“**Marquee**” means a permanent roof-like structure or canopy of rigid materials supported by and extending from the facade of a building, to be considered a canopy for sign allowances.

“**Reconstruction, Substantial**” means improvement or repair valued in excess of fifty (50) percent of the current value of a sign. Reconstruction does not include merely repainting or changing the copy on the sign if the use and size remain the same.

“**Sign, Abandoned**” means a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

“Sign, Canopy” any sign erected directly upon or suspended from a canopy (awning). (see figure 4)

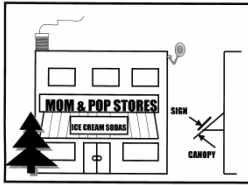


Figure 4

“Sign, Directional” means any sign which is designed solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed, and which contains no advertising copy. (see figure 5)

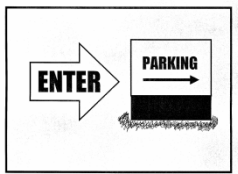


Figure 5

“Sign, Directory” means any sign listing the names, use, or location of the businesses or activities conducted within a building or group of buildings. (see figure 6)

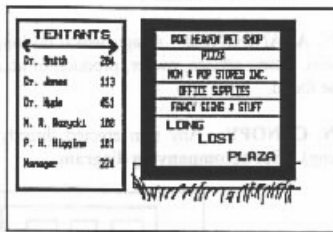


Figure 6

“Sign, Free-Standing” means a sign which is erected on its own self-supporting permanent structure, detached from any significant (i.e. weight-bearing) supporting elements of a building (lateral stabilizing support is not considered attachment to the building). (see figure 7)



Figure 7

“Sign, Height” means the distance measured from grade at the base of a sign to the topmost portion of a sign, including decorative embellishments.

“Sign, Identification” means any sign identifying by name, message, or symbol, a business, residence, occupant activity, institution, establishment, operation, merchandise, product, or service

available at the property on which the sign is displayed.

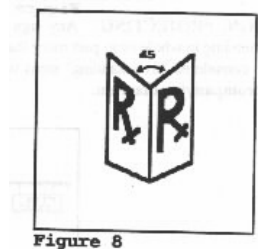
“Sign, Illuminated” means a sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

“Sign, Non-Conforming” means any sign which is not allowed under this code but which when first constructed was lawful.

“Sign, Number of Faces On” (see figure 8)

A. Single-faced: means if a sign has copy on one (1) side only or if the interior angle between the two (2) sign faces or sides is greater than forty-five (45) degrees, it shall be considered one (1) face; the area will be considered to be the sum of the areas of both sides.

B. Double-faced: means if the angle between the two (2) sign faces is less than forty-five degrees (45°), the sign shall be considered double-faced, the sign area will be the area of one (1) face only. If two (2) sign faces are attached to a structure with a thickness exceeding thirty-six (36) inches or the two (2) faces are separated by a distance exceeding thirty-six (36) inches, then the sign area will be the area of both faces.



C. Multi-faced: means any sign containing more than two (2) sides. The area shall be the area of the largest side plus the area of any other side whose interior angle with any other side exceeds forty-five (45) degrees.

“Sign, Off-Premise” “Billboard, Outdoor Advertising” means a sign advertising a business, place, activity, goods, services, or products on a different property from where said sign is located.

“Sign, On-Premise” means a sign advertising a business, place, activity, goods or services or products on the same property on which the sign is located.

“Sign, Political” means a temporary sign used in connection with a local, state, or national election or referendum.

“Sign, Portable” means any sign not permanently affixed to the ground or a structure on the site it occupies. (see figure 9)

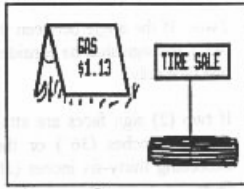


Figure 9

“Sign, Projecting” means any sign attached to a building or other structure and extending in whole or in part more than twelve (12) inches beyond the building. Shall be considered "free-standing" signs with reference to square footage allowances. (see figure 10)

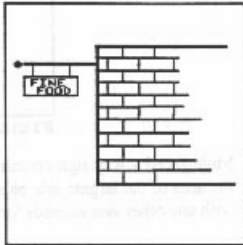


Figure 10

“Sign, Roof” means any sign erected upon the roof of any building or which is partially or totally supported by the roof or roof structure of the building. (see figure 11)

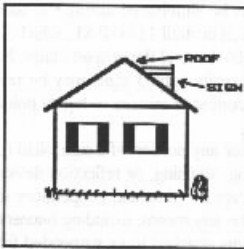


Figure 11

“Sign, Under-Canopy” means a sign suspended beneath a canopy, ceiling, roof, or marquee shall be considered a "free-standing" sign with reference to square footage allowances.

“Sign, Wall-Mounted” means a sign mounted or painted flat against, projecting less than twelve (12) inches or painted on the wall of a building with the exposed face of the sign in a plane parallel to the face of said wall. (see figure 12)



Figure 12

A. General Provisions:

Except as may be further restricted in specific zones, all permitted signs shall be subject to the following:

1. A sign may be illuminated as allowed for under section 603 (light pollution control).
2. No sign, nor any portion of a sign, shall rotate, move, or simulate movement by means of fluttering, spinning, or reflection devices, nor shall it contain an electronic message device except for time and temperature signs, nor shall it flash, blink, be audible, or be animated by any means, including banners, pennants, or devices affected by movement of air. Signs attached to or suspended from hot air or helium balloons are prohibited. An exception to this paragraph shall be permitted for a period of seven (7) consecutive days for the grand opening of a permitted business upon the bona fide occurrence and at the location of one of the following:
 - a. an "arms length" change of ownership.
 - b. opening of a new location.
 - c. an expansion of floor area of at least twenty- five (25) percent.such exceptions shall first obtain a temporary sign permit, with a minimum sign permit fee. an exception for a grand opening shall be permitted no more than once in any twelve (12) month period at any one location.
3. Lighted beacons, searchlights, or other lights or lighted devices, which attract attention to a property, are prohibited.
4. No sign may encroach upon or overhang adjacent property or public right-of-way. No sign shall be attached to any utility pole, light standard, bridge, or any other public facility located within the public right-of-way. Signs may be located in or project into required yards, but no sign nor any support for a sign shall be located in, or project into any private street, alley, easement, driveway, parking area or pedestrian way in such a manner as to obstruct the intended use or to constitute a safety hazard.
5. Canopy (awning) signs shall not project above the canopy. Signs may be attached flat against canopies made of rigid materials; canopies of non-rigid materials (e.g. canvas) shall only have signs painted on them. Signs attached to a building shall not project above the eave line or parapet. Signs mounted on the lower portion of a mansard roof with a slope exceeding seventy-four (74) degrees from the horizontal are permitted provided they do not project above the top of the lower roof.
6. In no case shall any sign exceed thirty (30) feet in height.
7. The square footage of a sign made up of letters, words, or symbols within a frame or border shall be determined from the outside edge of the frame or border itself. The square footage of a sign composed of only letters, words, or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words, or symbols. Only those portions of the construction elements that are an integral part of the sign itself shall be considered in the allocation of square footage allowed.
8. No sign shall be painted on or affixed to any natural object in its natural location such as a boulder, tree or cliff face.
9. Signs may be painted directly onto structural surfaces (walls or buildings) but not onto any roof.
10. No sign shall be located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching, merging or intersection traffic.

11. No sign shall simulate the appearance of an official traffic sign, signal or device, nor the warning or signal device of any emergency vehicle.
12. Signs painted on or attached to vehicles which are parked on the public right-of-way or on private premises for a continuous period in excess of seventy-two (72) hours or repeatedly for three (3) consecutive days, for the purpose of intentionally circumventing the intention of the ordinance, shall be considered portable signs within the meaning of this ordinance.
13. In no case shall any sign project above the roofline of the building upon which it is mounted. Roof mounted signs are permitted, if otherwise in compliance, and shall be considered to be a variety of wall-mounted sign.
14. No person shall exhibit, post or display upon any sign or wall any statement, symbol or picture of an obscene nature.
15. New signs exceeding six (6) square feet in area or exceeding eight (8) feet in height shall follow the permitting requirements specified in subsection l. (sign permits). Relocation or substantial reconstruction, i.e., costing more than fifty (50) percent of the present value of a sign, shall be considered a new sign for building permit purposes.
16. Signs that identify or advertise uses on other than the property on which they are located shall be permitted only in heavy commercial and industrial districts. see subsection d (off-premise signs)
17. Signs that are not permitted in a residential zone shall not be placed closer than twenty (20) feet to any residentially zoned lot.
18. Signs located within the triangular area on a corner lot formed by measuring thirty (30) feet along both street lines from their intersection or at the intersection of a public street and a private street or driveway, shall maintain a maximum three (3) foot top height or minimum eight (8) foot bottom height and contain a maximum of two (2) supports with a maximum twelve (12) inch diameter each. (see figure 13)

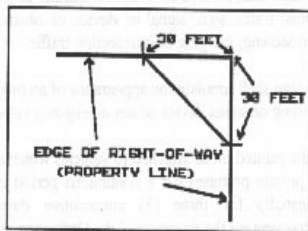


Figure 13

19. All signs shall be stable. Portable signs are permitted where indicated for zoning districts provided they are planted securely into the ground, weighted, or otherwise anchored to resist rolling, blowing, tipping over or otherwise moving from a safe location.
 20. Signs deemed dangerous, abandoned, or in substantial violation of this sign code by the Development Services Director, shall require correction within thirty (30) days of official notification, or be subject to removal by the city.
 21. All freestanding signs will comply with one (1) foot setback for each foot in height.
- B. Exempt Signs: the following signs shall be exempt from obtaining permits and other provisions of this ordinance provided they satisfy the following requirements or specifications:
1. Official notices authorized by a court, public body, or public safety official.
 2. Directional, warning or information signs authorized by or consistent with federal, state,

county, or municipal authority.

3. Memorial plaques and building cornerstones when cut or carved into masonry surface or when made of incombustible material and made an integral part of the building or structure.
4. Commemorative symbols, plaques and historical tablets.
5. Political signs on private property, provided however, that such signs shall be erected no more than sixty (60) calendar days prior to the last day for casting ballots, and removed within ten (10) calendar days following the last day for casting ballots of the election to which they refer; and that the total sign area permitted for any individual sign shall not exceed thirty-two (32) square feet.
6. Flags, emblems, insignias and posters of any nation, state, international organization, political subdivision or other governmental agency; unlighted non-verbal religious symbols attached to a place of religious worship; and temporary displays for a maximum of twenty (20) days of a patriotic, religious, charitable, or civic character shall be exempt from the provisions of this section. However, if the height exceeds thirty (30) feet, such signs shall be subject to the approval of the development services administrator. The preceding shall not be construed as to permit the use of such flags, insignias, etc. for the purpose of advertising or identifying a product or business.
7. Signs located within structures, including inside window signs intended to be seen from outside of the building.

C. Special Purpose Signs:

1. Directional or information signs:

- a. permanent on-premise directional signs are permitted in all districts, (and are in addition to the aggregate area limits specified in each zoning district) subject to the following:
 - (1) this sign shall contain no advertising copy.
 - (2) this sign shall not exceed four (4) square feet in area per face.
 - (3) this sign may be double-faced.
 - (4) this sign may be placed flat against a wall of a building or such sign may be free standing, but shall be no higher than eight (8) feet above grade.
 - (5) this sign may be used to designate entrances or exits to or from a parking area, but the number shall be limited to one (1) for each such entrance or exit.
 - (6) off-premise permanent directional or information signs for public service or safety facilities (such as hospitals and clinics) may be permitted through the use permit process as provided in this zoning code. Such signs may be specifically approved up to twenty-four (24) square feet.
 - (7) the total number of directional signs is not limited, provided such signs are not located within required setback yards.
 - (8) directional subdivision signs are permitted in any zone, and are subject to that zone's square footage limitations. Unlighted signs advertising subdivisions containing only the name of the subdivision, the name of the developer and/or agent, an identification emblem and directional message shall be permitted, provided:
 - (a) there shall be no more than one (1) such sign for each subdivision vehicular entrance, not to exceed a total of three (3); and