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ORDINANCE NO. 02-11

AN ORDINANCE OF THE NAVAJO COUNTY BOARD OF SUPERVISORS, AMENDING ARTICLE 16 OF THE NAVAJO COUNTY ZONING ORDINANCE

WHEREAS, Article 16 of the Navajo County Zoning Ordinance, Ordinance No. Z90-1, regulates "Adult Oriented Business"; and

WHEREAS, the Public Works staff and the Planning and Zoning Commission have recommended that Article 16 be amended; and

WHEREAS, following a duly noticed public hearing held this date, the Board of Supervisors finds that the recommended amendment of Article 16 is in the public interest and should be approved,

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors that Article 16 of the Zoning Ordinance is hereby amended to read as follows:

ARTICLE 16 – ADULT ORIENTED BUSINESS

Section 1601 – Definitions

AOB definitions are found in the separately published Licensing Procedures For Adult Oriented Business.

Section 1602 – Zoning Locations

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

Section 1603 – Sign Regulations

Permitted signs shall include the following:

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

3. Permitted signs may display the name of the AOB. Permitted signs may not display drawings or pictures of any kind.
4. Permitted signs shall be maintained to applicable standards for structural integrity and safety, and present a professional appearance.
5. Off-premises signs are subject to the same regulations as "on-premise" signs.

Section 1604 – Height Regulations

The height of the building shall not exceed either thirty (30) feet or two stories, as defined in Sections 3002.13 and 3002.84.

Section 1605 – Setbacks

1. AOB placement is subject to the following setbacks from other uses:
 - a) An AOB shall not be located within 1,500 feet of any other AOB.
 - b) An AOB shall not be located within 1,500 feet of:
 - i) Schools, Educational facilities, or Libraries
 - ii) Boys/Girls Clubs, Parks, Playgrounds, or other Public Recreational Facilities
 - iii) Day Care Centers or Nurseries
 - iv) Churches
 - v) A Medical Marijuana Dispensary or Medical Marijuana Offsite Cultivation Location
 - c) An AOB surrounded by a 6' opaque fence or wall shall not be located within 800 feet of any residential use.
 - d) An AOB that is not surrounded by a 6' opaque fence or wall shall not be located within 1,500 feet of any residential use.
2. For purposes of measuring separation distances required in this section, the measurements shall be taken in a straight line from the closest exterior walls of any affected structures without regard to intervening structures or objects or political boundaries.
3. An AOB lawfully operating is not rendered in violation of these provisions by the subsequent location of any use set forth in paragraph 1 above within 1,500 feet of the AOB.

Section 1606 – Intensity of Use Regulations

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

Section 1607 – Parking Regulations

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

Section 1608 – Loading and Unloading Regulations

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

Section 1609 – Additional Regulations

The additional regulations are as follows:

1. No AOB building or premises shall be used for dwellings or other places of domicile, manufactured home parks, recreational vehicle parks, manufactured home subdivisions, hotels, resort hotels, motels, restaurants, night clubs, bars, or dance halls. An AOB shall be used solely as an AOB, and no other use of the premises is permitted.
2. Any use that is not within a completely enclosed building shall be screened from lots in adjoining Rural or Residential zoning districts by a solid opaque fence or wall at least six (6) feet in height.
3. Exterior building lighting shall be solely downward facing for the lighting of walkways and parking lots for safety. Any lighting shall be placed so as to reflect away from adjoining Rural or Residential zoning districts.
4. The AOB facilities shall be of site-built construction, meeting the proper design for parking, drainage, driveways, utilities, opaque fencing or wall as required herein, and any other design considerations as determined by Navajo County Public Works staff.
5. No alcoholic beverages shall be sold, served, or consumed on the premises of any AOB.

Section 1610 – Applicability

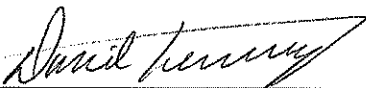
This ordinance shall apply to all persons engaging in activities described in Article 16, whether or not such activities were commenced prior to the effective date of this ordinance. Persons so engaged as of the effective date shall be in full compliance with this ordinance, including receipt of any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

Section 1611 – Compliance with Other Laws

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

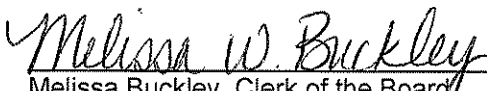
SO ORDAINED by the Navajo County Board of Supervisors at Holbrook, Arizona, on February 22, 2011, by a vote of 4 ayes, 0 nays and 1 absent for the vote.

NAVAJO COUNTY BOARD OF SUPERVISORS

By 

 David Tenney
 Chairman of the Board

Attest:



 Melissa Buckley, Clerk of the Board