

ARTICLE 25 - GENERAL PROVISIONS

(As Amended 12/12/1999 via BOS Resolution No. 106-99, 1/10/2000 via BOS Resolution No. 04-00, 5/1/2000, via BOS Resolution No. 36-00, 5/22/2000 via BOS Resolution No. 42-00, 12/11/2000, via BOS Resolution 105-00, 8/6/2001, via BOS Resolution 53-01, 12/10/2001 via BOS Resolution 101-01, 4/29/02 via BOS Resolution No. 30-02, 3/11/02 via BOS Resolution No. 16-02, 12/2/02 via BOS Resolution No. 84-02, 12/2/19 via BOS Resolution 29-19)

Section 2501- Applying General Provisions.

The regulations set forth in this Article qualify or supplement, as the case may be, the zoning district regulations appearing in this Ordinance.

Section 2502 - Exempt Uses.

This Ordinance shall not prevent, restrict or otherwise regulate the use or occupation of land or improvements for railroad, mining, metallurgical, grazing, or general agricultural purposes, if the lot concerned is five or more contiguous acres in the following zones: C-R, Ind-1, and Ind-2. This paragraph shall not affect any of the foregoing uses or zones in which they are expressly permitted (allowed). For example, this paragraph has no effect on agricultural uses allowed in the A-General Zone.

Section 2503 - Accessory Buildings and Uses.

1. Accessory buildings shall not be constructed upon a lot until the construction of the principal building has been actually commenced, and accessory buildings shall not be used for dwelling purposes for other than servants and caretakers employed on the premises.
2. Accessory buildings may be built in the required rear yard but such accessory buildings shall not occupy more than thirty percent (30%) of the required rear yard and shall not be nearer than two (2) feet to any side or rear lot line or setback line, except that in the case of corner lots, accessory buildings shall not be nearer to the street than a distance equal to not less than one half (1/2) of the depth of the required front yard of the corner lot and when a garage is entered from an alley, it shall not be located nearer than ten (10) feet to the alley line.
3. Accessory buildings on through lots shall not be nearer to either street than a distance equal to the required front yard of such lot.

Section 2504 - Number of Principal Buildings on a Lot.

Where a lot is located in a Multiple-Family Residential, Commercial or Industrial zoning district, more than one (1) principal building may be located on the lot but only when the locations of such buildings conform to all the open space requirements around the lot for the zoning district in which the lot is located. Yard regulations in such case may be applied around the principal buildings as though there were only one principal building on the lot.

Section 2505 - Adjustment Permitting an Additional Dwelling Unit.

In zoning districts permitting multiple-family dwellings, if an amount of lot area not allocated to a dwelling unit is more than eighty percent (80%) of that required for one dwelling unit, such remaining lot area may be used to satisfy the lot area requirement for an additional dwelling unit.

Section 2506 - Additional Lot Area and Dimension Regulations.

1. Any lot of record existing at the time this Ordinance or amendments thereto become effective, which does not conform with the lot area or width requirements for the zoning district in which it is located may be used for any use permitted in that zoning district provided other applicable regulations of the Ordinance are complied with.
2. Any lot, after this Ordinance or amendments thereto become effective, shall not be reduced in any manner below the lot area and dimension requirements of this Ordinance for the zoning district in which it is located, or if a lot is already less than the minimum so required, such lot area or dimension shall not be further reduced.
3. Any lot, after this Ordinance or amendments thereto become effective, shall not be reduced or diminished so as to cause the yards, lot coverage or other open spaces to be less than that required by this Ordinance, or to decrease the lot area per dwelling unit except in conformance with this Ordinance. No building permits shall be issued on any lot in violation of this section.

Section 2507 - Additional Yard and Open Space Regulations.

1. Required yard or other open space around any existing buildings, or which is herewith provided around any building for the purpose of complying with this Ordinance shall not be construed as providing a yard or open space for any other building.
 2. Every part of a required yard shall be open to the sky, unobstructed, except as enumerated in the following:
 - a. Accessory buildings may locate in the required rear yard subject to applicable regulations elsewhere in this Ordinance.
 - b. Ordinary projections of window sills, cornices, eaves and other ornamental features may project a distance not exceeding two (2) feet into any required yard, except that in the case of accessory buildings in the required rear yard this projection shall not exceed one (1) foot beyond the walls of such accessory buildings.
 - c. Chimneys may project a distance not exceeding two (2) feet into any required yard.
 - d. Fire escapes may project a distance not exceeding five (5) feet into any required yard. Such projection shall be a distance at least two (2) feet from any lot line or setback line.
 - e. Bay windows and balconies may project a distance not exceeding three (3) feet into the required front or rear yard, provided that such features shall not occupy, in the aggregate, more than one-third (1/3) of the length of the wall of the building on which they are located.
 - f. Uncovered stairs and necessary landings may project a distance not exceeding six (6) feet into the required front or rear yard, provided that such stairs and landings shall not extend above the entrance floor of the building except for a railing not to exceed three (3) feet in height.

- g. Terraces, patios, platforms, and ornamental features which do not extend more than three (3) feet above grade may project into any required yard, provided such features shall be distant at least two (2) feet from any lot line or setback line.
3. Where an open space is more than fifty percent (50%) surrounded by a building which is two (2) stories or more in height, the minimum width of open space shall be at least thirty (30) feet from two-story buildings, and forty (40) feet from three-story buildings.
4. Side yards for dwelling units erected above other uses conducted in the same building are not required in excess of the side yards that would be required for such buildings were it not to contain the dwelling units.
5. Where forty percent (40%) or more of the frontage on one (1) side of a street between two (2) intersecting streets is developed with buildings that have observed, with a variation of five (5) feet or less, a front yard greater in depth than that required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
6. Where forty percent (40%) or more of the frontage on one (1) side of a street between two (2) intersecting streets that have not observed a required front yard, or where buildings on such street have observed, with a variation of more than five (5) feet, a front yard greater in depth than that required, then where a building is to be erected within one hundred (100) feet of existing buildings on both sides, the required front yard shall be a line drawn between the two closest front corners of the adjacent building on the two (2) sides; or where a building is to be erected within one hundred (100) feet of an existing building one (1) side only, such building may be erected as close to the street as the existing adjacent building.

Section 2508 - Additional Height Regulations.

1. Public or public service buildings, hospitals, institutions or schools may be erected to a height not exceeding sixty (60) feet, and churches may be erected to a height not exceeding seventy-five (75) feet, if the building is set back from each lot line at least one (1) foot for each foot of additional building height above the height limit otherwise permitted in the zoning district in which the building is located.
2. Chimney's, church steeples, refrigeration coolers, or ventilating fans, elevator bulkheads, fire towers, ornamental towers or spires, wireless towers, and mechanical appurtenances necessary to operate and maintain the buildings, may be erected to a height not exceeding one hundred (100) feet, if such structure is set back from each lot line at least one (1) foot for each foot of additional height above the height limit otherwise permitted in the zoning district in which the structure is located.
3. Buildings or structures or any portions thereof exceeding a height of twenty (20) feet shall not be erected or structurally altered within five hundred (500) feet of the projected centerline of an existing or proposed runway or landing strip for a distance of one thousand (1,000) feet from the end of the existing or proposed runway or landing strip buildings or structures or any portion thereof shall not be erected to exceed a height that would interfere with the takeoff or landing of a plane with a glide angle of one (1) foot vertical for every forty (40) feet horizontal, such

glide angle to be computed as beginning at a point on the extended center line of the runway two hundred (200) feet beyond and at the same elevation as the end of the runway pavement; or if runway pavement is not provided, one hundred (100) feet beyond and at the same elevation as the end of the landing strip.

4. The following limitations shall apply to the height of fences, walls, gateways, ornamental structures, hedges, shrubbery and other fixtures, construction and planting on corner lots in all zoning districts where front yards are required:
 - a. Such barriers to clear unobstructed vision at corners of intersecting streets shall be limited to a height not over two (2) feet above the established elevation of the nearest street line, for a distance of twenty-five (25) feet along both the front and side lot lines measured from the point of intersection, of the said intersecting lot lines.
 - b. Within the isosceles triangle formed by measuring along both the front and side lot lines a distance of twenty-five (25) feet from their point of intersection and by connecting the ends of the respective twenty-five (25) feet of distances, such barriers shall be limited to a height of not over two (2) feet above the elevation of the street line level at said intersecting streets.
 - c. Within the said triangle, and in cases where front yards are terraced, the ground elevation of such front yards shall not exceed two (2) feet above the established street line elevation at said intersecting streets.

Section 2509 - Administrative Waiver

The director of development services may, in the director's sole discretion, grant an administrative waiver of up to 15% from any dimensional requirement(s) set forth in this zoning ordinance (including lot area, lot width, lot coverage, setback, building height and any other requirement stated in feet or square feet) in circumstances where strict compliance would not be desirable or feasible. For example, if the minimum lot size is 10,000 square feet, the director may grant an administrative waiver of up to 1,000 square feet (so as to allow a 9,000 square foot lot). Requests for administrative waivers shall be made to the director in writing and shall state why strict compliance is not desirable or feasible. If a waiver is granted, it shall be in writing and shall be recorded in the office of the county recorder. If a waiver is denied, the property owner may apply to the board of adjustment for a variance, which shall be granted or denied in accordance with the standards applicable to variances.

Section 2510 - Parking Regulations.

1. Parking for Dwellings: For all single, two or multiple-family dwellings hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) parking space for each dwelling unit in the building.
2. Parking for Places of Public Assembly: For every building or part thereof hereafter erected, or for any building converted to such uses or occupancy to be used principally as a place of public assembly or for any addition thereto, there shall be provided parking space as indicated below:
 - a. Churches: One (1) parking space for every five (5) persons for which

seating is provided.

- b. Theaters, Auditoriums, Arenas, Indoor and Outdoor Stadiums: One (1) parking space for every five (5) persons for which seating is provided.
 - c. Bowling Alleys and Similar Recreational Uses: One (1) space for each three hundred (300) square feet of floor area, or fraction thereof, in the building.
 - d. Funeral Homes, Private Clubs and Fraternal Organizations, Libraries, Museums, And Community Buildings: One (1) parking space for each five hundred (500) square feet of floor area, or fraction thereof, in the building.
 - e. Other Places of Public Assembly: One (1) parking space for each three hundred (300) square feet of floor area, or fraction thereof, in the building.
3. Parking for Boarding Houses, Lodging Houses, Fraternities and Sororities: For all boarding houses, lodging houses, fraternities and sororities hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) parking space for each occupant for which the building is designed to accommodate.
 4. Parking for Hotels, Motels, Guest Ranches and Resort Hotels: For all hotels, motels, guest ranches and resort hotels hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) parking space for each guest room or suite of rooms in the buildings.
 5. Parking for Hospitals, Institutions of a Religious, Charitable or Philanthropic Nature, Orphanages, Rest Homes, Nursing Homes and Convents: For all hospitals and institutions of a religious, charitable or philanthropic nature, orphanages, rest homes, nursing homes and convents hereafter erected, or for any building converted to such use or occupancy there shall be provided one space, for every five (5) beds in the building, and one (1) parking space for each staff physician.
 6. Parking for Schools and other Similar Educational Institutions: For all schools and other similar educational institutions hereafter erected, or for any building converted to such use of occupancy, there shall be provided one (1) parking space for every three (3) employees including administrators, teachers and building maintenance personnel, and one (1) parking space for every five (5) high school, college or university students predicated upon the designed capacity of the physical plant.
 7. Parking for Manufactured Home Subdivisions: For all Manufactured Home subdivisions there shall be provided one (1) parking space for each lot in such subdivision.
 8. Parking for Manufactured Home Parks: For all Manufactured Home parks there shall be provided one (1) parking space for each Manufactured Home space or Recreational Vehicle space in such parks, and one (1) additional parking space for every four (4) Manufactured Home spaces in such park.
 9. Parking for Recreational Vehicle Parks: For all Recreational Vehicle Parks there shall be provided one (1) parking space for each Recreational Vehicle space in

such park.

10. Parking for Office Buildings: For all office buildings hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) parking space for each two hundred fifty (250) square feet of floor area, or fraction thereof, in the ground level floor of the building and one (1) parking space for each three hundred (300) square feet of floor area, or fraction thereof, in other than the ground level floor of the building.
11. Parking for Restaurants, Night Clubs, Bars and Dance Halls: For all restaurants, night clubs, bars and dance halls hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) parking space for each fifty (50) square feet of floor area, or fraction thereof, in the building exclusive to the area designed for kitchens, restroom, storage, service or other non-public purposes.
12. Parking for Other Commercial Buildings: For all other commercial buildings hereafter erected, or for any building converted to such use of occupancy, there shall be provided one (1) parking space for each two hundred (200) square feet of floor area, or fraction thereof, in the ground level floor for the building and one (1) parking space for each two hundred fifty (250) square feet of floor area, or fraction thereof, in other than ground level floor of the building.
13. Parking for Wholesale, Manufacturing and Industrial Buildings: For all wholesale, manufacturing and industrial buildings hereafter erected, or for any buildings converted to such use or occupancy, there shall be provided one (1) parking space for each three (3) employees on the largest working shift, or one (1) parking space for each one thousand (1,000) square feet of floor area, or fraction thereof, in the building, whichever is greater.
14. Fractional Measurements Involving Parking Spaces: Unless otherwise provided for in the specific parking regulations, one (1) additional parking space shall be required if the number of required parking spaces results in a fractional number of more than one-half (1/2).
15. Location of Required Parking Spaces: The required parking spaces shall be located as follows:
 - a. On the same lot as the use they are intended to serve.
 - b. Within four hundred (400) feet of the premises they are intended to serve, if approved as a variance by the Board of Adjustment having jurisdiction.
16. Collective Action Relative to Parking: This Ordinance shall not be construed to prevent the joint use of parking spaces for two (2) or more buildings or uses if the total of such spaces when used together is not less than the sum of spaces required for the various individual buildings or uses computed separately.
17. Mixed Uses: In the case of mixed uses, the required parking shall be the sum of the required parking spaces for the various uses computed separately, and such spaces for one (1) use shall not be considered as providing required parking for any other use.

Section 2511 - Loading and Unloading Regulations.

1. Loading and Unloading for Commercial Buildings: For all commercial buildings hereafter erected, or for any building converted to such use or occupancy there shall be provided one (1) loading and unloading space for each twenty-five thousand (25,000) square feet of floor area, or fraction thereof, devoted to such use in the building.
2. Loading and Unloading for Wholesale, Manufacturing and Industrial Buildings: For all wholesale, manufacturing and industrial buildings hereafter erected, or for any building converted to such use or occupancy there shall be provided one (1) loading and unloading space for each ten thousand (10,000) square feet of floor area, or fraction thereof, devoted to such use in the building.
3. Location of Required Loading and Unloading Spaces: The required loading and unloading spaces shall in all cases be on the same lot as the use they are intended to serve. In no case shall required loading and unloading spaces be part of the area used to satisfy the parking requirements.
4. Collective Action Relative to Loading and Unloading: This Ordinance shall not be construed to prevent the joint use of loading and unloading spaces for two (2) buildings or uses if the total of such spaces when used together is not less than the sum of spaces required for the various individual buildings or uses computed separately.
5. Mixed Uses: In the case of mixed uses, the required loading and unloading spaces for the various uses computed separately, and such spaces for one use shall not be considered as providing required loading and unloading for any other use.

Section 2512 - Time Share Projects.

Time Share Use, Time Share Estate and conversion of existing structures, buildings or dwelling units to a Time Share Project, shall be subject to the minimum requirements of zoning district established; in addition to regulations as follows:

1. A site plan shall be submitted for any time share project, and shall be processed pursuant to the provisions in Article 17, except the minimum requirements of the established zoning district shall control where in conflict with said Article 17.
2. A public hearing in accordance with Article 29 shall be conducted by the Planning Commission and Board of Supervisors before a time share project can be granted. In order to grant site plan approval, the findings of the commission must be that establishment of project applied for will not, under circumstances of the particular situation, be incompatible with the existing neighborhood and would not introduce or place into a neighborhood a character of property or use which would clearly be detrimental to property values in that neighborhood.
3. A letter explaining the services to be made available to time-share interest owners, provisions for maintenance, method of assessments and tax collection of time intervals or fractional interest, formation and irrevocable share of the homeowners association, health and sanitation procedures, rules of conduct, provisions for assessment of damages, ownership of facilities, procedures for termination of the project, and provisions for access to financial records and other information as

necessary to insure protection to surrounding properties, shall be submitted.

4. Further should the Arizona Real Estate Division, as per 32-2197.06 A.R.S., for any reason not issue the real estate report, except as exempt, then the time share approvals shall be void until said real estate report is written, or otherwise provided by laws applicable. The property is not limited from other uses consistent with the provisions of the zoning district or approved site plan, but not for time share purposes.

Section 2513 - Temporary Buildings and Uses/Special Events.

1. Definitions.
 - a. Temporary Use Permit means a permit issued pursuant to Section 2513(2) or 2513(3). The fee for a temporary use permit shall be in accordance with a schedule of fees adopted by the Board of Supervisors.
 - b. Special Event Permit means a permit issued pursuant to Section 2206 or 2513(4).
 - c. Director means the Director of the Navajo County Development Services Department or his or her designee pursuant to Section 3002(20).
 - d. Referral by the Director means the Director has decided that a particular matter should be considered and decided by the Board of Supervisors instead of the Director. The Director's decision to refer a matter to the Board of Supervisors shall be final.
 - e. Adjoining Property means all parcels of land that are identified by separate parcel numbers in the Office of the Navajo County Assessor and that either physically touches the subject parcel or would touch it if not separated by a dedicated right-of-way.
2. Temporary Use Permit for construction-related temporary buildings and uses.
 - a. Temporary buildings, Manufactured Homes and Recreational Vehicles used in conjunction with construction work may be permitted only during the period of construction, subject to obtaining a Temporary Use Permit from the Director (or the Board of Supervisors upon referral by the Director) and the following conditions:
 - (1) The duration of the Temporary Use Permit shall not exceed one year from the date of approval, but the permit may be renewed for up to two additional one-year periods if the property owner submits to the Director (or the Board of Supervisors upon referral by the Director) satisfactory evidence of the need for renewal.
 - (2) Unless the Temporary Use Permit is renewed, the temporary building, Manufactured Home or Recreational Vehicle shall be removed from the site upon the expiration of the permit, within ten days after the completion of construction, or upon the granting of a Certificate of Occupancy, whichever occurs first.
 - (3) Temporary placement of a Recreational Vehicle shall be subject to

the provisions of Article 22, except that no Temporary RV Permit shall be required if a Temporary Use Permit has been issued.

- b. Temporary construction uses (such as the cutting and storage of lumber or the storage of materials and equipment used in conjunction with construction work) may be permitted only during the period of construction, subject to obtaining a Temporary Use Permit from the Director (or the Board of Supervisors upon referral by the Director) and the following conditions:
 - (1) The duration of the Temporary Use Permit shall not exceed one year from the date of approval; but the permit may be renewed for up to two additional one-year periods if the property owner submits to the Director (or the Board of Supervisors upon referral by the Director) satisfactory evidence of the need for renewal (such as continuing construction-related activities on the subject property; a valid Building Permit, Grading Permit or other authorization for construction; and/or a valid construction-related contract).
 - (2) Unless the Temporary Use Permit is renewed, the temporary use shall cease upon the expiration of the permit, within ten days after the completion of construction, or upon the granting of a Certificate of Occupancy, whichever occurs first.
- 3. Temporary Use Permit for real estate offices for the sale of subdivision lots.
 - a. Temporary real estate offices for the sale of lots in a subdivision for which the final plat has been approved by the Board of Supervisors may be permitted, subject to obtaining a Temporary Use Permit from the Director (or the Board of Supervisors upon referral by the Director) and the following conditions:
 - (1) The office shall be located on the property being subdivided and shall be used solely for the sale of these lots.
 - (2) The office shall comply with the height, setback, intensity of use, utility (including sewer) and parking regulations for the zoning district in which it is located.
 - (3) The duration of the Temporary Use Permit shall not exceed two years from the date of approval, but the permit may be renewed for one or more additional periods of not more than one year each if the property owner submits to the Director (or the Board of Supervisors upon referral by the Director) satisfactory evidence of the need for renewal (such as evidence that lots remain unsold).
 - (4) Unless the Temporary Use Permit is renewed, the office shall be removed upon the expiration of the permit or the sale of all lots in the subdivision, whichever occurs first.
- 4. Special Event Permit for short-term events. This section applies to the short-term uses listed herein. If this section prescribes regulations more restrictive than the zone in which the use will be located, the provisions of this section shall apply.

- a. Uses for which a Special Event Permit may be issued. All time requirements are one time each calendar year for a specified number of consecutive days unless specifically stated otherwise. Only one Special Event Permit may be issued for a parcel at any one time in a given year, except as noted below. Permits shall not have overlapping time frames.
- (1) Outdoor special events, including:
 - Transient amusement activities (carnivals, circuses and similar events).
 - Temporary faith-based assemblies (including tent revivals), and seasonal festivals.
 - Outdoor sales events (sidewalk and parking lot sales, auctions and similar events).
 - Outdoor art and craft shows and exhibits. Such events shall be limited to a maximum of two times per year, not to exceed five days per event.
 - (2) Christmas tree sales lots, not to exceed 60 days of site occupation and operation per year.
 - (3) Political campaign offices, not to exceed 60 continuous days of site occupation and operation.
 - (4) Religious, patriotic, historic or similar displays or exhibits within yards, parking areas or landscaped areas, not to exceed 30 days of display in any one-year period for each exhibit. No permit shall be required for a display or exhibit created by a homeowner or a religious, charitable or educational organization on the homeowner's or organization's own property for the purpose of commemorating a traditional holiday or historical event.
 - (5) Stands for the sale of jewelry, furs, rugs and household items, not to exceed 30 days per year.
 - (6) Stands for the sale of produce, not to exceed 30 days per year. The provisions of this subsection do not apply to the sale of produce grown on the premises.
 - (7) Temporary retail food sales, not to exceed 30 days per year. This shall include stands for food sales at one-day special events. No permit shall be required for the sale of "home-baked" items prepared by a homeowner or the members of a religious, charitable or educational organization for sale on the homeowner's or organization's own property.
 - (8) Other short-term uses determined to by the Director (or by the Board of Supervisors upon referral by the Director) to be similar to the foregoing.
- b. Special Event Permit. All short-term uses listed in Section 4(a) shall require a Special Event Permit from the Director (or the Board of Supervisors upon referral by the Director). The application for a Special Event Permit shall

be on a form approved by the Director and shall include a detailed description of the proposed use, a site plan describing the location of the proposed use on the subject property, a statement of the date(s) on which the use will take place, the proposed daily hours of operation for the use, and a written authorization from the owner of the property on which the use will be located. The fee for a Special Event Permit shall be in accordance with a schedule of fees adopted by the Board of Supervisors. The Director (or the Board of Supervisors, as the case may be) may require a cash bond not to exceed \$5,000 to defray the cost of cleaning up the site if the permittee leaves it in an unsatisfactory condition (see section 4(d) below). Any such bond shall immediately be refunded to the permittee upon the cessation of the use if the site is in satisfactory condition.

- c. Special Event Permit from Board of Supervisors for longer periods. Any temporary use of the type listed in section 4(a) shall require a Special Event Permit from the Board of Supervisors if the period of use will exceed the allowable maximum set forth in Section 4(a). The duration of a Special Event Permit for any such use shall not exceed 90 consecutive days one time each calendar year.
- d. Performance standards. Approval of a Special Event Permit shall be conditioned upon the permittee's compliance with the following performance standards and any additional conditions deemed necessary by the Director (or the Board of Supervisors upon referral by the Director) in order to reduce possible detrimental effects to surrounding properties and protect the public health, safety and welfare.
 - (1) Noise. Noise shall not be generated by any use to the point of disturbing the peace, quiet or comfort of neighboring properties.
 - (2) Parking. Adequate parking areas (including handicap parking) are required in the vicinity of the event. Parking shall be provided on the same property as the event to the fullest extent possible. Public rights-of-way shall be kept open and traversable during the operating hours of the event, and the permit holder shall ensure that there is no unreasonable interference with public travel.
 - (3) Location. No permit shall be issued for a site where the use is deemed potentially hazardous to the public. This includes heavily congested or trafficked areas where the use may impede or inconvenience the public. No use shall be permitted in a public right-of-way.
 - (4) Sanitation. All requirements of the County Health Department and other health authorities shall be met. Adequate provisions for the disposal of solid waste and waste water are required for all uses.
 - (5) Signage. One freestanding or wall-mounted on-site sign not exceeding six square feet in area and six feet in height is permitted. Sign text and graphics which relate only to the approved short-term temporary use shall be removed immediately upon expiration of the permit. Off-premise signage, on private property, which describes the location of the use shall be allowed, subject to compliance with

all applicable provisions of Article 23 (Sign Regulations) and the approval of the property owner. Lighted signage is permitted in accordance with the provisions of Section 2513(d)(6). A diagram of the sign indicating size, text and location must be submitted with the permit application. No signage is permitted in any public right-of-way unless approved by both the Director and the Navajo County Public Works Department. Additional on-site or off-site directional signage may be permitted at the discretion of the Director (or the Board of Supervisors upon referral by the Director).

- (6) Lighting. All lighting sources shall be aimed or shielded so that the direct illumination is confined to the property on which the use is located. The operation of searchlights or similar lighting sources is prohibited.
 - (7) Other permits. Any required Health Department or Sheriff's Office permits or licenses, etc., shall be obtained before the use commences.
- e. Restoration of site after use. The site shall be left free of debris, litter or any other unsightly evidence of the use upon completion or removal of the use and shall thereafter be used only in accordance with the applicable provisions of the zoning regulations.
5. Notice. The Director may notify adjacent property owners of an application for a Temporary use Permit in any reasonable manner and may solicit their comments prior to issuance of the permit. The Director's decisions as to whether the application warrants notice to adjoining property owners, and as to the manner of such notice, shall be final.
 6. Appeal. If a Temporary Use Permit or Special Event Permit is denied by the Director, or the applicant is dissatisfied with the conditions of any such permit, or any adjoining property owner is dissatisfied with the granting of any such permit by the Director, the applicant or adjoining property owner may appeal to the Board of Supervisors within ten calendar days of after the decision of the Director. The appeal shall be filed by delivering to the Director a notice of appeal, describing in reasonable detail the reason(s) for the appeal. A filing fee in accordance with a fee schedule adopted by the Board of Supervisors shall be paid at the time of filing. The decision of the Board of Supervisors shall be final. The permit shall be stayed while the appeal is pending.

Section 2514 - Storage of Manufactured Homes, Mobile Home, RVs, Aircraft, or Boats.

Unless permitted under the regulations set forth in Section 2513 or in Section 2001 hereof, or unless permitted by the use regulations for a specific zoning district, the location or storage of Manufactured Homes and Recreational Vehicles outside of Manufactured Home parks, Recreational Vehicle parks and Manufactured Home subdivisions, and the location or storage of aircraft, boats, Recreational Vehicles shall be subject to the following:

1. At no time shall the Manufactured Home, Recreational Vehicle, aircraft, or boat, be occupied or used for living, sleeping or housekeeping purposes.

2. If a Manufactured Home, Recreational Vehicle, aircraft, or boat, is located or stored outside of a garage or carport, it shall be placed in the rear yard of the lot, except that placement in other than the rear yard for loading and unloading purposes may be permitted for a period of time not to exceed twenty-four (24) hours. An application for a variance to this provision can be made to the Board of Adjustment who will determine, on a case by case basis the merits of the request.
3. No Manufactured Home, Mobile Home, or Recreational Vehicle shall be stored on a parcel without the existence of a principal dwelling. An application for a variance to this provision can be made to the Board of Adjustment who will determine, on a case by case basis the merits of the request.

Section 2515 - Lots Divided by Zoning District Boundaries

Whenever a lot of record existing on the effective date of this ordinance is divided by a zoning district boundary in such a manner that more than fifty percent (50%) of the lot (by area) is located in one zone, the lot may be developed as though the entire lot were in that zone, but only if the distance from the zoning district boundary to the lot lines of the portion of the lot in the other zone does not exceed 25 feet at any point (measured perpendicularly from the zoning district boundary to the lot lines). This section shall also apply to any lot of record which is divided by a change in zoning district boundaries after the effective date of this ordinance.

Section 2516 – Unsightly, Unsanitary or Hazardous Accumulations and Conditions

1. Unsightly, unsanitary or hazardous accumulations of junk (as defined in section 3002); household garbage; feces; appliances or fixtures; discarded household items or furnishings; inoperable vehicles (as defined herein); vehicles undergoing major repair or restoration (as defined herein); vehicle parts: dismantled machinery; construction materials; wood pallets; unusable firewood (as defined herein); fire hazards (as defined herein); and other debris or junk, as well as holes, tanks and child traps (as defined herein), are prohibited; provided, however, that junk is permitted in junkyards (as defined in section 3002), and unsightly but sanitary and non-hazardous accumulations and conditions are permitted in association with other businesses where such accumulations or conditions are necessary to the business (such as recycling facilities) and at construction sites during the period of actual construction. Unsightly accumulations or conditions that would be deemed offensive by a reasonable neighbor or passer-by, as determined by the Director, shall be removed, enclosed in a permanent structure or screened with conventional fencing materials in such a manner that they are no longer visible to neighbors or passers-by. Unsanitary or hazardous accumulations or conditions shall be eliminated as ordered by the Director. The notice of violation shall specify with reasonable particularity the nature of the unsightly, unsanitary or hazardous accumulation or condition.

2. For the purposes of this section:

Inoperable vehicle means a vehicle or any portion thereof which is incapable of movement under its own power and will remain so without major repair or reconstruction.

Major repair means the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or

oil pan.

Vehicle means any self-propelled device in, upon, or by which any person or property is or may be transported upon a public highway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

Fire Hazards mean dead or dying trees, bushes, stumps or limbs, as well as accumulations of dead organic matter and yard debris (including, but not limited to pine needles, leaves, and grass clippings, but excluding maintained compost areas), which are determined to pose a fire hazard by the Director with the concurrence of the local Fire Department or Fire Marshall.

Holes, tanks, and child traps include, but are not limited to, holes, cisterns, open cesspools, open or unsanitary septic tanks, excavations, open foundations, and refrigerators, freezers or iceboxes with unlocked doors.

Major Repair means the removal from any vehicle of a major portion thereof including, but not limited to, the differential, transmission, head, engine block, or oil pan.

Unusable firewood means any firewood that is more rot than wood and is not cut into lengths designed to fit an approved wood-burning stove.

Vehicle means any self-propelled device in, upon, or by which any person or property is or may be transported upon a public roadway excepting devices moved by human power or used exclusively upon stationary rails or tracks.

3. Subject to paragraph 1, all abandoned materials (such as home furnishings, machinery, wood, metal, plastics, and rubble) shall be stored in an enclosed area by the owner or occupant of the property upon which the materials are located, in such a manner as to not be visible from any point lying without the property upon which the materials are located.

Section 2517 - Prohibition Against Mobile Homes Built Before June 15, 1976

Notwithstanding any other provision of the Zoning Ordinance, from and after January 1, 2000, no Mobile Home as defined in A.R.S. §41-2142 (i.e., a structure built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a dwelling when connected to on-site utilities, except a Recreational Vehicle or Factory-Built Building) shall be located within the unincorporated area of Navajo County. This prohibition shall not apply to any Mobile Home lawfully located within the unincorporated area of Navajo county as of January 1, 2000, but it shall apply to any such Mobile Home which is thereafter relocated to another location within the unincorporated area of Navajo County. This prohibition shall likewise not apply to any Mobile Home that has been certified as rehabilitated to HUD (Department of Housing and Urban Development) standards by the State Office of Manufactured Housing or its designee in accordance with Board of Manufactured Housing Regulation Number R4-34-107, Rehabilitation of Mobile Homes. If a Mobile Home lawfully located in the unincorporated area of Navajo County as of January 1, 2000 is thereafter to be relocated to another location within the unincorporated area of Navajo county, the owner shall cause the Mobile Home to be certified as rehabilitated to HUD standards prior to such relocation.

Section 2518 – Group Homes for the Disabled

1. Purpose: The purpose of these regulations is to permit disabled persons, as defined by state and federal law, to reside in single-family residences in compliance with the Fair Housing Act and Arizona state law, while maintaining the residential character of neighborhoods.
2. Applicability.
 - a. Zoning Confirmation: Prior to registration, requests for zoning confirmation may be submitted to the Planning and Zoning Department to confirm the proposed location of the group home is permitted per this Section.
 - b. Additional Requirements of State Law: Notwithstanding the foregoing, if the State has adopted laws or rules for the regulation of a specific type of home, such as a Group Home for the Developmentally Disabled or an Assisted Living Home as defined by state statutes, then any such State law or rule shall apply in addition to the conditions listed herein and shall preempt any conflicting condition listed herein.
3. Performance Standards: Group Homes for the Disabled shall be located, developed, and operated in compliance with the following standards:
 - a. Separation: The minimum separation between group homes shall be 1,200 feet as prescribed by A.R.S. § 36-582, as measured by the closest property lines.
 - b. Occupancy: The number of residents, excluding staff, shall not exceed 10.
 - c. Exterior Appearance: There shall be no sign or other exterior indication of a group home visible from a street.
 - d. Compliance with Building, Environmental Health, and Fire Safety Regulations: Group homes shall be required to comply with all relevant building, environmental health, and fire safety regulations. If a group home has one or more non-ambulatory residents, building code requirements in addition to those applicable to group homes containing no non-ambulatory residents, shall apply.
 - e. Licensing: Group homes shall comply with applicable licensing requirements.
 - f. Parking: Any parking for the group homes shall be on site.
4. Permits and Administration.
 - a. Property is considered a Group Home for the Disabled under this Ordinance after the Navajo County Planning and Zoning Department issues a Permit for a Group Home for the Disabled for that property. Only properties serving occupants who fit the definition of disabled under the Fair Housing Act are eligible for determination as a Group Home for the Disabled.
 - b. In order to secure a permit for a group home for the disabled, an application must be submitted on the form prescribed by the Planning and Zoning Department. The application must include the following:
 - i. A site plan

- ii. A notarized statement detailing qualifications
 - iii. Copies of applicable licenses
 - iv. Affidavit of compliance and other documentation indicating the property as a group home for the disabled
 - v. Any additional information or plans, if deemed necessary
- c. If standards are not met, the home shall be considered another group home or institutional residential use and shall be subject to the provisions of the Zoning Ordinance guiding such establishments. Status as a Group Home for the Disabled is open to review by the Navajo County Planning and Zoning Department and may be cancelled at any time upon a determination by the Director that the property is no longer being used for a qualifying purpose or meeting standards laid forth in this Ordinance.

Section 2519 – Outdoor Lighting

1. Purpose - this ordinance is intended to restrict the permitted use of outdoor artificial illuminating devices emitting undesirable rays into the night sky which have a detrimental effect on astronomical observations.
2. Conformance with Applicable Codes: All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this ordinance and any building ordinances or codes which may apply. Where any provisions of any of the Arizona State Statutes, or any of the federal law, or any companion ordinance comparatively conflicts with the requirements of this outdoor light control ordinance; the most restrictive shall govern.
3. Approved Material and Methods of Installation: The provisions of this ordinance are not intended to prevent the use of any material or method of installation not specifically prescribed by this ordinance, providing any such alternate has been approved. The Building Inspector may approve any such alternate provided that he finds that the proposed design, material or method:
 - a. provides approximate equivalence to those specific requirements of this ordinance.
 - b. is otherwise satisfactory and complies with the intent of the ordinance.
4. Preferred Methods of Outdoor Illuminations: Low pressure sodium lamps are the preferred lamp for minimizing adverse effects on astronomical observation.
5. Definitions
 - a. Outdoor Light Fixtures - outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. such devices shall include, but are not limited to search, spot, or flood lights for:
 - i. buildings and structures

- ii. recreation areas
 - iii. parking lot lighting
 - iv. landscape lighting
 - v. billboards and other signage (advertisement or other)
 - vi. street lighting

 - b. Individual - shall mean any private individual, tenant, lessee, owner, or any commercial entity including, but not limited to companies, partnerships, joint ventures or corporations.

 - c. Installed - Shall mean the initial installation of outdoor light fixtures defined herein, the replacement of any fixture in use at the time of the enactment of this ordinance, or the substantial repair of any fixture in use at the time of the enactment of this ordinance if such repair can include the facile installation of a shield and/or a filter and/or a different type of illuminating device (lamp).
6. General Requirements:
- a. Shielding - All exterior illuminating devices, except those exempt from this ordinance and those regulated by Section 4.03 shall be fully or partially shielded as required in Section 3.03.
 - i. "Fully Shielded" shall mean that those fixtures shall be shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lower point on the fixture where light is emitted.

 - ii. "Partially Shielded" shall mean that those fixtures shall be shielded in such a manner that the bottom edge of the shield is below the plane center line of the light source (lamp), minimizing light above the horizontal.

 - b. Requirements for Shielding and Filtering - The requirement for shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following table:

Outdoor Lighting Table
Requirements for Shielding and Filtering

| <i>Fixture Lamp Type</i> | <i>Shielded</i> | <i>Filtered (4)</i> |
|---|---------------------------------------|---------------------|
| Low Pressure Sodium 1 | Partially | None |
| High Pressure Sodium | Fully | None |
| Metal Halide | Fully | Yes |
| Fluorescent | Fully (5) | Yes (2) |
| Quartz (3) | Fully | None |
| Incandescent: Greater Than 150w | Fully | None |
| Mercury Vapor | Fully (7) | None |
| Fossil Fuel | None | None |
| Glass Tubes Filled With Neon, Argon, Krypton | None | None |
| Other Sources | As Approved By The Building Inspector | |

footnotes:

1. This is the preferred light source to minimize undesirable light into the night sky affecting astronomical observations.
2. Warm white and natural lamps are preferred to minimize detrimental effects.
3. For the purposes of this ordinance, quartz lamps shall not be considered an incandescent light source.
4. Most glass, acrylic, or translucent enclosures satisfy these filter requirements.
5. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.
6. Metal halide display lighting shall not be used for security lighting after 11:pm unless fully shielded. metal halide lamps shall be enclosed luminaries.
7. Recommended for existing fixtures. the installation of mercury vapor fixtures is prohibited effective 90 days after the date of adoption of this ordinance.

7. Prohibitions:

- a. Searchlights - the operation of searchlights for advertising purposes is prohibited.
- b. Recreational Facility - no outdoor recreational facility, public or private, shall be illuminated by nonconforming means after 11:00 pm, except to conclude a specific recreational or sporting event or any other activity conducted at a ball

park, outdoor amphitheater, arena, or similar facility in progress prior to 11:00 pm.

- c. Outdoor Building or Landscaping Illumination - the unshielded outdoor illumination of any building, landscaping, signing or other purpose, is prohibited except with incandescent fixtures of less than 150 watts.
- d. Mercury Vapor - the installation of mercury vapor fixtures is prohibited effective ninety (90) days after the date of adoption of this ordinance.

8. Permanent Exemptions:

- a. Nonconforming Fixtures - All outdoor light fixtures existing and fully installed prior to the effective date of the ordinance may remain "nonconforming" indefinitely; provided, however, that no change in use, replacement, structural alteration, or restoration, or substantial repair of such light fixtures shall be made unless it thereafter conforms to the provisions of these regulations.
- b. Fossil Fuel Light - Illumination produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels are exempt from this ordinance.

9. Special Exemptions - The Building Inspector may grant a special exemption to the requirements of Section 5.b only upon a written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures, that would suffice.

10. Procedures for Ordinance Compliance

- a. Applications
 - i. Any individual applying for a building or use permit under the codes adopted by Navajo County intending to install outdoor lighting fixtures shall as a part of said application submit evidence that the proposed work will comply with this ordinance.
 - ii. All other individuals intending to install outdoor lighting fixtures shall submit an application to the building inspector providing evidence that the proposed work will comply with this ordinance.
- b. Utility companies entering into a duly approved contract with Navajo County in which they agree to comply with the provisions of these regulations, shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.
- c. Contents of Application Submission
 - i. The submission shall contain, but shall not necessarily be limited to the following, all or part of which may be part of or in addition to the information required elsewhere in the Navajo County Building Codes and Zoning Ordinance upon application for the required permit:

1. Plans indicating the location of the premises, and the type of illuminating devices, fixtures, lamps, supports, other devices, etc.
 2. Description of the illuminating devices, fixtures, lamps, supports, and other devices, etc. this description may include, but is not limited to, manufacturer's catalog cuts, and drawings (including sections where required)
- ii. The above required plans and descriptions shall be sufficiently complete to enable the Building Inspector to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.
- d. Issuance of Permit: Upon compliance with the requirements of this ordinance, the Building Inspector shall issue a permit for installation of the outdoor lighting fixture, to be installed as in the approved application. In the event the application is part of the building permit application under the building codes, the issuance of the building permit will be made if the applicant is in compliance with this ordinance as well as the other requirements for issuance under the regulations.
 - e. Appeals of the decisions of the building inspector shall be made to the Board of Adjustment.
11. Amendment to Permit: Should the applicant desire to substitute outdoor light fixtures or lamps after a permit has been issued, the applicant must submit all changes to the Building Inspector for approval, with adequate information to assure compliance with this ordinance.

12. Temporary Exemptions

- a. Request for Temporary Exemptions:
 - i. Any individual as defined herein may submit a written request to the Building Inspector for a "temporary exemption" to the requirements of this ordinance, such exemption to be valid for 30 days, renewable for an additional 30 days at the discretion of the building inspector.
 - ii. The request for temporary exemption shall contain minimally the following listed information:
 - a. specific exemptions requested
 - b. type and use of exterior light involved
 - c. duration of time for requested exemption
 - d. type of lamp and calculated lumens
 - e. total wattage of lamp or lamps
 - f. proposed location of exterior light
 - g. previous temporary exemptions, if any
 - h. physical size of exterior light and type of shielding provided

- iii. In addition to the above data, the Building Inspector may request any additional information which would enable him to make a reasonable evaluation of the request for temporary exemption.
- b. Appeal for Temporary Exemption
- i. The Building Inspector within five (5) days from the date of the properly completed request for temporary exemption, shall approve or reject in writing the request.
 - ii. If rejected, the individual making the request shall have the right of appeal to the Board of Adjustment for review pursuant to the procedures applicable to any other appeal of a decision of the Building Inspector.