

ARTICLE 30 - DEFINITIONS

(As amended 1/10/2000 via BOS Resolution No. 04-00, and 5/22/2000, via BOS Resolution No. 42-00, 12/10/2001 via BOS Resolution No. 101-01, 3/11/2002 via BOS Resolution No. 16-02) (1/17/06 via BOA Resolution No. 02-06; 8/23/11 via BOS Ordinance #04-11) (7/27/17 via BOS Resolution No. 17-17, 9/21/2017 via BOS Resolution No. 27-17, 12/2/2019 via BOS Resolution 29-19)

Section 3001 - General Rules for Construction of Language.

All words used in the present tense shall include the future tense. All words in the singular number shall include the plural number, and all works in the plural number shall include the singular number. The word "structure" includes the word "building" the word "shall" is mandatory and not directory, and the word "may" is permissive.

Section 3002 - Definitions.

For the purpose of this Ordinance, certain words are hereby defined:

1. Accessory Building: A building or structure which is customarily incidental and subordinate to, and the use of which is customarily incidental and subordinate to that of the principal building, structure or use on the same lot.
2. Airport: A landing area used regularly by aircraft for receiving or discharging passengers or cargo.
 - a. Heliport: A landing area solely for the use of helicopters. A heliport may include one or more helipads.
 - b. Landing Area: Any locality, either land or water, including airports, and landing fields, which is used or intended to be used for the landing and take-off of aircraft, or for receiving or discharging passengers or cargo.
 - c. Landing Area Boundary: The outer limit of the land or water of a landing area.
3. Alley: A passage or way open to public travel which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.
4. Alley Line: The boundary which separates the right-of-way of an alley from the abutting property.
5. Area of Jurisdiction: That part of the county without the corporate limits of any municipality.
6. Automobile Graveyard: Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.
7. Basement: That portion of a building between floor and ceiling that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling.
8. Board of Supervisors: The Board of Supervisors of Navajo County.

9. Boarding House: A building where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons.
10. Building Area: The portion of a lot which is within the envelope formed by the required yards. See "Yard Required".
11. Building: A structure having a roof supported by columns or walls for housing, shelter or enclosure of persons, animals, chattels or property of any kind. Any structure on Real Property, movable or immovable, permanent or temporary, vacant or occupied, used (or of a type customarily used) for human lodging or business purposes, or where livestock, produce, or personal or business property is located, stored or use.
12. Building, Community: A public building designed or used for community activities of an educational, recreational or public service nature.
13. Building Height: The vertical distance from grade to the highest point of the coping of a flat roof; to the deck line or a mansard roof; or the average height of the highest gable, hip or gambrel roof.
14. Building, Principal: A building in which is conducted the principal use of the lot on which it is situated. In a residential zoning district any dwelling is deemed to be the principal building on the lot on which it is situated.
15. Carport: A roofed structure with two (2) or more open sides under which a vehicle may be driven.
16. Cellar: That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is greater than the vertical distance from grade to ceiling.
17. Church: A building in which people participate in or hold religious services, meetings and other related activities. The "church" shall include buildings in which the religious services of any denomination are held. For the purpose of this definition, a "church" shall be required to maintain a tax-exempt status per ARS 42-11109.
18. Commission: The Planning and Zoning Commission of Navajo County.
19. Contractor's Yard: The Use of any parcel or any portion thereof by a person or company engaged in a construction business or trade or a related field for the storage of building materials or supplies (including without limitation aggregate, sand, concrete block, lumber or pipe) and/or the storage or parking or construction or construction-related equipment (including without limitation vehicles such as commercial trucks, hauling trailers, backhoes or loaders) used in such business or trade. Limited exception for vehicles and equipment at owners residence: the parking or storage of no more than two automobiles or pick-up trucks used in a construction business or trade or a related field, together with the parking and/or storage of no more than one piece of drivable construction or construction-related equipment having a empty vehicle weight of no more than 32,000 pounds, together

with a hauling trailer for such equipment, in any zoning district shall be deemed a permitted ancillary use and shall not be deemed a contractor's yard provided that the parcel is at least one half acre in area and is occupied as a residence by the owner and only operator of the vehicles and equipment, and provided that construction materials or supplies are stored on site behind a six foot high opaque fence. However, a contractor may park one piece of drivable equipment per an additional one-half acre of land for each piece of such equipment.

20. Corral: A pen or enclosure for confining animals.
21. County: The unincorporated areas of Navajo County
22. Dilapidated Building: Any Building in such disrepair, or damaged to such an extent, that its strength or stability is substantially less than a new Building, or that is likely to burn or collapse, and the condition of which endangers the life, health, safety or property of the public.
23. Director: The Director of the Navajo County Development Services Department or his or her designee.
24. Dwelling: A building or portion thereof designed or used exclusively for residential occupancy, including single-family, two-family and multiple-family dwellings, but not including hotels, boarding and lodging houses.
25. Dwelling Group: A group of three (3) or more buildings which occupy a parcel of land in one (1) ownership and have a yard in common.
26. Dwelling Multiple: A building or portion thereof designed for occupancy by three (3) or more families.
27. Dwelling, Single-Family: A building designed for occupancy by one (1) family, including a conventional site-built home, a Manufactured Home (including a rehabilitated Mobile Home) and a Factory-Built Building as defined and regulated in Article 21 hereof, but not a Recreational Vehicle.
28. Dwelling, Duplex: A building designed for occupancy by two (2) families.
29. Dwelling Unit: One (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having its own cooking and sanitary facilities.
30. Factory-Built Building: Shall mean a Factory-Built Building as defined in A.R.S. 41-2142 and the related regulations of the State Office of Manufactured Housing, as amended from time to time.
31. Family: An individual, or two (2) or more persons related by blood, marriage, or adoption, or other legal relationship including any live-in domestic help, living together as a single housekeeping unit in a dwelling unit, or a group of not more than five (5) adults, who need not be related, living together as a single housekeeping unit in a dwelling unit.

32. Farm: An area of not less than two (2) contiguous acres which is used for the commercial production of farm crops such as vegetable, fruit trees, grain and other crops and their storage on the area, as well as the raising thereon of farm poultry and farm animals, such as horses, cattle, sheep and swine for commercial purposes. The term "farm" includes the operating of such an area for one (1) or more of the above uses, including dairy farms, with the necessary accessory uses for treating or storing the produce, provided that the operation for any such accessory uses is secondary to that of the farm activities, and provided further that the farm activities do not include commercial pen feeding or commercial feed lots, or the commercial feeding of garbage or offal to swine or other animals.
33. Feed Lot, Commercial: A livestock feeding or handling facility operated for the purpose of accommodating the needs of others in whole or in part for a fee or fees paid to the operator or owner for the accommodations, materials and services received.
34. Flammables: Propane, butane, etc, the retail distribution of, with the storage of 500 gallons or more above ground.
35. Floor Area: The sum of the gross horizontal areas of every floor of all buildings on the lot measured from the exterior faces of the exterior walls or from the center line of walls separating the buildings, including basement floor area, elevator shafts and stairwells at each floor, floor space used for mechanical equipment, penthouses, attic space whether or not a floor is actually been laid and having headroom for seven (7) feet or more, interior balconies and mezzanines, and enclosed porches, but not including any space devoted to parking, or to loading or unloading.
36. Garage, Private: A portion of a principal building or a separate building, designed or used for the parking or storage of motor vehicles of occupants in the building to which such garage is accessory. Structure shall be enclosed or screened on all four (4) sides. Garages shall meet all setback requirements.
37. Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor vehicles.
38. Grade:
 - a. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street, or if there be no sidewalk, then the elevation of the roadway at the center of the wall adjoining the street.
 - b. For buildings having walls adjoining more than one (1) street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets, or if there be no sidewalks, then the average of the elevation of the roadway at the centers of all walls adjoining the street.

- c. For buildings having no walls adjoining the street, the average level of the natural surface of the ground adjacent to the centers of all exterior walls of the building.
 - d. Any wall parallel or nearly parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

- 39. Group Home for the Disabled: A dwelling unit that is licensed or authorized by a governmental authority having jurisdiction over operations for 10 or fewer disabled persons who reside together as a single housekeeping unit and who receive care, supervision, or counseling from one or more staff persons. This Use shall not include boarding houses, nursing homes, or other group homes not for the disabled. A facility is not a Group Home for the Disabled unless it meets the provisions of Title VIII of the Civil Rights Act of 1968 as amended by the Fair Housing Act.

- 40. Grounds: means any private or public land, vacant or improved.

- 41. Guest: Any transient person who occupies a room for sleeping purposes.

- 42. Guest Ranch: A building or group of buildings containing two or more guest rooms, other than a boarding house, hotel or motel, and including outdoor recreational facilities such as but not limited to, horseback riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities, intended for the use primarily by guests of the guest ranch, but not including bars and restaurants which cater primarily to other than guests of the guest ranch.

- 43. Guest Room: A room which is designed for occupancy by one or more guests for sleeping purposes, but having no cooking facilities and not including dormitories.

- 44. Home Occupation: Any occupation or profession which can be conducted entirely within a dwelling unit and carried on by a member of the family residing therein, and which occupation or profession is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes and does not change the character thereof in any manner and in connection with which there is no employees other than a member of the immediate family residing in the dwelling unit. Any occupation or profession which can be considered offensive, obnoxious, noisy, or which creates a nuisance in any way or which requires additional parking area, outside storage, accessory buildings in conjunction with the occupation or profession, outdoor advertising, or any other outside alteration of the dwelling cannot be considered a home occupation. Any proposed home occupation shall be submitted to the Navajo County Development Services Department for review, to insure that the proposed use is in conformance with this Ordinance.

- 45. Hospital: An institution for the diagnosis, treatment or other care of human ailments. The term hospital is deemed to include sanitarium, preventorium, clinic, rest home, nursing home, convalescent home and maternity home.

46. Hotel: A building in which lodging or boarding and lodging are provided for more than twenty (20) persons and offered to the public for compensation and in which ingress and egress to and from all guest rooms are made through an inside lobby or office.
47. Hotel, Resort: A building or group of buildings, other than a motel, boarding house or lodging house, containing individual guest rooms, suites of guest rooms, and dwelling units, and which furnishes services customarily provided by hotels.
48. Institutional Residence: Facilities for living, sleeping and sanitation and may include facilities for eating and cooking, for occupancy by other than a Family.
49. Junk: Any old scrap copper, brass, rope, rags, batteries, paper, trash, wood and rubber debris, waste, or junked, dismantled, or wrecked automobiles, or parts thereof, iron, steel, and other old scrap ferrous or non-ferrous material.
50. Junkyard: An establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard. The term "junkyard" does not include garbage dumps and sanitary landfills.
51. Kennel: Any premises used for the breeding, selling or boarding of dogs, cats, and/or other small domesticated household pets (not including farm animals), or for the breeding or keeping of dogs for racing purposes. This includes commercial kennels and other for-profit breeding, selling or boarding operations, as well as Humane Societies, rescue shelters, "no kill shelters," animal control facilities and similar nonprofit operations. It does not include the routine breeding or keeping of animals solely for the personal enjoyment of the owner or occupant of the premises. A kennel shall be a permitted use in the C-R (Commercial-Residential), IND-1 (Light Industrial), and IND-2 (Heavy Industrial) zoning districts subject to the regulations of that zoning district, and shall require the approval of a Special Use Permit in any other zoning district, pursuant to Section 2001.18. (Kennel operators should be aware that some provisions of the Navajo County Animal Control Ordinance, Ordinance No. 02-06, may also apply, regardless of whether the kennel is an allowed use or has been authorized by a Special Use Permit. The interpretation and enforcement of the Animal Control Ordinance is the responsibility of the Navajo County Public Health Services District.)
52. Labor Camp: Any camp or similar place of temporary abode, establishment by or for the care of workmen engaged in construction, repair and alteration work on roads or highway, railroads, or in lumbering or agricultural operations, or in other industrial activities.
53. Laundry, Self-Service: A building within which clothes washing and drying machines, and clothes dry cleaning machines, either coin operated or attendant operated, are provided on a rental basis for use by individuals for doing their own laundry and dry cleaning. Self-service laundry does not include outdoor drying facilities.
54. Lessee: A person who has the right to possess Real Property pursuant to a lease, rental agreement or similar instrument.

55. Lienholder: A person having a lien against Real Property as shown in the public records maintained in the office of the Navajo County Recorder.
56. Loading and Unloading Space: A permanently maintained space on the same lot as the principal building accessible to the street or alley and not less than ten (10) feet in width, twenty (20) feet in length, and fourteen (14) feet in height.
57. Lodging House: A building where lodging only is provided for compensation to three (3) or more persons, but not to exceed twenty (20) persons.
58. Lot: Any lot, parcel, tract of land, or combination thereof, shown on a plat of record or recorded by metes and bounds that is occupied or intended for occupancy by a use permitted in this Ordinance, including one (1) principal building together with its accessory buildings, the open spaces and parking spaces required by this Ordinance, and having its principal frontage upon a street or upon an officially approved place.
59. Lot Area: The area of a horizontal plane within the lot lines of a lot.
60. Lot, Corner: A lot which has an interior angle of one hundred thirty-five (135) degrees or less at the intersection of two (2) street lines. A lot abutting upon a curved street is considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of one hundred thirty-five (135) degrees or less.
61. Lot Coverage: The percentage of the area of a lot which is occupied by all buildings or other covered structures using the roof outline for all outer dimensions.
62. Lot Depth: For lots having front and rear lot lines which are parallel, the shortest horizontal distance between such lines; for lots having front and rear lot lines which are not parallel the shortest horizontal distance between the mid-point of the front lot line and the mid-point of the rear lot line; and the triangular shaped lots, the shortest horizontal distance between the front lot line and line within the lot, parallel to and at a maximum distance from the front lot line and line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.
63. Lot, Interior: A lot other than a corner lot.
64. Lot, Key: A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot.
65. Lot Line: Any line bounding a lot.
66. Lot Line, Front: The boundary of a lot which separates the lot from the street; and in the case of the corner lot, the front lot line is the shorter of the two (2) lot lines separating the lot from the street except that where these lot lines are equal or within fifteen (15) feet of being equal, either lot line may be designated the front lot line but not both.

67. Lot Line, Rear: The boundary of a lot which is most distanced from, and is, or is most nearly, parallel to the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.
68. Lot Line, Side: The boundary of a lot which is not a front lot line or a rear lot line.
69. Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder of Navajo County; or a lot, parcel or tract of land, the deed of which has been recorded in the office of the County Recorder of Navajo County.
70. Lot, Through: A lot having a pair of opposite lines abutting two streets, and which is not a corner lot. On such lot, both lot lines are front lot lines.
71. Lot Width: For rectangular lots, lots having side lot lines not parallel, and lots on the outside of the curve of a street, the distance between side lot lines measured at the required minimum front yard line on a line parallel to the street or street chord; and for lots on the inside of the curve of a street, the distance between side lot lines measured thirty (30) feet behind the required minimum front yard line on a line parallel to the street or street chord.
72. Manufactured Home: Shall mean a manufactured home or rehabilitated Mobile Home as defined in Article 21 hereof.
73. Mobile Home: Shall mean a mobile home as defined in Article 21 hereof.
74. Manufactured Home Park: Any parcel of land upon which are located three (3) or more Manufactured Homes or Recreational Vehicles occupied for dwelling or sleeping purposes, regardless of whether or not a charge is made for such accommodations.
75. Manufactured Home Space: A plot of ground within a Manufactured Home Park or Recreational Vehicle park designed for the accommodation of one Manufactured Home, (or a rehabilitated Mobile Home) or Recreational Vehicle together with its accessory structures including carports or other off-street parking areas, storage lockers, ramadas, cabanas, patios, patio covers, awning, and similar appurtenances.
76. Manufactured Home Subdivision: A subdivision designed and intended for residential use where residence is exclusively in Manufactured Homes (or a rehabilitated Mobile Home).
77. Motel: A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used, or intended wholly or in part for the accommodation of automobile transients. Motel includes motor courts, motor lodges and tourist courts, but not Manufactured Home parks or Recreational Vehicle parks.

78. Non-Conforming Use: The lawful use of any building, lot, parcel or tract of land existing at the time this Ordinance, or amendments thereto, become effective, which does not conform with the use regulations of the zoning district in which it is located.
79. Occupant: A person who has the actual use, possession or control of Real Property. This term does not include any corporation or association operating or maintaining rights-of-way for and on behalf of the United States government, either under contract or federal law.
80. Owner: A person who is a record owner of Real Property as shown by the public records in the office of the Navajo County Recorder, and includes a person holding equitable title under a recorded installment sales contract, contract for deed or similar instrument.
81. Parking Lot: An area, other than a street or alley, devoted to unenclosed parking spaces.
82. Parking Space: A permanently surfaced area, enclosed or unenclosed, of not less than eight (8) feet, six (6) inches in width and having an area of not less than one hundred eighty (180) square feet, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.
83. Person: An individual, partnership, corporation, association, trust, state, municipality, political subdivision, or any other entity that is legally capable of owning, leasing or otherwise possessing Real Property.
84. Public Nuisance: A Dilapidated Building or an accumulation of rubbish, trash, weeds, filth or debris that constitutes a hazard to the public health and safety as determined by the Navajo County Planning & Building Department, Health Department, or other department with jurisdiction over the condition.
85. Real Property: Buildings, Grounds, or Lots, as well as Contiguous Sidewalks, Streets and Alleys, located in the County.
86. Recreational Vehicle (RV): Shall mean a recreational vehicle as defined in Article 21 hereof.
87. Recreational Vehicle Park: Any parcel of land upon which two (2) or more Recreational Vehicles for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodations.
88. Recreational Vehicle Space: A plot of ground within a Manufactured Home Park or Recreational Vehicle park designed for the accommodation of one Recreational Vehicle together with its accessory structures including carports or other off-street parking areas, storage lockers, ramadas, cabanas, patios, patio covers, awnings and similar appurtenances.
89. School: An institution of learning, such as elementary and secondary schools, colleges and universities, which offers instruction in branches of learning and

study, but not including business colleges, nursery schools, dancing schools, riding academies, or trade or vocational schools.

90. Service Stations: A building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair or activities which are subordinate to the sale of petroleum products.
91. Setback: The minimum horizontal distance required between a property line and a structure or in the event a dedicated ingress/egress easement is interior to the property line, the setback is the horizontal distance between the easement line and a structure.
92. Sign: Any device for visual communication, including any structure or natural object apart thereof, that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.
93. Single Family Residential Commercial: A group of single-family dwellings designed for individual separate ownership with unified management that provides common services and outdoor recreational facilities, but not including public bars, public restaurants or any commercial activity in connection therewith.
94. Special Event Use Permit: A permit for a short-term use, issued in accordance with Section 2206 or 2513(4) of this Ordinance.
95. Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the surface of such floor and the ceiling or roof above it.
96. Street: All property dedicated or otherwise reserved for public or private street uses, or having thereon a public easement for such use.
97. Street Line: The boundary which separates the right-of-way of a street from the abutting property.
98. Structure: Anything constructed or erected which requires location on the ground and attached to something having location on the ground or attached to something having location on the ground, including manufactured homes, mobile homes and factory-built buildings, but not including tents, vehicles or recreational vehicles.
99. Structural Alteration: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.
100. Temporary RV Permit: A permit for the temporary placement of a Recreational Vehicle, issued in accordance with Section 2205 or 2206 of this Ordinance.
101. Temporary Use Permit: A permit authorizing a temporary use, issued in accordance with Section 2513(2) or 2513(3) of this Ordinance.

102. Time Share Estate: Means of right of occupancy in a time-share project which is coupled with an estate in the real property.
103. Time Share Interval: Means a time-share estate, a time-share period.
104. Time Share Projects: Means a project in which a purchaser receives the right in perpetuity, for life or for a term of years to the re-current, exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis, for a period time that has been or will be allotted from the use or occupancy periods into which the project has been divided.
105. Time Share Use: Means a license or contractual or membership right of occupancy in a time-share project which is not coupled with an estate in the real property.
106. Use: The purpose or purposes for which land or a building is occupied, maintained, arranged, designed, or intended.
107. Use, Accessory: A use which is customarily incidental and subordinate to the principal use of a lot or a building, including bona fide servant or caretaker quarters, and located on the same lot therewith.
108. Use, Principal: The main use of land or building as distinguished from an accessory use.
109. Yard: The open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the principal building is to be used; however, on any lot wherein a setback line has been established by the regulations of this Ordinance for any street abutting the lot, such measurement is to be taken from the principal building to the setback line. See "Yard, Required".
110. Yard, Front: A yard extending across the front of a lot and being the minimum horizontal distance between the street line and the principal building or any projection thereof, other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.
111. Yard, Rear: A yard extending between the side yards of a lot or between the side lot lines in the absence of side yards, and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. On corner lots and interior lots the rear yard is in all cases at the opposite end of the lot from the front yard.