

Title 17

ZONING*

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* Prior ordinance history: Ords. 98-129, 2002-001, 2004-004, 2004-019, 2005-001, 2005-002, 2005-003, 2005-006, 2005-007, 2005-008 and 2006-003.

Chapter 17.04

ADMINISTRATION AND ENFORCEMENT

Sections:

17.04.010 Short title.

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17.04.030 Interpretation and application.

17.04.040 Enforcement.

17.04.050 Violation and penalty.

17.04.060 Severability.

17.04.010 Short title.

This title shall be known as "Zoning Ordinance."
(Ord. 2007-004 § 1 (part))

17.04.020 Purpose.

The purposes of this title are to secure safety from fire, panic and other dangers; to provide adequate light and air; to lessen congestion in the streets; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to provide for the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources; to otherwise promote the health, safety, convenience and general welfare of the citizens of the town of Springerville, Arizona.
(Ord. 2007-004 § 1 (part))

17.04.030 Interpretation and application.

In its interpretation and application, the provisions of this title shall be held to the minimum requirements for the promotion of a comprehensive plan, and for the promotion of the public health, safety and

general welfare. It is not intended by this title to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically repealed by this title, or with restrictions placed upon property by covenant, deed or other agreement between parties, provided that where this title imposes a greater restriction on land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract, or deed, the provisions of this title shall control.
(Ord. 2007-004 § 1 (part))

17.04.040 Enforcement.

This title shall be enforced by the zoning administrator who shall in no case grant permission for the issuance of any permit for the construction, reconstruction, alteration, demolition, movement or use of any building, structure, lot or parcel if the building, structure, lot or parcel as proposed to be constructed, reconstructed, altered, used or moved, would be in violation of any of the provisions of this title, unless directed to issue such permit by the board of adjustment after interpretation of the title or the granting of a variance, or by the town council after interpretation of this title.
(Ord. 2007-004 § 1 (part))

17.04.050 Violation and penalty.

It is declared to be unlawful to construct, erect, install, alter, change, demolish, maintain or use any house, building, structure or fence, or to use any lot or parcel contrary to, or in violation of, any provision of this title. Any person, firm or corporation, violating any of the provisions of the zoning ordinance of the town shall be guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. Every such person, firm or corporation shall be deemed guilty of a separate offense for each and every day in which such violation is committed, continued or permitted, and shall be punished therefore as herein before provided in this section.
(Ord. 2007-004 § 1 (part))

17.04.060 Severability.

If any part of the zoning ordinance of the town of Springerville is found to be invalid or unconstitutional by any court, such action shall not apply to this title as a whole, but only to that specific part, and it is intended and declared that all parts of said zoning ordinance of the town of Springerville not expressly declared to be invalid or unconstitutional shall continue in full force and effect notwithstanding so much thereof as may be declared to be invalid or unconstitutional.
(Ord. 2007-004 § 1 (part))

Chapter 17.08

DEFINITIONS

Sections:

17.08.010 General.

17.08.010 General.

For the purpose of this title, certain words and terms used herein are defined as follows: All words used in the present tense include the future tense; all words in the plural number include the singular number; all words in the singular number include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not discretionary. Other words and phrases used in this chapter shall have the following meaning:

"Abutting" means the condition of two adjoining properties having a common property line or boundary, including cases where two or more lots adjoin only at corner or corners.

"Access" or "access way" means the place, means or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this title.

"Acre" means an area of land containing forty-three thousand five hundred sixty (43,560) square feet.

Adjacent, Adjoining. "Adjoining adjacent" means nearby, but not necessarily touching.

"Agriculture" means the tilling of the soil, raising of crops, horticulture, viticulture, silviculture, including all uses customarily incidental thereto, but not including slaughter houses, fertilizer yards or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

"Airport" means any area which is used or is intended to be used primarily for the taking off and landing of aircraft, and any appurtenant areas which are used or intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas, hangars, transition and clear zones, and other accessory buildings.

"Alley" means a right-of-way, dedicated to public use, affording a secondary means of access to abutting property and intended for general traffic circulation.

"Amendment" means a change in the wording, context, or substance of this title, or an addition or deletion or a change in the zone district boundaries or classifications of the zoning map.

"Animal hospital" means facilities for the care, treatment and boarding of animals including the term "veterinary clinic."

"Antique" means a product that is sold or exchanged because of value derived, because of oldness as respects the present age, and not simply because same is not a new product.

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

"Automobile repair" means all aspects of the repair of motor vehicles, including, but not limited to, lubrication, tune-up and preventative maintenance.

Automobile Sales, New. "New automobile sales" means a franchised agency selling new motor vehicles and providing services commonly associated with motor vehicle sales. A new automobile dealership may

include the sale of used motor vehicles.

Automobile Sales, Used. "Used automobile sales" means an agency selling used motor vehicles not in conjunction with and on the same site as a new motor vehicle franchise and providing services commonly associated with motor vehicle sales.

"Bar" or "cocktail lounge" means an establishment whose primary business is the serving of alcoholic beverages to the public for consumption on the premises.

Board of Adjustment. (See Chapter 17.16).

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

Building, Accessory. "Accessory building" means a building or structure which is subordinate to, and the use of which is customarily incidental to that of the main building, structure or use on the same lot or parcel.

"Building area" means the total area, taken on a horizontal plane at the mean grade level, of the principal buildings and all accessory buildings, exclusive of uncovered porches, terraces and steps.

Building, Attached. "Attached building" means a building which has at least part of a wall in common with another building, or which is connected to another building by a roof.

Building, Detached. "Detached building" means a building which is separated from another building or buildings on the same lot.

Building, Height of. "Height of building" means the vertical distance measured from the average grade level to the highest level of the roof surface of flat roofs, to the deck line of mansard roofs, or the mean height between eaves and ridges for gable, gambrel, shed or hip roofs. In the event that terrain problems prevent an accurate determination of heights, the zoning administrator shall rule as to height and appeal for that decision shall be to the board of adjustment.

Building, Main. "Main building" means a building or buildings in which is conducted the principal use of the lot on which it is situated. In any residential district, any dwelling shall be deemed to be the main building of the lot on which the same is situated.

"Building permit" means a permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the town.

"Building setback" means the minimum distance as prescribed by this title between any property line and the closest point of the foundation or any supporting post or pillar or any building or structure related thereto. (See "yard, front, side and rear").

"Campground" means any lot, parcel or tract of land used, designed, maintained and intended for rent of plots or sites, to accommodate temporary camping by the traveling public, with or without sanitary facilities and

water, whether or not a charge is made for the use of the park and its facilities. (See Section 17.28.160.)

"Cemetery" means land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

"Church" means a permanently located building commonly used for religious worship fully enclosed with walls, but including windows and doors, and having a structurally solid and sound roof.

"Clinic" means a place for the provisions of group medical services, not involving overnight housing of patients.

"Commission" means the town of Springerville planning and zoning commission. (See Chapter 17.12.)

"Contiguous" means in actual contact.

"Convalescent home" means the same as "nursing home."

"Council" means the Springerville town council.

"County" means Apache County, Arizona.

Day Care. See "school, nursery."

"Drive-in restaurant" means any establishment where food or beverages are dispensed and may be consumed on the premises, but outside a closed building.

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

Dwelling, Multiple-Family. "Multiple-family dwelling" means a building designed exclusively for occupancy by or occupied by two or more families living independently of each other.

Dwelling, Single-Family. "Single-family dwelling" means a detached dwelling unit designed exclusively for occupancy by or occupied by one family for residential purposes.

"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

"Easement" means a space on a lot or parcel of land reserved or used for location and/or access to utilities, drainage or other physical access purposes.

"Erect" means and includes built, built upon, added to, altered, constructed, reconstructed, moved upon or any physical operations on the land, required for a building.

"Factory built housing" means any structure designed for residential use, which is wholly or in

substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this chapter, factory built homes include mobilehomes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

"Family" means any individual, or two or more persons related by blood or marriage, or a group of persons not related by blood or marriage, living together as a single housekeeping group in a dwelling unit.

"Farming" means the same as "Agriculture."

"Fence" means any device built to enclose a parcel of land, to separate two parcels of land, or to separate a parcel of land into different use areas.

Garage, Private. "Private garage" means a building or portion thereof, used for the shelter or storage of self-propelled vehicles or owned or operated by the occupants of a main building wherein there is no service or storage for compensation.

Garage, Public. "Public garage" means any building except as herein defined as a private garage used for the storage, care or repair of self-propelled vehicles or where any vehicles are equipped for operation or kept for hire.

"Guest house" means living or sleeping quarters within an accessory building for the sole use of occupants of the premises, or guests of such occupants. Such quarters shall not be rented, and/or otherwise used for income purposes.

"Home occupation" means any occupation or profession which is incidental and subordinate to the use of the dwelling unit for dwelling purposes and which does not change the character thereof and in conjunction with residing in the dwelling unit. (See Section 17.28.090.)

"Hospital" means a place for the treatment or care of human ailments, where overnight lodging for patients is provided.

"Hotel" means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

"Junk yard" means any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling storage or salvaging of automobiles or other vehicles not in running condition, or machinery or pads thereof.

"Kennel" means any premises where five or more dogs or cats are bred, boarded and/or trained.

"Lot" means a legally created parcel of land.

"Lot area" means the total horizontal area within the lot lines of a lot.

"Lot coverage" means that portion of a lot or building site which is occupied by any building or structure, excepting paved areas, walks and swimming pools.

"Lot depth" means the horizontal length of a straight line connecting the midpoints of the front and rear lot lines.

"Lot frontage" means the horizontal length of the front lot line.

"Lot line" means the line bounding a lot.

Lot Line, Front. "Front lot line" means, in the case of an interior lot, a line separating the lot from the street, and in the case of a corner lot, the line separating the narrowest street frontage of the lot from the street.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line.

Lot Line, Side. "Side lot line" means those lot lines connecting the front and rear lot lines.

Lot Width, Average. "Average lot width" means the distance between side lot lines measured thirty (30) feet behind the required minimum front yard line parallel to the street or street chord.

"Manufactured home" means a dwelling unit, factory built and factory assembled, bearing a label ("red tag") certifying it is constructed in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (the HUD code, which became effective on June 15, 1976), designed for conveyance after fabrication, on streets and highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy, except for minor and incidental unpacking and assembly operations such as locating on blocks, permanent visible foundation and connection to utilities.

"Mobile/manufactured home park" means any lot, parcel or tract of land designed, maintained, used and intended for rent or lease of individual lots or sites to accommodate one or more mobile/manufactured home including all buildings, structures, vehicles, accessory buildings and appurtenances to be used in connection therewith, whether or not a charge is made for the use of the site or the use of its facilities. A mobile/manufactured home park does not include lots upon which unoccupied mobile/manufactured homes or unoccupied travel, or commercial trailers are parked for display, inspection and sale.

"Mobilehome" means a transportable structure suitable for year-round single-family occupancy and having water, electrical, sewage connections similar to those of conventional dwellings. This definition applies only to units constructed prior to June 15, 1976. Compare with manufactured home.

"Modular home" means a dwelling unit fabricated, either wholly or partially, offsite that is transported to the site and assembled on a conventional home foundation, bearing a label ("blue tag") certifying it is constructed in compliance with the town of Springerville Building Code.

"Motel" means a building or group of buildings containing guest rooms or apartments, each of which maintains a separate outside entrance, used primarily for the accommodation of motorists, and providing automobile parking spaces on the premises.

"Nonconforming structure" means a structure which was lawfully erected prior to the adoption of the ordinance codified in this title, but which under this title, does not conform with the standards of lot coverage, yard spaces, height of structures, distance between structures or other standards prescribed in the regulations of the district in which the structure is located. (See Chapter 17.96.)

"Nonconforming use" means a use of a structure or land which was lawfully established and maintained prior to the adoption of the ordinance codified in this title, but which under this title, does not conform to the use regulations for the district in which it is located. (See Chapter 17.96.)

"Nuisance" means any thing, condition or use of property which endangers life or health, gives offense to the senses and/or obstructs the reasonable and comfortable use of other property.

"Nursing home" means a structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, not including persons suffering from contagious diseases, and in which surgery is not performed, and primary treatment such as customarily is given in hospitals and sanitariums, is not provided. A convalescent home shall be deemed a nursing home.

"Nursery" means a commercial operation for the growth and sale of plants, storage of equipment for landscaping and the wholesale or retail sale of commercial gardening supplies.

"Office" means a room or rooms and accessory facilities for the managing or conducting of a business.

"Off-street parking and loading facilities" means a site or a portion of a site devoted to the off-street parking and loading of motor vehicles, including parking spaces, aisles and access drives. (See Chapter 17.104.)

"Park" means a public or private parcel of land developed and used for passive or active recreation.

"Parking area" means an area designed and constructed and used exclusively for the parking, storage and maneuvering of vehicles. (See Chapter 17.104.)

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

"Public building" means facilities for conducting public business by various public agencies, including federal, state, county offices and buildings.

"Public hearing" means hearings held as required by law.

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

"Recreation facilities" means and includes buildings, structures or areas built or developed for purposes of entertaining, exercising or observing various activities participated in either actively or passively by individuals or organized groups.

"Recreational vehicle" means a vehicular type unit designed primarily as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. This includes motor homes, travel trailers and campers.

"Recreational vehicle park" means facilities for the temporary storage, parking and maneuvering of recreational vehicles (motor homes, travel trailers, campers, etc.) with adequate roads and stall sites, including sanitary and water facilities. Site locations are provided on a day-to-day basis. Does not constitute a mobile/manufactured home park.

"Restaurant" means an establishment which serves food or beverages only to persons seated within the building. This includes cafes, tea rooms and similar establishments.

"Retail store" means a commercial business for selling goods, services, wares or merchandise directly to the customer.

"Right-of-way" means and includes any public or private right-of-way and includes any area required for public use pursuant to any official plan.

School, Elementary, Junior High, High School. "Elementary school, junior high school and high school" means public and other nonprofit institutions, conducting regular academic instruction at kindergarten, elementary and secondary levels. Such institutions shall offer general academic instructions equivalent to the standards prescribed by the State Board of Education.

School, Nursery. "Nursery school" means a school or the use of a site or a portion of a site for an organized program devoted to the education or day care of five or more children of elementary school age or younger, other than those residents on the site. Includes "day care center."

School, Private or Parochial. "Private or parochial school" means an institution conducting regular academic instruction at kindergarten, elementary and secondary levels operated by a non-governmental organization.

School, Trade. "Trade school" means schools offering instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technician schools and similar commercial establishments operated by a nongovernmental organization.

"Service station" means an occupancy engaged in the retail sales of gasoline, oil, tires, batteries and new accessories and which provides for the servicing of motor vehicles and operations incidental thereto, including automobile washing, waxing and polishing, tire changing and repairing, but not including recapping. May also include battery service, radiator cleaning, flushing and repair, installation of minor accessories, lubrication of motor vehicles, rental of utility trailers, testing, adjustment and replacement of motor parts and accessories.

"Shopping center" means a group of three or more commercial establishments associated by common agreement or under common ownership which comprises contiguous land parcel unit with common parking facilities.

"Sign" means any identification, description, illustration or device which is affixed directly or indirectly upon a building, structure or land which directs attention to a product, place, activity, person, institution or business and which is visible from any public street, waterway, alley or public place, and shall include banners and similar services. A vehicle mounted sign on a vehicle that is habitually parked or stationed at the sight of a business and serves to advertise or identify the business, shall be construed as a sign for the purpose of this title. National flags and flags of political subdivisions shall not be construed as signs.

"Stable" means a detached accessory structure including, but not limited to, a corral or paddock for the keeping of one or more horses owned by the occupants of the premises and which are not kept for remuneration, hire or sale.

Stable, Commercial. "Commercial stable" means a structure including, but not limited to, a corral or paddock for the keeping of horses for remuneration, or for sale.

"Street" means a right-of-way dedicated to public use, which provides the principal vehicular and pedestrian access to adjacent properties.

"Street line" means the boundary line between street right-of-way and abutting property.

"Structure" means anything constructed or erected which requires a fixed location on the ground, including a building, but not including a fence or wall used as a fence.

"Subdivision" means improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future, into four or more lots, tracts or parcels of land, or if a new street is involved, any such property which is divided into two or more lots, tracts or parcels of land or any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing five or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.

"Swimming pool" means any permanent structure containing or intended to contain water for recreational uses including wading pools.

"Travel trailer" means a portable structure without motive power with wheels built on a chassis, designed as a temporary dwelling for travel, recreation and vacation purposes, having a body width eight feet and a body length not exceeding thirty-two (32) feet.

"Use" means the purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged or for which either a site or structure is or may be occupied and maintained.

Use, Accessory. "Accessory use" means a use which is incidental, related, appropriate and clearly subordinate to the principal use of the lot or building, and which does not alter the principal use of the lot or building.

Use, Conditional. "Conditional use" means a use which is listed as a "conditional use" in any given

zoning district. Such use shall require a conditional use permit in order to establish within that zone district, and shall be subject to all conditions and requirements imposed by the planning and zoning commission in connection with the conditional use permit.

Use, Permitted. "Permitted use" means a use which is listed as a "permitted use" in any given zone district. Such use shall be allowed to establish within that zone district subject to the specific requirements of this title.

Variance. (See Chapter 17.92.)

"Warehouse" means a building or buildings used for the storage of goods.

"Wholesale" means the sale of goods or materials for the purpose of resale.

"Yard" means the open and unoccupied space on a lot or parcel which is required by this title.

Yard, Front. "Front yard" means a yard, extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

Yard, Rear. "Rear yard" means a yard, extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto.

Yard, Side. "Side yard" means a yard, the width of which is the minimum required horizontal distance between the side lot line and a line parallel to it on the lot, not including any portion of required front yard or required rear yard.

"Zone" means a district classification established by this title which limits or permits various and specific uses.

"Zoning administrator" means the official responsible for the enforcement of this title.
(Ord. 2007-004 § 1 (part))

Chapter 17.12

PLANNING AND ZONING COMMISSION

Sections:

17.12.010 Establishment--Composition--Terms of members--Vacancies--Compensation of members.

17.12.020 Powers and duties.

17.12.030 Selection of officers.

17.12.040 Quorum--Voting.

17.12.050 Rules and regulations--Records--Meetings.

17.12.010 Establishment--Composition--Terms of members--Vacancies--Compensation of members.

A. There is established a planning and zoning commission of the town to consist of five members, each of whom shall be a resident of the town, appointed by the town council. The members of the commission shall serve for three years, except as hereinafter provided.

B. The members of the first commission appointed hereunder shall serve for the following terms: two members shall be appointed for a term of two years, and three members shall be appointed for a term of three years. In the event of a death, resignation or removal from the commission, the vacancy shall be filled by appointment by the council for the unexpired term. Members of the commission may, after public hearing, be removed by the council for inefficiency, neglect of duty, or malfeasance in office. The council shall file a written statement of the reasons for removal. Three unexcused absences during a term from any regular or special meeting shall be grounds for termination at the will and pleasure of the council without the necessity of a hearing or notice, and such action shall be final. All members shall serve without pay. However, members may be reimbursed for actual expenses incurred in connection with their duties upon authorization or ratification by the commission and approval of such expenditures by the town council.
(Ord. 2007-004 § 1 (part))

17.12.020 Powers and duties.

It shall be the duty of the commission to formulate and administer any lawful plan duly adopted by the council for the present and future growth and development of the town; to make or cause to be made a continuous study of the best present and future use to which land and buildings shall be put within the town, and to recommend to the council revisions in such plans which, in the opinion of the commission, are for the best interest of the citizens of the town; to hold public hearings where necessary; to make recommendations to the council on all matters concerning or relating to the creation of zoning districts, the boundaries thereof, the appropriate regulations to be enforced therein, and amendments of this title; and to undertake all activities usually associated therewith and commonly known as "planning and zoning." The commission is also authorized to confer and advise with other city, county, regional or state planning agencies and commissions.
(Ord. 2007-004 § 1 (part))

17.12.030 Selection of officers.

A. The commission shall elect a chairman and vice-chairman from among its own members, who shall serve for one year and until their successors are elected and qualified. The chairman shall preside at all meetings and exercise all the usual rights, duties and prerogatives of the head of any similar organization.

B. The chairman shall have the power to administer oaths and take evidence. The vice-chairman shall perform the duties of the chairman in the chairman's absence or disability. Vacancies created by any cause shall be filled for the unexpired term by a new election.
(Ord. 2007-004 § 1 (part))

17.12.040 Quorum--Voting.

Three members shall constitute a quorum. The affirmative vote of a majority of members voting shall be required for passage of any matter before the commission. A member may abstain from voting only upon a declaration that he has a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question.
(Ord. 2007-004 § 1 (part))

17.12.050 Rules and regulations--Records--Meetings.

The commission shall make and publish rules and regulations to govern its proceedings and to provide for its meetings. All meetings of the commission shall be open to the public. The minutes and records of all commission proceedings shall be kept and filed as public record in the office of the town clerk.
(Ord. 2007-004 § 1 (part))

Chapter 17.16

THE BOARD OF ADJUSTMENT, THE APPEALS PROCEDURE AND VARIANCES

Sections:

17.16.010 Creation and membership.

17.16.020 Powers and duties.

17.16.030 Meetings and rules.

17.16.040 Appeals.

17.16.050 Application for variance.

17.16.060 Public hearings.

17.16.070 Appeal of a decision made by a board of adjustment.

17.16.010 Creation and membership.

The town council shall serve as the board of adjustment and shall perform all functions and duties of a board of adjustment as provided in ARS § 9-462.06, until such time as the town council appoints a separate board of adjustment.

(Ord. 2007-004 § 1 (part))

17.16.020 Powers and duties.

- A. Board of adjustment shall:
 - 1. Hear and decide appeals in which it is alleged there is an error in any order, requirement or decision made by the administrator in the enforcement of the zoning regulations, as described in Chapter 17.04.
 - 2. Hear and decide appeals for variances from the terms of the zoning regulations only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning regulations will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.
 - 3. Reverse or affirm, wholly or partly, or modify the order, requirement or decision of the administrator appealed from, and make such order, requirement, decision or determination as necessary.
- B. A board of adjustment may not:

1. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of the zoning regulations provided the restriction in this subsection shall not affect the authority to grant variances.
2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

(Ord. 2007-004 § 1 (part))

17.16.030 Meetings and rules.

Meetings of the board of adjustment shall be held at the call of the chairman at such times deemed as is necessary for the transaction of business. All such meetings shall be open to the public. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such facts, and shall also keep records of its hearings and other official actions. A copy of every rule or regulation, every variation and every order, requirement decision, or determination or the board of adjustment shall be filed in the office of the administrator. The board of adjustment shall adopt its own rules or procedure and elect its own officers.

(Ord. 2007-004 § 1 (part))

17.16.040 Appeals.

An appeal to the board of adjustment concerning interpretation or administration of these regulations may be taken by any person aggrieved or by any officer, department, board or agency of the town affected by any decision of the administrator. Such appeal shall be taken within a reasonable time, not to exceed sixty (60) days or such lesser period as may be provided by the rule of the board of adjustment, by filing with the administrator and with the board of adjustment a notice of appeal specifying the grounds thereof. The administrator shall forthwith transmit to said board of adjustments all papers constituting the record upon which the action appealed from was taken. Such an appeal shall stay all proceedings in the matter appealed from unless the administrator from which the appeal is taken certifies to the board of adjustment that by reason of the fact stayed in the certificate, the stay would, in his opinion, cause imminent peril to the life or property. In such case proceedings shall not be stayed, except by a restraining order granted by said board of adjustment or by a court of record on application and notice to the administrator from whom the appeal is taken. Said board of adjustment shall fix a time for hearing the appeal and give notice thereof to the parties in interest and the public as set forth herein.

(Ord. 2007-004 § 1 (part))

17.16.050 Application for variance.

Application for any variance to these regulations shall be made to the board of adjustment. Such application shall be made on a form prescribed by said board of adjustment, shall be filed with the administrator and shall be accompanied by:

- A. Accurate plot plans and description of the property involved, description of the proposed use, preliminary floor plans and elevations of all proposed buildings, and an estimate of the valuations of the proposed construction.

- B. Evidence satisfactory to the board of adjustment of the ability and intention of the applicant to proceed with actual construction work in accordance with said plans within six months after allowing any variance.

(Ord. 2007-004 § 1 (part))

17.16.060 Public hearings.

A. Appeals. Upon receipt in proper form of appeals concerning interpretation of administration of these regulations, the board of adjustment shall hold a public hearing thereon after giving public notice thereof, as described in ARS § 9-462.06(F), as well as due notice to the parties in interest, and decide the same within a reasonable time.

B. Variance. Upon receipt in proper form of an application for any variance to the requirements of these regulations the board of adjustment shall hold a public hearing thereon after giving public notice thereof, as described in ARS § 9-462.06(F).

(Ord. 2007-004 § 1 (part))

17.16.070 Appeal of a decision made by a board of adjustment.

A person aggrieved by a decision of a board of adjustment may at any time within thirty (30) days of such decision file a civil complaint or a special action in the Apache County superior court for review of such decision.

(Ord. 2007-004 § 1 (part))

Chapter 17.20

ZONING ADMINISTRATOR

Sections:

17.20.010 Creation and appointment.

17.20.020 Power and duties.

17.20.010 Creation and appointment.

There is created the office of zoning administrator of the town of Springerville, who shall be appointed from time to time by the town council.

(Ord. 2007-004 § 1 (part))

17.20.020 Power and duties.

The zoning administrator shall:

- A. Enforce the zoning ordinance;
- B. Accomplish all administrative actions required by the title;

- C. Undertake preliminary negotiation with, and provide advice to, all applicants for zoning adjustment action, use permits, plan review or other actions of the zoning administrator, the planning and zoning commission or the board of adjustment;
- D. Subject to general and specific policy laid down by the planning and zoning commission and town council, interpret the zoning ordinance to members of the public, town departments and other branches of government.

(Ord. 2007-004 § 1 (part))

Chapter 17.24

ZONING DISTRICTS

Sections:

17.24.010 Establishment of zoning districts.

17.24.020 Location and boundaries of districts.

17.24.010 Establishment of zoning districts.

In order to carry out the purposes of this title, the town is divided into the following zoning districts:

AG zone, general agriculture (five-acre parcels);

AR-43 zone, agricultural-residential (forty-three thousand (43,000) square foot lots);

AR-20 zone, agricultural-residential (twenty thousand (20,000) square foot lots);

R1-20 zone, single-family residential (twenty thousand (20,000) square foot lots);

R1-7 zone, single-family residential (seven thousand five hundred (7,500) square foot lots);

RMH-20 zone, single-family residential and mobile/manufactured homes (twenty thousand (20,000) square foot lots);

RMH-7 zone, single-family residential and mobile/manufactured homes (seven thousand five hundred (7,500) square foot lots);

MF-7 zone, single-family residential and multiple-family residential (seven thousand five hundred (7,500) square foot lots);

MHP zone, mobile/manufactured home parks;

C-1 zone, general commercial;

I-1 zone, industrial;

L-1 zone, light industrial.

(Ord. 2007-004 § 1 (part))

17.24.020 Location and boundaries of districts.

A. The locations and boundaries of the zoning districts are established as they are shown on the map entitled the zoning map of the town of Springerville which is incorporated into this title.

B. Where uncertainty exists with respect to the boundaries of any zoning districts as shown on the zoning map, the following rules shall apply:

1. Where district boundaries are shown by specific dimensions, such specific dimensions shall apply;
2. Where district boundaries are indicated as approximately following streets, alleys or right-of-way lines, the center line of such streets, alleys or right-of-way lines shall be deemed to be such boundaries;
3. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be deemed to be said boundaries;
4. Where district boundaries are so indicated that they are approximately parallel to the streets, alleys or right-of-way lines, such district boundaries shall be deemed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning map.

(Ord. 2007-004 § 1 (part))

Chapter 17.28

GENERAL PROVISIONS

Sections:

- 17.28.010 Application.
- 17.28.020 Use restrictions.
- 17.28.030 Redividing of recorded lots.
- 17.28.040 Yard, lot and area requirements.
- 17.28.050 Building height requirements.
- 17.28.060 Height limitations on corner lots.
- 17.28.070 Walls and fences.
- 17.28.080 Outdoor storage of junk automobiles.
- 17.28.090 Home occupations.
- 17.28.100 Animals and pets.
- 17.28.110 Exterior lighting.
- 17.28.120 Public service facilities.
- 17.28.130 Trash enclosures.
- 17.28.140 Structures near airplane runway or landing strip.
- 17.28.150 Performance standards.
- 17.28.160 Campgrounds.
- 17.28.170 Travel trailers and recreational vehicles.
- 17.28.180 Mobilehomes or manufactured homes.
- 17.28.190 Storage.

17.28.010 Application.

Except as hereinafter provided, no building, structure or premises shall be used and no building or structure or part thereof shall be constructed, altered, repaired, improved, moved, removed, erected, demolished or materially altered except in conformity with these provisions and the provisions of the zone in which it is located. Any use that is not specifically allowed is declared to be prohibited.

(Ord. 2007-004 § 1 (part))

17.28.020 Use restrictions.

A. Permitted Uses. Those uses listed as "permitted uses" shall be allowed to establish within any zone district in which they are listed, subject to the specific requirements of this title. All other uses shall be prohibited except as otherwise provided in this title.

B. Conditional Uses. Those uses listed as "conditional uses" shall require a conditional use permit in order to establish within any zone district in which they are listed, and shall be subject to all conditions and requirements imposed by the planning and zoning commission in connection with the conditional use permit.

C. Accessory Uses. A use which is incidental, related, appropriate and clearly subordinate to the main use of the lot or building, and which does not alter the principal use of the lot or building, shall be allowed to establish within any given zone district, but may not be constructed more than six months prior to the erection of the main building.

D. Unspecified Uses. Whenever a use is proposed which is not listed as a permitted or conditional use in any zone district, the planning and zoning commission shall determine, through minute action, the appropriate zoning classification of such use. In making their determination the planning and zoning commission shall consider similar uses which are listed in the code.

(Ord. 2007-004 § 1 (part))

17.28.030 Redividing of recorded lots.

No lot may be divided to create a lot not in conformance with these regulations. No lot shall be divided or combined in any manner other than through subdivision procedures as specified by the subdivision regulations of the town.

(Ord. 2007-004 § 1 (part))

17.28.040 Yard, lot and area requirements.

A. Application. No building shall be erected, nor shall any existing building be altered, enlarged, moved or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the yard, lot, area and building location regulations hereinafter designated for the zone in which such building or open space is located, except as otherwise specifically provided.

B. Yards. Except as provided herein, every part of a required yard shall be open to the sky and unobstructed. Trees, shrubbery, etc., and accessory structures as allowed in this title, shall not be considered obstructions.

C. Projections Over and Into Required Yards.

1. Awnings, open fire escape balconies, fire escape stairs, window-type refrigeration units, suspended or roof evaporative coolers and other similar features may project not more than five feet over any required yard, provided that they shall be no closer than three feet from any lot line.
2. Architectural details such as canopies, cornices and eaves, may project not more than two feet over any required yard provided that they shall be no closer than two feet from any lot line.
3. Sills, leaders, belt courses and similar ornamental features may project not more than six inches over or into any required yard.

D. Patios and Steps. Unroofed terraces, patios, steps or similar features not over three feet in height above grade, may project into any required yard, provided that they shall be no closer than two feet from any lot line, except that a sidewalk and/or driveway may extend to the property line.

E. Accessory Buildings (Attached). A private automobile garage, carport or accessory building having any part of a wall in common with a dwelling shall be considered an integral part of the main building in determined yard, lot and area requirements.

F. Accessory Building (Detached) and Swimming Pools. Any detached accessory building or swimming pool in any zone shall not be located in the required front yard, shall be at least five feet from the main structure, shall be at least five feet from the rear and interior side lot lines, and shall maintain side yard setbacks from the street side lot lines as required for the main structure in that zone.

G. Solar Units. Solar heating and solar cooling units, solar greenhouses and associated apparatus may, notwithstanding any other provisions of this title, be located in a rear or side yard provided that such apparatus does not cover more than thirty (30) percent of that side or rear yard and shall be no closer than two feet to any lot line.

H. Service Station Pumps and Storage of Inflammable Materials. No automobile service station pump shall be located closer than twelve (12) feet to a street property line, and no combustible, inflammable, explosive or similar material, gas or liquid in excess of ten gallon shall be stored within a distance of fifty (50) feet, (or a distance as required by the Springerville fire chief or other regulation) from a residential structure or property line, unless such material is used for domestic power or heating purposes on the same lot on which such material is stored.

(Ord. 2007-004 § 1 (part))

17.28.050 Building height requirements.

A. Application. No building shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located, except as otherwise specifically provided.

B. Exceptions. Height regulations established elsewhere in this title shall not apply:

1. In any district, to church spires, belfries, cupolas and domes not for human occupancy; monuments, water towers, flagpoles; provided that such structures shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property in which it was constructed;
2. In any district, to noncommercial radio or television antennas;
3. In industrial districts to chimneys, smokestacks, derricks, conveyors, grain elevators or similar structures wherein the industrial process involved customarily require a height greater than otherwise permitted, provided that such structures shall be so located and constructed that if it should collapse, its reclining length would still be contained on the property in which it was constructed.
4. In any district to solar heating or cooling apparatus, the plans of which have been approved by the zoning administrator.

(Ord. 2007-004 § 1 (part))

17.28.060 Height limitations on corner lots.

A. Within a triangle formed by the street front and side lot lines and a line connecting these lot lines at points measured along these lot lines a distance of twenty-five (25) feet from their intersection, all fixtures, construction, hedges, shrubbery and other planting shall be limited to a height not over three feet above elevation of the street line level at the same intersecting streets. Within the same triangle, and in the cases where front yards are terraced, the ground elevation of such front yards shall not exceed three feet above the established street line elevation at the intersection of the streets.

(Ord. 2007-004 § 1 (part))

17.28.070 Walls and fences.

A. Permits. A permit shall be required before a wall or fence may be constructed or erected in any zone within the town of Springerville. An application for a wall or fence permit shall be filed with the zoning administrator on a form prescribed by the zoning administrator. The application shall include the following:

1. Sketch showing the property location, property boundaries, location of existing structures and positioning of the proposed wall or fence;
2. Description of material to be used and design of the wall or fence;
3. Any other information the planning and zoning administrator might need to evaluate the wall or fence proposal.

B. Permit Review. Within ten days after receipt of a complete application for a wall or fence permit, the zoning administrator shall review the plans, and deny, approve or conditionally approve the plans, basing his decision on the conformity of the proposal with the provisions of this section.

C. Regulations Applicable to Walls and Fences in All Zones:

1. Height. No wall, fence or hedge over four feet high shall be constructed or maintained nearer to the street line than the required front or street-side building setback line. Fences over four feet in height, but not more than six feet in height, may be allowed by conditional use permit if they do not, in the opinion of the commission cause a visibility hazard or nuisance. In areas where a six-foot wall or fence is required by the code for screening purposes, a conditional use permit shall not be required as long as all other requirements of this section are fulfilled. No wall, fence or hedge shall be more than six feet in height in any rear or side yard, provided that fences exceeding the above heights may be built around school and other public and quasi-public institutions when necessary for the safety or restraint of the occupants thereof, or within industrial, agricultural or agricultural-residential zoning districts when a conditional use permit has been secured for such purposes. These height regulations shall not apply when fences of greater heights are required by the planning and zoning commission in order to provide adequate screening as required by this chapter.
2. Materials and Design. Fences and walls in all zoning districts shall be constructed of material in new condition only. Material must be wood, woven wire or masonry of conventional design. Fences or walls of other than specified material or of other than conventional design may be allowed only by conditional use permit, except that fences constructed of pipe shall be allowed in any agricultural or agricultural-residential zoning districts.

D. Swimming Pools. All swimming pools shall be enclosed by a solid wall, wood or chain link fence of not less than five feet nor more than six feet in height so as to prevent uninvited access. (Ord. 2008-002 § 1; Ord. 2007-004 § 1 (part))

17.28.080 Outdoor storage of junk automobiles.

A. Definition. "Junk automobiles" means any vehicle or any major portion thereof which is incapable of movement under its own power and will remain so without major repair.

B. Outdoor Storage. Junk automobiles shall not be stored in the front of main structure and the rear lot line except as otherwise specifically allowed in a commercial or industrial zone district. (Ord. 2007-004 § 1 (part))

17.28.090 Home occupations.

Home occupations may be permitted in any residential zones, subject to the following requirements:

- A. Home Occupations. Shall be clearly incidental and subordinate to the use of the property and dwelling unit for dwelling purposes, shall be conducted entirely within the dwelling and shall not change the residential character thereof.
- B. Home occupations must meet all licensing, certification and/or regulatory requirements of the town of Springerville.

- C. Area. No more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the home occupation.
- D. Delivery Vehicles--Commercial Vehicle Parking. No business shall be conducted which requires delivery vehicles or other services not customary to a residence.
- E. Nuisances. There shall be no external evidence of the activity such as outdoor storage, displays, noise, dust, odors, fumes, vibration or other nuisances discernible beyond the property lines. There shall be no indication of business activities other than those typical of a residential dwelling before eight a.m. or after eight p.m. No flammable liquids or hazardous materials shall be handled, used or stored in association with a home occupation.
- F. Prohibited Home Occupations. The following home occupations are prohibited in residential zones: motor vehicle repair or similar services; kennels, stables or veterinary clinics; restaurants, clubs or drinking establishments; undertaking or funeral parlors; adult entertainment establishments, adult retail establishments, or adult theaters; outdoor storage of firewood for sale; or any business determined by minute order of the planning and zoning commission to be similar to the uses listed or detrimental to the health, safety and welfare of the community.
- G. Home Occupations Requiring a Conditional Use Permit. The following home occupations may be allowed in residential zones with a conditional use permit: barber shops and beauty salons; medical and dental clinics; day care centers; bed and breakfast establishments that are owner-occupied and do not exceed four units; any use generating more than two customers or client visits per day; uses requiring more off-street parking than is typical for a residence; uses employing a nonresident; or any business determined by minute order of the planning and zoning commission to be similar to the uses listed and not detrimental to the health, safety and welfare of the community.

(Ord. 2007-004 § 1 (part))

17.28.100 Animals and pets.

That certain public document known as "Animals and Pets Ordinance," three copies of which are on file in the office of the town clerk of the Town of Springerville, Arizona, which document was made a public record by Resolution No. 2008-R016 of the Town of Springerville, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this section.

(Ord. 2007-004 § 1 (part))

(Ord. No. 2008-006, § 1, 11-5-2008)

17.28.110 Exterior lighting.

All lighting for off-street parking or loading areas or for the external illumination of buildings or signs shall be directed away from and shielded from any adjacent residential property and shall not detract from driver visibility on adjacent streets.

(Ord. 2007-004 § 1 (part))

17.28.120 Public service facilities.

A conditional use permit shall be required by all public service companies in order to establish or substantially expand utility buildings, structures or appurtenances thereto, in any zoning district. Extension of public service lines in public or private right-of-way is exempt from these requirements.
(Ord. 2007-004 § 1 (part))

17.28.130 Trash enclosures.

A permanent enclosure for temporary storage of garbage, refuse and other waste materials shall be provided for every use, other than single-family dwelling, multiple-family dwellings of less than four units, and mobile/manufactured homes in every zoning districts except where a mechanically loaded steel bin approved by the zoning administrator is used for the purpose or where a property is entirely surrounded by screen walls or buildings. Trash enclosures shall comply with the following regulations:

A. Construction. Trash enclosures shall be constructed so that contents are not visible from a height of five feet above grade from any abutting street or property, and shall be constructed of solid or ornamental pierced-masonry walls with solid concrete floor sloped for drainage and maintenance of sanitary conditions. Enclosures shall be of sufficient height to conceal contents including containers, but in no case shall be less than four feet in height above grade. Gates shall be solid or baffled, equal in height to the enclosure and equipped with latches to insure closure when not in use.

B. Location. Trash enclosures shall not be located in any required front or side yard.
(Ord. 2007-004 § 1 (part))

17.28.140 Structures near airplane runway or landing strip.

Current Federal Aviation Administration (FAA) regulations and guidelines shall govern the location, placement, height, size and design of airplane runways and landing strips within the town.
(Ord. 2007-004 § 1 (part))

17.28.150 Performance standards.

Any permitted or conditional use must conform to the following performance standards. In conjunction with the plan review process, the developer-applicant shall provide to the zoning administrator data which is sufficient to show that the proposed use and the manner of its conduct will meet these performance standards.

- A. Noise. No noise shall be permitted which is loud enough to create a nuisance or hazard beyond the property lines.
- B. Smoke, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution. No emission is permitted which can cause damage to health, animals or vegetation, or other forms of property, or which can cause any excessive soiling.
- C. Liquids and Solid Waste. No wastes will be discharged in the public sewage system which endangers the normal operation of the public sewage system.

- D. Odors. No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the property lines.
- E. Vibration. No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three minutes or more in duration in any one hour of the day between the hours of seven a.m. to seven p.m., or of thirty (30) seconds or more in duration in any one hour during the hours of seven p.m. and seven a.m.

(Ord. 2007-004 § 1 (part))

17.28.160 Campgrounds.

A. Conditional Use Permit. Campgrounds shall be allowed only within those zones in which they are specifically allowed, and shall require a conditional use permit issued by the planning and zoning commission in accordance with the provisions of Chapter 17.84.

The commission shall ensure adequate provisions of streets, driveways, walkways, proper layout of campground, proper sanitary facilities, adequate fire protection, adequate protection of surrounding properties, adequate water supply and compliance with the provisions of this title and all other ordinances and codes of the town.

B. Site Specifications.

1. Sites must be clearly defined, well drained and reasonably level.
2. Each tent site must be no less than nine hundred (900) square feet in area.
3. Each recreational vehicle site must be no less than one thousand two hundred (1,200) square feet in area, and shall be designed to allow a minimum of fifteen (15) feet between adjoining recreational vehicles.

C. Office and Registration Facilities. Each campground must provide an adequate and easily identifiable office or registration area. Registration facilities must be located so as not to interfere with the normal flow of traffic in and out of the campground.

D. Restroom Facilities. Each campground must have the following restroom facilities as a minimum:

1. One toilet for each ten camping sites, or fraction thereof, excluding sites with sewer hookups use for self-contained recreational vehicles. There shall be a minimum of one toilet provided for each men's and women's restroom regardless of number of campsites.

Urinals may be provided for fifty (50) percent of the toilet requirement of the men's restroom. Toilets shall be partitioned for occupant privacy.

2. One hot water shower shall be provided for each ten camping sites or fraction thereof. There shall be a minimum of one shower for each men's and women's restroom regardless of number of campsites. Showers shall be partitioned for occupant privacy.
3. One sink with hot water shall be provided for each ten camping sites or fraction thereof. There shall be a minimum of one sink for each men's and women's restroom regardless of number of campsites.
4. Each restroom shall contain shelf space and/or hooks adequate for toilet articles and towels, a good well-lighted mirror directly above each sink, an electric outlet convenient to the sink, ample general illumination, waste baskets, and windows and doors designed for complete privacy.

E. Maintenance. Campground must be well maintained in all areas. This includes the grounds, restroom facilities, buildings and any recreational areas and equipment.
(Ord. 2007-004 § 1 (part))

17.28.170 Travel trailers and recreational vehicles.

A. Travel trailers or recreational vehicles as defined in Section 17.08.010 shall not be used as a dwelling on any lot outside an approved campground or recreational vehicle park and shall not be connected to a sewer or septic system other than in an approved campground or recreational vehicle park except as allowed in this section.

B. Travel trailers and recreational vehicles shall be stored only on private property and not on any public street, alley or thoroughfare.

C. Travel trailers and recreational vehicles shall not be used for storage purposes or as an accessory building except as allowed in this section.

D. A travel trailer, recreational vehicle or mobilehome may be used on construction sites for temporary residence and/or storage of materials for up to twelve (12) months by conditional use permit, provided there are active permits for the construction.

E. A travel trailer or recreational vehicle may be used as guest quarters on a residential lot for up to two weeks without a conditional use permit. The intent of this section is to allow relatives or friends to visit for a short period of time or for an immediate, but temporary, solution for hardship or emergency living quarters.
(Ord. 2007-004 § 1 (part))

17.28.180 Mobilehomes or manufactured homes.

A. Mobilehomes as defined by the ordinance codified in this chapter (built prior to June 15, 1976) shall not be moved into the town of Springerville or from lot to lot within the town.

B. Manufactured homes as defined by the ordinance codified in this chapter shall be no older than fifteen (15) years from the date of manufacture at the time the installation permit application is submitted.

C. No permit shall be issued to relocate a manufactured home that is older than fifteen (15) years from lot to lot within the town.

D. Any mobilehome or manufactured home older than fifteen (15) years located within the municipal boundaries at the time of the ordinance's adoption codified in this chapter may remain in its current location unless the building official deems it out of compliance with existing codes and requirements, at which time it must be brought into compliance in a timely manner.
(Ord. 2007-004 § 1 (part))

17.28.190 Storage.

A. Manufactured homes, truck toppers, mobilehomes, truck trailers, utility trailers, commercial trailers, boxcars, refurbished sea cargo/ocean-going or freight containers (mobile storage or similar cargo carrying devices) or any other similar vehicles, devices or structures shall not be attached to or placed on any lot and are not allowed to be stored or utilized for storage purposes except as allowed in this section.

B. Commercial trailers, sea cargo or freight containers may be used in the agricultural general (AG), light industrial (L-1) and industrial (I-1) zones or by conditional use permit in the C-1 commercial (C-1) zone subject to the following regulations:

1. Such vehicles/containers shall meet all development standards for the zoning classification, including lot coverage, height and setback requirements.
2. Such vehicles/containers shall be painted and maintained the primary structure color or an earth tone consistent with the surrounding terrain prior to placement.
3. Such vehicles/containers shall be screened from view of any adjacent noncommercial or nonindustrial zone by a solid masonry or solid wood fence no less than six feet in height, or of a greater height or material as allowed or required by the planning and zoning commission, subject also to the walls and fences regulations set forth in Section 17.28.070.
4. Such vehicles/containers shall be located in the side or rear yard of the property and not on any public street, alley or thoroughfare.
5. Such vehicles/containers shall be permitted and installed in accordance with the municipal building codes.

C. Effective October 17, 2007, manufactured homes, truck toppers, mobilehomes, truck trailers, utility trailers, commercial trailers, boxcars, refurbished sea cargo/ocean-going or freight containers (mobile storage or similar cargo carrying devices) or any other similar vehicles, devices or structures shall not be attached to or placed on any lot and are not allowed to be utilized for storage purposes in any residential zone except as allowed for by resolution or by Title 17 of the town of Springerville Municipal Code.

D. Such vehicles/containers as described herein may be allowed on a temporary basis for up to six months in conjunction with a valid, active building permit at the discretion of the building inspector. Temporary storage in excess of six months may be allowed by conditional use permit.

E. Not more than one travel trailer, motor home, recreational vehicle, boat, boat trailer, utility trailer or other similar vehicles of a noncommercial nature owned by a party other than the present owner or tenant of the property shall be stored on a residential lot. All such vehicles and trailers shall be operable and/or registered in accordance with the junk vehicle regulations set forth in Chapter 8.12 of this code.

F. No travel trailer, motor home, recreational vehicle, boat, utility trailer, truck toppers or other similar vehicles or devices shall be used for storage on any lot.

G. Appliances, including, but not limited to, washers, dryers, refrigerators, freezers, ranges, stoves, furnaces, hot water heaters, and air conditioners, may not be stored outdoors or in a manner visible from the street or adjacent properties unless said appliance is operable and hooked up for on-site use. (Ord. 2008-001 §§ 1, 2; Ord. 2007-004 § 1 (part))

Chapter 17.32

AG ZONE, GENERAL AGRICULTURAL

Sections:

17.32.010 Purpose.

17.32.020 Permitted uses.

17.32.030 Conditional uses (conditional use permit required).

17.32.040 Property development standards.

17.32.050 General provisions.

17.32.060 Signs.

17.32.070 Parking and loading.

17.32.080 Plan review.

17.32.010 Purpose.

This district is intended to preserve agricultural areas with large lots (five acres minimum) and very low density residential development. Land use is composed of farming, agriculture and livestock raising together with residences and customary accessory uses and buildings. (Ord. 2007-004 § 1 (part))

17.32.020 Permitted uses.

- A. One single-family dwelling or mobile/manufactured home per each five acres of lot area.
- B. One guest house with not more than four bedrooms.
- C. Farming and agriculture including the keeping of cattle, horses, sheep, goats and fish ponds.
- D. The keeping of fowl, not to exceed fifty (50) in number.
- E. The keeping of pigs, not to exceed ten in number over the age of six months.
- F. Customary accessory uses and buildings, provided such uses are incidental to the principal use.

G. Temporary buildings or uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.

H. Home occupations.

I. Temporary stands for the sale of farm produce.

J. Veterinarian clinics.

K. Feed stores.

L. Residential facilities for the developmentally disabled as described in Sections 36-581 and 36-582, Arizona Revised Statutes, which are licensed by the department of economic security.

M. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

17.32.030 Conditional uses (conditional use permit required).

A. The keeping of fowl exceeding fifty (50) in number.

B. The keeping of pigs exceeding ten in number over the age of six months.

C. Publicly owned and operated parks and recreation areas and centers.

D. Churches or similar places of worship.

E. Schools, public and private elementary and high.

F. Colleges, universities and professional schools.

G. Golf, rod and gun, tennis and country clubs.

H. Campgrounds.

I. Commercial stables.

J. Cemeteries.

K. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.

L. Any such other uses which are determined by minute order of the planning and zoning

commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

17.32.040 Property development standards.

- A. Minimum lot area: five acres.
- B. Minimum front yard: twenty (20) feet.
- C. Minimum side yard: twenty (20) feet.
- D. Minimum rear yard: twenty (20) feet.
- E. Minimum dwelling size: eight hundred (800) square feet.

F. Maximum building height: twenty-five (25) feet, except that heights over twenty-five (25) feet may be allowed with a conditional use permit.

(Ord. 2007-004 § 1 (part))

17.32.050 General provisions.

The provisions of Chapter 17.28 shall apply.

(Ord. 2007-004 § 1 (part))

17.32.060 Signs.

The provisions of Chapter 17.100 shall apply.

(Ord. 2007-004 § 1 (part))

17.32.070 Parking and loading.

The provisions of Chapter 17.104 shall apply.

(Ord. 2007-004 § 1 (part))

17.32.080 Plan review.

The provisions of Chapter 17.88 shall apply.

(Ord. 2007-004 § 1 (part))

Chapter 17.36

AR-43 ZONE, GENERAL AGRICULTURAL RESIDENTIAL (43,000 SQUARE FEET LOTS)

Sections:

17.36.010 Purpose.

17.36.020 Permitted uses.

17.36.030 Conditional uses (conditional use permit required).

17.36.040 Property development standards.

17.26.050 General provisions.

17.36.060 Signs.

17.36.070 Parking and loading.

17.36.080 Plan review.

17.36.010 Purpose.

This district is intended to promote and preserve agricultural areas, open spaces and very low density residential development. Regulations and property development standards are designed to protect the agricultural character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes on large lots (forty-three thousand (43,000) square feet minimum) and low intensity agriculture.

(Ord. 2007-004 § 1 (part))

17.36.020 Permitted uses.

- A. One single-family dwelling or mobile/manufactured home.
- B. One guest house with not more than four bedrooms.
- C. Farming and agriculture including the keeping of cattle, horses, sheep, goats, but not exceeding one head per twenty thousand (20,000) square feet of lot area. The keeping of pigs is prohibited.
- D. The keeping of fowl, not to exceed fifty (50) in number.
- E. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
- F. Temporary buildings or uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
- G. Home occupations.
- H. Residential facilities for the developmentally disabled as described in Sections 36-581 and 36-582, Arizona Revised Statutes, which are licensed by the department of economic security.
- I. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

17.36.030 Conditional uses (conditional use permit required).

- A. The keeping of fowl exceeding fifty (50) in number.
- B. Publicly owned and operated parks and recreation areas and centers.

- C. Churches or similar places of worship.
- D. Schools, public and private elementary and high.
- E. Colleges, universities and professional schools.
- F. Golf, rod and gun, tennis and country clubs.
- G. Cemeteries.
- H. Campgrounds.
- I. Temporary home and land sales offices and model homes, provided they are located within the same subdivisions as that land or homes which are offered for sale.
- J. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
- K. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.
(Ord. 2007-004 § 1 (part))

17.36.040 Property development standards.

- A. Minimum lot area: forty-three thousand (43,000) square feet.
- B. Minimum average lot width: one hundred (100) feet.
- C. Minimum lot frontage: one hundred (100) feet.
- D. Minimum front yard: twenty (20) feet.
- E. Minimum side yard: twenty (20) feet.
- F. Minimum rear yard: twenty (20) feet.
- G. Minimum dwelling size: eight hundred (800) square feet.
- H. Maximum building height: twenty-five (25) feet, except that heights over twenty-five (25) feet may be allowed with a conditional use permit.
- I. Maximum lot coverage: seventy-five (75) percent.
(Ord. 2007-004 § 1 (part))

17.26.050 General provisions.

The provisions of Chapter 17.28 shall apply.
(Ord. 2007-004 § 1 (part))

17.36.060 Signs.

The provisions of Chapter 17.100 shall apply.
(Ord. 2007-004 § 1 (part))

17.36.070 Parking and loading.

The provisions of Chapter 17.104 shall apply.
(Ord. 2007-004 § 1 (part))

17.36.080 Plan review.

The provisions of Chapter 17.88 shall apply.
(Ord. 2007-004 § 1 (part))

Chapter 17.40

AR-20 ZONE, AGRICULTURAL- RESIDENTIAL (20,000 SQUARE FEET LOTS)

Sections:

- 17.40.010 Purpose.
- 17.40.020 Permitted uses.
- 17.40.030 Conditional uses (conditional use permit required).
- 17.40.040 Property development standards.
- 17.40.050 General provisions.
- 17.40.060 Signs.
- 17.40.070 Parking and loading.
- 17.40.080 Plan review.

17.40.010 Purpose.

This district is intended to promote and preserve agricultural areas, and low density residential development. Regulations and property development standards are designed to protect the agricultural character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes on medium sized lots (twenty thousand (20,000) square feet minimum) and low intensity agriculture.
(Ord. 2007-004 § 1 (part))

17.40.020 Permitted uses.

- A. One single-family dwelling or mobile/manufactured home.
- B. One guest house with not more than four bedrooms.
- C. Farming and agriculture including the keeping of cattle, horses, sheep, goats, but not exceeding

one head per twenty thousand (20,000) square feet of lot area. The keeping of pigs is prohibited.

- D. The keeping of fowl, not to exceed fifty (50) in number.
- E. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
- F. Temporary buildings or uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
- G. Home occupations.
- H. Residential facilities for the developmentally disabled as described in Sections 36-581 et seq., Arizona Revised Statutes, which are licensed by the department of economic security.
- I. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.
(Ord. 2007-004 § 1 (part))

17.40.030 Conditional uses (conditional use permit required).

- A. The keeping of fowl exceeding fifty (50) in number.
- B. Publicly owned and operated parks and recreation areas and centers.
- C. Churches or similar places of worship.
- D. Schools, public and private elementary and high.
- E. Colleges, universities and professional schools.
- F. Golf, rod and gun, tennis and country clubs.
- G. Cemeteries.
- H. Campgrounds.
- I. Temporary home and land sales offices and model homes, provided they are located within the same subdivisions as that land or homes which are offered for sale.
- J. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
- K. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

17.40.040 Property development standards.

- A. Minimum lot area: twenty thousand (20,000) square feet.
 - B. Minimum average lot width: one hundred (100) feet.
 - C. Minimum lot frontage: one hundred (100) feet.
 - D. Minimum front yard: twenty (20) feet.
 - E. Minimum side yard: twenty (20) feet.
 - F. Minimum rear yard: twenty (20) feet.
 - G. Minimum dwelling size: eight hundred (800) square feet.
 - H. Maximum building height: twenty-five (25) feet, except that heights over twenty-five (25) feet may be allowed with a conditional use permit.
 - I. Maximum lot coverage: seventy-five (75) percent.
- (Ord. 2007-004 § 1 (part))

17.40.050 General provisions.

The provisions of Chapter 17.28 shall apply.
(Ord. 2007-004 § 1 (part))

17.40.060 Signs.

The provisions of Chapter 17.100 shall apply.
(Ord. 2007-004 § 1 (part))

17.40.070 Parking and loading.

The provisions of Chapter 17.104 shall apply.
(Ord. 2007-004 § 1 (part))

17.40.080 Plan review.

The provisions of Chapter 17.88 shall apply.
(Ord. 2007-004 § 1 (part))

Chapter 17.44

R1-20 ZONE, SINGLE-FAMILY RESIDENTIAL (20,000 SQUARE FEET LOTS)

Sections:

- 17.44.010 Purpose.
- 17.44.020 Permitted uses.
- 17.44.030 Conditional uses (conditional use permit required).
- 17.44.040 Property development standards.
- 17.44.050 General provisions.
- 17.44.060 Signs.
- 17.44.070 Parking and loading.
- 17.44.080 Plan review.

17.44.010 Purpose.

This district is intended to promote and preserve low density single-family residential development. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes together with required recreational, religious and educational facilities.

(Ord. 2007-004 § 1 (part))

17.44.020 Permitted uses.

- A. One Single-Family Dwelling. Mobile/manufactured homes are prohibited.
- B. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
- C. Temporary buildings or uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
- D. Home occupations.
- E. Residential facilities for the developmentally disabled as described in Sections 36-581 et seq., Arizona Revised Statutes, which are licensed by the department of economic security.
- F. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

17.44.030 Conditional uses (conditional use permit required).

- A. Publicly owned and operated parks and recreation areas and centers.
- B. Churches or similar places of worship.
- C. Public and private elementary and high schools.
- D. Colleges, universities and professional schools.

E. Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that land and homes which are offered for sale.

F. Hospitals and clinics.

G. Golf courses.

H. Nursery schools and day care centers.

I. Cemeteries.

J. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.

K. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

17.44.040 Property development standards.

A. Minimum lot area: twenty thousand (20,000) square feet.

B. Minimum average lot width: one hundred (100) feet.

C. Minimum lot frontage: fifty (50) feet.

D. Minimum front yard: twenty (20) feet.

E. Minimum side yard: ten feet, except on a corner lot there shall be a street side yard equal to the front yard.

F. Minimum Rear Yard: ten feet.

G. Minimum dwelling size: one thousand two hundred (1,200) square feet.

H. Maximum building height: twenty-five (25) feet, except that heights over twenty-five (25) feet may be allowed with a conditional use permit.

I. Maximum lot coverage: forty (40) percent.

(Ord. 2007-004 § 1 (part))

17.44.050 General provisions.

The provisions of Chapter 17.28 shall apply.

(Ord. 2007-004 § 1 (part))

17.44.060 Signs.

The provisions of Chapter 17.100 shall apply.
(Ord. 2007-004 § 1 (part))

17.44.070 Parking and loading.

The provisions of Chapter 17.104 shall apply.
(Ord. 2007-004 § 1 (part))

17.44.080 Plan review.

The provisions of Chapter 17.88 shall apply.
(Ord. 2007-004 § 1 (part))

Chapter 17.48

R1-7 ZONE, SINGLE-FAMILY RESIDENTIAL (7,500 SQUARE FEET LOTS)

Sections:

- 17.48.010 Purpose.
- 17.48.020 Permitted uses.
- 17.48.030 Conditional uses (conditional use permit required).
- 17.48.040 Property development standards.
- 17.48.050 General provisions.
- 17.48.060 Signs.
- 17.48.070 Parking and loading.
- 17.48.080 Plan review.

17.48.010 Purpose.

This district is intended to promote and preserve medium density single-family residential development. Regulations and property development standards are designed to protect the single-family residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes together with required recreational, religious and educational facilities.
(Ord. 2007-004 § 1 (part))

17.48.020 Permitted uses.

- A. One Single-Family Dwelling. Mobile/manufactured homes are prohibited.
- B. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
- C. Temporary buildings or uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.

D. Home occupations.

E. Residential facilities for the developmentally disabled as described in Sections 36-581 and 36-582, Arizona Revised Statutes, which are licensed by the department of economic security.

F. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

17.48.030 Conditional uses (conditional use permit required).

A. Publicly owned and operated parks and recreation areas and centers.

B. Churches or similar places of worship.

C. Public and private elementary and high schools.

D. Colleges, universities and professional schools.

E. Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that land and homes which are offered for sale.

F. Hospitals and clinics.

G. Golf courses.

H. Nursery schools and day care centers.

I. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.

J. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

17.48.040 Property development standards.

A. Minimum lot area: seven thousand five hundred (7,500) square feet.

B. Minimum average lot width: seventy (70) feet.

C. Minimum lot frontage: thirty (30) feet.

D. Minimum front yard: twenty (20) feet.

E. Minimum side yard: ten feet, except on a corner lot there shall be a street side yard equal to the front yard.

F. Minimum rear yard: ten feet.

G. Minimum dwelling size: eight hundred (800) square feet.

H. Maximum building height: twenty-five (25) feet, except that heights over twenty-five (25) feet may be allowed with a conditional use permit.

I. Maximum lot coverage: forty (40) percent.
(Ord. 2007-004 § 1 (part))

17.48.050 General provisions.

The provisions of Chapter 17.28 shall apply.
(Ord. 2007-004 § 1 (part))

17.48.060 Signs.

The provisions of Chapter 17.100 shall apply.
(Ord. 2007-004 § 1 (part))

17.48.070 Parking and loading.

The provisions of Chapter 17.100 shall apply.
(Ord. 2007-004 § 1 (part))

17.48.080 Plan review.

The provisions of Chapter 17.88 shall apply.
(Ord. 2007-004 § 1 (part))

Chapter 17.52

RMH-20 ZONE, SINGLE-FAMILY RESIDENTIAL AND MOBILE/ MANUFACTURED HOMES (20,000 SQUARE FEET LOTS)

Sections:

17.52.010 Purpose.

17.52.020 Permitted uses.

17.52.030 Conditional uses (conditional use permit required).

17.52.040 Property development standards.

17.52.050 General provisions.

17.52.060 Signs.

17.52.070 Parking and loading.

17.52.080 Plan review.

17.52.010 Purpose.

This district is intended to promote and preserve low density single-family residential development. Regulations and property development standards are designed to protect the residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes and mobile/manufactured homes together with required recreational, religious and educational facilities.
(Ord. 2007-004 § 1 (part))

17.52.020 Permitted uses.

- A. One single-family dwelling or one mobile/manufactured home.
- B. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
- C. Temporary buildings or uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
- D. Home occupations.
- E. Residential facilities for the developmentally disabled as described in Sections 36-581 et seq., Arizona Revised Statutes, which are licensed by the department of economic security.
- F. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.
(Ord. 2007-004 § 1 (part))

17.52.030 Conditional uses (conditional use permit required).

- A. Publicly owned and operated parks and recreation areas and centers.
- B. Churches or similar places of worship.
- C. Public and private elementary and high schools.
- D. Colleges, universities and professional schools.
- E. Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that land and homes which are offered for sale.
- F. Hospitals and clinics.
- G. Golf courses.
- H. Nursery schools and day care centers.

I. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.

J. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

17.52.040 Property development standards.

A. Minimum lot area: twenty thousand (20,000) square feet.

B. Minimum average lot width: one hundred (100) feet.

C. Minimum lot frontage: fifty (50) feet.

D. Minimum front yard: twenty (20) feet.

E. Minimum side yard: ten feet, except on a corner lot there shall be a street side yard equal to the front yard.

F. Minimum rear yard: ten feet.

G. Minimum dwelling size:

1. Non-mobile/manufactured single-family: eight hundred (800) square feet.

2. Mobile/manufactured home: six hundred (600) square feet.

H. Maximum building height: twenty-five (25) feet, except that heights over twenty-five (25) feet may be allowed with a conditional use permit.

I. Maximum lot coverage: forty (40) percent.

(Ord. 2007-004 § 1 (part))

17.52.050 General provisions.

The provisions of Chapter 17.28 shall apply.

(Ord. 2007-004 § 1 (part))

17.52.060 Signs.

The provisions of Chapter 17.100 shall apply.

(Ord. 2007-004 § 1 (part))

17.52.070 Parking and loading.

The provisions of Chapter 17.104 shall apply.
(Ord. 2007-004 § 1 (part))

17.52.080 Plan review.

The provisions of Chapter 17.88 shall apply.
(Ord. 2007-004 § 1 (part))

Chapter 17.56

RMH-7 ZONE, SINGLE-FAMILY RESIDENTIAL AND MOBILE/ MANUFACTURED HOMES (7,500 SQUARE FEET LOTS)

Sections:

17.56.010 Purpose.

17.56.020 Permitted uses.

17.56.030 Conditional uses (conditional use permit required).

17.56.040 Property development standards.

17.56.050 General provisions.

17.56.060 Signs.

17.56.070 Parking and loading.

17.56.080 Plan review.

17.56.010 Purpose.

This district is intended to promote and preserve low density single-family residential development. Regulations and property development standards are designed to protect the residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes and mobile/manufactured homes together with required recreational, religious and educational facilities.
(Ord. 2007-004 § 1 (part))

17.56.020 Permitted uses.

- A. One single-family dwelling or one mobile/manufactured home.
- B. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
- C. Temporary buildings or uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
- D. Home occupations.
- E. Residential facilities for the developmentally disabled as described in Sections 36-581 and 36-582, Arizona Revised Statutes, which are licensed by the department of economic security.
- F. Any such other uses which are determined by minute order of the planning and zoning

commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

17.56.030 Conditional uses (conditional use permit required).

- A. Publicly owned and operated parks and recreation areas and centers.
- B. Churches or similar places of worship.
- C. Public and private elementary and high schools.
- D. Colleges, universities and professional schools.
- E. Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that land and homes which are offered for sale.
- F. Hospitals and clinics.
- G. Golf courses.
- H. Nursery schools and day care centers.
- I. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
- J. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

17.56.040 Property development standards.

- A. Minimum lot area: seven thousand five hundred (7,500) square feet.
- B. Minimum average lot width: seventy (70) feet.
- C. Minimum lot frontage: thirty (30) feet.
- D. Minimum front yard: twenty (20) feet.
- E. Minimum side yard: ten feet, except on a corner lot there shall be a street side yard equal to the front yard.
- F. Minimum rear yard: ten feet.

G. Minimum dwelling size:

1. Non-mobile/manufactured single-family: eight hundred (800) square feet.

2. Mobile/manufactured home: six hundred (600) square feet.

H. Maximum building height: twenty-five (25) feet, except that heights over twenty-five (25) feet may be allowed with a conditional use permit.

I. Maximum lot coverage: forty (40) percent.
(Ord. 2007-004 § 1 (part))

17.56.050 General provisions.

The provisions of Chapter 17.28 shall apply.
(Ord. 2007-004 § 1 (part))

17.56.060 Signs.

The provisions of Chapter 17.100 shall apply.
(Ord. 2007-004 § 1 (part))

17.56.070 Parking and loading.

The provisions of Chapter 17.101 shall apply.
(Ord. 2007-004 § 1 (part))

17.56.080 Plan review.

The provisions of Chapter 17.88 shall apply.
(Ord. 2007-004 § 1 (part))

Chapter 17.60

MF-7 ZONE, SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL (7,500 SQUARE FEET LOTS)

Sections:

17.60.010 Purpose.

17.60.020 Permitted uses.

17.60.030 Conditional uses (conditional use permit required).

17.60.040 Property development standards.

17.60.050 General provisions.

17.60.060 Signs.

17.60.070 Parking and loading.

17.60.080 Plan review.

17.60.010 Purpose.

This district is intended to fulfill the need for multiple-family residential development. Regulations and property development standards are designed to allow maximum flexibility and variety in residential development while prohibiting all incompatible activities. Land use is composed chiefly of individual homes and multiple-family homes together with required recreational, religious and educational facilities.
(Ord. 2007-004 § 1 (part))

17.60.020 Permitted uses.

- A. One Single-Family Dwelling. Mobile/manufactured homes are prohibited.
- B. Multiple-family dwellings.
- C. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
- D. Temporary buildings or uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.
- E. Home occupations.
- F. Residential facilities for the developmentally disabled as described in Sections 36-581 and 36-582, Arizona Revised Statutes, which are licensed by the department of economic security.
- G. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.
(Ord. 2007-004 § 1 (part))

17.60.030 Conditional uses (conditional use permit required).

- A. Publicly owned and operated parks and recreation areas and centers.
- B. Churches or similar places of worship.
- C. Public and private elementary and high schools.
- D. Colleges, universities and professional schools.
- E. Nursery schools and day care centers.
- F. Boarding or rooming houses.
- G. Nursing homes and convalescent homes.
- H. Hospitals, clinics, medical and dental offices, professional offices such as lawyer, architect, accountant, etc.

I. Temporary home and land sales offices and model homes, provided they are located within the same subdivision as that land and homes which are offered for sale.

J. Golf courses.

K. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.

L. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.
(Ord. 2007-004 § 1 (part))

17.60.040 Property development standards.

A. Minimum lot area: seven thousand five hundred (7,500) square feet.

B. Minimum lot area per dwelling unit:

Area of Lot	Minimum Lot Average per Dwelling Unit
Up to 7,500 square feet	3,750 square feet
7,501 square feet to 10,000 square feet	3,000 square feet
10,001 square feet to 15,000 square feet	2,500 square feet
15,001 square feet to 24,000 square feet	2,000 square feet
24,001 square feet and over	1,500 square feet

C. Minimum average lot width: seventy (70) feet.

D. Minimum lot frontage: thirty (30) feet.

E. Minimum front yard: twenty (20) feet.

F. Minimum side yard: ten feet, except on a corner lot there shall be a street side yard equal to the front yard.

G. Minimum rear yard: ten feet.

H. Minimum dwelling size:

Type of Dwelling Unit	Minimum Floor Area
Efficiency or studio	400 square feet
One bedroom	600 square feet
Two bedroom	750 square feet

Over two bedroom	750 square feet plus 150 square feet per additional bedroom over two
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I. Maximum building height: twenty-five (25) feet, except that heights over twenty-five (25) feet may be allowed with a conditional use permit.

J. Maximum lot coverage: forty (40) percent.
(Ord. 2007-004 § 1 (part))

17.60.050 General provisions.

The provisions of Chapter 17.28 shall apply.
(Ord. 2007-004 § 1 (part))

17.60.060 Signs.

The provisions of Chapter 17.100 shall apply.
(Ord. 2007-004 § 1 (part))

17.60.070 Parking and loading.

The provisions of Chapter 17.104 shall apply.
(Ord. 2007-004 § 1 (part))

17.60.080 Plan review.

The provisions of Chapter 17.88 shall apply.
(Ord. 2007-004 § 1 (part))

Chapter 17.64

MHP ZONE, MOBILE/ MANUFACTURED HOME PARKS

Sections:

- 17.64.010 Purpose.
- 17.64.020 Permitted uses.
- 17.64.030 Conditional uses (conditional use permit required).
- 17.64.040 Property development standards.
- 17.64.050 General provisions.
- 17.64.060 Signs.
- 17.64.070 Parking and loading.
- 17.64.080 Plan review.

17.64.010 Purpose.

This district is intended to promote orderly planned development of mobile/manufactured home parks to accommodate mobile/manufactured homes and related accessory uses. Regulations are designed to preserve and

protect the residential character of the district and ensure compatibility with adjacent districts.
(Ord. 2007-004 § 1 (part))

17.64.020 Permitted uses.

- A. Mobile/manufactured home parks.
- B. One mobile/manufactured home per space in a mobile/manufactured home park.
- C. Single-family residence for owner or manager of mobile/manufactured home park.
- D. Customary accessory uses and buildings, provided such uses are incidental to the principal use.
- E. Temporary buildings or uses incidental to construction work, which buildings shall be removed upon completion of or abandonment of the construction work.

E. Home occupations.
(Ord. 2007-004 § 1 (part))

17.64.030 Conditional uses (conditional use permit required).

A. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.

B. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.
(Ord. 2007-004 § 1 (part))

17.64.040 Property development standards.

- A. Minimum mobile/manufactured home park size: five acres.
- B. Minimum gross site area per mobile/manufactured home: four thousand (4,000) square feet.
- C. Minimum park frontage: one hundred (100) feet.
- D. Minimum setback of any building or mobile/manufactured home from any public property line: twenty (20) feet.
- E. Minimum setback of any building or mobile/manufactured home from mobile/manufactured home park boundary: fifteen (15) feet.
- F. Placement of mobile/manufactured home or building on individual site:
 - 1. Minimum setback from private access street: ten feet.

2. Minimum distance between mobile/manufactured homes:

- a. Between two opposing sides, and between a side and an opposing end: twenty-five (25) feet.
- b. Between two opposing ends: twelve (12) feet.

G. Minimum mobile/manufactured home size: four hundred (400) square feet.

H. Maximum building height: twenty-five (25) feet, except that heights over twenty-five (25) feet may be allowed with a conditional use permit.

I. Recreation Area.

1. Eight hundred (800) square feet of usable open space shall be provided for each home space. Usable open space shall mean space which can be enjoyed by people. This could include landscaped plazas, grass and trees, fountains, sitting areas, etc., which is meant to provide an open garden atmosphere as approved by the planning and zoning commission. Meaningful open space does not include parking areas, vacant or undeveloped lots or any other space which does not contribute to the quality of the environment.

2. Where a centralized recreation area as approved by the planning and zoning commission is provided, the usable open space may be reduced up to four hundred (400) square feet per mobile/manufactured home at the following ratio:

For each square foot of recreational area, open space requirements may be reduced by three square feet. Recreational areas may include community use facilities, indoor recreational areas, swimming pools, hobby shops, etc.

J. Screening. All mobile/manufactured home parks shall be screened from any adjacent non-mobile/manufactured home development by a solid masonry or solid wood fence six feet in height, or of a height or material as allowed or required by the planning and zoning commission, subject also to the fence height regulations established in Chapter 17.28 of this title.

K. Driveways and Vehicular Access.

1. Mobile/manufactured home/manufactured parks shall be located on or have direct access to a public street, except that no individual mobile/manufactured home space within the mobile/manufactured home park may have direct access to a public street.

2. Any driveways shall have a minimum width of twenty-four (24) feet except when a driveway is located between trailer parking spaces, it shall have a minimum width of thirty (30) feet.

3. All driveways and interior streets shall be paved in a manner acceptable to the town engineer.

4. All plans and traffic engineering shall be subject to approval of the town engineer and shall be based upon the spacing and maneuverability requirements for sixty (60) foot long trailers.

L. Certificate of Occupancy and Business License. No certification of occupancy or business license shall be issued until thirty (30) percent of the mobile/manufactured home spaces planned in any part, or ten such spaces, whichever is greater, have been completely prepared, constructed and equipped for use in all respects.

M. Public Utilities. Each mobile/manufactured home shall be permanently connected to electric power, water supply, sewage disposal, gas and telephone service lines in compliance with applicable town codes, and all utility distribution and service lines shall be installed underground.

N. Skirting. All mobile/manufactured homes shall be skirted with fire-resistant material which is not susceptible to rapid weathering.

O. Structural Requirements. Recently enacted legislation regarding tie-downs, foundations, supports, etc.
(Ord. 2007-004 § 1 (part))

17.64.050 General provisions.

The provisions of Chapter 17.28 shall apply.
(Ord. 2007-004 § 1 (part))

17.64.060 Signs.

The provisions of Chapter 17.100 shall apply.
(Ord. 2007-004 § 1 (part))

17.64.070 Parking and loading.

The provisions of Chapter 17.104 shall apply.
(Ord. 2007-004 § 1 (part))

17.64.080 Plan review.

The provisions of Chapter 17.88 shall apply.
(Ord. 2007-004 § 1 (part))

Chapter 17.66

DC, DOWNTOWN COMMERCIAL

Sections:

17.66.010 Purpose.

17.66.020 Permitted uses.

17.66.030 Conditional uses (conditional use permit required).

17.66.040 Property development standards.

17.66.050 General provisions.

17.66.060 Signs.

17.66.070 Parking and loading.

17.66.080 Plan review.

17.66.010 Purpose.

The purpose of this zoning district is to provide for a variety of unique commercial uses of sufficient scale and intensity as to encourage a pedestrian oriented environment. A mixture of uses, where practical, will be encouraged. Manufactured housing and/or structures are prohibited. Any structure associated with a use four thousand (4,000) square feet or greater in area shall require a conditional use permit. Drivethrough uses shall only be allowed through approval of a conditional use permit in the specialty commercial zoning district. Because no list of uses can be complete, decisions on specific uses not included as examples on the following lists of permitted and conditional uses will be made by the planning and zoning director.
(Ord. 2007-004 § 1 (part))

17.66.020 Permitted uses.

A. Sale of Retail Merchandise. Retail merchandise must be sold on site. Uses permitted under this category shall include, but are not limited to the following:

1. Art galleries; arts and crafts supply, retail sales; baby shops; bakers and baked goods, retail sales; barber shops; beauty shops; book sales, retail; camera shops; candy shops, retail sales; clothing, retail sales; coffee shops; coin dealers; computer sales; cosmetics, retail sales; costume rental; curio shops, retail sales; delicatessens; drapery, retail sales; dressmakers, custom; drug stores, retail sales; engravers; financial institutions; florists, retail sales; gas companies, offices only; gift shops; handicraft; hardware, retail sales; hats, retail sales and repair; health food stores; historical museums; hobby shops; home decor and furnishing, retail sales; home electronics, retail sales; ice cream shops; interior decorators, retail sales/display; jewelry store; leather goods, custom; magazines, retail sales; musical instruments, repairing, service, retail sales; news services (no publishing); newspapers (advertising) sales office; notions, retail sales;
2. Office: administrative and professional, including, but not limited to, architect, accountant, attorney, dentist, doctor, engineer, finance and other similar professions;
3. Optical goods, retail sales; pet shops, retail sales; philatelists (stamp dealers); photographer (commercial studios); picture framing, custom; pottery and ceramics, retail sales; produce, retail sales; public parking, surface; realty sales and management; restaurants, no alcoholic beverages; shoe repair; shoe sales and service, retail only; soaps, retail sales; sporting goods, retail; stationery, retail sales; tea rooms; theatrical agency; toys, retail sales;
4. Customary accessory buildings, structures, and uses provided they are incidental to a permitted use;
5. Temporary buildings or uses incidental to construction work, which buildings shall be removed upon completion or abandonment of construction work;

6. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

B. Storage. Storage of items incidental to allowed sales or service is permitted, subject to the following conditions:

1. All products incidental to a permitted use stored on the premises shall be sold at retail only and on the premises only;
2. All such storage shall be conducted within a completely enclosed building, and there shall be no external evidence of the activity such as noise, vibration, smoke, odor, dust, gas, glare, etc.

C. Public and civic uses (no alcoholic beverages); government offices; publicly owned and operated parks and recreation areas and centers.

(Ord. 2007-004 § 1 (part))

17.66.030 Conditional uses (conditional use permit required).

A. Antique dealers; assembly halls and auditoriums; bars, taverns, cocktail lounges; bicycle repair and retail sales; bowling alleys; caterers; dance halls; department stores; employment agencies; family game centers; furniture, retail sales, repair and refinish; guns, retail sales and repairs; hotels and motels; microbrewery; miniature golf; music studios; office furniture, equipment and supplies, retail sales and showroom; places of worship, fraternal, social facilities, meeting halls and similar uses; pool and billiard halls; public and civic uses serving alcoholic beverages; public parking, garage; public/private utility structures and appurtenances thereto for public service; recreation and health club centers; restaurants serving alcoholic beverages; skating rinks; theaters, motion picture and live performance; tobacco sales.

B. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

17.66.040 Property development standards.

1. Minimum lot area: seven thousand five hundred (7,500) square feet.
2. Minimum lot width: seventy (70) feet.
3. Minimum front yard: none. Requirements for separation as outlined in the International Building Code and Arizona Department of Transportation rights-of-way shall be met.
4. Minimum side yard: none, except where a side lot line joins residentially zoned property, in which case the minimum side yard setback shall be at least twenty (20) feet or equal to the height of the building, whichever is greater. Requirements for separation as outlined in the International Building Code shall be met.

5. Minimum rear yard: none, except where a rear lot line joins residentially zoned property, in which case the minimum rear yard setback shall be at least twenty (20) feet or equal to the height of the building, whichever is greater. Requirements for separation as outlined in the International Building Code shall be met.

6. Building design: all building elevations shall be designed to continue the "small town" character of Springerville's specialty commercial area. Maximum building height shall be twenty-five (25) feet, except by conditional use permit. The siting of metal or steel buildings in the specialty commercial zone shall be prohibited.

7. Landscaping: all open areas not designated for parking shall be landscaped and maintained with trees, shrubs, pedestrian walkways, and plazas in a manner acceptable to the planning and zoning director.

8. Screening:

a. All commercial uses shall be screened from any adjacent noncommercial or nonindustrial zone by a solid masonry or solid wood fence six feet in height, or of a height or material as allowed or required by the planning and zoning commission, subject also to the fence height regulations established in Chapter 17.28 of this title.

b. All outdoor storage must be screened from the public view and from the view of the adjoining property owners. A sight obscuring fence or wall of consistent materials and nature to the primary structure(s) on the property shall be installed or a mature landscape wall that obscures view shall be planted and maintained around the perimeter of the outdoor storage area. A conditional use permit shall be required for the use of chain link fencing for site obscuring purposes.

(Ord. 2007-004 § 1 (part))

17.66.050 General provisions.

The provisions of Chapter 17.28 shall apply.
(Ord. 2007-004 § 1 (part))

17.66.060 Signs.

The provisions of Chapter 17.100 shall apply.
(Ord. 2007-004 § 1 (part))

17.66.070 Parking and loading.

The provisions of Chapter 17.104 shall apply.
(Ord. 2007-004 § 1 (part))

17.66.080 Plan review.

The provisions of Chapter 17.88 shall apply.
(Ord. 2007-004 § 1 (part))

Chapter 17.68

C-1 ZONE, GENERAL COMMERCIAL

Sections:

- 17.68.010 Purpose.**
- 17.68.020 Permitted uses.**
- 17.68.030 Conditional uses (conditional use permit required).**
- 17.68.040 Property development standards.**
- 17.68.050 General provisions.**
- 17.68.060 Signs.**
- 17.68.070 Parking and loading.**
- 17.68.080 Plan review.**

17.68.010 Purpose.

This district is intended to provide for general commercial uses. Land use is composed chiefly of retail service businesses, together with accessory uses. The property development standards are designed to encourage orderly and compatible development in existing and future commercial areas within the town.
(Ord. 2007-004 § 1 (part))

17.68.020 Permitted uses.

- A. Retail sales of apparel and accessories, shows, dry goods, foods, drugs, flowers and plants, garden supplies, hardware, gifts and novelties, pet and hobby supplies, art and art supplies, jewelry, liquor, tobacco, newspapers and magazines, music and records, household supplies, stationary, books, paint, wallpaper and glass, sporting goods, toys, variety store goods, appliances, auto parts and supplies, furniture, office supplies, leather and leather products, carpet, antiques, fabrics, photo supplies and similar convenience goods.
- B. Repair services such as, but no more objectionable or intensive in character than watches, jewelry, shoes, locksmith, minor household appliances.
- C. Personal services such as barbers, beauty shops, health clubs, laundries and cleaners.
- D. Establishments serving food or beverages inside a building such as restaurants, cafes, coffee shops, bars, taverns, cocktail lounges. All outdoor sales and consumption of food and all drive-in facilities shall require a conditional use permit.
- E. Light manufacturing incidental to a permitted use is permitted, provided all such manufacturing activities as well as related storage shall be conducted within a completely enclosed building unless specifically allowed otherwise in this title. All such manufacturing activities shall be free from noise, odor or visible emissions when measured at the property lines.
- F. Second-hand stores, pawnshops and used furniture stores.

- G. Banks, stock brokerage firms, savings and loans associations, loan companies and credit unions.
- H. Governmental services, public utility offices and exchanges, excluding storage or repair services, provided all antennas which extend above the building height shall be by conditional use permit.
- I. Offices related to any of the following occupations: executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate, lawyer, architect and engineer.
- J. Medical and dental offices and clinics.
- K. Establishments primarily supplemental in character to other permitted principal uses, such as pharmacy; apothecary shop; sales of corrective garments, prosthetic devices and optical goods; medical and dental laboratories.
- L. Business and trade schools, dancing, art and music schools.
- M. Gasoline service stations.
- N. Indoor and outdoor sales of nursery stock.
- O. Hotels and motels.
- P. Hospitals and clinics.
- Q. Churches, including offices, sanctuaries and Sunday schools. Other uses shall be subject to the zoning for the use (i.e., a clinic would be subject to the zoning regulations for a clinic).
- R. Customary accessory buildings, structures, and uses provided they are incidental to a permitted use.
- S. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.
- T. Temporary buildings or uses incidental to construction work, which buildings shall be removed upon completion or abandonment of construction work.
(Ord. 2007-004 § 1 (part))

17.68.030 Conditional uses (conditional use permit required).

- A. Establishments serving food or beverages outside of a closed building and drive-in facilities.
- B. Mortuaries.
- C. Radio and TV studios.

- D. All commercial broadcasting and receiving antennas.
- E. Establishments whose principal function is basic research, design and pilot or experimental product development, provided such activities are conducted within a completely enclosed building.
- F. Headquarters buildings or charitable, philanthropic and welfare organizations provided that their primary activities are administrative and clerical rather than residential in nature.
- G. Indoor commercial recreation establishments such as bowling alleys, billiard parlors and skating rinks.
- H. Indoor theaters, assembly halls, ballrooms and lodges.
- I. Taxi stand, bus stop, public parking lots and garages.
- J. New and used automobile, truck, mobile/manufactured home and agricultural equipment sales.
- K. Wholesale establishments.
- L. Lumber yards and building supplies.
- M. Automobile repair garages.
- N. Pet shops.
- O. Veterinary clinics and kennels.
- P. Residences and uses as allowed in the MF-7 zone, subject to the property development standards of the MF-7 zone.
- Q. Mobile/manufactured home parks, subject to the property development standards of the MHP zone.
- R. Outdoor commercial recreation establishments.
- S. Drive-in theaters.
- T. Construction yard and equipment yard.
- U. Public utility buildings, structures or appurtenances thereto for public service use. Extension of public service lines in public or private right-of-way is exempt from this requirement.
- V. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.
(Ord. 2007-004 § 1 (part))

17.68.040 Property development standards.

- A. Minimum lot area: seven thousand five hundred (7,500) square feet.
- B. Minimum average lot width: seventy (70) feet.
- C. Minimum lot frontage: thirty (30) feet.
- D. Minimum front yard: ten feet.
- E. Minimum side yard: five feet, except on corner lots, the street side yard shall equal the front yard. Yards of less than five feet may be allowed by a conditional use permit.
- F. Minimum rear yard: five feet, except that yards of less than five feet may be allowed by a conditional use permit.
- G. Minimum dwelling/building size: none.
- H. Maximum building height: twenty-five (25) feet, except that heights over twenty-five (25) feet may be allowed by conditional use permit.
- I. Maximum lot coverage: none.
- J. Screening: all commercial uses shall be screened from any adjacent noncommercial or nonindustrial zone by a solid masonry or solid wood fence six feet in height, or of a height or material as allowed or required by the planning and zoning commission, subject also to the fence height regulations established in Chapter 17.28 of this title.
(Ord. 2007-004 § 1 (part))

17.68.050 General provisions.

The provisions of Chapter 17.28 shall apply.
(Ord. 2007-004 § 1 (part))

17.68.060 Signs.

The provisions of Chapter 17.100 shall apply.
(Ord. 2007-004 § 1 (part))

17.68.070 Parking and loading.

The provisions of Chapter 17.104 shall apply.
(Ord. 2007-004 § 1 (part))

17.68.080 Plan review.

The provisions of Chapter 17.88 shall apply.
(Ord. 2007-004 § 1 (part))

Chapter 17.72

L-1 ZONE, LIGHT INDUSTRIAL

Sections:

- 17.72.010 Purpose.
- 17.72.020 Permitted uses.
- 17.72.030 Conditional uses (conditional use permit required).
- 17.72.040 Prohibited uses.
- 17.72.050 Property development standards.
- 17.72.060 General provisions.
- 17.72.070 Signs.
- 17.72.080 Parking and loading.
- 17.72.090 Plan review.
- 17.72.100 Performance standards.

17.72.010 Purpose.

The light industrial district is designed to provide for the wide range of industrial businesses involved administrative and office uses, research, warehousing, light manufacturing, wholesaling, and assembling. The general industrial district (L-1) is intended to permit most other industrial uses, including manufacturing, bulk storage and concentrated production.
(Ord. 2007-004 § 1 (part))

17.72.020 Permitted uses.

- A. Any permitted or conditional use in the C-1 zone, except residences and mobile/manufactured homes.
- B. Offices and administrative headquarters.
- C. Industrial, scientific or business research, development and testing laboratories and offices.
- D. Computer centers.
- E. Warehouses and mini-storage warehouses.
- F. Electronic instruments and devices, assembling and manufacturing.
- G. Motion picture, TV and radio studios and broadcasting equipment.
- H. Temporary buildings or uses incidental to construction work, which buildings shall be removed upon completion or abandonment of construction work.
(Ord. 2007-004 § 1 (part))

17.72.030 Conditional uses (conditional use permit required).

- A. Outdoor storage yards.
- B. Industrial and manufacturing establishments, indoor and/or outdoor uses.
- C. Airports and helicopter ports.
- D. Public utility buildings, structures and appurtenances.
- E. Any other uses determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.
(Ord. 2007-004 § 1 (part))

17.72.040 Prohibited uses.

- A. Residential uses, both permanent and mobile/manufactured homes.
- B. Sand and gravel plants, mines, batch plants, concrete plants and similar uses.
(Ord. 2007-004 § 1 (part))

17.72.050 Property development standards.

- A. Minimum lot area: twenty-three thousand (23,000) square feet.
- B. Minimum average lot width: one hundred fifty (150) feet.
- C. Minimum lot frontage: one hundred fifty (150) feet.
- D. Minimum front yard: thirty (30) feet.
- E. Minimum street side yard: thirty (30) feet.
- F. Minimum side yard: twenty (20) feet.
- G. Minimum rear yard: twenty (20) feet.
- H. Maximum building height: twenty-five (25) feet, except that heights over twenty-five (25) feet may be allowed with a conditional use permit.
- I. Maximum lot coverage: none.
- J. Screening: all industrial uses shall be screened from any adjacent noncommercial or nonindustrial zone by a solid masonry or solid wood fence six feet in height, or of a height or material as allowed or required by the planning and zoning commission, subject also to the fence height regulations established in Chapter 17.28 of this title.

(Ord. 2007-004 § 1 (part))

17.72.060 General provisions.

The provisions of Chapter 17.28 shall apply.
(Ord. 2007-004 § 1 (part))

17.72.070 Signs.

The provisions of Chapter 17.100 shall apply.
(Ord. 2007-004 § 1 (part))

17.72.080 Parking and loading.

The provisions of Chapter 17.104 shall apply.
(Ord. 2007-004 § 1 (part))

17.72.090 Plan review.

The provisions of Chapter 17.88 shall apply.
(Ord. 2007-004 § 1 (part))

17.72.100 Performance standards.

- A. Structures near airplane runway or landing strips shall comply with current FAA regulations and guidelines as to placement height and size.
- B. No noise shall be permitted which is loud enough to create a nuisance or hazard beyond the property line except as allowed by conditional use permit or development agreement.
- C. No uses shall be permitted which may cause damage to the health, safety or welfare of persons, animals, vegetation or other property.
- D. No substances may be discharged into the town sewer system which may cause damage to the town sewer system or which will adversely affect the operation of the town sewerage treatment plant as set forth in the Springerville Town Code, Chapter 13, Article 13-7, as amended.
- E. No emission or odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the property line except as allowed by conditional use permit or development agreement.
- F. No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three minutes or more duration in any one hour of the day between the hours of seven a.m. to seven p.m., or thirty (30) seconds or more duration in any one hour during the hours of seven p.m. and seven a.m. except as allowed by conditional use permit or development agreement.
(Ord. 2007-004 § 1 (part))

Chapter 17.76

I-1 ZONE, INDUSTRIAL

Sections:

17.76.010 Purpose.

17.76.020 Permitted uses.

17.76.030 Conditional uses (conditional use permit required).

17.76.040 Property development standards.

17.76.050 General provisions.

17.76.060 Signs.

17.76.070 Parking and loading.

17.76.080 Plan review.

17.76.090 Performance standards.

17.76.010 Purpose.

This district is intended to provide for and encourage commercial, industrial and manufacturing development within the town, while ensuring that such activities will in no manner affect in a detrimental way in any of the surrounding districts.

(Ord. 2007-004 § 1 (part))

17.76.020 Permitted uses.

- A. Any permitted or conditional use in the "C-1" zone, except residences and mobile/manufactured homes.
- B. Any permitted or conditional use in the "L-1" zone.
- C. Warehouses.
- D. Outdoor storage yards and junk yards.
- E. Automobile wrecking yards.
- F. Heavy construction equipment yards.
- G. Industrial and manufacturing establishments.
- H. Accessory buildings, structures and uses customarily incidental to a permitted use.
- I. Sand and gravel plants, mines, batch plants, concrete plants and similar uses.
- J. Public utility buildings, structures or appurtenances thereto for public service use.
- K. Temporary buildings or uses incidental to construction work, which buildings shall be removed upon completion or abandonment of construction work.

L. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

17.76.030 Conditional uses (conditional use permit required).

A. Any such other uses which are determined by minute order of the planning and zoning commission to be similar to those uses listed above and not detrimental to the public health, safety and general welfare.

(Ord. 2007-004 § 1 (part))

17.76.040 Property development standards.

A. Minimum lot area: none.

B. Minimum average lot width: none.

C. Minimum lot frontage: none.

D. Minimum front yard: none.

E. Minimum side yard: none.

F. Minimum rear yard: none.

G. Minimum building size: none.

H. Maximum building height: twenty-five (25) feet, except that heights over twenty-five (25) feet may be allowed with a conditional use permit.

I. Maximum building height: twenty-five (25) feet, except that heights over twenty-five (25) feet may be allowed with a conditional use permit.

J. Maximum lot coverage: none.

K. Screening: all industrial uses shall be screened from any adjacent noncommercial or nonindustrial zone by a solid masonry or solid wood fence six feet in height, or of a height or material as allowed or required by the planning and zoning commission, subject also to the fence height regulations established in Chapter 17.28 of this title.

(Ord. 2007-004 § 1 (part))

17.76.050 General provisions.

The provisions of Chapter 17.28 shall apply.

(Ord. 2007-004 § 1 (part))

17.76.060 Signs.

The provisions of Chapter 17.100 shall apply.
(Ord. 2007-004 § 1 (part))

17.76.070 Parking and loading.

The provisions of Chapter 17.104 shall apply.
(Ord. 2007-004 § 1 (part))

17.76.080 Plan review.

The provisions of Chapter 17.88 shall apply.
(Ord. 2007-004 § 1 (part))

17.76.090 Performance standards.

A. Structures near airplane runway or landing strips shall comply with current FAA regulations and guidelines as to placement height and size.

B. No noise shall be permitted which is loud enough to create a nuisance or hazard beyond the property line except as allowed by conditional use permit or development agreement.

C. No uses shall be permitted which may cause damage to the health, safety or welfare of persons, animals, vegetation or other property.

D. No substances may be discharged into the town sewer system which may cause damage to the town sewer system or which will adversely affect the operation of the town sewerage treatment plant as set forth in the Springerville Town Code, Chapter 13, Article 13-7, as amended.

E. No emission or odorous gases or other odorous matter shall be permitted in such quantities as to be offensive in such a manner as to create a nuisance or hazard beyond the property line except as allowed by conditional use permit or development agreement.

F. No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for three minutes or more duration in any one hour of the day between the hours of seven a.m. to seven p.m., or thirty (30) seconds or more duration in any one hour during the hours of seven p.m. and seven a.m. except as allowed by conditional use permit or development agreement.
(Ord. 2007-004 § 1 (part))

Chapter 17.78

PAD, PLANNED AREA DEVELOPMENT

Sections:

17.78.010 Purpose.

17.78.020 Procedure and application.

17.78.030 Design standards.

17.78.040 Other requirements.

17.78.050 Amendments.

17.78.060 Interpretations.

17.78.070 Enforceability.

17.78.010 Purpose.

- A. A planned area development is intended:
 - 1. To encourage a more creative approach in land development and result in better and more aesthetic use of open areas while maintaining the same population densities and area coverages permitted in this code.
 - 2. To establish planning and development control parameters while allowing sufficient flexibility to permit final detailed planning at the time of actual development, and allow flexibility in design, placement of buildings, use of open spaces, etc.
 - 3. To best utilize the potentials of sites characterized by the special features of topography, size and shape and encourage a possible inter-relationship of mixed uses between residential and commercial or commercial and industrial.
- B. For the purpose of this section, a PAD shall:
 - 1. Be a single development project or a phased development with specific plans for each phase;
 - 2. Be developed according to comprehensive and detailed plans that include locations of streets, utilities, lots, building sites and other uses; also site plans and floor plans for all buildings as intended to be located, constructed, used and related to each other, and detailed plans for other uses and improvements on the land as related to the buildings;
 - 3. Include a plan for the provision, operation and maintenance of common use areas, services, facilities and improvements.

(Ord. 2007-004 § 1 (part))

17.78.020 Procedure and application.

A. A planned area development is a zoning overlay district which allows design modifications to the provisions of this code. A planned area development, therefore, shall follow the same procedure as a zoning amendment outlined in Section 301.

B. A site plan for the planned area development shall be submitted with the zoning amendment along with all filing application materials and fees, as stipulated in Chapter 17.80.

C. The application shall include a tabulation showing the total number of acreage in the proposed project and the amounts of acreage devoted to various residential dwelling types and commercial or industrial uses, and common open spaces, parks, schools and other reservations. The total number of dwelling units, off-

street parking and loading spaces and overall density per gross acreage shall be a part of the tabulation.

D. A copy of agreements and provisions of conveyance and restrictions which govern the use, maintenance and continued protection of the planned development and its common open space shall be submitted with the application.
(Ord. 2007-004 § 1 (part))

17.78.030 Design standards.

A. The proposed project shall constitute an environment of sustained desirability and stability and will be in harmony with the character of the surrounding developments and neighborhoods and consistent with the purpose of this chapter.

B. The yard requirements for the zoning class in which the planned area development is located shall apply to all exterior boundary lines of the site, except that the council may modify these requirements.

C. To assure that the proposed development shall not adversely affect adjacent property in the absence of an appropriate natural physical barrier, one of the following may be required:

1. Structures located on the perimeter of the planned development must be set back no less than the abutting zoning class or by a distance sufficient to protect the privacy and amenity of adjacent existing uses as determined by the commission;
2. Structures located on the perimeter of the planned development must be permanently screened in a manner which is sufficient to protect the privacy and amenity of the adjacent existing uses;
3. Uses of least intensity may be required to be arranged along the boundaries of the project, such as requiring single-family dwellings to be constructed along the boundary of the development abutting other single-family dwellings on adjacent property;
4. All structures shall conform substantially with the requirements of the comparable zoning class (i.e., height limitations, etc.);
5. All infrastructure shall comply with standards and specifications set forth in the "Maricopa Association of Governments Uniform Standard Specifications for Public Works Construction (Revised)" or as approved by the town engineer.

D. Every structure containing residential, commercial or industrial units shall have access to a street directly, or other permanent open space, common yard, or outer court, dedicated to the public use or owned and maintained as common ground.

E. In a residential planned area development there shall be a minimum of ten percent of the total site area of the planned area development dedicated or reserved as usable, "common open space." Common open space lands shall be clearly designated on the plan as to character of use and development but shall not include:

1. Areas reserved for the exclusive use or benefit of an individual owner or tenant; nor;
2. A dedicated or private streets, alley easements or other public right-of-ways; nor;
3. Vehicular drives, parking, loading and storage areas.

F. The number of dwelling units permitted in any district shall be determined by dividing the site area by the minimum lot area per dwelling unit required in the zoning district in which the site is located.

G. No planned development for residential use may include less than ten acres of contiguous land unless the town council finds that a tract containing less than ten acres is suitable as a planned area development by virtue of its unique character, topography or other features.
(Ord. 2007-004 § 1 (part))

17.78.040 Other requirements.

The planning and zoning commission shall insure that the public welfare and safety is preserved and that provision is made for harmonious and appropriate development by requiring as needed:

- A. Provision of public use space for parks, schools, recreation areas, etc.;
- B. Coordination of street layout with existing or planned streets;
- C. Preservation of natural features, such as trees, hilltops, watercourses, and archaeological sites;
- D. Conceptual plans of building design in addition to a comprehensive plan for the development;
- E. Proof of adequate sanitary sewage and water systems;
- F. Adequate fire protection;
- G. Schedule of plan implementation;
- H. Additional issues of public interest.

(Ord. 2007-004 § 1 (part))

17.78.050 Amendments.

The following procedures shall be followed for any amendment to a PAD including amendments to the development phasing schedule:

- A. Major Amendments. A PAD district applicant or his successors in interest may file a request for a major amendment with the planning and zoning department. The change will be deemed major if it involves any one of the following:
 1. An increase in the approved totals of dwelling units or gross leasable area for the PAD

district;

2. A significant change in zoning boundaries as determined by the zoning administrator from those approved for the PAD district;
3. Any change which could have significant impact on areas adjoining the PAD as determined by the zoning administrator;
4. Any change which could have a significant traffic impact on roadways adjacent or external to the PAD as determined by the zoning administrator.

The zoning administrator shall bring the major amendment before the planning and zoning commission and town council and will submit background material and recommendations.

- B. **Minor Amendments.** A PAD district applicant or his successors in interest may file a request for a minor amendment with the zoning administrator.

The request will be routed for comment to any affected municipal departments or other agencies for comment.

Upon receipt of comments, the zoning administrator will determine whether the requested change is minor or major.

If the requested change is determined to be minor, an amended plan shall be submitted for public record.

(Ord. 2007-004 § 1 (part))

17.78.060 Interpretations.

In the event that it becomes necessary to interpret stipulations within the PAD district, the board of adjustments shall hold a hearing and make such interpretations.

(Ord. 2007-004 § 1 (part))

17.78.070 Enforceability.

A. The PAD designation shall continue to be implemented and maintained for the total acreage of the PAD district, even though ownership may subsequently be transferred in whole or in part.

B. It is the responsibility of the owner to notify all prospective purchasers of all or part of the property within the district of the existence of the PAD district designation and the development agreement contained therein.

C. Conformance with the PAD shall be enforced by recordation of the appropriate deed restrictions for each parcel of property within the district, prior to the issuance of building permits, for each development unit.

D. Notification and recordation as provided above shall be required in order to retain the unitary aspect of the district.

E. Application for approval of the first development unit shall be made, and development shall commence, within two years of the date upon which the PAD district amendment was approved. Applications for approval of subsequent units shall be made in accordance with the development-phasing schedule contained in the PAD development agreement.

F. Failure to commence development within the two-year time period shall cause the PAD district classification to become null and void, and any property rezoned in conformance with the PAD district amendment and the PAD program to revert to its former zoning classification without further action by the town council.

G. At such time that the planning and zoning commission shall determine that the applicant is not proceeding to develop in accordance with the PAD development schedule and agreement, it shall notify the applicant in writing of such deficiency and shall, simultaneously, notice a hearing to determine the cause of the delay.

H. The hearing shall be held within thirty (30) days of the date of the written notice, and shall follow commission procedures for hearings.

I. The commission may determine good cause for such deficiency and may, in conjunction therewith, entertain an application to amend the development phasing schedule.

J. The commission may determine that there is no good cause for such deficiency, and in such event may impose additional restrictions on the applicant to ensure future compliance with the PAD program including, but not limited to, the filing of such periodic reports as the commission shall require to enforce this provision.

K. At such time that the commission shall determine that the current owner of any portion of the PAD district is not in compliance with a provision of the PAD program or the public dedication or improvement schedules no further vesting of zoning or approval of final site plan or subdivision plats shall occur for that portion. Such determination of noncompliance shall be at a public hearing. The applicant and current owner(s) shall receive written notice of hearing.
(Ord. 2007-004 § 1 (part))

Chapter 17.80

AMENDMENTS OR ZONE CHANGES

Sections:

17.80.010 Purpose.

17.80.020 Petitions and amendments.

17.80.030 Commission action.

17.80.040 Council action.

17.80.050 Reconsideration of denied amendments.

17.80.060 Exceptions.

17.80.010 Purpose.

The council may, from time to time, for public necessity, convenience, general welfare or good zoning practice requirements, change the district boundaries, or amend, change, repeal or supplement the regulations herein established. Such change or amendment may be initiated by the council or the planning and zoning commission on its own motion, or by petition of one or more owners of real property within the area proposed to be changed.

(Ord. 2007-004 § 1 (part))

17.80.020 Petitions and amendments.

A. Petitions for change of district boundaries or amendment of regulations shall be filed with the zoning administrator by an owner of real property within the area proposed to be changed, or by the council or commission. In the case of a petition filed by a party other than the council or commission requesting a zoning district change which includes other property in addition to that owned by the petitioner, the petition shall include the signatures of the real property owners representing at least seventy-five (75) percent of the land in the area proposed to be changed. All such petitions shall be filed on a form provided for the purpose and shall include:

1. A map showing the particular property or properties for which the change of zone is requested and substantially the adjoining properties and the public streets and ways within a radius of three hundred (300) feet of the exterior boundaries thereof;
2. A tentative development plan which shall show the following:
 - a. Topographical description showing existing and proposed grades and drainage systems, and natural and man-made features with indication as to which one is to be retained and which one is to be removed or altered,
 - b. Proposed street system,
 - c. Proposed block layouts,
 - d. Proposed reservation for parks, parkways, playgrounds, recreation areas and other open spaces,
 - e. Off-street parking space,
 - f. Types and uses of structures,
 - g. Location of structures, garages and/or parking spaces,
 - h. A tabulation of the total number of acres in the proposed project and a percentage thereof designated for the proposed structures,

- i. Preliminary plans and elevations of the structure types;
3. Reasons justifying the petition;
4. A true statement relating any conditions or restriction of record (if any) which would affect the permitted uses of the property if rezoned as requested, and that date or dates (if any) of expiration thereof;
5. Such photographs, drawings and other supporting documents (if any) as the applicant may desire to present; and
6. Payment of a filing fee in an amount established by a schedule adopted by ordinance or resolution of the council and filed in the offices of the town clerk. No part of the filing fee shall be returnable. Payment of filing fee shall be waived when the change or amendment is initiated by the council or the commission, or when the petitioner is the town, county, state or federal government.

B. Under certain circumstances where the nature of the permitted or conditional use is such that it would be unnecessary or economically unfeasible for the applicant to prepare a plan in accordance with above requirements, the zoning administrator may waive certain of the above requirements, but in all cases the applicant will be required to submit some type of site plan drawn to scale.

C. Upon receipt of a completed application for amendment, the zoning administrator shall forward the application to the planning and zoning commission.

D. Any plan approved by the zoning administrator under the provisions of Chapter 17.88 must substantially conform to the tentative development plan submitted as part of the petition for a change of district boundaries.

E. A neighborhood meeting shall be coordinated through the planning and zoning director but conducted solely by the applicant with town staff attending for observation and general questions only. (Ord. 2007-004 § 1 (part))

17.80.030 Commission action.

A. Upon receipt of any completed application for amendment, the commission shall fix a reasonable time for the hearing of the proposed zone change, amendment or addition, and shall give notice thereof to interested parties and to the public by publication in the official newspaper of the town, and by posting the area included in the proposed change and in at least ten public places, not less than fifteen (15) days prior to the hearing. Notice shall also be mailed to the owners of all real property within three hundred (300) feet of the property for which application is made. The notice shall set forth the time and place of the hearing including a general explanation of the matter to be considered and including a general description of the area affected. The commission may for any reason, when it deems such action necessary or desirable, continue such hearing to a time and place certain. Within thirty (30) days after the close of the hearing, the commission shall render its decision in the form of a written recommendation to the council. The recommendation shall include the reason(s) for the recommendation.

B. Prior to publishing a petitioned zoning map change, the commission may, on its own motion, delimit or extend the boundaries of such area, so as to constitute a more reasonable zone district boundary.

C. In the case of proposed amendments which are initiated by the commission, the commission shall hold a public hearing as required by this section and shall either:

1. Transmit such proposal to the council which shall thereupon proceed as set forth herein for any other amendment; or
2. Vote to quash the commission initiated proposal, in which case no further action need be taken by the commission or council.

D. The commission may recommend to the council that a time limit be established for the development of the proposal for which a rezoning is conditionally approved.

(Ord. 2007-004 § 1 (part))

17.80.040 Council action.

A. Once the commission has held a public hearing, the council may adopt the recommendations of the commission without holding a public hearing if there is no objection, request for public hearing or other protest, time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the commission as specified in Section 17.80.030. In addition, the town may give notice of the hearing in such other manner as it may deem necessary or desirable.

B. If the owners of twenty (20) percent or more, either of the area of the lots included in a proposed change or of those immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom, or of those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths of all members of the council. If any members of the council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the council providing that such required number of votes shall in no event be less than a majority of the full membership of the legally established governing body.

C. If the council's recommendation is to overrule the recommendation of the commission, such decision shall require the vote of three-fourths of all members of the council voting on the question.

D. The council shall not make any changes in any proposed zone district boundaries or zone district classification recommended by the commission, until such proposed changes have been referred back to the commission for a report. Failure of the commission to file a report back to the council within thirty (30) days from the date to receipt of the recommended changes shall be deemed to be approval of the proposed change(s) as recommended by the council.

E. At the time of rezoning, the council may establish a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved

for the use for which it was conditionally approved, it shall revert to its former zoning classification without legislative action.

(Ord. 2007-004 § 1 (part))

17.80.050 Reconsideration of denied amendments.

In the event that a petition for an amendment is denied by the council, or is withdrawn after the commission hearing, the commission shall not consider the petition or any other petition for the same amendment of this title as it applies to the same property described in the original petition, or any part thereof, within a period of one year from the date of such denial action, unless the conditions upon which the original denial was based have changed.

(Ord. 2007-004 § 1 (part))

17.80.060 Exceptions.

In the event that a request for amendment concerns only the amendment of general requirements of this title, no signature of affected property owners or posting of property shall be required; provided however, that all other provisions of this chapter shall be complied with.

(Ord. 2007-004 § 1 (part))

Chapter 17.84

CONDITIONAL USE PERMITS

Sections:

17.84.010 Purpose.

17.84.020 General regulations.

17.84.030 Conditional use permit application.

17.84.040 Commission action and findings.

17.84.050 Appeals.

17.84.060 Time limits.

17.84.070 Revocation.

17.84.080 Fees.

17.84.010 Purpose.

Every zoning district contains certain buildings, structures and uses of land which are normal and complementary to permitted uses in the district, but which, by reason of their typical physical or operational characteristics, influence on the traffic function of adjoining streets or similar conditions, are often incompatible with adjacent activities and uses. It is the intent of this title to permit conditional uses in appropriate zoning districts, but only in specific locations within such districts that can be designed and developed in a manner which assures maximum compatibility with adjoining uses. It is the purpose of this chapter to establish principles and procedures essential to proper guidance and control of such uses.

(Ord. 2007-004 § 1 (part))

17.84.020 General regulations.

- A. Zoning district regulations established elsewhere in this title specify that certain buildings,

structures and uses of land may be allowed by the commission as conditional uses in a given district, subject to the provisions of this chapter and to requirements set forth in district regulations. The planning and zoning commission is empowered to grant and to deny applications for use permits and to impose reasonable conditions upon them.

B. Any building, structure or existing use on the effective date of the ordinance codified in this title which is reclassified as a conditional use by this title for the district in which it is located shall be considered as meeting the conditions which would otherwise be imposed upon such use by this title, and its continuance shall not be subject to issuance of a conditional use permit; provided, however, to the extent that such fails to conform to the requirements of this title, it shall be considered nonconforming as described in Chapter 17.96, and its continuance shall be governed by all nonconforming use regulations applicable thereto.

C. Every conditional use permit issued shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. Upon completion and final inspection by the zoning administrator of any authorized structures, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance of special conditions imposed by the permit, as well as the compliance with other provisions of this title, shall be the responsibility of the property owner.

(Ord. 2007-004 § 1 (part))

17.84.030 Conditional use permit application.

Application for a use permit shall be filed with the zoning administrator on a form prescribed by the commission. The application shall be forwarded to the planning and zoning commission by the zoning administrator, and when required by the commission, shall be accompanied by a detailed site plan prepared in accordance with Chapter 17.88 showing all information necessary to demonstrate that the proposed use will comply with all special conditions as well as other regulations and requirements of this title. The applicant shall furnish the commission any additional information it may consider relevant to the investigation of the case.

(Ord. 2007-004 § 1 (part))

17.84.040 Commission action and findings.

A. It is the express intent of this title that any use for which a conditional use permit is required shall be permitted in the particular zoning district, provided that all special conditions and requirements of this title are met. Therefore, the action of the commission shall be one of approval or denial based upon its judgment as to whether the specified conditions have been or will be met.

The commission shall consider not only the nature of the use and the special conditions influencing its location in the particular district, but also the proposed location of buildings, parking and other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated, and the influence that such factors are likely to exert on adjoining properties. The title may make such suggestions as it considers desirable and shall provide all possible guidance to the applicant in his preparation of application, plans and data in such manner as to satisfy the intent of this chapter.

B. Notice of the nature of the conditional use permit application and the date of the meeting at which it will be considered shall be posted on the property, and shall be mailed to the owners of all real property within three hundred (300) feet of the property for which application is made.

C. The commission shall consider the application at their next regular meeting if the application was filed at least twenty (20) days prior to such meeting. Otherwise it shall be carried over until the next regularly scheduled meeting. The commission may reach a decision, continue the matter to a specified date (but not later than the next regularly scheduled meeting), or may set the matter for public hearing. If the commission does set the matter for public hearing, notice thereof shall be given to the public by publication of a notice in the official newspaper of the town and by posting the property included in the application, not less than fifteen (15) days prior to the hearing. It shall be the responsibility of the applicant to maintain the posting. The notice shall set forth the time and place of the hearing and include a general explanation of the matter to be considered and a general description of the area affected.

D. In order to grant any use permit, the findings of the commission must be that the establishment, maintenance or operation of the use or building applied for, will not be detrimental to the public health, safety, peace, convenience, comfort and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvements in the neighborhood or the general welfare of the town.

E. The commission may designate such conditions in connection with the use permit as it deems necessary to secure the intent and purposes of this title, and may require such guarantees and evidence that such conditions are being or will be complied with.

F. If the commission finds that the application and supporting data does not indicate that all applicable conditions and requirements of this title will be met, it shall deny the permit. Notice of denial, including reasons therefor, shall be mailed to the applicant at the address shown in the application, and the commission shall report its actions to the council at its next regular meeting.

G. If the commission approves the application, it shall direct the zoning administrator to issue a conditional use permit setting forth all conditions and requirements governing such use, shall make the approved site plan a part of the record of the case, and shall report its actions to the council at the next regular meeting. Failure of the applicant to comply with the conditions and safeguards which are a part of the terms under which a conditional use permit is granted, shall be deemed a violation of this title and punishable under Section 17.04.050.

(Ord. 2007-008 § 1; Ord. 2007-004 § 1 (part))

17.84.050 Appeals.

A. Any person may file an appeal with the town council over any decision of the planning and zoning commission regarding the granting or denying of use permits. If no appeal is filed with the council within fifteen (15) days after commission action, the action of the commission shall be considered final.

B. When a written appeal is filed with the town clerk, the council shall evaluate the request at their regular meeting and may approve or deny it. The council may elect to set the matter for a public hearing, and if such action is taken, a legal notice shall be published at least once in the official newspaper of the town at least

fifteen (15) days prior to the hearing date, and the property included in the application shall be posted at least fifteen (15) days prior to the hearing date.

Notice shall be given to the planning commission of such appeal and the commission shall submit a report to the council setting forth the reasons for its action taken. The commission shall be represented at the hearings by the commission chairman or his designee.

C. The council shall within fifteen (15) days after its regular meeting or public hearing, either uphold the action of the planning and zoning commission, reverse that action or make a decision of its own.

D. If the council makes a decision which upholds granting of a permit, the council may designate such conditions in connection with the permit as it deems necessary to secure the intent and purpose of this title, and require such guarantees and evidences that such conditions are being or will be complied with.

E. The council's decision shall be final and shall become effective immediately. Notice of the decision shall be mailed to the applicant at the address shown in the application.

(Ord. 2007-004 § 1 (part))

17.84.060 Time limits.

A. Use permits become effective fifteen (15) days after approval by the planning commission, but in the event an appeal is filed, said permit shall not become effective until a decision is arrived at by the town council.

B. Any use permit issued by the planning and zoning commission shall be commenced within six months from the date of approval, and diligently pursued, otherwise it shall become null and void. The commission shall establish a time limitation for all use permits and at the termination of this time limit, the commission shall reconsider said use permit to determine if the permit should be reissued for an additional time period or be terminated.

C. No person shall reapply for the same or substantially the same use permit on the same or substantially the same plot, lot or parcel of land within a period of one year from the date of denial or revocation of said use permit.

(Ord. 2007-004 § 1 (part))

17.84.070 Revocation.

A. Use permits granted in accordance with the provisions of this title may be revoked if any of the conditions or terms of the permit are violated, or if any law or ordinance is violated in connection therewith. The zoning administrator shall notify the permittee of a violation or termination of a use permit by mail. If no attempt to change the violation is made within ten days after notification, the permit shall be removed and considered null and void.

B. Any use permit issued by the planning and zoning commission shall be considered null and void if the use does not conform to the originally approved conditional use permit. Any deviations requested from the originally approved conditional use permit, shall be processed as a new use permit.

(Ord. 2007-004 § 1 (part))

17.84.080 Fees.

The application for a conditional use permit shall be accompanied by a filing fee in an amount established by a schedule adopted by ordinance or resolution of the council fee schedule and filed in the office of the town clerk. No part of the filing fee shall be returnable. Payment of the filing fee shall be waived when the petitioner is the town, county, state or federal government.

(Ord. 2007-004 § 1 (part))

Chapter 17.88

PLAN REVIEW

Sections:

17.88.010 Purpose.

17.88.020 Application for plan approval.

17.88.030 Exception.

17.88.040 Fee.

17.88.050 Review procedures.

17.88.060 Appeals.

17.88.070 Expiration of plan approval.

17.88.080 Violation and enforcement.

17.88.010 Purpose.

The purpose of the plan review is to enable the zoning administrator to make a finding that the proposed development is in conformity with the intent and provisions of this title and all other town ordinances. The provisions of this chapter shall apply to the permitted and conditional uses as specified for each zoning district.

(Ord. 2007-004 § 1 (part))

17.88.020 Application for plan approval.

A request for plan approval shall be filed with the zoning administrator on a form prescribed by the administrator. The request for approval shall be accompanied by four identical copies of the plan. Each copy shall be one or more sheets of paper measuring not more than twenty-four (24) inches by thirty-six (36) inches, drawn to a scale and not smaller than forty (40) feet to the inch, which show the following:

- A. Lot dimensions;
- B. Location, size, height, use and exterior materials of all buildings and structures;
- C. Size and dimensions of yards and space between buildings;
- D. Location and height of walls and fences;
- E. Location, number of spaces, dimensions, circulation patterns and surface materials for all off-street parking and loading areas, driveways, access ways and pedestrian walkways;

- F. The location, dimensions, area, materials and lighting of signs;
- G. Location and general nature of lighting;
- H. Street dedications and improvements;
- I. Existing and proposed grades and drainage systems;
- J. The size and location of all existing and proposed public and private utilities. All easements must be shown;
- K. Natural features such as mesas, rock outcroppings or streams and man-made features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered;
- L. Landscaping, including all surfacing material around buildings and in all open spaces;
- M. A vicinity sketch showing the location of the site in relation to the surrounding street system. Adjacent properties and their uses shall be identified;
- N. A legal description of the land included in the site plan and of the lot; the name, address and telephone number of the owner, developer and designer;
- O. Any other information which the zoning administrator may find necessary to establish compliance with this title and other ordinances.

(Ord. 2007-004 § 1 (part))

17.88.030 Exception.

Under certain circumstances where the nature of the permitted or conditional use is such that it would be unnecessary or economically unfeasible for the applicant to prepare a plan in accordance with above requirements, the zoning administrator may waive certain of the above requirements, but in all cases the applicant will be required to prepare and submit some type of site plan drawn to scale.

(Ord. 2007-004 § 1 (part))

17.88.040 Fee.

The application for plan approval shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the council and filed in the office of the town clerk. No part of the filing fee shall be returnable. Payment of filing fee shall be waived when the petitioner is the town, county, state or federal government.

(Ord. 2007-004 § 1 (part))

17.88.050 Review procedures.

A. The zoning administrator shall have ten working days from submission of the plan application to review said plan and approve, conditionally approve or reject said plan based on it, compliance with all provisions of this title, all other ordinances and master plans of the town of Springerville, and to notify the applicant of his or her decision in writing. If however, the zoning administrator wishes to obtain the opinion of the planning and zoning commission he may at his discretion, forward the plan to the commission for action at their next regular meeting. In such case the zoning administrator must render his decision within five days after commission action, the decision set forth in detail, the reasons for denial, or in the event of a conditional approval, the changes or additions which are necessary to make the plan acceptable.

B. All copies of the approved plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the zoning administrator. One copy of said approved plan and conditions shall be mailed to the applicant and one copy shall be filed with the building inspector.
(Ord. 2007-004 § 1 (part))

17.88.060 Appeals.

Any applicant for plan approval who is dissatisfied or aggrieved by the decisions of the zoning administrator, may appeal such decision to the board of adjustment by filing a written notice of appeal with the zoning administrator no later than fifteen (15) days from the date of the zoning administrator's decision.
(Ord. 2007-004 § 1 (part))

17.88.070 Expiration of plan approval.

A. Six months from the date of approval, a plan approval becomes void if a building permit has not been issued.

B. An extension of approval may be granted if the applicant files for an extension period prior to the approval becoming void and the extension is granted by the approving body.

C. The zoning administrator shall notify the permittee by mail of an expiration of plan approval.
(Ord. 2007-004 § 1 (part))

17.88.080 Violation and enforcement.

A. Prior to the issuance of a building permit, the building inspector shall ascertain that the zoning administrator has approved plans which are in conformance to those presented with the building permit application and that the time limitations imposed by this title have not elapsed.

B. The zoning administrator shall ensure that all matters are undertaken according to the conditions of the approved plan. In the event of a violation, the zoning administrator shall notify the permittee by mail, that he is in violation of the conditions of the approved plan. If no attempt to change the circumstances of the violation is made within ten days after notification, the building permit shall be revoked and considered null and void.
(Ord. 2007-004 § 1 (part))

Chapter 17.90

DESIGN REVIEW

Sections:

17.90.010 Purpose.

17.90.020 Definitions.

17.90.030 Applicability.

17.90.040 Design review board.

17.90.050 Application for design approval.

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17.90.070 Criteria for design approval.

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17.90.110 Large-scale retail establishments.

17.90.120 Fee.

17.90.130 Review procedures.

17.90.140 Appeals.

17.90.150 Expiration of design approval.

17.90.160 Violation and enforcement.

17.90.010 Purpose.

A. The purpose of the design review is to enable the zoning administrator to make a finding that the proposed development is in conformity with the intent and provisions of this title and all other town ordinances. The provisions of this chapter shall apply to the permitted and conditional uses as specified for each commercial zoning district and mixed use/planned area developments.

B. This chapter is intended to encourage, protect and enhance the attractive appearance of the commercial districts of the town of Springerville and shall be supplemental to the plan review process. The town recognizes the creation of a desirable environment for business and industry, as well as residential areas, is a prime requisite for the preservation of property values; for the development of compatible uses and buildings; and for the preservation of public health, safety and welfare. When considered necessary, the town shall utilize an architect licensed in the state of Arizona and qualified to consult to the board and town staff on architectural design matters as they relate to this chapter.
(Ord. 2007-011 § 1 (part))

17.90.020 Definitions.

As used in this chapter:

"Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

"Caliper" means the diameter, in inches, of the trunk of a tree as measured twelve (12) inches above soil level.

"Human scale" means having dimensions, proportions, and other physical characteristics that are easily understood, manipulated, and experienced by people. As used in this chapter "human scale" means the buildings and improvements are designed to be used by individuals and groups across a broad range of ages and abilities.

As a rule, all buildings and improvements should be negotiable by an individual on foot or other human-powered conveyance and should provide opportunities for face-to-face interactions. Signs and other features should be understandable at a walking pace.

"Landscaping" may include trees, shrubs, ground cover, vines, walkways, ponds, fountains, sculptures, decorative paving and other organic and inorganic materials used for creating an attractive appearance, while limiting any increase in soil impermeability.

"Large retail establishments" means a retail establishment, or any combination of retail establishments in a single building or in separate but abutting buildings, or a movie theater or an indoor recreational use, occupying more than twenty-five thousand (25,000) gross square feet of floor area including any outdoor sales and display area(s) and storage/stockroom area(s) but excluding any outdoor area for sale of cars, trucks, boats, recreational vehicles, or manufactured dwellings. Includes supercenters and warehouse clubs.

"Sign" means any device for visual communication, including any structure or natural object or part 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.

"Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts combined together in some definite manner.
(Ord. 2007-011 § 1 (part))

17.90.030 Applicability.

This chapter shall apply to all new uses, buildings, structures and signs which are to be erected, constructed, converted, established, altered, painted, repainted or enlarged, which are located in the commercial zoning district(s) and mixed use/planned area developments of the town of Springerville.
(Ord. 2007-011 § 1 (part))

17.90.040 Design review board.

The planning and zoning commission shall serve as the design review board until such a time as the town council finds it necessary to appoint a separate design review board. At that time the council will establish provisions for the creation, appointment, powers and duties, term of office and qualifications of each member, and meeting schedule.
(Ord. 2007-011 § 1 (part))

17.90.050 Application for design approval.

A. Prior to the preparation of final architectural or engineering drawings for any buildings, structure of sign to which this section is applicable, the property owner, or his or her representative, shall submit the following information for consideration by the zoning administrator:

1. A design review application as furnished by the planning and zoning department, including the applicant's and owner's names, mailing addresses, location and legal description of the property

and other such information as deemed necessary;

2. Site plan showing the areas devoted to buildings, parking and landscaping treatment (the landscaping plan may be presented on the site plan or on a separate copy). Requests for approval shall be accompanied by four identical copies of the plan. Each copy shall be one or more sheets of paper measuring not more than twenty-four (24) inches by thirty-six (36) inches, drawn to a scale and not smaller than forty (40) feet to the inch;
3. Elevation drawings of the front, side and rear of the building or structure illustrating the building's appearance and treatment. Exterior materials and color shall be included on the drawing or on a separate list;
4. Landscaping plan depicting locations, size and names of plant material to be used. A list of appropriate plants will be available upon request from the planning and zoning department;
5. Materials and color samples, as well as other supportive materials may be required by the zoning administrator if deemed necessary to aid in clarifying the application.

Note: A request for design review may be submitted in conjunction with a request for plan review, provided the plans submitted reflect all elements of this chapter and Chapter 17.88 Plan Review.

B. Prior to the issuance of a building permit for a building, structure or sign to which this section is applicable, the planning and zoning department shall ascertain that the plans submitted for the building permit are in substantial conformance with the design plans approved, and that the approval time has not expired. Questions regarding procedures or approval shall be referred to the design review board for consideration.

C. Prior to changing, remodeling or altering of the existing character of a building or structure's exterior or a sign, the property owner or his or her representative shall obtain the approval of the zoning administrator. Repainting and repairs that do not alter the existing character of the building, structure or sign shall be exempt from these regulations.

D. The zoning administrator may impose such conditions as he or she may deem necessary to carry out fully the intent of this section. The action of the zoning administrator shall be noted on two copies of the plans. One copy shall be retained by the planning and zoning department file and one copy shall be returned to the owner and applicant.

E. Conditions prescribed by the zoning administrator shall be considered an integral part of the construction plans. Noncompliance with such plans shall be grounds for stopping work on the project or for the denial of the certificate of occupancy, and prosecution under Chapter 17.04 Violations.

F. A building, structure or sign which has been approved, constructed and installed in accordance with the approval of the zoning administrator may be removed but may not be further modified without additional review and approval.

G. The building, structure or sign which has been approved by the zoning administrator and has been constructed, including landscaping, shall be maintained by the owners or the person in possession of the

property upon which the building, structure or sign is located to ensure an attractive appearance for the development.

(Ord. 2007-011 § 1 (part))

17.90.060 Exception.

Under certain circumstances where the nature of the permitted or conditional use is such that it would be unnecessary or economically unfeasible for the applicant to prepare a plan in accordance with above requirements, the zoning administrator may waive certain of the above requirements, but in all cases the applicant will be required to prepare and submit some type of site plan drawn to scale.

(Ord. 2007-011 § 1 (part))

17.90.070 Criteria for design approval.

In considering any application for design approval, the zoning administrator shall be governed by the following criteria:

- A. The materials used in constructing the building, structure or sign and the architectural design of same shall be compatible with the surrounding properties. The use of materials that reflect a Western, Southwestern, mountain or rustic theme are encouraged, including, but not limited to, stucco, stone, wood, wooden shingles or shakes, and/or tile roofing, are desirable. Other materials may be allowed on a case-by-case basis. Consideration should also be given to the specific aspects of the site proposed for development and its surroundings.
- B. The overall design of the building, structure or sign and its site shall not adversely affect the present or potential development of the nearby properties or the traffic pattern in abutting streets by virtue of type of building, structure or sign, its placement on the lot, and location of parking and driving area.
- C. All screening shall be compatible with the building design, colors and materials. Details of barriers, walls and landscaping used for screening shall be approved by the zoning administrator.
- D. The zoning administrator may require that signs reflect the exterior architectural design of the building or structure and shall be compatible and conform to Chapter 17.100 Signs. The intent of this subsection is that signs shall not have what is commonly referred to as a "tack on" or "sore thumb" appearance or constitute an eyesore to adjacent developed areas.

(Ord. 2007-011 § 1 (part))

17.90.080 Building criteria.

A. For all buildings at least two of the following elements should repeat horizontally: color, texture or materials change; architectural variety and interest through a change in plane such as offsets, reveals, archways or projecting ribs; plane projections or recesses. Buildings with facades greater than seventy-five (75) feet in length should include several of these elements, repeated at appropriate intervals, either horizontally or vertically.

B. All facades, including back and side elevations of a building generally visible from public view or adjacent to residential areas, should be architecturally treated and relate to the neighborhood. All elevations generally visible from public view should reflect the overall design, colors and textures used on the front facade.

C. Multi-building projects should include consistent design elements throughout the project.

D. Building elevations should incorporate architectural features and patterns that include a human scale.

E. Internalize or underground any vacuum tubes.

F. Utilize architectural features, screen walls, landscaping and canopies to integrate drive-throughs into the overall building design.

G. Roof mounted mechanical equipment should be fully screened and roof drain elements should be internalized within the building or an architectural feature such as columns (excepting at-grade discharge). (Ord. 2007-011 § 1 (part))

17.90.090 Landscaping.

A. This section shall apply to all new buildings, to all new uses of land, and to additions/expansions of at least twenty-five (25) percent to existing buildings and uses in all commercial and mixed use/planned area development districts.

B. The landscaping plan shall depict locations, size and names of plant material to be used. A list of appropriate plants will be available upon request from the planning and zoning department.

C. Landscaping shall be established along the street front and side setbacks of any buildings, parking areas, loading areas, or actual storage areas on the property except for necessary driveways, including:

1. One ornamental shade tree for each eight hundred (800) square feet of hard surface paving or parking area;

2. One shrub for each two hundred (200) square feet of hard surface paving or parking area.

D. Landscaping within state and federal highway rights-of-way must comply with Arizona Department of Transportation Landscape and Irrigation Design Guidelines.

E. Provision shall be made for water service to all landscape areas requiring water.

F. Any landscape plant not surviving shall be replaced within thirty (30) days of its documented demise or in the next regular planting season with the approval of the zoning administrator.

G. Lack of maintenance shall constitute a violation of the zoning regulations, and property owners will be subject to a civil violation as described in Chapter 17.04.050.

(Ord. 2007-011 § 1 (part))

17.90.100 Environmental sensitivity.

While not specifically guideline items, "green building" measures are encouraged in the form of energy-efficient building materials, doors, windows, and lighting based on nationally-recognized programs such as Leadership in Energy and Environmental Design (LEED), International Energy Conservation Code (IECC) and Energy Star Labeled Buildings.

(Ord. 2007-011 § 1 (part))

17.90.110 Large-scale retail establishments.

Large scale retail establishments as defined in this chapter shall be allowed by conditional use permit. In addition to the criteria in this chapter (including landscaping), large scale retail establishments shall:

- A. Be responsible for all infrastructure improvements required to serve the site, including, but not limited to, street and/or highway improvements/modifications; water and sewer service adequate to serve the development; and electrical and communications service;
- B. Include parking and articulated customer entrances on at least two sides/elevations of the building(s); and at least one articulated customer entrance per one hundred (100) feet of facade;
- C. Include sidewalks not less than six feet wide that are separated and distinct by use of landscaping, color and material change. Ten foot sidewalks shall be installed the length of each side of a building or structure featuring a customer entrance;
- D. Building(s) or structure(s) shall be designed on a human scale and their mass shall be integrated into the surroundings through the use of architectural techniques and features to bring proportion to its horizontal and vertical dimensions;
- E. Outdoor display areas for merchandise shall be enclosed by fence walls integrated with the primary building, and may include wrought iron for visibility. No merchandise or materials of a hazardous nature that pose the potential for pollution through stormwater runoff, drainage or leaching may be stored or displayed outdoors;
- F. Provide visual and noise buffers where the site is adjacent to a residential use or residentially zoned property by providing a minimum building setback of at least two hundred (200) feet from a residential use or residentially zoned property that is adjacent to the site, in addition to the screening requirements in the commercial and industrial zoning classes;
- G. Overnight parking of recreational vehicles anywhere within the site development shall be prohibited;
- H. Any other requirements deemed necessary and/or appropriate by the planning and zoning commission or the town council, including, but not limited to, an economic impact study, traffic impact analysis.

(Ord. 2007-011 § 1 (part))

17.90.120 Fee.

The application for plan approval shall be accompanied by a filing fee in an amount established by a schedule adopted by resolution of the council and filed in the office of the town clerk. No part of the filing fee shall be returnable. Payment of filing fee shall be waived when the petitioner is the town, county, state or federal government.

(Ord. 2007-011 § 1 (part))

17.90.130 Review procedures.

A. The zoning administrator shall have ten working days from submission of the plan application to review said plan and approve, conditionally approve or reject said plan based on its compliance with all provisions of this title, all other ordinances and master plans of the town of Springerville, and to notify the applicant of his or her decision in writing. It is the responsibility of the applicant to submit adequate material on which the zoning administrator may make a determination as to the compliance of the proposed development with the terms of this section. If however, the zoning administrator wishes to obtain the opinion of the design review board he may at his discretion, forward the plan to the planning and zoning commission for action at their next regular meeting. In such case the zoning administrator must render a decision within five days after commission action, the decision set forth in detail, the reasons for denial, or in the event of a conditional approval, the changes or additions which are necessary to make the plan acceptable.

B. The zoning administrator, after reviewing an application, shall impose such reasonable conditions as he or she may need necessary to carry out the provisions and intent of this section.

C. Such approval as is granted by the zoning administrator shall become effective in fifteen (15) days unless the applicant appeals the decision as set forth in Chapter 17.88.060. In case of such appeal, the approval shall be voided until the design review board acts on the matter. The board may reverse, affirm or modify the order, requirement or decision of the zoning administrator appealed from, and make such order, requirement, decision or determination as necessary.

D. All copies of the approved plan, with any conditions shown thereon or attached thereto, shall be dated and signed by the zoning administrator. One copy of said approved plan and conditions shall be mailed to the applicant, one copy shall be forwarded to the building inspector and one copy shall be filed with the planning and zoning department.

(Ord. 2007-011 § 1 (part))

17.90.140 Appeals.

A. Any applicant for design approval who is dissatisfied or aggrieved by the decisions of the zoning administrator, may appeal such decision to the design review board by filing a written notice of appeal with the zoning administrator no later than fifteen (15) days from the date of the zoning administrator's decision.

B. Any person may file an appeal with the board of adjustments over any decision of the zoning administrator or the design review board in accordance with the provisions of Chapter 17.92.010. If no appeal is

filed with the board of adjustments within fifteen (15) days after board action, the action of the commission shall be considered final.
(Ord. 2007-011 § 1 (part))

17.90.150 Expiration of design approval.

A. Six months from the date of approval, a design approval becomes void if a building permit has not been issued.

B. An extension of approval may be granted if the applicant requests an extension prior to the approval becoming void and the extension is granted by the zoning administrator.

(Ord. 2007-011 § 1 (part))

17.90.160 Violation and enforcement.

A. Prior to the issuance of a building permit, the building inspector shall ascertain that the zoning administrator has approved plans which are in conformance to those presented with the building permit application and that the time limitations imposed by this title have not elapsed.

B. The zoning administrator shall ensure that all matters are undertaken according to the conditions of the approved plan. In the event of a violation, the zoning administrator shall notify the permittee by mail that he is in violation of the conditions of the approved plan. If no attempt to correct the violation is made within ten days after notification, the building permit shall be revoked and considered null and void.

C. Failure to comply with any provision of this chapter shall constitute a violation of the zoning regulations, and property owners will be subject to a civil violation as described in Chapter 17.04.

(Ord. 2007-011 § 1 (part))

Chapter 17.92

APPEALS AND VARIANCES

Sections:

17.92.010 Appeals to the board of adjustment.

17.92.030 Fees.

17.92.040 Appeals from the board.

17.92.010 Appeals to the board of adjustment.

A. Appeals to the board of adjustment concerning interpretation or administration of this title may be taken by any person aggrieved or by any officer or department of the town affected by any decision of the zoning administrator.

B. Appeals to be considered by the board shall be filed with the zoning administrator on forms furnished for the purpose within fifteen (15) days after the action appealed from, and shall specify the grounds thereof. The zoning administrator shall forthwith transmit to the board all papers constituting the record upon which action appealed from is taken.

C. The appeal stays all proceedings in the matter appealed from, unless the zoning administrator certifies to the board that, by reason of the facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the board, or by a court of record on application and notice to the zoning administrator.

D. The board shall hear the appeal within thirty (30) days, and shall give notice of hearing by publication of a notice in the official newspaper of the town and by posting the property affected not less than fifteen (15) days prior to the hearing. The notice shall set forth the time and place of the hearing and include a general explanation of the matter to be considered.

E. The board may reverse, affirm or modify the order, requirement or decision of the zoning administrator appealed from, and make such order, requirement, decision or determination as necessary.

F. Any party may appear at the hearing in person or by agent or attorney. Parties shall have the right to present their case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination of witnesses as may be required for a full and true disclosure of the facts. The board shall, as a matter of policy, provide for the exclusion of irrelevant, immaterial or unduly repetitious evidence and in furtherance of this policy may limit cross-examination.

G. Any aggrieved person may appeal to the board of adjustment of a variance from the terms of the zoning ordinance only because of special circumstances applicable to property, including its size, shape, topography, location or surroundings, the strict application of the zoning ordinance will deprive such property of privileges enjoyed by other property of the same classification in the same zoning district. Any variance granted may be subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other priorities in the zone in which such property is located.

H. A variance shall not be granted by the board unless the alleged hardship caused by literal interpretation of the provision of this title results in more than personal inconvenience and/or financial hardship, and is not the result of actions of the appellant.

I. In granting variance, the board may impose such conditions and safeguards as are appropriate to ensure that the purpose and intent of this title will be fulfilled. Failure to comply with such conditions and safeguards, when made a part of the terms under which a variance is granted shall be deemed a violation of this title.

J. No nonconforming use or violation of this title with respect to neighboring lands, structures or buildings in the same zoning district, and no permitted use of lands, structures or buildings in other zoning districts shall be considered grounds for granting a variance.

K. Every variance granted shall be personal to the applicant therefor and shall be transferred and shall run with the land only after completion of any authorized structure or structures.

L. Nothing herein contained shall be construed to empower the board to change the terms of this title, to authorize uses which violate any other town ordinance, to affect changes in the zoning map, or to add to

or change the uses permitted in any zoning district.
(Ord. 2007-004 § 1 (part))

17.92.030 Fees.

A. Upon filing an application for appeal or a variance the applicant shall pay a filing fee in an amount established by a schedule adopted by resolution of the council and filed in the offices of the town clerk. No part of the filing fee shall be returnable. Payment of filing fee shall be waived when the petitioner is the town, county, state or federal government.

B. In the case of an appeal for a variance to more than one provision of this title, the filing fee shall equal the total amount chargeable for all provisions as prescribed by the fee schedule.
(Ord. 2007-004 § 1 (part))

17.92.040 Appeals from the board.

The decision of the board shall be final, provided however, that any person aggrieved by a decision of the board or a municipal officer, may at any time within thirty (30) days after the filing of the decision in the office of the board, petition the court for a writ of certiorari for review of the board's decision. Allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may on application, on notice to the board, and for good cause shown, grant a restraining order, and on final hearing may reverse or affirm, wholly or partly, or may modify the decision reviewed.
(Ord. 2007-004 § 1 (part))

Chapter 17.96

NONCONFORMING USES AND STRUCTURES

Sections:

- 17.96.010 Purpose.
- 17.96.020 Definitions.
- 17.96.030 Continued use.
- 17.96.040 Extensions.
- 17.96.050 Parking.

17.96.010 Purpose.

The purpose of this chapter is to regulate the use, maintenance, alteration, repair, extension and restoration of buildings and land which lawfully existed at the time of adoption of the ordinance codified in this chapter, but which do not conform to the regulations for the district in which they are located.
(Ord. 2007-004 § 1 (part))

17.96.020 Definitions.

A. A nonconforming use is a use of a structure or land which was lawfully established and maintained prior to the adoption of the ordinance codified in this chapter but which under this chapter, does not conform to the use regulations for the district in which it is located.

B. A nonconforming structure is a structure which was lawfully erected prior to the adoption of the ordinance codified in this chapter but which under this chapter, does not conform with the standards of coverage, yard spaces, height of structures or distance between structures prescribed in the regulations for the district in which the structure is located.
(Ord. 2007-004 § 1 (part))

17.96.030 Continued use.

A. The lawful use of land, building or structure existing at the time of passage of the ordinance codified in this chapter, although such does not conform to the provisions hereof for said land, may be continued, but if such nonconforming use is discontinued for a period of six months, it shall be considered abandoned and future use of said land or structure shall be in conformity with the provision of this chapter.

B. Nothing in this chapter shall prevent the reconstruction, repairing or rebuilding of a nonconforming structure or part thereof rendered necessary by normal wear and tear, deterioration or depreciation, provided such wear and tear, deterioration or depreciation does not exceed fifty (50) percent of the value of said structure as determined by a licensed appraiser.

C. Nothing in this chapter shall be interpreted as authorization for approval of the continuance of the use of a building or premises in violation of regulations in effect at the time of the effective date of the ordinance codified in this chapter.

D. Nothing in this chapter shall prevent requiring the strengthening or restoring to a safe condition of any portion of a structure declared unsafe by a proper authority.

E. Nothing in this chapter shall require any change in plans, construction or designated use of a building for which a building permit has been issued prior to the enactment of the ordinance codified in this chapter, provided the construction shall be diligently prosecuted within sixty (60) days of the date of the ordinance codified in this chapter, and the building is completed and used according to such plans as filed within one year from the date of the ordinance codified in this chapter.

F. A nonconforming building or portion thereof which was specifically designed, or beyond reasonable doubt, intended by the nature of its arrangement and construction to be used in any way which would be nonconforming under this chapter, but was not so used at the time the ordinance codified in this chapter became effective, may, if not altered or repaired as prohibited elsewhere in this chapter, be occupied or used for the purpose for which it was designed, arranged or intended provided such building is so used within six months after the effective date of the ordinance codified in this chapter. Otherwise, the use of such building shall conform to the provisions of this chapter.
(Ord. 2007-004 § 1 (part))

17.96.040 Extensions.

A. Any extension of a conforming structure devoted to a nonconforming use, or extension of a nonconforming structure shall conform with all regulations for the zoning district in which such structure is located.

B. Any extension of a nonconforming use shall be by conditional use permit issued by the planning and zoning commission subject to the following:

1. The extension of a lawful use to any portion of a nonconforming building shall not be deemed the extension of a nonconforming use;
2. No nonconforming use shall be extended to displace a conforming use;
3. A nonconforming use of a building or lot shall not be changed to another nonconforming use except that such changes may be allowed by conditional use permit when the proposed use is not more intensive and objectionable than the original use;
4. Once changed to a conforming use, no building or land shall be permitted to revert to a nonconforming use.

(Ord. 2007-004 § 1 (part))

17.96.050 Parking.

A. If a building or business is destroyed, and if it is allowed to be reconstructed, it shall be required to provide only the number of parking spaces which existed prior to the destruction.

B. If a business expands, it shall in addition to the parking spaces which existed prior to such expansion, be required to provide only the number of additional parking spaces necessitated by the expansion.
(Ord. 2007-004 § 1 (part))

Chapter 17.100

SIGNS

Sections:

17.100.010 Purpose.

17.100.020 Definitions.

17.100.030 Applicability.

17.100.040 Permits.

17.100.050 Regulations applicable to signs in all zones.

17.100.060 Regulations applicable to sign in all agricultural residential and mobile/ manufactured home zones.

17.100.070 Regulations applicable to signs in all commercial and industrial zones.

17.100.010 Purpose.

This section provides a set of standards for the design and construction of signs within the town of Springerville in order to protect property values; to promote a desirable aesthetic character for the town through professional-appearing signage; to protect the general public from damage or injury which may be caused by the faulty and uncontrolled construction of signs; to protect pedestrians and motorists from damage or injury caused, or partially attributed to the distractions and obstructions which are caused by improperly situated signs; to promote the public safety, welfare, convenience and enjoyment of travel and free flow of traffic.

(Ord. 2007-004 § 1 (part))

17.100.020 Definitions.

As used in this chapter:

"Shopping center" means a group of three or more commercial establishments associated by common agreement or under common ownership which comprises contiguous land parcel unit with common parking facilities.

"Sign" means any identification, description, illustration or device which is affixed directly or indirectly upon a building, structure or land which directs attention to a product, place, activity, person, institution or business, and which is visible from any public street, waterways, alley or public place, and shall include banners and similar services. A vehicle mounted sign on a vehicle that is habitually parked or stationed at the site of a business and serves to advertise or identify the business, shall be construed as a sign for the purpose of this chapter. National flags of political subdivisions shall not be construed as signs.

"Sign--A-frame or sandwich board" means a freestanding, unattached, two-faced sign not exceeding sixteen (16) square feet per face. (Note the height regulations of Sections 17.100.050(H), 17.100.060(F) and 17.100.070(A)).

"Sign--Area of" means that area in square feet of the smallest rectangle, square, circle or triangle that encompasses the sign. The area of any two-faced sign with parallel faces or "V" type signs having an interior angle of forty-five (45) degrees shall be the area of a single face. All other multiple faced or paneled signs shall be the total area of all faces or panels. Sign area shall include the mounting surface, on which the lettering is placed. For signs which are painted on a wall surface and for multiple-unit signs, the area shall include the lettering and the vertical and horizontal spacing between letters which comprise the work or words that convey the message.

Sign, Banner. "Banner sign" means any sign painted or displayed on cloth or other flexible material.

Sign, Canopy. "Canopy sign" means a type of building-mounted sign under and supported by a permanent canopy, arcade or portal, and the faces of which are perpendicular to the nearest facade.

Sign, Development. "Development sign" means any temporary sign erected on the premise(s) of an existing construction project and designating the architect, contractor, designer or builder or developer, or the name and nature of the project.

Sign, Directional. "Directional sign" means any sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which or on which the public is directed, and which contains no advertising copy.

Sign, Freestanding. "Freestanding sign" means a sign attached to or supported from the ground and not attached to a building. Signs on walls or fences which are not an integral part of a building are freestanding signs.

Sign, Height. "Height sign" means the vertical distance from grade to the highest point of the sign.

Sign, Political. "Political sign" means any temporary sign which supports the candidacy of any candidate for public office or urges action on any other matter on the ballot of primary, general or special elections.

Sign, Projecting. "Projecting sign" means a type of building-mounted sign, other than a wall sign or canopy sign, which projects from and is supported by a wall of a building.

Sign, Property Sale, Rental or Lease. "Property sale, rental or lease sign" means any sign advertising the availability for sale, rental or lease of land or buildings.

Sign, Roof. "Roof sign" means a type of building-mounted sign which projects from and is supported by the roof of a building.

Sign, Wall. "Wall sign" means a sign flush to the exterior surface of a building, applied directly on the building, in a window or a signboard attached flush to the building, projecting no more than six inches from the building surface and not projecting above the roof surface. However, light sources aimed at the wall sign may project farther.

(Ord. 2007-004 § 1 (part))

17.100.030 Applicability.

The provisions of this section shall apply to all signs placed or maintained within the town of Springerville with the exception of the following:

- A. Governmental Signs. Signs required by law or signs of a duly constituted governmental body, such as traffic signs, warning signs or no trespassing signs.
- B. Public Utility Signs. Signs placed by a public utility for the safety, welfare or convenience of the public, such as signs identifying high voltage, public telephone or underground cables.
- C. Vehicle Signs. Signs upon a vehicle, boat or trailer provided that any such vehicle, boat or trailer is not conspicuously parked so as to constitute a sign. Nothing herein contained shall prevent such a vehicle from being used from a bona fide delivery and other vehicular purposes.
- D. Temporary Holiday Decorations. Shall be allowed, provided they shall in no way create a hazard or nuisance, provided they are erected no more than thirty (30) days prior to that holiday to which they refer, and provided they are removed within ten days following that holiday to which they refer.

(Ord. 2007-004 § 1 (part))

17.100.040 Permits.

A. A sign permit shall be required before a sign may be placed, constructed, reconstructed or altered within the town of Springerville with the exception of the following:

1. Nameplate signs and address signs;

2. Repainting or maintenance of signs, provided there is no change in size or shape. (Changes in wording, composition or colors shall be allowed without a permit);
3. Property sale, rental or lease signs;
4. Directional signs;
5. Dedication Plaques. Non-illuminated names of buildings, dates of erection, monument citations, commemorative tables and the like, when carved into stone, concrete, metal or any other permanent type construction and made an integral part of a permitted structure and made flush to the ground;
6. Yard, moving or garage sale signs as defined in Section 17.100.050 O.;
7. Special event signs as defined in Section 17.100.050 P;
8. Political signs in conformance with Section 17.100.050 K.

B. An application for a sign permit shall be filed with the zoning administrator on a form prescribed by the zoning administrator. The application shall include the following:

1. Sketch showing size, height and shape of sign;
2. Description of material used and method of mounting;
3. Landscaping;
4. Existing signs;
5. Any other information the planning and zoning administrator might need to evaluate the sign proposal;
6. Payment of the filing fee in an amount established by a schedule adopted by resolution of the council. No part of the filing fee shall be returnable. This fee shall be doubled for any sign(s) erected or installed without a permit. Payment of the filing fee shall be waived when the petitioner is an official or agency of the city, county, state or federal government.

C. Plan Review. Within ten days after receipt of a complete application for a sign permit, the zoning administrator shall review the sign plans, and deny, approve or conditionally approve said plans, basing his decision on the conformity of the proposal with the provisions of this section.

D. Appeal. An applicant can appeal the decision of the zoning administrator as provided under Sections 17.88.060 and 17.92.101 et seq., of this code.

(Ord. 2007-004 § 1 (part))

(Ord. No. 2008-005, § 1, 8-20-08)

17.100.050 Regulations applicable to signs in all zones.

- A. No sign shall be constructed or erected in such a manner as to interfere in any way with or confuse vehicular or pedestrian traffic or present a traffic hazard.
- B. Flashing Signs. Signs shall not be animated or have intermittent illumination or flashing lights, except that "time and temperature" signs such as used by banking institutions may be allowed by conditional use permit.
- C. Lighting. Lighting shall be so installed so as to avoid any glare or reflection into any building used for residential purposes, or into any street, alley or driveway if such glare or reflection might create a traffic hazard. All exposed neon, freon, incandescent or similar type of illumination shall be not less than ten feet above grade. Below ten feet, any such lighting shall be shielded by transparent or translucent protective material.
- D. Audible Devices. No sign shall have audible devices.
- E. Building Codes. All signs shall be constructed, designed or attached to structures in conformance with the building code adopted by the town of Springerville.
- F. Real Estate Signs. Temporary property sale, rental or lease signs shall be allowed along each street frontage of the property to which the sign refers. Each sign shall not exceed six square feet in area, shall not exceed five feet in height and shall be located no nearer than ten feet from another lot, nor nearer than fifty (50) feet from any other real estate sign along the same street frontage. Signs of up to twenty (20) square feet may be allowed by conditional use permit.
- G. Entrance, Exit and Directional Signs. Two utility signs not more than two square feet each denoting "Entrance" or "Exit" shall be permitted if necessary for that purpose. In addition, two directional signs such as "Office" signs and arrows not more than two square feet each shall be allowed.
- H. Height Limitations at Streets, Driveways and Sidewalks. When located within a distance of twenty-five (25) feet from a street or driveway, or within two feet from a sidewalk, no sign shall be placed between a height of three feet and seven feet above the level of said street, driveway or sidewalk. When located over a sidewalk, no part of the sign shall be less than eight feet above said sidewalk. When located over any driveway, no part of any sign shall be less than fourteen (14) feet above said driveway.
- I. Location. No freestanding, projecting or canopy sign shall be located closer than ten feet from any abutting lot.
- J. No sign shall obstruct any door or fire escape of any building.
- K. Campaign or Election Signs.
 - a. Individual signs shall not exceed thirty-two (32) square feet in area.
 - b. No signs shall be permitted in the public right-of-way or be placed in such a manner as to block

visibility.

- c. Candidates, the registered entity responsible for the ballot measure or the registered entity opposing any ballot measure shall be held responsible for violations, which shall be prosecuted under Chapter 17.04.
- d. All signs shall be removed within ten days after the election to which the sign pertains or after the termination of a candidacy, whichever occurs first. Failure to comply shall constitute a violation of Chapter 17.04.
- e. In the event that the town must remove such signs, the cost of such removal shall be assessed against the candidate the registered entity responsible for the ballot measure or the registered entity opposing any ballot measure.

L. **Nonconforming Signs.** Any nonconforming sign may be continued in use, provided however, that in the event any such sign is hereafter damaged to exceed fifty (50) percent of the reproduction value according to appraisal thereof by a licensed appraiser, or is removed or destroyed by any means whatsoever, including fire, collapse, explosion, act of the owner, act of public enemy or act of God, such sign may be restored, reconstructed, altered or repaired only to conform with the provisions of this chapter. Reasonable repairs may be made to nonconforming signs.

M. **Maintenance.** All signs shall be maintained in a state of good order and repair, and if any outdoor advertising sign becomes a danger to the public, or becomes deteriorated or is abandoned, the property owner or owner of the sign shall be notified to remove or repair the sign. If he does not comply within ten days, the zoning administrator shall have the sign removed and the cost assessed to the owner of the property on which such sign is located.

N. **Temporary Signs.** Signs used to promote a special event, sale, grand opening or other activity that does not qualify as a nonprofit or community event as defined in subsection P of this section. Not more than two temporary signs may be erected on- or off-site for up to thirty (30) days with a permit. A maximum of four temporary signs may be erected on- or off-site for up to ten days without a permit. Temporary signs (other than portable signs allowed in Section 17.100.070 J. used for more than thirty (30) days during a twelve (12) month period shall be considered permanent and included in total signage as defined in Section 17.100.070 B. All temporary signs shall comply with all other regulations set forth in the zoning code.

O. **Yard, Garage and Moving Sale Signs.** Yard, garage and moving sale signs shall be allowed not more than seventy-two (72) hours prior to the sale provided they are anchored in a manner to prevent them from creating a hazard for traffic or pedestrians. All yard, garage and moving sale sign shall indicate the date(s) of the sale and the complete physical address. Any such sign lacking this information, adequate anchoring or appropriate placement will be immediately removed by the town and the property owner associated with the sale may be cited for littering. Signs shall not exceed three square feet in total area. Any sign in place longer than seventy-two (72) hours in advance of the sale or that has not been removed within twenty-four (24) hours after the sale has ended will be removed by the town and the property owner who placed it there may be cited for littering.

- P. **Special Event Signs.** Signs promoting a legitimate nonprofit or community event, including, but

not limited to, art shows, circuses, fairs, carnivals, festivals, religious revivals, political rallies, vehicle shows and displays, swap meets, rodeos and other temporary events or activities as defined by Ordinance 117. Not more than two off-site special event signs may be posted up to thirty (30) days in advance of an event with a permit. A maximum total of four off-site special event signs may be posted up to ten days in advance of the event. All special event signs shall be removed within twenty-four (24) hours of the end of the event. Special event signs shall conform with all other regulations set forth in the zoning code.

Q. Prohibited Signs. No posters, flyers, stake signs or notices of any kind shall be placed or displayed on posts, sidewalks, utility poles, lamp posts, hydrants, trees, bridges, rocks, boulders, walls of buildings, sheds, walls or fences, or other surfaces located on public property within public rights-of-way. Such signs will be immediately removed by the town and the responsible party may be cited for littering.

R. Banners. A maximum of two banners not exceeding twenty-four (24) square feet each shall be allowed provided they are attached in such a manner to prevent them from creating a hazard. Banners not attached to a building or structure shall include wind cuts. Banners may be used as permanent signage as defined in Section 17.100.070 B. or on a temporary basis as defined in subsections N through P of this section.

S. A-Frame or Sandwich Board Signs. A-frame or sandwich board signs not exceeding sixteen (16) square feet per face shall be allowed provided they are anchored and positioned in such a manner to prevent them from blocking or creating a hazard for vehicular or pedestrian traffic. A-frame or sandwich board signs may be used as permanent signage as defined in Section 17.100.070B. or on a temporary basis as defined in subsections N through P of this section.

(Ord. 2007-004 § 1 (part))

(Ord. No. 2008-005, § 2, 8-20-2008)

17.100.060 Regulations applicable to sign in all agricultural residential and mobile/ manufactured home zones.

A. Nameplates. One nameplate not exceeding three square feet in area indicating the names of the occupants, and one set of numbers not exceeding one square foot in area indicating the street address, shall be allowed for each dwelling unit.

B. Home Occupation and Business Signs. One sign not exceeding four square feet in area shall be allowed for each street frontage for each professional office, business or home occupation, in those zones in which such office or business is permitted, provided such signs shall be wall signs, except that signs other than wall signs shall be allowed by conditional use permit.

C. Subdivision Sale Signs. Two signs, not to exceed thirty-two (32) square feet each shall be allowed for each subdivision to designate the availability of lots or homes for sale. These signs shall be erected at least two hundred (200) feet apart. Permits for these signs shall be valid for a period of one year, and the sign shall be removed after expiration of the permit.

D. Subdivision ID Signs. A maximum of two signs containing only the name of the subdivision and not exceeding a combined total area of thirty-two (32) square feet may be erected at each entrance to a subdivision.

E. Apartment House ID Signs. One sign containing the name of the apartment house, not exceeding thirty-two (32) square feet in area may be allowed on each street frontage of any apartment complex. These signs shall be only wall signs or freestanding signs. Freestanding signs shall not exceed four feet in height. (Note the height regulations in subsection F of this section).

F. Height. No sign shall exceed eight feet in height.
(Ord. 2007-004 § 1 (part))

17.100.070 Regulations applicable to signs in all commercial and industrial zones.

A. Height. No sign shall exceed a height of sixteen (16) feet above grade.

B. Attached Sign. A total of four wall, projecting, roof and/or canopy signs, not exceeding a total combined area of two hundred (200) square feet shall be allowed along each street property line. (Note the height regulation in subsection A of this section).

C. Freestanding Signs. One freestanding sign shall be permitted in lieu of one of the attached signs permitted in subsection B of this section, along each street property line. No such sign shall be greater in area than one hundred fifty (150) square feet, and the total combined area shall be computed as in subsection B of this section. No freestanding sign shall be located closer than twenty (20) feet from any abutting property line.

D. Off-Site Signs. One off-site sign shall be permitted in lieu of one of the attached signs permitted in subsection B of this section. No such sign shall be greater in area than fifty (50) square feet and the total combined area shall be computed as in subsection B of this section. Applications for off-site signs must be accompanied by the written permission of the owner of the property on which the sign is to be located.

E. Shopping Center Signs. One freestanding sign not exceeding one hundred (100) square feet in area shall be allowed along each shopping center street property line to designate the area of the shopping center and/or the names of the businesses located therein.

F. Sale, Rent or Lease Signs. One temporary property sale, rental or lease sign not exceeding thirty-two (32) square feet in area shall be allowed for each lot to which said sign refers. Such signs shall be removed within twenty (20) days of the sale, rental or lease of which they refer.

G. Development Signs. Development signs shall be allowed subject to the following regulations:

1. One temporary sign, not to exceed thirty-two (32) square feet in area shall be allowed for each lot or parcel of property to designate that the same is to be occupied at a future date by the business or concern designated thereon.
2. One non-illuminated temporary sign, not to exceed thirty-two (32) square feet in area for each contractor, developer, architect or engineer, shall be allowed for each lot or parcel of property to designate that such contractor developer, architect or engineer is engaged in the construction or repair of a building on such lot or parcel of property.
3. Each such development sign shall be removed from the lot or parcel of property upon which the

same is placed within twenty (20) days after any occupancy of the building constructed on the premises, or in the event of repairs to the building, within twenty (20) days after the completion of such repairs.

H. Window Signs. Window signs which are temporary in nature such as "sale" signs, "open" and "closed" signs, etc., and service ID signs such as "Master Charge," "Visa," "American Express," etc., shall be allowed in addition to other signs allowances, provided such signs are placed on the inside of the window and are unlighted.

I. Address Signs. One set of numbers not exceeding one square foot in area indicating the street address, shall be allowed in addition to normal sign allowances.

J. Portable Signs. Not more than one A-frame or sandwich board sign shall be allowed during business hours provided such signs are anchored and positioned in such a manner as to prevent them from blocking or creating a hazard for vehicular or pedestrian traffic as determined by the zoning administrator. Such signs shall be considered supplemental to the total number of signs allowed in subsection B of this section, but shall be computed as part of the total square footage set forth in subsection B of this section. (Note the height regulations in subsection A of this section).

K. Additional Signage. Signs in excess of the number allowed in subsections B and J of this section or of another type than those described herein may be allowed by conditional use permit.
(Ord. 2007-004 § 1 (part))

Chapter 17.104

PARKING AND LOADING REQUIREMENTS

Sections:

17.104.010 Purpose.

17.104.020 General regulations.

17.104.030 Design and location of parking spaces.

17.104.040 Schedule of required off-street spaces.

17.104.050 Off-street loading requirements.

17.104.010 Purpose.

The purpose of this chapter is to alleviate or prevent congestion of the public streets, and to promote the safety and welfare of the public by establishing minimum requirements for the off-street parking of motor vehicles in accordance with the use to which the property is put. It is the further purpose of this section to place upon the property owner the primary responsibility for relieving public streets of the burden of on-street parking.

(Ord. 2007-004 § 1 (part))

17.104.020 General regulations.

A. Size. A parking space shall mean an area of not less than one hundred eighty (180) feet, with a minimum width of nine feet and a minimum depth of twenty (20) feet, which is specifically designated for and used for, the parking of an automobile or light truck, exclusive of all driveways and access ways.

B. Permits. An applicant for plan review must submit plans showing the off-street parking required by this chapter. These plans must show location, arrangement and dimensions of the off-street parking, turning spaces, drives, aisles and ingress and egress, and must be approved by the zoning administrator in accordance with the provisions of Chapter 17.88. Whenever approval has been issued in compliance with the requirements of this chapter, subsequent use of the structure, or use of the land is conditioned upon the unqualified availability of off-street parking as shown in the approved plans.

C. Alterations, Additions and Expansion of a Business.

1. A new use, addition or alteration of a building shall not be approved if it would create or increase a deficit in off-street parking.
2. It is unlawful to reduce the amount of existing parking below the minimum required by this chapter without first supplying other spaces as are required.
3. If a building or business is destroyed, and if it is allowed to be reconstructed subject to the provisions of Chapter 17.96, it shall be required to provide only the number of parking spaces which existed prior to the destruction.
4. If a business expands, it shall, in addition to the parking spaces in existence prior to such expansion, be required to provide only the number of additional parking spaces necessitated by the expansion.

D. All garage or other space allocated for the parking of vehicles, within buildings, basements or on roofs of buildings, shall be considered part of the off-street parking facilities, and may be included as such in computing the parking area requirements.

E. Access. All off-street parking shall have access from a public street or alley.

F. Ingress, egress, internal traffic circulation, off-street parking and loading facilities and pedestrian ways shall be designed so as to promote safety and convenience and so that traffic visibility is not obstructed. (Ord. 2007-004 § 1 (part))

17.104.030 Design and location of parking spaces.

A. Single-Family Residences, Mobile/Manufactured Homes, Multiple-Family Residences of Four or Less Dwelling Units and Agricultural Uses.

1. Location. Required off-street parking shall be located on the same lot or parcel as the use it is intended to serve.
2. Surfacing. Off-street parking spaces, driveways and access ways shall be properly surfaced and graded to prevent impoundment of surface water in a manner satisfactory to the town engineer.
3. Driveways. Driveways and access ways shall be not less than ten feet wide for one-way traffic,

and not less than twenty (20) feet wide for two-way traffic.

B. All Uses Except as Provided Above.

1. Location. Required off-street parking shall be located within two hundred (200) feet of the building or use it is intended to serve, the distance being measured along the street line from the nearest point of the building or use to the nearest point of the parking lot.

Whenever the use of a separate lot or parcel is proposed for fulfillment of minimum parking requirements, the owner shall submit as part of his application satisfactory assurance that the separate lot or parcel is permanently committed to parking use by enforceable legal measure.

2. Design. All off-street parking lots and spaces shall be so designed as to prevent automobiles from backing onto a public street or from projecting beyond the property lines except that a vehicle shall be allowed to back onto a public street from a driveway which serves a residence. This shall be accomplished through the use of such devices as curbing, striping, landscaping, setbacks, driveways or any other method which will ensure compliance with this requirement.
3. Dimensions. Arrangement of parking spaces within the parking and driveway widths shall conform with the following requirements.

GRAPHIC UNAVAILABLE: [Click here](#)

Angle of Parking	Stall Depth	Curb Length	Interior Driveway Width	
			One-Way	Two-Way
0°	9"-0'	20"0'	12"-'	24"-0'
30°	17"-10'	21"10'	12"-0'	24"-0'
45°	20"-6'	20"6'	12"-0'	24"-0'
60°	21"-10'	17"10'	18"-0'	25"-0'
90°	20"-0'	9"-0'	25"-0'	25"-0'

4. Surfacing. All off-street parking areas, access ways and driveways shall be improved and surfaced with asphalt, concrete or some other dust-free material in a manner satisfactory to the town engineer. The surfacing of the parking area shall be of sufficient grade so that there will be no impoundment of surface water and all surface drainage shall be into a public street or improved drainage channel or structure.
5. Lighting. Parking lots used during hours of darkness shall be lighted to minimum levels of five footcandles. Lighting shall be indirect, hooded and arranged so that the source of light does not create a nuisance or hazard to traffic or adjacent properties.

(Ord. 2007-004 § 1 (part))

17.104.040 Schedule of required off-street spaces.

- A. Off-street parking spaces shall be provided for each specified use in accordance with the

schedule below.

B. Definitions. In calculating the total number of required parking spaces, "usable floor area" as used herein means the area capable of being devoted to the specified use (does not include such spaces as kitchens, restrooms, hallways, etc.) and the term "seat" shall also include thirty (30) inches each of bench seating when individual seats are not provided.

C. Mixed Uses. In the event of mixed uses, the total requirement for off-street parking spaces is the sum of the requirements of the various uses computed separately.

D. Fractional Amount. In calculating the total number of required off-street parking spaces, fractional amounts are to be disregarded.

E. Unlisted Uses. Parking requirements for a specific use not listed in this section shall be determined by the planning and zoning commissioner.

F. Schedule:

USE	SPACES
(1) Residential Use	
(a) One or two-family residences	2 per dwelling unit
(b) Multiple dwellings: efficiency units	1 1/2 per dwelling unit
One-bedroom units	1 1/2 per dwelling unit
Two or more bedroom units	2 per dwelling unit
(c) Rooming houses, fraternities, sororities, resident clubs, lodges	1 per sleeping room or 1 per bed, whichever is greater
(d) Mobile/ manufactured home parks and subdivisions	2 per mobile/ manufactured home site plus 1 per 2 employees
(2) Commercial Sales and Services	
(a) Restaurants, bars, cocktail lounges	1 per 50 sq. ft. of usable floor area, plus 1 per 2 employees
(b) Drive-in food or drink places with on-site consumption	1 per 50 sq. ft. of usable floor area, plus 1 per 2 employees
(c) Mortuaries, funeral homes	1 per 3 seats, plus 1 per 20 sq. ft. of assembly room area, whichever is greater, plus 1 per employee, plus 1 per commercial funeral vehicle
(d) Self-service laundries and dry cleaners	1 per 2 machines
(e) Open-air businesses	1 per 500 sq. ft. of sales area for first 2,000 sq. ft. plus 1 per additional 2,000 sq. ft.

(f) Used car lots	1 per each 100 sq. ft. of sales area for first 4,000 sq. ft. plus 1 per additional 2,000 sq. ft.
(g) Gas service stations	1 per 2 gasoline pumps, plus 2 per service bay
(h) Carwash	1 per employee, plus reserve spaces equal to 5 times the wash line capacity
(i) Motor vehicle and machinery sales, auto repair shops	1 per 800 sq. ft. of floor area
(j) Planned shopping centers	Requirements for all uses elsewhere specified herein, plus 1 per 200 sq. ft. of remaining floor area
(k) Barber shops, beauty shops	2 per service chair
(l) Furniture and appliance stores, household equipment	1 per 800 sq. ft. usable floor area
(m) Supermarkets, drug stores	1 per 100 sq. ft. of usable floor area
(n) Hotels, motels	1 per guest room or suite plus 1 per 2 employees
(o) Bus depots	1 per 150 sq. ft. of waiting room space
(p) Skating rinks, dance halls, dance	1 per 3 persons of maximum capacity permitted by fire regulations
(q) Bowling alleys	7 per bowling lane, plus 1 per 5 seats in gallery plus 1 per 2 employees
(r) Billiard parlors	1 per 2 billiard tables, plus 1 per 2 employees
(s) Gymnasiums, health studios	1 per 400 sq. ft. of usable floor area, plus 1 per 2 employees
(t) Private golf clubs, swimming clubs, tennis clubs, and similar uses	1 per 2 member families or individuals
(3) Offices and Clinic Uses	
(a) Offices, banks, saving and loan agencies	1 per 200 sq. ft. of usable floor area
(b) Medical and dental offices and clinics	1 per 100 sq. ft. of waiting room, plus 1 per examination room or dental chair, plus 1 per 2 employees
(4) Schools and Institutions	
(a) Elementary and intermediate schools	1 per employee
(b) High schools	1 per 8 students, plus 1 per employee
(c) Junior colleges, colleges, universities	1 per 3 enrolled full-time day students, plus 1 per employee

(d) Trade schools, business colleges	1 per 150 sq. ft. of gross floor area
(e) Hospitals	1 per 2 beds, plus 1 per resident employees, plus 1 per 2 nonresident employees
(f) Sanitariums, children's homes, homes for aged, asylums, convalescent homes	1 per 5 beds, plus 1 per resident employees, plus 1 per 2 nonresident employees
(5) Public Assembly	
(a) Golf courses	5 per hole, plus 1 per employee
(b) Auditoriums, exhibition halls, theaters, convention facilities, meeting rooms	1 per 3 fixed seats, plus 1 per 25 sq. ft. of unfixed seating space, plus 1 per 2 employees
(c) Church or other place of worship	1 space per 6 seats, plus 1 space per 50 sq. ft. of usable area not used for seating
(d) Stadiums, outdoor sports areas	1 per 4 seats, plus 1 per 2 employees
(6) Wholesaling and Warehousing Uses	1 per 1,700 sq. ft. of usable floor area, or 1 per employee, whichever is greater, plus 1 per company owned motor vehicle
(7) Manufacturing and Industrial Uses	1 per 500 sq. ft. of Industrial Uses gross floor area, or 1 per employee, whichever is greater

(Ord. 2007-004 § 1 (part))

17.104.050 Off-street loading requirements.

A. In all zoning districts, for every building or part thereof, erected or enlarged after the effective date of the ordinance codified in this title, which is occupied by a use receiving or distributing materials or merchandise by motor truck, there shall be provided and maintained on the same premises as the building or use, adequate off-street loading space meeting the minimum requirements hereinafter specified. Loading space shall not be considered as satisfying requirements for off-street parking space.

B. Schedule of Loading Space Requirements.

Total Floor Area of Building	Number of Loading Spaces Required
1,000 sq. ft. to 10,000 sq. ft.	1
10,000 sq. ft. to 30,000 sq. ft.	2
30,000 sq. ft. to 50,000 sq. ft.	3
For each additional 100,000 sq. ft.	1 additional

C. Location. Required off-street loading space shall not be permitted in any required front yard, nor in any required side yard except in a nonresidential district where a side yard abuts an alley. Off-street loading space may occupy all or any part of a required rear yard, except as otherwise provided herein, and may be partially or entirely enclosed within a building.

D. Alleys. Where a building or use in a nonresidential district abuts an alley, such alley may be used as maneuvering space for loading and unloading spaces; provided however, that no alley abutting any residential district may be so used.

E. Size. Every required off-street loading space shall have a minimum width of twelve (12) feet, a minimum length of forty-five (45) feet and a minimum height of fourteen (14) feet, exclusive of access aisles and maneuvering space.
(Ord. 2007-004 § 1 (part))

Chapter 17.108

REGULATIONS GOVERNING NEWLY ANNEXED TERRITORY

Sections:

17.108.010 Initial zoning.

17.108.020 Effect of annexation on building permits.

17.108.030 When town building permit is not required.

17.108.040 When town building permit is required.

17.108.050 Nonconforming uses.

17.108.060 Land use map to be prepared.

17.108.070 Enlargement of use.

17.108.010 Initial zoning.

Areas, when annexed to the town, shall until officially zoned by the council, be considered to be zoned as shown on the official zoning map of the Apache County planning and zoning commission at the time of annexation.

(Ord. 2007-004 § 1 (part))

17.108.020 Effect of annexation on building permits.

Apache County building or use permits, legally issued not more than sixty (60) days prior to the effective date of annexation, shall be honored by the town building inspector within sixty (60) days after the effective date of annexation, and he shall issue a town building permit when construction details conform to all pertinent city construction codes and construction ordinances and pertinent county zoning regulations in effect at the time the county permit was issued. The amount of the fee paid for the county permit shall apply on the town permit and the balance only must be paid before a town permit is issued.

(Ord. 2007-004 § 1 (part))

17.108.030 When town building permit is not required.

A town building permit shall not be required for buildings, legally under construction with a building or use permit issued by the Apache County planning and zoning commission prior to the effective date of annexation, and the exterior walls of which have been completed to the plate line or beyond, but the town shall require that buildings shall be structurally safe and conform to pertinent county zoning regulations in effect at the time the county permit was issued.
(Ord. 2007-004 § 1 (part))

17.108.040 When town building permit is required.

For buildings under construction on the effective date of annexation, which are completed to a lesser degree than prescribed in Section 17.108.030, a town building permit shall be required, and from the effective date of annexation, all construction shall conform to the pertinent city construction codes and construction ordinances, and conform to pertinent county zoning regulations in effect at the time the permit was issued.
(Ord. 2007-004 § 1 (part))

17.108.050 Nonconforming uses.

Any use or activity conducted contrary to county zoning regulations at the effective date of annexation and not constituting a nonconforming use under the county zoning regulations shall not be considered a nonconforming use hereunder and the continuance thereof shall constitute a violation of this title.
(Ord. 2007-004 § 1 (part))

17.108.060 Land use map to be prepared.

Upon the annexation of any area, the planning division shall prepare a land use map which shall be prima facie evidence of the manner in which a building or land was being used at the time of annexation.
(Ord. 2007-004 § 1 (part))

17.108.070 Enlargement of use.

The physical plant, building and land, devoted to any use which is permitted under the terms of this chapter, subject to the securing of a use permit, may be enlarged or extended only after securing a new use permit.
(Ord. 2007-004 § 1 (part))

17.112

DESIGN REVIEW

17.112.010 Adoption.

17.112.010 Adoption.

That certain public document known as "Design Review Ordinance, " three copies of which are on file in the office of the town clerk of the town of Springerville, Arizona, which document was made a public record by Resolution No. 2007-R011 of the town of Springerville, Arizona, is hereby referred to, adopted and made a part hereof as if fully set out in this chapter.
(Ord. 2007-011 § 1)