Title 17

ZONING

Chapters:

17.04	Introductory Provisions and Definitions
17.08	Zoning Administrator
17.12	Board of Adjustment
17.14	Planning and Zoning Commission
17.16	Zoning Districts Designated
17.20	R-1 Single-Family Residential District
17.24	R-M Multiple-Family Residential District
17.28	M-H Mobile Home District
17.32	C Commercial District
17.36	L-I Light Industrial District
17.40	H-I Heavy Industrial District
17.43	Planned Area Development Overlay District
17.44	General Provisions
17.48	Off-Street Parking and Loading Requirements
17.52	Nonconforming Uses
17.56	Special Use Permits
17.58	Claims for Diminution of Value
17.60	Building Permits
17.64	Amendments
17.68	Enforcement
17.72	Design Review Board

CHAPTER 17.04

INTRODUCTORY PROVISIONS AND DEFINITIONS

Section:

17.04.010 **Purpose and Title**
17.04.020 **Interpretation and Conflict**
17.04.030 **Definitions**

17.04.010 Purpose and Title

A. Purpose. For the purpose of promoting and protecting the public health, safety, morals and welfare of the citizens of the town and to provide for the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources, a Zoning Ordinance and district map are established and adopted by the town council.

B. Title. This title may be cited as the zoning ordinance of the town.

(Ord. No. 192 § 1.100, 1975)

17.04.020 Interpretation and Conflict

A. Interpretation. When the provisions of the ordinance codified in this title are interpreted or applied they shall be held to be the minimum requirements for the promotion of the public safety, health and general welfare.

B. Conflict. The provisions of the ordinance codified in this title are not intended to interfere with or abrogate or annual any ordinance, rule, regulation or permit previously adopted or issued, and are not in conflict with any provision of this title, or which shall be adopted or issued pursuant to law relating to the use of buildings or ordinances not in conflict with this title; nor is it intended by this title to interfere with or abrogate or annual any easement, covenant, or other agreement between parties, except when this title imposes a greater restriction, this title shall control.

(Ord. No. 192 § 1.200, 1975)

17.04.030 Definitions

For the purpose of this title, certain terms and words are defined. Words used in the present tense include the future; the singular number includes the plural, and the plural includes the singular; the word "building" includes the word "structure," the word "lot" includes the word "plot"; the word "may" is permissive, and the word "shall" is mandatory; further the word "or" means "either" and the word "and" means "in conjunction with." "Zone" means "district".

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

"Accessory building" means a subordinate building, the use of which is customarily incidental to that of the dominate use of the main building or premises, including bona fide household employees' quarters.

"Accessory use" means a use customarily incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or building or adversely affect other properties in the district.

"Alley" means a public thoroughfare which affords only a secondary means of vehicular access to abutting property and is not intended for general traffic circulation. An alley line shall mean the centerline of an alley right-of-way as determined by the Public Works Director.

"Amendment" means a change in the wording, context or substance of this title, an addition or deletion, or a change in the district boundaries or classifications upon the district map, which imposes any regulation not heretofore imposed or removes or modifies any such regulation theretofore imposed.

"Analogous use" means any use which is comparable to the permitted uses, is similar in one or more important ways to the permitted uses, or resembles the permitted uses in one or more aspects. Analogous uses shall not be any more deleterious, obnoxious or harmful than the uses permitted.

"Animal clinic" or **"animal hospital"** means a place where animals or pets are given medical or surgical treatment in emergency cases and are cared for during the time of such treatment. Use as kennel shall be limited to short time boarding and shall be only incidental to such hospital use and shall be enclosed in a sound-proof structure.

"Apartment house" see "dwelling, multiple."

"Area of lot" means the total horizontal area included within lot lines.

"Boardinghouse" means a building where, for compensation and by prearrangement for definite periods, meals or lodging and meals, are provided for three or more persons, but not exceeding twenty (20) persons.

"Building" means any structure for the shelter, housing or enclosure of persons, animals, chattels or property of any kind. Each portion of a building separated by dividing wall or walls without openings may be deemed a separate building for the purpose of issuing building permits. This does not include dog houses, play houses, etc.

"Building, Height of. Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the highest point of a mansard roof, or to the highest gable of a pitch or hip roof.

"Carport" means an accessory building or portion of a main building with two or more open sides designated or used for the parking of motor vehicles. Enclosed storage facilities may be provided as part of a carport.

"Common areas" means all areas of the project excepting units therein granted or reserved.

"Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in air space in a residential, industrial or commercial building on such real property, such as apartment, office or store.

Convalescent home" or **"nursing home"** means any place or institution which makes provisions for bed care or for chronic or convalescent care for one or more persons exclusive of relatives, who by reason of illness or physical infirmity are unable to properly care for themselves. Alcoholics, drug addicts, persons with mental diseases, and persons with communicable diseases, including contagious tuberculosis, shall not be admitted or cared for in these homes licensed under the State of Arizona as a convalescent and nursing home.

"District" means any zone as shown on the zoning map of the town for which there are uniform regulations governing the use of buildings and premises or the height and area of buildings.

District map" means the official zoning map of the town, which is a part of the Zoning Ordinance of the Town.

"Dwelling" means any building, or portion thereof, which is designed or used exclusively for residential purposes.

"Dwelling, Multiple. Multiple dwelling" means a building or portion thereof designed for occupancy by two or more families.

"Dwelling. Single-Family. Single-family dwelling" means one or more rooms in a dwelling designed for occupancy by one family for living purposes and having its own cooking and sanitary facilities.

"Dwelling unit" means one or more rooms in a dwelling designed for occupancy by one family for living purposes and having its own cooking and sanitary facilities.

"Efficiency apartment" means a dwelling unit which has only one living and sleeping room; such dwelling unit, however, may also have a separate room containing only kitchen facilities and also a separate room containing only sanitary facilities.

"Family" means one or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging house or hotel as defined in this chapter.

"Fire and/or Explosion Hazard" means any structure, material or use operated or maintained in a manner likely to result in a sudden or immediate fire and/or explosion as determined by the Fire Marshal. (Ord. No. 306, 2008)

"Frontage" means all property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is a dead end, then all of the property abutting on one side between an intersecting street and the dead end of the street, including property fronting on a cul-de-sac.

"Garage, Private. Private garage" means any accessory building or portion of a main building designed or used for the storage of not more than three motor-driven vehicles, provided that no private garage may be used or rented for the storage of commercial trucks having a capacity in excess of one ton.

"Garage, Repair. Repair garage" means a building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

"Garage, Storage. Storage garage" means a building or portion thereof designed or used exclusively for housing of four or more motor-driven vehicles.

"Guest room" means a room which is designed to be occupied by one or more guests for sleeping purposes, and having no kitchen facilities and not including dormitories for sleeping.

"Home occupation" means any occupation or profession carried on by a member of a family, residing on the premises, and which use is clearly incidental to the use of the structure for dwelling purposes and which does not change the exterior character of the premises in any way. There shall be no commodity sold upon the premises, nor shall such use generate pedestrian or vehicular traffic beyond that normal to the district in which it is located, and further there shall be no signs, buildings or structures other than those permitted in the district. A carport or garage may not be used for home occupations. There shall be no use of material or mechanical equipment not recognized as being part of normal household or hobby use. "home occupation" includes the use of premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional person for consultation or emergency treatment, but not for the general practice of his profession.

"Hospital" means a place for treatment or other care of human ailments, and includes sanitarium, clinic and maternity home, unless otherwise specified.

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

"Institution" means a building or buildings occupied by a nonprofit corporation or a non-profit establishment for public use.

"Junk" means any scrap, waste, reclaimable material, or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, baling, disposal, or other use or disposition, including, but not limited to, inoperable and unregistered motor vehicles, tires, vehicles parts, equipment, paper, rags, metal, glass, building materials, household appliances, brush, wood and lumber. **(Ord. No. 306)**

"Junkyard" means a lot or portion thereof for the storage, keeping or abandonment of junk, dismantled automobiles, or other vehicles, or machinery, or parts thereof, including scrap metals, rags, or other scrap materials.

"Kennel" means any premises where four or more animals are bred, boarded, and/or trained for commercial purposes.

"Loading space" means a permanently maintained space on the same lot as the main building accessible to a street or alley.

"Lodging house" means a building where lodging only is provided for compensation to three or more, but not exceeding twenty (20) persons.

"Lot" means a legally created parcel of land occupied or intended for occupancy by one main building together with its accessory buildings and uses customarily incidental to it, including the open spaces required by this title and having its principal frontage upon a street as defined in this chapter.

"Lot area" means the area of the lot, not including any area in a public way.

"Lot, Corner. Corner lot" means a lot adjoining two or more streets at their intersections.

"Lot, Depth of. Depth (or length) of lot" means:

1. If the front and rear lines are parallel, the shortest distance between such lines;
2. If the front and rear lines are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line;
3. If the lot is triangular, the shortest distance between the front lot line and a line parallel to the front lot line, not less than ten feet long lying wholly within the lot.

"Lot, double frontage. Double frontage lot" means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

"Lot interior" means a lot other than a corner lot or key lot.

"Lot, key. Key lot" means a lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and facing on the street which forms the side boundary of the corner lot.

"Lot lines" means:

Front. The front property line of a lot shall be determined as follows:

Corner Lot. The front property line of a corner lot shall be the shorter of the two lines adjacent to the streets as platted, subdivided or laid out. Where the lines are equal, the front line shall be that line which is obviously the front by reason of the prevailing custom of the other buildings in the block. If such front is not evident then either may be considered the front of the lot but not both.

Interior Lot. The front property line of an interior lot shall be the line bounding the steel frontage.

Through Lot. The front property line of a through lot shall be that line which is obviously the front by reason of the prevailing custom of the other buildings in the block. Where such front property line is not obviously evident, the Board of Adjustment shall determine the front property line. Such a lot over two hundred (200) feet deep shall be considered, for the purpose of this definition, as two lots each with its own frontage.

Rear. The rear property line of a lot is that lot line opposite to the front property line. Where the side property lines of a lot meet in a point, the rear property lines shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to the front property line. In the event that the front property line is curved line then the rear property line shall be assumed to be a line not less than ten feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.

Side. The side property lines of a lot are these lot lines connecting the front and rear property lines of a lot.

"Lot record" means a lot which is a part of a subdivision, the plat of which has been recorded in the Office of the Gila County Recorder; or parcel of land, the deed of which is recorded in the Office of the County Recorder.

"Lot width" means:

1. If the side property lines are parallel, the shortest distance between these side lines;
2. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the axis of the lot at a distance equal to the front setback required for the district in which the lot is located. The axis of a lot shall be a line joining the midpoints of the front and rear property lines.

"Lot, Zoning. Zoning lot" means a single tract of land located within a single block, which (at the time of filing for a building permit) is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. Therefore, a "zoning lot or lots" may or may not coincide with a lot of record.

"Maintenance" means replacing a part or parts of a building which have been made unusable by ordinary wear or tear, or by the weather.

"Medical marijuana" means those portions of the plant of the genus cannabis administered and used by a registered qualifying patient, as that term is defined in A.R.S. Section 36-2801, solely for the purpose of treating or alleviating the patient's debilitating medical condition or symptoms associated with that debilitating medical condition.

"Medical marijuana dispensary" means a not-for-profit facility that, pursuant to A.R.S. § 36-2804, is registered with and certified by the Arizona Department of Health Services to acquire, possess, cultivate, manufacture of infuse, deliver, transfer, transport, supply, sell or dispense medical marijuana or related supplies and educational materials to cardholders, as that term is defined in A.R.S. §36-2801.

"Medical marijuana facilities" means medical marijuana dispensaries and medical marijuana off-site cultivation sites.

"Medical marijuana offsite cultivation site" means the enclosed, locked facility, at a different location from and identified by a medical marijuana dispensary pursuant to A.R.S. Section 36-2806 (E), where the medical marijuana dispensed by said dispensary is grown or stored.

"Mobile home" means a dwelling unit built on a chassis that is over eight feet wide and over forty (40) feet in length, and containing complete electrical, plumbing and sanitary facilities and designed to be installed on a permanent foundation for permanent living quarters. "Mobile home" does not include a recreation vehicle or travel trailer.

"Mobile home park" means any lot, tract or parcel of land used or offered for use in whole or in part with or without charge for parking of mobile homes or trailer coaches used for sleeping or household purposes.

"Mobile home space" means a plot of ground within a mobile home park designed for the accommodation of one mobile home or trailer coach.

"Motel" means any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designated used or intended wholly or in part for the accommodation of automobile transients. Motel includes motor court, motor lodge and tourists court, but not a mobile home park.

"Nonconforming building" means a building or portion thereof which was lawful when established but which does not conform to a subsequently established district or district regulations.

"Nonconforming lot" means a parcel of land having less area, frontage or dimensions than required in the district in which it is located.

"Nonconforming use" means any building or land lawfully occupied by a use at the time of passage of this title or amendment thereto which does not conform after the passage of this title or amendment thereto with the use regulations of the district in which it is located.

"Parking lot" means a parcel of land devoted to unenclosed parking spaces.

"Permitted use" means a use specifically permitted or analogous to those specifically permitted.

"Prohibited use" means a use not specifically permitted or a use analogous to those not specifically permitted.

"Recreational vehicle" means a vehicular type or unit thirty-two (32) feet or less in length and eight feet or less in width, primarily designed 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.

"Residential use" means and includes single and multiple dwellings, hotels, motels, dormitories and mobile homes.

"Resort" means a group or groups of buildings containing more than five dwelling units and/or guest rooms and providing outdoor recreational activities which may include golf, horseback riding, swimming, shuffleboard, tennis and similar activities. A resort may furnish services customarily furnished by a hotel, including a restaurant, cocktail lounge and convention facilities.

"Restaurant" means an establishment whose primary business is the serving of food to the public.

"Retail" means the same of commodities or goods in small quantities to ultimate consumers.

"Rooming house" see "lodging house."

"School" or **"college"** means, unless otherwise specified, private or public places of general instruction but shall not include day nursery schools, dancing schools, riding academies, or trade or specialize vocational schools.

"Service station. Automotive. "Automotive service station" means a retail business engaged primarily in the sale of motor fuels but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting and body and fender work, rental or sales of motor bikes, automobiles, boats, trailers, trucks and any other type of sales or services not specifically referred to in this chapter are limited to the service area of the side and if not specifically approved as part of the original use permit, a use permit must be approved prior to the area being used for any of these purposes.

"Shopping center" means a group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas and pedestrian malls or plazas provided on the property as an integral part of the unit.

"Sign" means:

1. Any device for visual communication 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 organizations;

2. The term "sign" means and includes any display of any letter, numeral, figure, emblem, picture, outline, character, spectacle, delineation, announcement or anything in part or in combination by any means whereby the same are made visible to the eye and for the purpose of attracting attention outdoors to make anything known, whether such display is made on, attached to or as a part of a structure erected for the purpose, or on, attached to or as a part of any other structure, surface or thing including but not limited to, the ground or any rock, tree, or other natural object, which display is visible beyond the boundaries of the lot or parcel or property on or over which same is made.

"Stable, commercial. Commercial stable" means a stable for horses, mules or ponies which are let, hired, used or boarded on a commercial basis and for compensation.

"Stable, private. Private stable" means a detached accessory building for the keeping of horses, mules or ponies owned by the occupants of the premises and not kept from remuneration, hire or sales.

"Story" means that portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next to it. A basement, the ceiling of which is less than four feet six inches above the grade level, shall not be considered a story. A mezzanine floor shall be considered a story if it exceeds thirty-three and one-third (33 1/3) percent of the area of the floor next below it.

"Street" means a dedicated public or private passageway which affords a principal means of access to abutting property.

"Street centerline" means the centerline of a street right-of-way as determined by the Public Works Director.

"Street line" means a dividing line between a lot, tract or parcel of land and a contiguous street (right-of-way).

"Structural alterations" means any change in the supporting members of a building, such as bearing walls or partition, columns, beams or girders, or any complete rebuilding of the roof.

"Structure" means any artificial piece of work constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground, but not including a tent, vehicle, trailer coach or mobile home.

"Structure, temporary. Temporary structure" means an artificial piece of work which is readily movable and used or intended to be used for a period not to exceed ninety (90) consecutive days. Such structure shall be subject to all applicable property development standards for the district in which it is located.

"Swimming pool, private. Private swimming pool" means a contained body of water, used for swimming or bathing purposes either above ground level or below ground level, with the depth of the container being more than eighteen (18) inches or the area being more than thirty-eight (38) square feet.

"Swimming pool, public. Public swimming pool" means the same definition as private pool but operated as a commercial business. Public swimming pools shall conform to county health requirements.

"Townhouse" means single-family dwellings with party walls and no side yards between abutting dwellings within a subdivision recorded in accordance with Arizona Revised Statutes.

"Trailer coach" mean a trailer used or designed to permit it to be used for living or sleeping purposes, having its own axles and wheels, one or more, and designed to be towed behind a vehicle. A trailer coach shall be a dwelling unit for density and parking requirement purposes but shall not be considered a single or multiple family dwelling, apartment, efficiency apartment, rooming unit or guest room.

"Trailer park" see "mobile home park."

"Unit density" means the ratio between land area and dwelling units with the project.

"Use" means the purpose for which land or building is occupied or maintained, arranged, designed or intended.

"Use, accessory. Accessory use" means a subordinate use customarily incidental to and conducted on the same lot with the principal use or building including bona fide household employee's quarters.

"Used car dealer" means the operation of a used car sales business not connected with franchised new car dealership.

"Use permit" means a permit granted to a property owner by the Town Council to conduct a use allowed as a permitted use in a zoning district subject to use permit.

"Wall" means any structure or device required by this title for screening purposes forming a physical barrier, which is so constructed that fifty (50) percent or more of the vertical

surface is closed and prevents the passage of light, air and vision through surface in a horizontal plane. This shall include concrete, concrete block, wood or other materials that are solids and are so assembled as to form a screen. Where a solid wall is specified, on hundred (100) percent of the vertical surface shall be closed, except for approved gates or access ways. Where a masonry wall is specified, such wall shall be concrete block, brick, stone or other similar material.

"Yard" means an open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this title. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

"Yard, front. Front yard" means an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The front yard of a corner lot is the yard adjacent to the shorter street frontage.

"Yard, rear. Rear yard" means an open space on the same lot with a main building between the real line of the building and the rear line of the lot extending the full width of the lot.

"Yard, side. Side yard" means an open unoccupied space on the same lot with a main building situated between the building and the sideline of the lot and extending from the front yard to the rear yard. Any lot line not a real line or a front line shall be deemed a side lot line. An "interior side yard" is defined as the side yard adjacent to a common lot line.

"Zone" see "District" definition.

"Zoning Administrator" means the person appointed by the Town Council who is charged with the responsibility for enforcement of the Zoning Ordinance, the issuance of building permits, such advice and consultations as the Town Council may request and such other duties as the Town Council by ordinance may require.
(Ord. No. 232 § 1, 1988: Ord. No. 192 § 3.100, 1975: Ord. No. 306:Ord. No. 322)

Chapter 17.08

ZONING ADMINISTRATOR

Section:

17.08.010	**Creation, Appointment, Term of Office Remuneration**
17.08.020	**Duties**
17.08.030	**Combination with other Duties**

17.08.010 Creation, Appointment, Term of Office, Remuneration

The office of Zoning Administrator is established. The Zoning Administrator shall be appointed by the Mayor subject to the approval of the Town Council of the city. The term of appointment shall be at the will and pleasure of the Town Council. The remuneration of the Zoning Administrator shall be established by the Town Council of the Town. (Ord. 192 § 1.301, 1975)

17.08.020 DUTIES

It shall be the duty of the Zoning Administrator to administer and enforce any lawful plan duly adopted by the governing body of the Town for the present and future growth of the town pertaining to the use of land and buildings for any purpose, together with all incidental activities usually associated therewith and commonly known as planning and zoning; as required by the Town Council, 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 in cooperation with adjacent areas to recommend to the governing body revisions in such plans which in the opinion of the Zoning Administrator are for the best interest of the citizens of the town to promulgate rules of procedure. (Ord. No.192 § 1.302, 1975)

17.08.030 COMBINATION WITH OTHER DUTIES

The office of Zoning Administrator may be combined with such other duties as the Town Council of the Town shall provide. (Ord. 1 No. 92 § 1.303, 1975)

CHAPTER 17.12

BOARD OF ADJUSTMENT

Section:

17.12.010	**Creation and Membership**
17.12.020	**Meetings, Rules, Regulations And Records**
17.12.030	**Powers and Duties**
17.12.040	**Appeals of Administrative Decisions**
17.12.050	**Application for Variances**
17.12.060	**Hearing and Notice**
17.12.070	**Findings Required**
17.12.080	**Variance Approval; Effective Date**
17.12.090	**Appeals**
17.12.100	**Appointment of Zoning Hearing Officer**
17.12.110	**Ex Parte Communications**

17.12.010 Creation and Membership

The Town Council shall serve as the Board of Adjustment of the Town of Miami. The chairperson of the Board shall be the mayor or as designated by the mayor. (Ord. 192 § 1.501, 1975: Ord. No. 279, 2000; Ord. No. 353, 2017)

17.12.020 Meetings, Rules, Regulations and Records

A. All meetings of the Board shall be held at the call of the chair and at such other times as the Board may determine. Except for executive sessions authorized by law, all meetings of the Board shall be open to the public.

B. The Board shall adopt rules and regulations to govern its proceedings. Minutes and records of all Board proceedings showing the vote of each member and records of its examinations and other official actions shall be filed in the office of the town clerk. (Ord. No. 192 § 1.503, 1975; Ord. No. 353, 2017)

17.12.030 Powers and Duties

A. The Board has the following powers and duties:

1. Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the zoning administrator in the enforcement of a zoning ordinance;

2. Hear and decide appeals for variances from the terms of the zoning ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will deprive the property of

privileges enjoyed by other property of the same classification in the same zoning district;

3. Reverse or affirm, in whole or in part, or modify the order, requirement or decision of the zoning administrator appealed from, and make the order, requirement, decision or determination as necessary; and

4. Hear and decide appeals from decisions of the hearing officer, if appointed, pursuant to section 17.12.020.

B. The chairperson has the power to administer oaths and jurisdiction to take evidence on those matters being heard by the Board.
(Ord. No.192 § 1.504, 1975; Ord. No.353, 2017)

17.12.040 Appeals of Administrative Decisions

A. Appeals may be taken to the Board of Adjustment by persons aggrieved or by any officer, department, board or bureau of the Town affected by a decision of the Zoning Administrator, within thirty (30) days, by filing with the Zoning Administrator and the Board a notice of appeal specifying the grounds of the appeal. The Zoning Administrator shall immediately transmit all records pertaining to the action appealed from to the Board.

B. An appeal shall stay all proceedings in the matter appealed from unless, in the opinion of the Zoning Administrator, as certified to the Board by the zoning Administrator, that a stay would 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 applications and notice to the Zoning Administrator.

C. The Board shall fix a reasonable time for hearing the appeal and give notice of hearing by both publication in a newspaper of general circulation in accordance with Arizona Revised Statutes, Section 9-462.04 and as set forth in Section 17.12.060 of this Code.

D. The concurring vote of a majority of the Board members present shall be necessary to render a ruling, unless otherwise required by state law or the Town Zoning Ordinance.
(Ord. No.192 § 1.505, 1975; Ord. No.353, 2017)

17.12.050 Application for Variances

A. A written application for a variance shall be filed with the town clerk upon a form provided by the town clerk, and shall be accompanied by:

1. Evidence showing why, due to special circumstances applicable to the property, including its size, shape, topography, location or surroundings, strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by other property owners of the same classification in the same zoning district; and

2. Evidence showing that the requested variance will not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and district in which the property is located; and

3. Evidence that the special circumstances applicable to the property were or are not self-imposed by the property owner; and

4. Evidence showing why granting the variance:

   A. Substantially meets the intent and purpose of the zoning district in which the property is located;

   B. Will not be detrimental to the health, safety, and general welfare of persons living or working in the neighborhood;

   C. Will not be detrimental to the general welfare of the Town; and

   D. Is the least amount of relief necessary to permit use of the property similar to other properties in the district.

5. A filing fee of twenty-five dollars ($25.00) shall accompany each application. If the Board of Adjustment finds that it has no jurisdiction to hear the matter, the filing fee shall not be refunded to the applicant;

6. From the time of filing the application until the time of such hearing, the application and all maps, plans and other accompanying data shall be available for public inspection during office hours at the office of the Town Clerk.

(Ord. No. 353, 2017: Ord. No. 232 § 5, 1988: Ord. No. 192 § 1.506, 1975)

17.12.060 HEARING AND NOTICE

A. Upon receipt in proper form of any such application, the Board of Adjustment shall proceed to hold a public hearing upon such application at which time all persons shall be given an opportunity to be heard.

B. The Board of Adjustment shall cause one notice of such hearing to be published in a newspaper of general circulation in the Town and shall post of cause to be posted three notices of hearing, one of which shall be on the subject property, and the other two within three hundred (300) feet thereof. All notices shall comply with the requirements set forth in A.R.S. § 9-462.04.

C. Publication and posting of the notice shall be at least 15 days prior to the date of the hearing and shall state the date, time and location where the hearing will be held. Such notice, both as published and posted, shall provide the nature of the variance or exception requested and state that anyone wanting to protest may appear in person or by writing.

D. If the Town Council has appointed a Zoning Hearing Officer, the duties of the Board set forth in this section shall be performed by the Zoning Hearing Officer or his designee.
(Ord. 3 No.53, 2017: Ord. No.192 § 1.507, 1975)

17.12.070 FINDINGS

The Board of Adjustment (or Zoning Hearing Officer if appointed) shall not approve a variance unless the board has made the following findings:

A. That there are special circumstances or conditions applicable to the property, including its size, shape, topography, location, or surroundings, whereby the strict application of the Zoning Ordinance will deprive such property of privileges enjoyed by other property of the same classification n the same zoning district; and

B. That such special circumstances were not created by the owner or applicant; and

C. That the variance does not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located; and

D. That the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

(Ord. No.353, 2017: Ord. No.192 § 1.508, 1975)

17.12.080 ACTION

A. In approving a variance, the Board (or the Zoning Hearing Officer if appointed) may impose reasonable conditions to:

1. Achieve the general purposes of this chapter or the specific purpose of the zoning district in which the property is located, or to make it consistent with the general plan;

2. Protect the public health, safety, and general welfare; or

3. Insure operation and maintenance of the use in a manner compatible with existing and potential uses on adjoining properties or in the surrounding area.

B. Effective Date. The effective date of the variance shall be the 31st day after approval by the Board (or Zoning Hearing Officer if appointed), unless the action is appealed in accord with the procedures set forth in Section 17.12.090 appeals. No building, grading, or construction permit shall be issued until the variance becomes effective.
(Ord. No. 353, 2017: Ord. No. 192 § 1.509, 1975)

17.12.090 APPEALS

A. Appeals from final decisions of the Zoning Hearing Officer shall be made to the Board of Adjustment. Appeals from decisions of the Board of Adjustment shall be made by filing a complaint for special action in the Gila County Superior Court in accordance with A.R.S. § 9-462.06(k) and the Arizona Rules of procedure for Special Actions.

B. Appeals may be filed by ~~any~~ person aggrieved by a decision of the Board or a taxpayer who owns or leases the adjacent property or a property within three hundred feet from the boundary of the immediately adjacent property, an officer or a department of the Town affected by a decision of the board, at any time within 30 days after the board has rendered its decision. (Ord. No.353, 2017)

17.12.100 APPOINTMENT OF ZONING HEARING OFFICER

A. The Council may appoint a Zoning Hearing Officer who, when appointed, shall hear and decide appeals from decisions of the Zoning Administrator and hear and decide appeals for variances from the terms of the Zoning Ordinance.

B. When appointed, the Zoning Hearing Officer shall have the power to administer oaths and jurisdiction to take evidence on those matters being heard and shall have the following powers and duties:

1. Hear and decide appeals in which it is alleged there is an error in an order, requirement or decision made by the Zoning Administrator in the enforcement of a Zoning Ordinance;

2. Hear and decide appeals for variances from the terms of the Zoning Ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the Zoning Ordinance will deprive the property of privileges enjoyed by other property of the same classification in the same zoning district;

3. Reverse or affirm, in whole or in part, or modify the order, requirement or decision of the Zoning Administrator appealed from, and make the order, requirement, decision or determination as necessary

C. The Zoning Hearing Officer shall follow the same procedures and be bound by the same rules and regulations with regard to the matters being heard as the Board including, but not limited to, providing required public notices, compliance with the Arizona open meeting laws, conducting public hearings, rendering rulings, and the prohibition of ex parte communications.

17.12.100 EX PARTE COMMUNICATIONS

A. Prohibition: the Board (and the Zoning Hearing Officer if appointed) acts in a quasi-judicial manner and shall not, directly or indirectly, entertain, accept or participate in any ex parte communications relevant to any application pending before it.

B. Definition: Ex parte communications are oral or written communications related to the matter to be heard and which is made to or by any member of the Board (or Zoning Hearing Officer), including in person, telephonic, or electronic communications that occur outside of a public meeting of the Board.

C. Exceptions: This prohibition shall not apply to communications between the members of the Board (or Zoning Hearing Officer) and Town staff. This prohibition is not intended to prevent site visits, the receipt of expert opinions, and the review of mail and other correspondence relating to the proceedings. All such communications shall be documented and entered into the record of the proceedings.
(Ord. No. 353, 2017)

CHAPTER 17.14

PLANNING AND ZONING COMMISSION

SECTION:

17.14.010	**Creation and Membership**
17.14.020	**Meetings, Rules, Regulation and Records**
17.14.030	**Powers and Duties**
17.14.040	**Citizens Review Meeting**
17.14.050	**Hearing and Notice**
17.14.060	**Findings Required**

17.14.010 CREATION AND MEMBERSHIP

A. There is created a Planning and Zoning Commission composed of five members appointed by the Council. The term of each member shall be four years, who shall serve at the pleasure of the Council. Members may be removed by the Council with or without cause. Members of the Commission shall reside within the Town of Miami unless Council determines that there are not sufficient qualified applicants who are town residents. Members shall serve staggered terms whereby no more than three members' terms expire in any one year.

B. The Zoning Hearing Officer appointed pursuant to Section 17.12.100 shall perform the duties of the Commission until the Council appoints members of the commission. (Ord. 363)

17.14.020 MEETINGS, RULES, REGULATIONS AND RECORDS

A. All meetings of the Commission shall be held at the call of the chair and at such other times as the Commission may determine. Except for executive sessions authorized by law, all meetings of the Commission shall be open to the public.

B. The Commission shall adopt rules and regulations to govern its proceedings. Minutes and records of all Commission proceedings showing the vote of each member and records of its examinations and other official actions shall be filed in the office of the town clerk. (Ord. 363)

17.14.030 POWERS AND DUTIES

A. The Commission has the following powers and duties:

1. Recommend to the Town Council a general plan and amendments thereto;

2. Annually review progress towards implementation of the general plan and recommend to the Town Council changes desired due to new legislation,

development trends and changing economic, social and environmental conditions;

3. Review and make recommendations to the Town Council on proposals to amend the official zoning map or the provisions of the zoning ordinance;

4. Initiate changes to the official zoning map or text of the zoning ordinance to insure conformance and consistency with the Town's general plan;

5. Recommend approval, modifications and/or conditions, or denial of special use permits;

6. Review and make recommendations to the Town Council on proposals for protected development right plans;

B. The Chairperson has the power to administer oaths and jurisdiction to take evidence on those matters being heard by the commission. (Ord. 363)

17.14.040 CITIZENS REVIEW MEETING

A. A citizen review meeting shall be held prior to a public hearing on a special use permit, rezoning, general plan amendment or zoning ordinance amendment or other regulation that imposes, removes or modifies any such regulation previously imposed.

B. The purposes of the citizen review meeting are:

1. Provide for early and effective citizen participation in conjunction with rezoning applications, general plan applications and changes in zoning regulations, to promote understanding mitigation of real or perceived impacts on the community.

2. Provide an opportunity for citizens to communicate with applicants to resolve concerns at an early stage of the process.

3. Facilitate ongoing communication between the applicant, interested citizens and property owners, Council, Planning and Zoning Commissioners and Town staff throughout the application review process.

4. Provide affected citizens of the town with an opportunity to learn about and comment on proposed text amendments to the zoning ordinance that impose, remove or modify a land use regulation prior to a public hearing on the matter.

C. Rezoning application.

1. The applicant shall work with the Zoning Administrator to establish a citizen review plan.

2. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The target area for early notification will be determined by the Zoning Administrator. At a minimum, the target area shall include the following:

A. Property owners within 300-feet of the subject property, measured from the property lines.

B. Other interested parties who have requested that they be placed on the interested parties' notification list maintained by the zoning administrator.

C. Those residents, property owners, interested parties, political jurisdictions and public agencies that the Zoning Administrator determines may be affected by the application.

The Zoning Administrator may determine that additional notices or areas be included.

3. The applicant shall conduct a citizen review meeting to explain the proposal at which persons interested in the project may ask questions and discuss their concerns about the project with the applicant.

4. The Zoning Administrator may require an applicant to hold additional citizen review meetings if warranted by circumstances including, but not limited to:

A. Timeframe between the last meeting and the date of the submittal.

B. If there have been substantial changes to the development proposal since the last citizen review meeting.

5. The applicant shall provide a written report on the results of the citizen review meeting within 5 days after the citizen review meeting and prior to any notice being mailed or posted for a public hearing. The report shall be sent to the Planning and Zoning Commission and Zoning Administrator with their materials to review for the public hearings and shall include at least the following information:

A. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;

B. Copies of letters, meeting notices, newsletters and other communications sent, dates mailed, and numbers of mailings or other means of communications;

C. Number of people that participated in the process and names and address of all those in attendance for tracking purposes;

D. A summary of concerns, issues and problems expressed during the process, including how the applicant addressed or plans to address each concern expressed and, for those concerns not addressed, why the applicant is unwilling or unable to address them.

D. Text amendments to the zoning ordinance that impose, remove or modify a land use regulation; general plan adoption and amendment.

1. The notice of the citizen review meeting shall contain the date, time and place of the meeting, and the location of where a copy of the amendment can be reviewed and shall be given as follows:

a. By publication in a newspaper of general circulation in the town.

B. By placing a copy of the proposed amendment at town hall for review.

C. By any other manner required by the Zoning Administrator.

2. At least one citizen review meeting shall be held at least five days prior to the public hearings of the Planning and Zoning Commission and the Town Council. The Zoning Administrator shall conduct the citizen review meeting to discuss and answer questions about the proposed amendment. Additional meetings may be held if the Zoning Administrator determine they would be beneficial.

3. The Zoning Administrator shall provide a written report on the results of the citizen review meeting within 5 days of the meeting and prior to any notice of the public hearing being mailed or posted. The report shall be sent to the Planning and Zoning Commission and included in the staff report presented to the Council at the public hearings. The citizen review report shall include the following information:

A. Dates and locations of citizen review meetings;

B. Names and addresses of all those in attendance;

C. A summary of concerns, issues and problems expressed during the process, including how staff addressed or plans to address each concern expressed and, for those concerns not addressed, why staff is unwilling or unable to address them. (Ord. 363)

17.14.050 HEARING AND NOTICE

A. Following the citizens review meeting, the Commission shall proceed to hold a public hearing upon such application at which time all persons shall be given an opportunity to be heard.

B. The Commission shall cause one notice of such hearing to be published in a newspaper of general circulation in the town and shall post of cause to be posted three notices of hearing, one of which shall be on the subject property, and the other two within three hundred (300) feet thereof. All notices shall comply with the requirements set forth in A.R.S. § 9-462.04.

C. Publication and posting of the notice shall be at least 15 days prior to the date of the hearing and shall state the date, time and location where the hearing will be held. Such notice, both as published and posted, shall provide the nature of the application. (Ord. 363)

17.14.060 FINDINGS REQUIRED

A. In considering amendments to a zoning ordinance or to the official zoning map, the Commission shall only recommend approval and the Town Council shall only approve the proposed amendment based on a determination that the amendment as proposed or as modified conforms with the general plan.

B. The Town Council in taking its action shall find the following:

1. All required public notice has been conducted in accordance with applicable state and local laws;

2. All required public meetings and hearings have been held in accordance with applicable state and local laws.

(Ord. 363)

CHAPTER 17.16

ZONING DISTRICTS DESIGNATED

SECTION:

17.16.010 **Division of Town into Districts – Enumeration**
17.16.020 **Rules Where Uncertainty May Arise**

17.16.010 DIVISION OF TOWN INTO DISTRICTS – ENUMERATION

In order to classify, regulate, restrict and separate the use of land, buildings and structures and to regulate and to limit the type, height and bulk of buildings and structures and to regulate the areas of yards and other open areas around and between buildings and structures and regulate the density of dwelling units, the city is divided into the following districts:

A. Residential Districts.
R-1 – Single-family residential district
RM – Multiple family residential district
MH – Mobile home district

B. Commercial Districts.
C. Industrial Districts
LI - Light industrial district
HI – Heavy industrial district

(Ord. No. 192 § 4.100, 1975)

17.16.020 RULES WHERE UNCERTAINTY MAY ARISE

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning district map made a part of this title by reference, the following rules apply:

A. The district boundaries are either street lines or alley lines unless otherwise shown and where the districts designated on the zoning district map are bounded approximately by street or alley lines, the street lines or alley lines shall be construed to be the boundary of the district.

B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the zoning district map are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

(Ord. No. 192 § 4.201, 1975)

CHAPTER 17.20

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION:

17.20.010	**Purpose**
17.20.020	**Use Regulations**
17.20.030	**Property Development**
17.20.040	**Off-Street Parking**

17.20.010 PURPOSE

This district is intended to promote and preserve urban single-family residential development. The principal land use is a single-family dwelling. Uses incidental or accessory to dwellings, recreational, religious and educational facilities are included. (Ord. No. 192 § 5.101, 1975)

17.20.020 USE REGULATIONS

A. Permitted Uses. Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:
   1. Dwelling, single-family;
   2. Accessory buildings; swimming pool, private; home occupations; and other accessory uses;
   3. Park, playground and community owned buildings;
   4. Schools: public, elementary and high;
   5. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work;
   6. Churches.

B. Uses Subject to Special Use Permit. The planning commission may permit other compatible uses such as golf courses, cemeteries, etc., within in the district subject to the application and hearing procedures established under Chapter 17.56, Special Use Permits.

(Ord. No. 232 § 2, 1988: Ord. 1 No. 92 § 5.102, 1975)

17.20.030 PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings in the single-family residential district (for purposes of this section only the word "building" shall include mobile homes):

A. Lot Area:
   1. Each lot shall have a minimum area of not less than six thousand (6,000) square feet;
   2. If a parcel of land or a lot of record in separate ownership has less width or area than required in this chapter and has been lawfully established and recorded prior to the date of the passage of this title, such lot may be used for any purpose permitted in this section.

B. Lot Dimension.

1. Width. All lots shall have a minimum width of sixty (60) feet.

C. Density. There shall not be more than one single-family dwelling unit on any one lot.

D. Building Height. No building shall exceed thirty (30) feet in height, except as otherwise provided in Chapter 17.44.

E. Yards.

1. Front Yard.
   a. There shall be a front yard having a depth of not less than twenty (20) feet.
   b. Where lots have a double frontage on two streets, the required front yard of twenty (20) feet shall be provided on both streets. These requirements apply to the building setbacks only and fences, pools and accessory buildings can be maintained in one yard.
   c. Where a lot is located at the intersection of two or more streets, there shall be a yard conforming to the front yard requirements on the street with the narrowest frontage and a yard of not less than ten feet on the intersecting street.
   d. On lots abutting designated minor residential streets having right-of-way widths of one hundred (100) feet or more, front yard setbacks may be eliminated.
2. Side Yard.
   a. There shall be a side yard on each side of a building having an aggregate width of not less than fourteen (14) feet, provided, however, the minimum side yard shall not be less than five feet in width.
   b. No accessory building shall be located in the required side yard abutting the street. A private garage, whether attached or detached, having perpendicular access from the side street shall be located not less than twenty (20) feet from the side property line abutting such street. Exception being lots adjacent to minor residential streets having rights-of-way of one hundred (100) feet or more, then the garage may be located adjacent to the right-of-way line.
3. Rear Yard. There shall be a rear yard having a depth of twenty-five (25) feet;
4. Other requirements and exceptions as specified in Chapter 17.44.

F. Distance Between Buildings.

1. There shall not be less than ten feet between an accessory building and the main building.
2. The minimum distance between main buildings on adjacent lots shall not be less than fourteen (14) feet.

G. Buildings, Walls and Fences and Landscaping.

1. Walls, fences and hedges not to exceed six feet in height shall be permitted on the property line within the required side or rear yard. Walls, fences and hedges shall not exceed three feet in height on the front property line or within the required front yard except as provided in Chapter 17.44
2. Swimming pools shall be screened from adjacent properties by a protective fence or permanent structure not less than five feet in height. The swimming pool shall be protected by a protective enclosure which shall be controlled by use of self-closing gates with self-latching devices.

H. Access. All lots shall have vehicular access on a dedicated street or alley, unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

(Ord. No.232 § 3, 1988: Ord. No.192 § 5.103, 1975)

17.20.040 OFF-STREET PARKING

The provision of Chapter 17.48 shall apply. (Ord. 1 No.92 § 5.104, 1975)

CHAPTER 17.24

R-M MULTIPLE-FAMILY RESIDENTIAL DISTRICT

SECITON:

17.24.010	**Purpose**
17.24.020	**Use Regulations**
17.24.030	**Property Development Standards**
17.24.040	**Off-Street Parking**

17.24.010 PURPOSE

This district is intended to provide for development of multiple-family residential. It also provides for public and semipublic, institutional and other transitional uses. The district, however, is basically residential in character. (Ord. No. 192 § 5.1001, 1975)

17.24.020 USE REGULATIONS

A. Permitted Uses. Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:
   1. All uses permitted in the R-1 district;
   2. Boarding house or lodging house;
   3. Buildings containing residential living units.

B. Uses Permitted by Special Use Permit.
   1. Community buildings not publicly owned;
   2. Day nursery;
   3. Home for the aged or nursing home;
   4. Orphanage;
   5. Private club, fraternity, sorority and lodges;
   6. Semipublic swimming pools, tennis courts;
   7. Private school having curriculum equivalent to a public elementary school or public high school and having no room regularly used for housing or sleeping;
   8. Public or institutional buildings, such as hospitals, fire stations, police stations, YMCA and Boys Club;
   9. Public utility buildings, structures or appurtenances thereto for public service uses;
   10. Temporary sales office buildings.

(Ord. No.192 § 5.1003, 1975)

17.24.030 PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings in the R-M district:

A. Lot Area.
   1. Each development shall have a minimum lot area of eight thousand (8,000) square feet.

2. If a parcel of land or a lot of record in separate ownership has less width or area than required in this chapter and has been lawfully established and recorded prior to the date of the passage of this title, such lots may be used for any purpose permitted in this section.

B. Density.

1. The minimum gross land area for multiple-family dwellings shall be three thousand five hundred (3,500) square feet per unit.
2. The minimum gross land area for efficiency apartments shall be two thousand (2,000) square feet per unit.
3. The main buildings and all accessory buildings shall not occupy more than fifty (50) percent of the total net area of the lot.

C. Building Height.

1. No building shall exceed thirty-five (35) feet in height except as otherwise provided in Chapter 17.44.
2. If the R-M development abuts a single-family residential district or an alley abutting a single-family residential district, the commission may limit the building height to one story.

D. Yards.

1. Front Yard.
   a. There shall be a front yard having a depth of net less than twenty (20) feet.
   b. Where lots have a double frontage on two streets the required front yard of twenty (20) feet shall be provided on both streets.
   c. Where a lot is located at the intersection of two or more streets, one yard shall conform to the front yard requirements and one yard shall have a depth of not less than ten feet; provided, however, the buildable width of a lot of record at the time of passage of this title need not be reduced to less than thirty (30) feet.
   d. No accessory building shall project into yards required to conform with the front yard requirements;
2. Side Yard. There shall be a side yard on each side of an occupied building having an aggregate width of not less than fourteen (14) feet; provided, however, the minimum side yard shall not be less than five feet in width;
3. Rear Yard.
   a. Single story structures shall provide a rear yard having a depth of not less than fifteen (15) feet.
   b. For each additional story, there shall be provided ten additional feet of rear yard;
4. Other requirements and exceptions as specified in Chapter 17.44.

E. Distance Between Buildings.

1. There shall not be less than ten feet between an accessory building and a main building or between two main buildings.
2. The minimum distance between main buildings on the same lot or adjacent lots shall be one-half of the combined height.

F. Buildings, Walls and Fences and Landscaping.

1. Wall, fences and hedges shall be permitted on the property line or within the required yard areas.

2. Swimming pools shall be screened from adjacent properties by a protective fence or permanent structure not less than five feet in height. The swimming pool shall be protected by a protective enclosure which shall be controlled by the use of self-closing gates with self-latching devices.
3. A minimum of ten percent of the total lot area shall be landscaped.

G. Access. All lots shall have frontage on and have vehicular access from a dedicated street, unless a secondary means of permanent vehicle access has been approved by the Board of Adjustment upon application for a variance.

(Ord. No. 192 § 5.1004, 1975)

17.24.040 OFF-STREET PARKING

The provisions of Chapter 17.48 shall apply. (Ord. No.192 § 5.1005, 1975)

CHAPTER 17.28

M-H MOBILE HOME DISTRICT

SECTION:

17.28.010	**Purpose**
17.28.020	**Use Regulations**
17.28.030	**Property Development Standards**
17.28.040	**Off-Street Parking**
17.28.050	**Other Requirements for Mobile Home Parks and Subdivisions**

17.28.010 PURPOSE

This district is intended to provide for the development of mobile home parks and subdivisions at standards consistent with the health, safety and welfare of the community. (Ord. No.192 § 5.2001, 1975)

17.28.020 USE REGULATIONS

Permitted Uses. Buildings, structures, mobile homes or premises shall be used and buildings, structures or mobile homes shall hereafter be erected, altered or enlarged only for the following uses:
Parking of residential trailers and mobile homes.
(Ord. No. 192 § 5.2003, 1975)

17.28.030 PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land, buildings and mobile homes in the M-H district:

A. Development Standards. Each parcel of land used for mobile home park purposes under one ownership and management shall comply with the following regulations.

B. Area.
   1. Each parcel of land used for a mobile home park shall have a minimum area of three acres.
   2. In mobile home parks there shall be a minimum of five thousand (5,000) square feet of gross land area per mobile home.

C. Dimensions.
   1. Width. Each mobile home space shall have a minimum with of forty (40) feet.
   2. Depth. Each mobile home space shall have a minimum of eighty (80) feet.

D. Density. There shall be not more than one mobile home per each mobile home space.

E. Building Height. No building shall exceed thirty (30) feet in height except as otherwise provided in Chapter 17.44.

F. Yards.
   1. Front Yard.
      a. There shall be a front yard having a depth not less than ten feet.
      b. Where lots have a double frontage, the required front yard shall be provided on both streets.

2. Side Yard.
   a. There shall be side yards on each side of a building or mobile home having an aggregate width of not less than fourteen (14) feet, provided, however, the minimum side yard shall not be less than five feet in width.
   b. Side yards abutting a public street shall not less than twenty (20) feet and shall be landscaped and maintained, provided, however, that a wall six feet in height may be permitted with the required side yard when such yard abuts a public street.
3. Rear Yard. There shall be a rear yard having a minimum depth of ten feet.

G. Distance Between Buildings.
   1. There shall be not less than ten feet between an accessory building and the main building or mobile home.
   2. The distance between main buildings or mobile homes on adjacent lots shall be not less than fifteen (15) feet.

H. Buildings, Walls, Fences and Landscaping.
   1. All mobile home parks shall have decorative masonry exterior walls.
   2. Landscaping shall be provided with a minimum of ten percent of the gross area to be landscaped.

I. Access.
   1. Mobile home parks shall have vehicular access from a major street or highway.
   2. Access roads within the mobile home park shall be paved to a minimum width of not less than twenty-eight (28) feet. (Ord. 192 § 5.2004, 1975)

17.28.040 OFF-STREET PARKING

The provisions of Chapter 17.48 shall apply. (Ord. No. 192 § 5.2005, 1975)

17.28.050 OTHER REQUIREMENTS FOR MOBILE HOME PARKS AND SUBDIVISIONS

A. Maximum coverage, including buildings, mobile homes and paved areas shall not exceed sixty (60) percent in mobile home parks.

B. All mobile homes shall be equipped with toilet and bath facilities and shall be connected to a sanitary sewer line. Water, telephone and electric service shall be provided and all utilities shall be underground.

C. Finished floors of all mobile homes shall not be higher than eight inches above normal grade and shall have solid skirting to the ground on all sides.

D. The total area set aside from recreation shall be not less than ten percent of the gross area and one or more community recreation areas, having not less than three thousand (3,000) square feet in area, shall be set aside within the mobile home park.

(Ord. No. 192 § 5.2007, 1975)

CHAPTER 17.32

C COMMERCIAL DISTRICT

SECTION:

17.32.010	**Purpose**
17.32.020	**Use Regulations**
17.32.030	**Property Development Standards**
17.32.040	**Off-Street Parking**
17.32.050	**Building Permits**
17.32.060	**Medical Marijuana Facilities Regulations**

17.32.010 PURPOSE

This district is intended to permit commercial activities designed to serve the community. This district includes uses usually associated with the central business district and shopping facilities which are not ordinarily compatible with residential development, and includes the sale of commodities or performance of services designed for application on major streets and highways. (Ord. No. 192 § 5.4001, 1975)

17.32.020 USE REGULATIONS

A. Uses Permitted. Buildings, structures or premises shall be used and buildings and structures shall hereafter be erected, altered or enlarged only for the following uses:

1. Business and Professional.
   - a. Blueprinting, printing, lithograph, publishing, photostating establishment;
   - b. Business or professional offices;
   - c. Business school;
   - d. Hospital or clinic for animals including boarding and lodging, provided that there shall be no open kennels maintained and provided all facilities will be conducted in soundproof buildings;
   - e. Laboratory, medical or dental;
   - f. Museum or library;
   - g. Music conservatory or music instruction;
   - h. Post office, on private property;
   - i. Public buildings;
   - j. School, private, operated as a commercial enterprise;
2. Retail Sales.
   - a. Antique store;
   - b. Art gallery;
   - c. Automobile parts store;
   - d. Awning or canvas store;
   - e. Bakery;
   - f. Camera store;
   - g. Candy sales, including the making of candy;

h. Craft shop conducted in conjunction with retail business which includes ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, dress designing, sculpturing and wood carving;
i. Delicatessen;
j. Drive-in restaurant, restaurant or café;
k. Drugstore;
l. Florist;
m. Furniture store;
n. Grocery store or supermarket;
o. Hardware;
p. Ice cream parlor;
q. Liquor store;
r. Medical marijuana facilities, subject to the regulations set forth in Section 17.32060 and the Arizona Department of Health Services;
s. Pet shop, not involving the treatment or boarding of cats or dogs;
t. Variety store, including toy store.

3. Residential.
   a. Multiple-family dwellings located above the first floor of commercial buildings;
   b. Hospitals and out-patient clinics;
   c. Any use permitted in an R-1 or R-M district with the exception of placing a mobile home within an area zoned as a commercial district unless such mobile home is designed for a commercial purpose.
4. Services.
   a. Appliance repair shop;
   b. Automobile rental;
   c. Bank;
   d. Barber shop or beauty shop;
   e. Bowling alley, beauty shop, barber shop, bath, Turkish, including masseur;
   f. Broadcasting station and studio, radio or television;
   g. Day nursery, nursery school and private kindergarten;
   h. Hotel and motel;
   i. Pool hall;
   j. Repair shop, radio and television;
   k. Shoe repair shop;
   l. Swimming pool sales office, including display pools only; but excluding construction equipment storage yard;
   m. Theaters, but not including drive-in theater;

B. Uses Permitted by a Special Use Permit.
1. Amusement park;
2. Automobile sales, new and used only when conducted in conjunction with new automobile sales.
3. Bars and cocktail lounges;
4. Car wash;
5. Clothes cleaning agencies, pressing establishment, laundry agency, self-service laundry and self-service coin-operated cleaning; provided in the case of self-service coin-operated cleaning that no one cleaning machine on the premises

shall carry a load of greater than twenty (20) pounds and provided further, that all solvents and other agents shall be of chlorinated solvent type and noncombustible and nonexplosive;

6. Drive-in theater;
7. Engineering research office including a model shop for light machinery prototypes;
8. Funeral home and chapel;
9. Gasoline service station;
10. Golf courses;
11. Outdoor sales display areas, excluding new and used automobile sales;
12. Plant nursery;
13. Other comparable commercial uses as determined by the Town Council, subject to the application and hearing procedures of Chapter 17.56.

(Ord. No.232 § 4, 1988: Ord. No.192 § 5.4003, 1975:Ord. No. 322)

17.32.030 PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings in the C commercial district:

A. Open Space Requirement. Any part of the total lot area not required for buildings, structures, loading and vehicular access ways, streets, parking and utility areas, pedestrian walks and hard surfaced activity areas shall be landscaped with grass, trees, shrubs and may include other inorganic materials such as water and aggregate. All landscaped areas and material shall be maintained in a healthy, neat, clean weed-free condition. Dead plant material shall be replaced with healthy plant material.

B. Building Height. No building shall exceed thirty-six (36) feet in height except as otherwise provided in Chapter 17.44.

C. Density.
   1. Hotels or motels shall provide not less than ten guest rooms and/or dwelling units with a minimum gross land area of one thousand (1,000) square feet per unit.
   2. Multiple-family dwellings shall provide a minimum land area of five hundred (500) square feet for each dwelling unit.

D. Yards.
   1. Front Yard. No front yard is required except as provided in Chapter 17.44 or unless a block is partly in the C commercial district and partly in the residential district, in which event the front yard regulations of the residential district shall apply.
   2. Side Yard. A side yard of not less than thirty (30) feet shall be maintained where the side of the lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district.
      A side yard of net less than twenty (20) feet shall be maintained where the side lot abuts a multiple-family residential district.
   3. Rear Yard. A rear yard of not less than thirty (30) feet shall be maintained where the rear lot abuts a single-family residential district or abuts an alley which is adjacent to the single-family residential district.
   4. All operations and storage shall be conducted within a completely enclosed building or within an area contained by a wall or fence.

5. There shall be a six-foot high masonry wall or approved landscape screen on the rear and side property lines that are adjacent to any residential districts.
6. Other requirements and exceptions as specified in Chapter 17.44.

(Ord. No.192 § 5.4004, 1975)

17.32.040 OFF-STREET PARKING

The provisions of Chapter 17.48 shall apply. (Ord. No.192 § 5.4005, 1975)

17.32.050 BUILDING PERMIT

No building permit will be issued until a special use permit has been obtained, if required. (Ord. No. 192 § 5.4007, 1975)

17.32.060 MEDICAL MARIJUANA FACILITIES REGULATIONS

Medical Marijuana facilities shall be located, developed, and operated in compliance with the following standards:

A. **Applicability.** The minimum requirements of this section shall apply to all medical marijuana dispensary and medical marijuana offsite cultivation site uses located in any zoning district.

B. **General.** All medical marijuana dispensaries and medical marijuana offsite cultivation sites shall:
   1. Be located in the C Commercial District or the L-1 Light Industrial District and shall not be located in any residential district within the town.
   2. Not be operated as a home occupation anywhere within the town.
   3. Supply proof that the dispensary is State approved, certified and registered with the Arizona Department of Health Services pursuant to Arizona Revised Statutes, Title 36, Chapter 28.1.
   4. Comply with all registration and recordkeeping required by the Town, Gila County and Arizona Law.
   5. Obtain, maintain and display a valid Town of Miami Business License as required by Chapter 5.04 of this Code.
   6. Supply the name of the dispensary with which it is affiliated if offsite cultivation is proposed.
   7. If medical marijuana is supplied to the dispensary by a qualified patient or caregiver, provide the name and contact information of the qualified patient or caregiver.
   8. Be located in a permanent building and shall not be located in a temporary structure, trailer, cargo container, motor vehicle, or other similar non-permanent enclosure.
   9. Not have drive-through facilities or take-out windows.
   10. Not emit dust, fumes, vapors or odors into the environment.
   11. Prohibit consumption of medical marijuana on the premises and shall not permit or provide indoor or outdoor seating areas or facilities for the consumption of medical marijuana anywhere on the site.
   12. Comply with all applicable building, fire and safety codes and permit inspections as may be required by those codes.

13. Be designed and constructed to provide an entrance from a public street and prevent visibility of medical marijuana from the exterior.
14. Prohibit entry by any person under eighteen (18) years of age, except with prior approval from the Chief of Police, or his designee, and for good cause shown.
15. Post a notice in a conspicuous place that admission to the facility by anyone other than a registered cardholder, as that term is defined in A.R.S. § 36-2801, and by all persons under the age of 18 is prohibited.

C. **Location.** Medical marijuana facilities shall be a minimum distance from the uses set forth in the table below. Measurements shall be made in a straight line in any direction from the closest perimeter business walls.

USE OR USE CLASSIFICATION	SEPARATION REQUIREMENT (FEET)
ANOTHER MEDICAL MARIJUANA DISPENSARY OR OFFSITE CULTIVATION SITE	500
DAY CARE CENTER, PUBLIC OR PRIVATE	500
PUBLIC OR PRIVATE PARK	500
SCHOOLS, PUBLIC OR PRIVATE	500
RESIDENTIAL ZONING DISTRICT BOUNDARY	250

D. **Hours of operation.** A medical marijuana facility shall have operating hours not earlier than 8:00 a.m. and not later than 8:00 p.m.

E. **Security plan requirements.** A medical marijuana facility shall submit a security plan to the Town containing the following information:
1. Proof that the "nonprofit Medical Marijuana Dispensary Agent," as that term is defined in A.R.S. §26.2801, is at least twenty-one years of age and has satisfied all requirements of the Arizona Department of Health Services to act as a medical marijuana dispensary agent.
2. Proof that all cultivation and storage of medical marijuana will take place in an enclosed, locked facility equipped with locks or other security devices that permit access only by persons authorized to enter pursuant to State and local law.
3. A floor plan that details the security measures required by Arizona Law including an on-site alarm system and a single secure entrance.
4. Additional protections, if any, against medical marijuana diversion and theft.
5. Provide and keep up to date a list of the names and contact information for all persons who are authorized to access the dispensary and offsite cultivation site.

(Ord. No. 322, 2011)

CHAPTER 17.36

L-I LIGHT INDUSTRIAL DISTRICT

SECTION:

17.36.010	**Purpose**
17.36.020	**Use Regulations**
17.36.030	**Property Development Standards**
17.36.040	**Off-Street Parking**
17.36.050	**Medical Marijuana Facilities Regulations (ord. No. 322)**

17.36.010 PURPOSE

This district is intended to provide sufficient space in appropriate locations for light industrial development, wholesale or heavy commercial use. (Ord. No. 192 § 5.9001, 1975)

17.36.020 USE REGULATIONS

Any use permitted in the C commercial district except residential or churches, any light industrial use or development, heavy commercial uses or wholesale, trucking or storage uses may be permitted provided such use complies with all of the following regulations of this district. Generally those industrial, office, laboratory and manufacturing uses which do not create any danger to health and safety in surrounding areas and which do not create any offensive noise, vibration, smoke, fumes, dust, odor, heat or glare and which by reason of high value in relation to size and weight of merchandise received and shipped, generate minimum of truck traffic. (Ord. No. 192 § 5.9003, 1975)

17.36.030 PROPERTY DEVELOPMENT STANDARDS

The following property development standards shall apply to all land and buildings in the L-I district;

A. Open Space Requirement. Any part of the required yard areas not required for loading and vehicular access ways, driveways, parking and utility areas and pedestrian walks shall be landscaped with grass, trees, shrubs, and may include other materials such as water and aggregate. All landscaped areas and material shall be maintained in a healthy, neat, clean, weed-free condition. Dead plant material shall be replaced with healthy plant material.

B. Building Height. No building shall exceed thirty-six (36) feet in height except as otherwise provided in Chapter 17.44.

C. Yards.

1. Front Yard. There shall be a front yard of not less than fifty (50) feet on all lots adjacent or abutting residential districts or adjacent to major streets or highways, of which the front twenty (20) feet shall be utilized for landscaping and entrance drives.

2. Side Yards. A side yard of not less than thirty (30) feet shall be maintained where the side of the lot abuts a residential district, of which the exterior twenty (20) feet shall be utilized for landscaping.

D. Buildings, Walls, Fences and Landscaping.

1. All operations and storage adjacent to residential or commercial districts or adjacent to a major street or highway shall be conducted within a completely enclosed building or within an area enclosed by a masonry wall or landscape screen at least six feet in height, and provided that no objects shall be stacked higher than the wall so erected.
2. There shall be a six-foot high solid wall on the rear and side property lines that are adjacent to any residential districts.
3. Any part of the area adjacent to major streets and highways not used for buildings or other structures, loading and access ways, parking areas or pedestrian walks shall be landscaped and maintained with grass.

E. Performance Standards.

1. No use shall be established, maintained or conducted in any L-I light industrial district which may cause any:
   a. Dissemination of smoke, fumes, gas, dust, odor, or any other atmospheric pollutant outside the building in which the use is conducted, or, with respect to a use or any part thereof that is not conducted within a completely enclosed building, any such dissemination whatsoever.
   b. Noise objectionable beyond the boundaries of the district.
   c. Discharge of any waste material whatsoever into any water course or ditch.
   d. Dissemination of glare or vibration beyond the immediate site of the use.
   e. Physical hazard by reason of fire, explosion, radioactivity, or any similar cause to property in the same or an adjacent district.

(Ord. No.192 § 5.9004, 1975)

17.36.040 OFF-STREET PARKING

As provided in Chapter 17.48. (Ord. No.192 § 5.9005, 1975)

17.36.050 MEDICAL MARIJUANA FACILITIES REGULATIONS

Medical marijuana dispensaries and offsite cultivation facilities shall be located, developed, and operated in compliance with the standards set forth in Section 17.32.060 Medical Marijuana Facilities Regulations. (Ord. No. 322, 2011)

CHAPTER 17.40

H-I HEAVY INDUSTRIAL DISTRICT

SECTION:

17.40.010	**Purpose**
17.40.020	**Special Use Permit**
17.40.030	**Use Regulations**
17.40.040	**Off-Street Parking**

17.40.010 PURPOSE

This district is intended to provide through special use permits sufficient space in appropriate locations for heavy industrial development, such as, but not limited to automobile graveyards, chemical manufacture, commercial feed lots, foundries, mining, rock crushing, smelting, slaughter of animals or wholesale storage of gasoline. (Ord. 192 § 5.9101, 1975)

17.40.020 SPECIAL USE PERMIT

No structure or building shall be built upon land in the H-I district nor building permit issued until a special use permit has been obtained as outlined in Chapter 17.56. (Ord. No. 192 § 5.9102, 1975)

17.40.030 USE REGULATIONS

A. Permitted Uses. The Town Council may issue a special use permit for any heavy industrial use provided such use does not create any offensive noise, vibration, smoke, fumes, dust, odor, heat or glare beyond the boundaries of the district nor create any hazards due to adverse soil conditions or subsidence of the earth or any other man-made hazard to life or property, and subject to the following regulations for the district.

B. Building Height. No building shall exceed thirty-six (36) feet in height except as otherwise provided in Chapter 17.44.

C. Yards.
   1. Front Yard. There shall be a front yard of not less than one hundred (100) feet on all lots adjacent or abutting residential districts or adjacent to designated major streets and highways.
   2. Side or Rear Yard. A side or rear yard of not less than fifty (50) feet shall be maintained where the side or rear abuts a residential district.

D. Buildings, Walls, Fences and Landscaping.
   1. There shall be a six-foot high solid wall on the rear and side property lines that are adjacent to any residential districts.
   2. Any part of the required yard area not used for access ways, parking areas or pedestrian walks shall be landscaped and maintained with grass, trees, shrubs or any other appropriate landscaping.

(Ord. No. 192 § 5.9103, 1975)

17.40.040 OFF-STREET PARKING

The provisions of Chapter 17.48 shall apply. (Ord. No.192 § 5.9104, 1975)

CHAPTER 17.43

PAD - PLANNED AREA DEVELOPMENT OVERLAY DISTRICT

SECTION:

17.43.010	**Purposes**
17.43.020	**Use of a Planned Area Development Overlay Zoning District**
17.43.030	**Approval**

17.43.010 PURPOSES

The purposes of the Planned Area Development Overlay Zoning District (PAD) are to:

A. Modify underlying zoning district regulations.

B. Provide opportunities for unique or mixed-use development.

C. Provide a mechanism for establishment of a protected development right plan as required by state law.
(Ord. 363)

17.43.020 USE OF A PLANNED AREA DEVELOPMENT OVERLAY ZONING DISTRICT

A PAD may modify the requirements of the underlying zoning district. The PAD may overlay any zoning district or contiguous districts. The regulations of the underlying zoning district or districts shall apply except to the extent modified by the PAD. The official zoning map shall identify the area covered by each PAD. (Ord. 363)

17.43.030 APPROVAL

A. Development Plan. A PAD shall be approved by ordinance adopted by the Council following the procedures set forth in Sections 17.12.040 through 17.12.060 and shall include a development plan consisting of a site plan, preliminary landscape plan, building elevations, building height, design guidelines, residential lot layout, open space plan, or other plan applicable to the project. The use and development of the property in a PAD shall substantially conform to the development plan approved by the Town Council as an exhibit to the PAD zoning ordinance.

B. Conditions. The Planning and Zoning Commission may recommend, and the Town Council may impose, conditions of approval including, but not limited to, the following:

1. Timing or phasing of development;
2. Off-site and on-site improvements;
3. Development standards;

4. Design guidelines;
5. Conditions of use;
6. Dedication of land for public purposes;
7. Granting of utility easements;
8. Granting of easements for public use of trails and open space areas;
9. Requirements for establishment of a homeowners or property owners associations or other mechanism to assure continued maintenance of commonly owned land and facilities; and
10. Reservation of land for future public acquisition.

(Ord. 363)

CHAPTER 17.44

GENERAL PROVISIONS

SECTION:

17.44.010	**Additional Height Regulations**
17.44.020	**Permissible Height and Area Regulations – Exception to Height Restrictions**
17.44.030	**Structures Near Airplane Runway or Landing Strip**
17.44.040	**Height Limitations on Fences, Hedges, Shrubbery, etc., on Corner Lots**
17.44.050	**Additional Area Regulations**
17.44.060	**Adjustment of Front Yard Requirements in Residential Districts**
17.44.070	**Abandoned or Junk Vehicles**
17.44.080	**General Provisions and Stipulations – All Districts**

17.44.010 ADDITIONAL HEIGHT REGULATIONS

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the district regulations appearing elsewhere in this title. (Ord. No. 192 § 7.100, 1975)

17.44.020 PERMISSIBLE HEIGHT AND AREA REGULATIONS – EXCEPTION TO HEIGHT RESTRICTIONS

Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, grain elevators, or necessary mechanical appurtenances, may be erected to a height not exceeding one hundred (100) feet in accordance with existing future ordinance of the town adopted in this title. (Ord. No. 192 § 7.102, 1975)

17.44.030 STRUCTURES NEAR AIRPLANE RUNWAY OR LANDING STRIP

No building or structure or any portion thereof which exceeds a height of twenty (20) feet shall be erected or structurally altered within five hundred (500) feet of the projected centerline of an existing or proposed runway or landing strip for a distance of one thousand (1,000) feet from the end of the existing or proposed runway or landing strip. No building or structure or any portion thereof shall be erected to exceed a height that would interfere with the takeoff or landing of a plane with a glide angle of one foot vertical for every forty (40) feet horizontal, such glide angle to be computed as beginning at a point on the extended centerline of the runway two hundred (22) feet beyond and at the same elevation as the end of the runway pavement; or, if runway pavement is not provided, one hundred (100) feet beyond and at the same evaluation as the end of the landing strip. (Ord. No. 192 § 7.103, 1975)

17.44.040 HEIGHT LIMITATION ON FENCES, HEDGES, SHRUBBERY, ETC., ON CORNER LOTS

A. As an aid to free, safe movement of vehicles at and near street intersections and in order to promote more adequate protection for the safety of children, pedestrians, operators of vehicles and for property, proposed construction hereafter shall be limited on the height of fences, walls, gateways, ornamental structures, hedges, shrubbery and other fixture construction and planting on corner lots in all districts where front yards are required.

1. Such barriers to clear unobstructed vision at corners of intersecting streets shall be limited to a height of not over two feet above the established elevation of the nearest street line, for a distance of twenty-five (25) feet along both the front and side lot lines, measured from the point of intersection of the intersecting lot lines.
2. Within the isosceles triangle formed as required in subsection A1 of this section, by connecting the ends of the respective twenty-five (25) foot distances, all of the fixtures, construction, hedges, shrubbery and other planting shall be limited to a height not over two feet above the elevation of the street line level at the intersecting streets.
3. Within the triangle, and in cases where front yards are terraced, the ground elevation of such front yards shall not exceed two feet above the established street line elevation at the intersecting streets.

(Ord. No. 192 § 7.104, 1975)

17.44.050 ADDITIONAL AREA REGULATIONS

A. Accessory Buildings.

1. No accessory building shall be constructed upon a lot unless the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed on the premises.
2. No accessory building shall be permitted in a required front or side yard.
3. Accessory buildings may be constructed in a rear yard, but such accessory buildings shall not occupy more than thirty (30) percent of a rear yard.
4. Accessory buildings shall not be constructed closer than two feet to any side or rear lot line.
5. Accessory buildings used as a garage or carport having access from an alley shall not be located closer than fifteen (15) feet to the centerline of such alley.

B. Projections into Required Yards of Residential Buildings. Yards shall be open and unobstructed from the ground to the sky except for the following:

1. Yard Projections.
   a. Building construction and ornamental features may project two feet into the required yards.
   b. Balconies, stairs, covered porches may project four feet into the required yards.
   c. Chimneys may project two feet into the required yards.
   d. Mechanical equipment such as air conditioners may be constructed in the rear yard provided the blower system is not directed toward the adjacent

property, and provided such mechanical equipment shall not be closer than fourteen (14) feet to any main living area on an adjacent lot.

C. Basement or Cellar Occupancies. No basement or cellar shall be occupied for residential purposes until the remainder of the building has been completed.

D. Temporary Buildings. Temporary buildings that are used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary buildings shall be removed upon completion or abandonment of the construction work.

E. Swimming Pools. No swimming pool shall be located closer than two feet to any property line, except that any portion of a pool wall constructed with distance from a property line less than the depth of the pool, the pool may be subject to special structural requirements.

(Ord. No. 192 § 7.200, 1975)

17.44.060 ADJUSTMENT OF FRONT YARD REQUIREMENTS IN RESIDENTIAL DISTRICTS

The front yards heretofore established shall be adjusted in the following cases:

A. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed a front yard greater in depth than required in this title, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

B. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then:

1. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides; or
2. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

(Ord. No.192 § 7.201, 1975)

17.44.070 ABANDONED OR JUNK VEHICLES

A. All abandoned or junk vehicles, or vehicles while being repaired or restored, shall be stored in an enclosed area by the owner or occupant of the property upon which such vehicles is located, in such a manner as to not be visible from any point lying without the property upon which abandoned or junk vehicles are stored or parked.

B. Definitions. For the purposes of this section:

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

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

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

(Ord. No. 192 § 7.300, 1975)

17.44.080 GENERAL PROVISIONS AND STIPULATIONS – ALL DISTRICTS

The following provision and stipulations shall apply to all districts unless the provisions and stipulations established in a particular district are in disagreement with the provisions and stipulations of the district in which case the provisions and stipulations of the affected district shall apply.

A. No building or other structure shall be erected, altered, or moved, nor shall any land or building be used, designed or intended to be used for any purpose or in any manner other than is included among the uses listed as permitted in the district in which such structure or land is located, except that any structure may be removed from any property.

B. No building or other structure shall erected or added to, so as to exceed in height the limit designated for the district in which located, whether such height be designated in stories, number, feet, or otherwise.

C. No building or other structure shall be erected or added to in such a manner as in to encroach upon or reduce any open space, yard setback requirement, lot area, or parking area as is designated for the district in which such structure or open space is located. No yard or other space on one lot shall be considered as providing a yard or open space for a structure on any other lot.

D. No building or structure shall be erected, constructed, altered, maintained or used in such a manner that the life, health, property or safety of the public or its occupants are endangered. This includes, but is not limited to, a building or structure or portion thereof:

1. In which the means of exit does not provide safe and adequate means of egress in case of fire or panic;
2. In such a condition that is likely to partially or completely collapse;
3. That is manifestly unsafe for the purpose for which it is being used;
4. That is used or intended for use as a dwelling and is determined by the Health Official to be unfit for human habitation or in such condition that it is likely to cause sickness or disease.
5. That is determined by the Fire Marshall to be a fire hazard.

E. No property or use shall be operated or maintained in such a manner as to be a fire and/or explosion hazard; no property or use shall be allowed to emit toxic fumes or generate toxic waste; neither shall there be emitted heat, or glare to such an extent as to constitute a nuisance; no property or use shall be operated or maintained to store junk or in such a manner as to be deemed a junk yard, unless permitted within a specific zoning district.

(Ord. No. 306, 2008)

CHAPTER 17.48

OFF-STREET PARKING AND LOADING REQUIREMENTS

SECTION:

17.48.010	**Off-Street Parking – General Regulations**
17.48.020	**Design Standards for Public and Private Off-Street Parking Area**
17.48.030	**Improvement Standards for Public and Private Off-Street Parking Areas**
17.48.040	**Parking Requirements**
17.48.050	**Off-Street Loading – General Regulations**

17.48.010 OFF-STREET PARKING – GENERAL REGULATIONS

A. Additions and Change of Occupancy. The standards for providing off-street parking shall apply at the time of the erection of any main building or when off-street parking is established. These standards shall also be compiled with when an existing building is altered or enlarged by the addition of dwelling units or guest rooms or where the use is intensive by a change of occupancy or by the addition of floor area, seating capacity or seats.

B. Maintenance of Existing Parking. Off-street automobile parking space being maintained in connection with any existing main building or use shall be maintained so long as such main building or use remains, provided, however, that this regulation shall not require the maintenance of more automobile parking space than is required in this chapter for a new building or use, nor the maintenance of such space for any type of building or use other than those specified in this chapter.

C. Nonconforming Parking. Where automobile parking space is provide and maintained in connection with any existing main building or use at the time this title became effective and is insufficient to meet the requirements for the use with which it is associated, or where no such parking has been provided, then such building or structure may be enlarged or extended only if automobile parking spaces are provided for such enlargement, extension or addition, to the standards set forth in the district regulations. No existing parking may be counted as meeting this requirement unless it exceeds the requirements for the original buildings and then only that excess portion may be counted.

D. Parking Space. A "parking space" means a permanently surfaced area, enclosed or unenclosed, having an area of not less than one hundred eighty (180) square feet which will accommodate a car, minimum width eight feet. "Parking:" as used in this title means off-street parking with access from streets or secondary means or as approved by subdivision plat.

E. Building Permits. No building permit shall be issued until the applicant has presented satisfactory evidence to the Zoning Administrator that he owns or has otherwise permanently available for his use sufficient property to provide parking to serve the intended use as required in this chapter. All off-street parking, as defined in this title, shall be located entirely on private property.

F. Flexible Units. Whenever a residential building is designed so that it can be easily divided into or used for separate apartments or guest rooms, the automobile parking

requirements shall be based upon the highest possible number of dwelling units or guest rooms obtainable from any such arrangement.

G. Combination of Uses. Where there is a combination of uses on a lot, the number of automobile parking spaces shall be the sum of the requirements of the various uses. If, in the opinion of the Zoning Administrator the uses would not be operated simultaneously, the number of automobile parking spaces shall be determined by the use with the highest parking demand.

H. Prohibited Parking.

1. Parking of more than five vehicles on any unimproved lot is prohibited. An improved lot shall mean one that fulfills the requirements of Section 17.48.030.
2. Parking or display of vehicles other than in designated and improved areas shall be prohibited. (Ord. 192 § 9.101, 1975)

17.48.020 DESIGN STANDARDS FOR PUBLIC AND PRIVATE OFF-STREET PARKING AREA

Parking Space Dimension. The minimum size of required parking spaces shall be a width of eight feet and length of twenty (20) feet.
The front two and one-half feet of the length of the space may be in a curb or low planter of a maximum height of six inches. (Ord. No. 192 § 9.102, 1975)

17.48.030 IMPROVEMENT STANDARDS FOR PUBLIC AND PRIVATE OFF-STREET PARKING AREAS

A. General Standards. All uses except residential uses shall be improved and maintained to standards established by the Public Works Department.

B. Where front, side or rear of public parking area adjoins a street which is a boundary with a residential zone there shall be a landscaped border net less than six feet in width, and a solid masonry wall three feet in height shall be erected between the landscaped area and the paved parking area.

C. Where the side or rear of such areas directly adjoins a residential zone, a solid masonry wall six feet in height shall be installed on the zone boundary line, such wall to be reduced to three feet in height within any corner cutback area and within the front yard area of the abutting residential zones.

D. Screening of parking areas shall be by decorative wall, earth landscaping, solid screen or a depressed parking area.

E. A minimum of fifteen (15) percent of all parking lot areas shall be landscaped as determined by site plan approval.

F. The parking lot shall be designed so that vehicles exiting therefrom will not be required to back out across any sidewalk or street.

(Ord. No. 192 § 9.103, 1975)

17.48.040 PARKING REQUIREMENTS

A. For every structure or part thereof hereafter erected, or for any building converted to such uses or occupancy for any addition thereto, there shall be provided on the premises accessible off-street parking.

1. Bowling alleys shall provide four parking spaces for each alley, plus two for each billiard table, plus one space for each five seats in any visitor gallery.
2. Business schools shall provide one parking space for each one hundred and fifty (150) square feet of gross floor area.
3. Churches shall provide one parking space for every four persons for which seating is provided in the main auditorium.
4. Commercial and office buildings shall provide one parking space for each two hundred (200) square feet of floor area in the building.
5. Community or recreation buildings shall provide one parking space for each two hundred (200) square feet of floor area.
6. Dance halls, skating rinks, and similar recreational uses shall provide one parking space for each three hundred (300) square feet of floor space in the building.
7. Day nurseries shall provide one parking space for each two hundred (200) square feet of floor area:
8. Dwellings.
    a. Single-family dwellings, mobile homes and townhouses shall provide two parking spaces for each dwelling unit.
    b. Multiple-family dwellings shall provide three parking spaces for every two dwelling units.
    c. Efficiency units in a multiple-family dwelling shall provide one and one-quarter parking spaces for each unit.
9. Elementary schools shall provide one parking space for each classroom plus one parking space for each two hundred (200) square feet of floor area in office areas.
10. Funeral homes shall provide one parking space for every four persons for which seating is provided in the main auditorium.
11. Furniture stores having a gross floor area exceeding twenty thousand (20,000) square feet shall provide parking in a ratio of not less than one square foot of parking for each square foot of retail sales floor area.
12. Golf courses shall provide one parking space for each two hundred (200) square feet of floor area in any main building plus one space for every two practice tees in the driving range, plus four parking spaces for each green in the playing area.
13. High schools shall provide one parking space for each two hundred (200) square feet of floor area.
14. Hospitals shall provide one parking space for each one bed.
15. Hotels, motels, boarding houses, lodging houses, fraternity and sorority houses and other such uses shall provide one guest room or dwelling unit.
16. Manufacturing and industrial uses shall provide one parking space for each five hundred (500) square feet of enclosed floor area.
17. Mobile home parks shall provide at least three automobile parking spaces for every two mobile home spaces, either in or within one hundred (100) feet of the mobile home space.
18. Nursing homes shall provide one parking space for each two beds.
19. Building materials yards, plant nurseries, equipment rental or sales yards, and similar uses shall provide one parking space for each three hundred (300) square feet of sales and display area.

20. Post offices (on private property) shall provide one parking space per each two hundred (200) square feet of floor area.
21. Restaurants, cafes, bars, cocktail lounges, and similar uses shall provide one parking space for each fifty (50) square feet of indoor public floor area, and one parking space for each two hundred (200) square feet of outdoor patio area.
22. Theaters, auditoriums, gymnasiums and similar places of public assembly shall provide one parking space for every four persons for which seating is provided.
23. Warehouses or wholesale establishments shall provide one parking space for each anticipated employee.
24. Automobile sales lots, for new and/or used vehicles, shall provide:
    a. One employee parking space per each two hundred (200) square feet of indoor floor area; and
    b. One employee parking space per each twenty (20) outdoor vehicle display spaces.

    Spaces designated for customer and employee parking shall be clearly indicated on the plans, or in an accompanying letter, before a building permit may be issued.
25. Credit for Participation in a Joint Parking Improvement Project. When a group of owners with mixed land uses including an area of more than three hundred (300) square feet and/or at least six separate ownerships join together on a voluntary basis, or form a parking improvement district to provide parking spaces equal to a minimum of thirty (30) percent of their combined requirements according to this title, each participant property shall receive credit for one and one-half times his proportioned share of the parking spaces provided. Before any such credit is considered, a statement shall be filed with the Zoning Administrator stating the number of spaces assigned to each participating property. No adjustments will be permitted after filing of this statement.

(Ord. No. 192 § 9.104, 1975)

17.48.050 OFF-STREET LOADING – GENERAL REGULATIONS

All buildings hereafter erected or established shall have and maintain loading space(s) subject to conditions in this chapter. No part of any alley or street shall be used for loading excepting areas designated by the city. (Ord. No. 192 § 9.201, 1975)

CHAPTER 17.52

NONCONFORMING USES

SECTION:

17.52.010	**Continuance of Nonconforming Use of Building or Land**
17.52.020	**Change to another Nonconforming Use**
17.52.030	**Nonconforming Use Created by Change in Zoning Ordinance or District Boundaries**
17.52.040	**Abandonment of Nonconforming Use of Building or Land**
17.52.050	**Enlargement, Extension, Reconstruction or Structural Alteration of Building or Land**
17.52.060	**Destruction of Nonconforming Building or Land**

17.52.010 CONTINUANCE OF NONCONFORMING USE OF BUILDING OR LAND

The lawful use of a building or land existing at the time of the passage of this title, although such use does not conform with the provisions of this title for such building or land, such use may be continued providing only reasonable repairs and alterations are made. (Ord. No. 192 § 1.601, 1975)

17.52.020 CHANGE TO ANOTHER NONCONFORMING USE

If no structural alterations are made, a nonconforming use of a building or land may be changed for a similar or more restricted classification, subject to a use permit. (Ord. No. 192 § 1.602, 1975)

17.52.030 NONCONFORMING USE CREATED BY CHANGE IN ZONING ORDINANCE OR DISTRICT BOUNDARIES

Whenever the use of a building or land become nonconforming through a change in the Zoning Ordinances or district boundaries, such use may be continued and, if no structural alterations are made, it may be changed to another nonconforming use of the same or more restricted classification, subject to a use permit. (Ord. No.192 § 1.602, 1975)

17.52.040 ABANDONMENT OF NONCONFORMING USE OF BUILDING OR LAND

In the event that a nonconforming use is abandoned, then any future use of such property shall be in conformity with the provisions of this title. For the purposes of this title, a nonconforming use discontinued for a period of twelve (12) months is presumed abandoned. (Ord. No.192 § 1.604, 1975)

17.52.050 ENLARGEMENT, EXTENSION, RECONSTRUCTION OR STRUCTURAL ALTERATION OF BUILDING OR LAND

No existing building or land designed, arranged or intended for or devoted to a use not permitted under the regulations of this title for the district in which such building or land is

located shall be enlarged, extended, reconstructed or structurally altered unless such building and such enlargement, extension, reconstruction and structural alterations, and further use hereof conform in every respect with the regulations specified by this title for such district in which such building or land is located, provided nothing in this chapter shall prohibit any reasonable repairs or alterations in a building or land used for such existing purposes. (Ord. No. 192 § 1.605, 1975)

17.52.060 DESTRUCTION OF NONCONFORMING BUILDING OR LAND

If at any time any building or land in existence or maintained at the time of the adoption of this title, which does not conform to the regulations for the district in which it is located, shall be destroyed by fire, explosion, act of God or act of the public enemy to the extent of fifty (50) percent of its value as determined by three competent appraisers, then and without further action by the Town Council, such building and the land on which such building was located or maintained shall from and after the date of such destruction be subject to all the regulations specified by this title for the district in which such land and building are located. (Ord. No. 192 § 9.103, 1975)

CHAPTER 17.56

SPECIAL USE PERMITS

SECTION:

17.56.010	**Special Use Permits; Issuance**
17.56.020	**Use Permits; Application**
17.56.030	**Action of Town Council**
17.56.040	**Decision**
17.56.050	**Violation**
17.56.060	**Special Use Permits Relating to Underground Uses**

17.56.010 SPECIAL USE PERMITS; ISSUANCE

Special use permits, which may be revocable, conditional or valid for a term period, may be granted only when expressly permitted by this title and only after the Council found in writing as follows.

A. The granting of such special use permit will not be materially detrimental to the public health, safety or welfare.
   1. In arriving at the above determination, the factors which shall be considered shall include the following:
      a. Damage or the nuisance arising from noise, smoke, odor, dust, fumes, vibration or illumination;
      b. Hazard to persons and property from possible explosion, contamination, fire or flood;
      c. Hazard occasioned by unusual volume or character of traffic.

B. The characteristics of the use proposed in such use permit are reasonably compatible with the types of use permitted in the surrounding area.

The burden of proof for satisfying the aforementioned requirements shall rest with the applicant. (Ord. No.192 § 2.201, 1975)

17.56.020 USE PERMITS; APPLICATION

Application for special use permit shall be made to the Zoning Administrator in writing on a form prescribed by the Zoning Administrator and shall be accompanied by a fee of thirty-five dollars ($35.00), no part of which shall be returned to the applicant. (Ord. No.192 § 2.202, 1975)

17.56.030 ACTION OF TOWN COUNCIL

The Town Clerk shall schedule a public hearing before the Town Council at which citizens shall have an opportunity to be heard. The time and place of such hearing shall be published at least once in an official newspaper of the town, not less than fifteen (15) days before the Council hearing date. The time and place of such public hearing and information concerning the special use permit requested shall be posted within the area included in the amendment at least fifteen (15) days before such Town Council hearing. (Ord. No. 192 § 2.205, 1975)

17.56.040 DECISION

Following any conclusion of the public hearing before the Town Council upon the application for a special use permit, the Council may grant a use permit stipulating those conditions it feels necessary to carry out the provisions and intent of this title. A copy of the special use permit shall be posted at all times on the premises. (Ord. No.192 § 2.206, 1975)

17.56.050 VIOLATION

The violation of any condition imposed by the special use permit shall constitute a violation of this title. Amendment or addition to any special use permit is subject to the same procedures as those which apply to a new applicant. (Ord. No. 192 § 2.207, 1975)

17.56.060 SPECIAL USE PERMITS RELATING TO UNDERGOUND USES

A. Notwithstanding any provisions of the Town Zoning Ordinance to the contrary, as adopted on December 18, 1975, and as heretofore or as it may hereafter be amended, with regard to any and all mining, exploration, and related activities (mining activities)pertaining to subsurface lands or mineral rights lying in excess of five hundred (500) feet below the surface of the land within the town limits of the town, and which are owned by an applicant for a special use permit hereunder, or were owned by a predecessor in interest or person otherwise in privity with the applicant, prior to December 18, 1975, a special use permit for such mining activities shall upon application therefor be issued through the Town Manager, acting as Zoning Administrator, for such mining activities as are set forth in the application provided only:

1. The application is accompanied by payment of a fee of thirty-five dollars ($35.00), no part of which shall be returned to the applicant.
2. The applicant shall file with the Town Manager a bond and certificate of insurance, as follows:
   a. A bond in the principal sum of five hundred thousand dollars ($500,000.00), such bond to be executed by a reliable insurance company authorized to do business in the State of Arizona, a surety, and with the companies as principal, running to the Town for the benefit of the Town and all persons concerned, conditioned that the companies shall comply with the terms and conditions of this agreement in the conduct of their mining activities. Such bond shall become effective on or before the date the same is filed with the Town Manager and remain in force and effect for at least a period of one year subsequent to the termination of the companies' mining activities, and in addition to the bond shall be conditioned that the companies shall promptly pay any and all fines, penalties, and other assessments imposed upon the companies by reason of any breach of the terms, provisions and conditions of this agreement, and that the companies will promptly restore to it former condition any public property of the town, should the same be disturbed or damaged by the companies' mining activities.
   b. A policy or policies of standard comprehensive public liability insurance, covering bodily injuries, and property damage, written upon and by an

insurance company authorized to do business within the State of Arizona, such policy or policies in the aggregate to provide for the following coverage:

Bodily injuries, one million dollars ($1,000,000.00), with a minimum coverage of two hundred fifty thousand dollars ($250,000.00 per claim.

3. A statement that the mining activities will be conducted in compliance with all applicable laws or rules and regulations of any and all governmental agencies having jurisdiction over such activities, including agencies having jurisdiction over environment, air quality, and water quality and supply, as well as health and safety and materials handling.
4. Copies of any and all forms and papers, including environmental impact statements and the like, which are submitted by the applicant to any such agency incompliance with such agency's requirements. If the relevant agency waives or does not require such statement, the applicant shall provide the Town with proof thereof.

B. Upon issuance of the special use permit for the mining activities, the applicant shall be entitled to conduct such mining activities provided that.

1. The applicant maintains in force and effect the bond and insurance submitted with the application.
2. The applicant conducts the mining and related activities within the town in compliance with all applicable laws, rules and regulations relating to the use of and quality of water and water supplies as well as those affecting environmental and air quality, health and safety and materials handling.
3. The applicant provides to the Town copies of any and all data, including water quality or water use monitoring data, air quality monitoring data, and any like data required to be compiled and recorded and which applicant shall be obligated to submit to any applicable governmental agencies having jurisdiction over applicants' mining activities.
4. The applicant conducts the mining activities under the special use permit in such a way as to be reasonably compatible with the types of uses permitted in the surrounding area, so as to preserve the integrity of residential neighborhoods and/or commercial and industrial area of the town.
5. The applicant shall notify the Town Manager in writing of the location and nature of its mining activities, no less than thirty (30) days in advance of such activities. Such activities shall not create any injurious noise, vibrations, smoke, fumes, dust, odor, heat, illumination, nor create any hazard to life or property upon the surface of the area contained within the application for the special use permit.
6. Violation of the foregoing requirements are subject to the provisions of Chapter 17.68 of the Zoning Ordinance in effect on the date of the passage hereof.

C. Scope. This section applies only to special use permits relating to underground uses. For all other uses requiring a special use permit, the provisions of Sections 17.56.010 through 17.56.050, inclusive, are to be utilized.

(Ord. No.217 §§ 2, 3, 1982)

CHAPTER 17.58

CLAIMS FOR DIMINUTION OF VALUE

Section:

17.58.010	**Filing of Claim**
17.58.020	**Town Review**
17.58.030	**Staff Recommendation**
17.58.040	**Town Council Determination**
17.58.050	**Satisfaction of Notice of Claim Requirements**

17.58.010 FILING OF CLAIM

Any claim for diminution in property value pursuant to a.r.s. § 12-1134 due to a change in a land use law shall be filed with the Town Clerk. All claims for diminution in value pursuant to A.R.S. § 12-1134 shall be filed on a form prescribed by the Zoning Administrator. (Ord. 363)

17.58.020 TOWN REVIEW

After a claim is filed, the Zoning Administrator shall review the claim to determine whether the enactment or application of a land use law has diminished the value of the claimant's property. A certified land appraiser, economist, or other qualified expert may be consulted by staff to determine the amount of the diminishment of value, if any. (Ord. 363)

17.58.030 STAFF RECOMMENDATION

The Zoning Administrator shall prepare a recommendation to Council to deny the claim, pay compensation for diminishment in value or rescind or modify the land use law. (Ord. 363)

17.58.040 TOWN COUNCIL DETERMINATION

Within ninety days of the filing of the claim, the Town Council shall make a determination whether to deny the claim or pay compensation, rescind or modify the land use law or its application to the claimant's property. The Town Council's determination shall be made in writing and a copy shall be provided to the claimant. Any rescission or modification of the application of a land use law to an individual property shall be recorded in the office of the Gila County Recorder. (Ord. 363)

17.58.050 SATISFACTION OF NOTICE OF CLAIM REQUIREMENTS

Filing a claim pursuant to this section shall be deemed to satisfy the requirements set forth in A.R.S. § 12-821.01 for filing an administrative claim against the town. (Ord. 363)

CHAPTER 17.60

BUILDING PERMITS

SECTION:

17.60.010 **When Required**
17.60.020 **Completion of Existing**
17.60.030 **Revocation**

17.60.010 WHEN REQUIRED

A. Except as provided in Paragraph B, it is unlawful to construct, alter, repair, remove or demolish, or to commence the construction, alteration, removal or demolition of a building or structure or any excavation whether or not associated with any structure, without first filing with the Zoning Administrator an application in writing and obtaining a formal permit.

B. A building permit is not required for the following:

1. One story detached accessory buildings used as tool or storage sheds; playhouses and similar uses, provided the floor area does not exceed 200 square feet measured from outside wall to outside wall. Maximum wall height is 10' measured from the floor to the top plate.
2. Fences not over six feet high, measured from finished grade. A masonry cap added to a masonry fence may not exceed the six foot limit. Retaining walls measured from the bottom of the footing to the top of the wall are not exempt unless they are two feet or less in height. All walls shall have drainage openings not to impede the natural flow of area drainage. Contact Development Services for requirements regarding proper drainage and flood zones for all walls.
3. Re-roofing with the same type of material as the existing roofing and provided not more than two layers of asphalt shingles are applied over an existing asphalt shingle roof.
4. Platforms, walks and driveways not more than 30 inches above grade and not over a basement or story below.
5. Outside paving.
6. A. Patio and porch cover structures, built as additions to one- and two-family dwellings, subject to all of the following conditions:
   i. Up to 180 square feet and extend a maximum of 8 feet from the dwelling.
   ii. The attachment to the dwelling is supported on a bearing wall of the existing structure and not from the fascia.
   iii. Required yard setbacks are not encroached upon.
   iv. Use a minimum of 2" x 6" rafter material and a minimum of 4" x 6" beams.
   v. Structure must be securely fastened.

   B. Decks not over 30" above finished grade and with no structure on the deck.

C. Retractable awnings shall be exempt from building permits if the awning area does not exceed 120 square feet and does not extend more than 8 feet from the structure.

7. Free-standing ramadas, gazebos and similar structures shall be exempt from building permits provided they are not greater than 200 square feet in area and set back requirements are not encroached.
8. The repair or replacing of electrical HVAC equipment such as a furnace, condenser unit and evaporative cooler for one- and two-family dwellings with the same type of rating in the same location may be permit exempt.

(Ord. No. 192 § 2.501, 1975:Ord. No. 367)

17.60.020 COMPLETION OF EXISTING BUILDINGS

Nothing in this title shall require changes in the plans or construction of a building for which a lawful permit has been issued or which has been otherwise lawfully authorized. (Ord. No. 192 § 2.502, 1975)

17.60.030 REVOCATION

The Zoning Administrator may revoke a permit or approval issued under the provisions of this title in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. (Ord. No. 192 § 2.504, 1975)

CHAPTER 17.64

AMENDMENTS

SECTION:

17.64.010	**TITLE MAY BE AMENDED**
17.64.020	**INITIATION OF APPLICATION TO AMEND, FILING; FEE**
17.64.030	**ANOTHER APPLICATION AFTER DENIAL OR WITHDRAWAL**
17.64.040	**REQUIREMENTS FOR APPLICATION, PETITION BY OWNERS OF PROPERTY IN AREA INCLUDED ON THE APPLICATION**
17.64.050	**WRITTEN PROTEST BY PROPERTY OWNERS**

17.64.010 TITLE MAY BE AMENDED

The provisions of this title may from time to time be amended, supplemented, changed, modified or repealed. (Ord. No.192 § 2.101, 1975)

17.64.020 INITIATION OF APPLICATION TO AMEND, FILING; FEE

A. Requests to amend this title may be initiated by the Zoning Administrator the Town Council, or a real property owner in the area included in the proposed amendment. Applications for amendment shall be made in the office of the Town Clerk on a form provided therefore, and shall be accompanied by a fee of thirty-five dollars ($35.00), no part of which shall be returnable.

B. Applications to amend zoning shall be accompanied by a waiver of claims for diminution in property value on a form provided by the Zoning Administrator. (Ord. 363)

C. Applications initiated by the Zoning Administrator or Town Council shall not be subject to the requirement of a filing fee.

(Ord. No.192 § 2.102, 1975)

17.64.030 ANOTHER APPLICATION AFTER DENIAL OR WITHDRAWAL

In the event that an application is denied by the Town Council the Zoning Administrator shall have the authority to refuse to accept another application for the same amendment within a year of the date of the hearing of the previous application before the Town Council. (Ord. No. 192 § 2.105, 1975)

17.64.040 REQUIREMENTS FOR APPLICATION, PETITION BY OWNERS OF PROPERTY IN AREA INCLUDED ON THE APPLICATION

The application for amendment shall be signed by the owner of the real property which is subject to the application, or by the agent or attorney for the owner of such property. In the event that the application for rezoning includes properties other than that owned by the applicant, then before the application will be accepted for processing, the applicant shall file, on a form provided by the Town Clerk, a petition in favor of the request, signed by the real

property owners, or their agents or attorneys, representing at least seventy-five (75) percent of the land area to be included in the application. Such petition shall bear the property owners' signature and addresses, the legal description and the land area of each property represented ion the petition, and the total land area of individual properties included in the application. None of the requirements of this section shall apply to amendments initiated by the Zoning Administrator or Town Council. (Ord. No. 192 § 2.106, 1975)

17.64.050 WRITTEN PROTEST BY PROPERTY OWNERS

In the event that a written protest against a proposed amendment is presented to the Town Clerk no later than twenty-four (24) hours prior to any Council hearing held on the application for amendment by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending one hundred fifty (150) feet therefrom, or of those adjacent to any one side and extending one hundred fifty (150) feet therefrom, or of those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of such opposite lots, the amendment shall not become effective except by a favorable vote of three-fourths of all the members of the Council of the Town qualified and able to vote on the amendment which in no event shall be less than four votes. (Ord. No.192 § 2.108, 1975)

CHAPTER 17.68

ENFORCEMENT

SECTION:

17.68.010	**Duties**
17.68.020	**Inspections**
17.68.030	**Rules**
17.68.040	**Records**
17.68.050	**Penalty for Violation**
17.68.060	**Injunction**

17.68.010 DUTIES

It shall be the duty of the Zoning Administrator appointed by the Council to enforce this title. The Zoning Administrator shall receive requests for building permits, issue permits and furnish the prescribed certificates. He shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of this title are complied with. He shall, when requested by the Council, or when the interests of the Town so require, make investigations in connection with matters referred to in this title and render written reports on the investigations. For the purpose of enforcing compliance with law, he shall issue such notices or orders as may be necessary. (Ord. No. 192 § 1.701, 1975)

17.68.020 INSPECTIONS

Inspections shall be made by the Zoning Administrator or a duly appointed assistant. (Ord. No. 192 § 1.702, 1975)

17.68.030 RULES

For carrying into effect its provisions, the Zoning Administrator may adopt rules consistent with this title. (Ord. No. 192 § 1.703, 1975)

17.68.040 RECORDS

A. The Zoning Administrator shall keep records of permits issued, inspections made, reports rendered and notices or orders issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structures to which they relate may be in existence.

B. All such records shall be open to public inspection at reasonable hours, but shall not be removed from the office of the Zoning Administrator, except or unless it is necessary to place such records in overflow storage.

(Ord. No. 192 § 1.704, 1975)

17.68.050 PENALTY FOR VIOLATION

It is unlawful to erect, construct, reconstruct, alter, maintain, or use any structure or land in violation of any of the provisions of this tile, and any such violation constitutes a public nuisance.

A. Criminal Penalties. Any person, firm or corporation, whether as principal, owner, agent, tenant, employee or otherwise, who violates any provision of this title or fails to comply with any order or regulation made hereunder is guilty of a Class 2 Misdemeanor. Each and every day during which the illegal activity, use or violation continues is a separate offense.

B. Civil Penalties. Any person, firm or corporation, whether as principal, owner, agent, tenant, employee or otherwise, who violates any provision of this title shall be subject to a civil penalty. Each day of a continuing violation is a separate violation for purpose of imposing a separate penalty. The civil penalty for violations of this title shall not exceed the amount of the maximum fine for a Class 2 Misdemeanor. Judicial review of the final decisions of the Hearing Officer shall be pursuant to Arizona Revised Statutes § 12-124.

C. Remedies. An alleged violator who is served with a Notice of Violation subject to civil penalty may in addition be subject to a criminal prosecution if the violator does not comply with a civil enforcement action. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct prohibited conditions or improvements not prevent enforcement, correction or removal thereof.

(Ord. No.192 § 1.801, 1975: Ord. No. 306, 2008)

17.68.060 INJUNCTION

A. If any building or structure is constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this title, the Town, or any owner or tenant of real property in the same contiguous zoning district as the building or structure in question, in addition to other remedies, may institute any appropriate action or proceedings:
   1. To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance or use;
   2. To prevent the occupancy of the building, structure or land;
   3. To prevent any illegal action, conduct, business or use in or about the premise.

B. When any such action is instituted by an owner or tenant, notice of such action shall be served upon the Town at the time suit is begun, by serving a copy of the complaint to the Town Clerk.

C. In any such action or proceeding, the court with jurisdiction thereof has the power and in its discretion may issue a restraining order, or a preliminary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the purposes of this title.

(Ord. No. 192 § 1.802, 1975)

CHAPTER 17.72

DESIGN REVIEW BOARD

SECTION:

17.72.010	**Design Review Board**
17.72.020	**Powers and Duties**
17.72.030	**Establishment and Extension of Miami Historic District**
17.72.040	**Architectural Design Review for Historic Preservation (HP) District**
17.72.041	**Purpose**
17.72.042	**Review Requirements and Procedures**
17.72.043	**Criteria**
17.72.044	**Maintenance**
17.72.045	**Demolition and Movement of Historic Buildings**
17.72.046	**Appeal**
17.72.060	**Building Permits**
17.72.061	**When Required**
17.72.062	**Completion of Existing Buildings**
17.72.063	**Revocation**
17.72.080	**HP (Historic Preservation) Overlay Zone**
17.72.081	**Purpose**
17.72.082	**Special Provisions**
17.72.083	**Historic District Design Review Board**
17.72.086	**Historic District Definitions**

17.72.010 DESIGN REVIEW BOARD

Creation, Composition and Operation

A. There is hereby created a Design Review Board to comply with Certified Local Government Regulations for Historic District(s). There shall be seven (7) members. All seven (7) members must be residents of the Town of Miami in order to address the needs of the Miami Historic Preservation Districts (HPD).

B. Meetings shall be held on a monthly basis or more frequently as required.

C. The members of the Design Review Board shall be appointed by and serve at the pleasure of the Mayor and Council. Design Review Board terms shall be two (2) members shall serve one (1) year terms to expire on November 5, 1999. Two (2) members shall serve two (2) year terms to expire on November 5, 2000. One (1) member shall serve a three (3) year term to expire on November 5, 2001. Thereafter, all successive terms of appointment shall run for three (3) years.

D. The members of the Design Review Board shall have the following qualifications:
   1. Members shall be interested in and knowledgeable of the history and architectural character of the Miami Historical District(s).
   2. Members shall have the ability to read two dimensional drawings that will be submitted, and shall have the ability to conceptualize changes to the submitted plans.

3. When any Design Review Board member has direct pecuniary interest in any matter before the Design Review Board, the member shall be disqualified from participating while the Design Review Board is hearing that particular matter.

E. The Design Review Board may obtain the services of architects, landscape architects, or other persons qualified by design background, or experience to advise on design aspects as or when appropriate. The Design Review Board has no authority to commit or expend funds without prior approval of Town Council.

F. The majority of the Design Review Board must be present for a quorum.

G. The Design Review Board and its actions shall be subject to review by the Town Council as deemed necessary by the Town Council.

(Ord. No. 266, 1998; Ord. No. 268, 1998; Ord. No. 272, 1999: Ord. No. 275, 1999;

17.72.020 POWERS AND DUTIES

A. The Design Review Board shall have the power in the Historic District Overlay Zone to review proposals for exterior construction, reconstruction, alterations or structural changes and to approve, conditionally approve, or disapprove an application.

B. All applications for design review can be appealed by the process set forth in this Ordinance.

C. It shall be the responsibility of the applicant to prove to the Design Review Board that the project in question conforms with the intent and purpose established in this section and with the adopted design guidelines.

D. Design Review Board, upon hearing an application, shall impose such reasonable conditions as it may deem necessary in order to carry out fully the provisions and intent of this section.

E. Any exterior changes, requiring a building permit or not, must have approval of the Design Review Board prior to the commencement of work. When any project has been started without Design Review Board approval, the Design Review Board shall request that the Building Official issue a stop work order which shall be in effect until approval is granted by the Design Review Board.

F. Design Review Board is authorized to survey and inventory the historical properties in the Miami Historical District. Furthermore, the Design Review Board shall hold public hearings, at its own initiative or at the request of any other for the purpose of making nominations to the National Register of Historic Places. At the conclusion of the public hearing, the Board shall forward a recommendation to the Town Council regarding the nomination to the National Register. The Council shall hold a second public hearing, at which time the Town Council shall determine whether to nominate the property to National Register of Historical Properties.

G. The Design Review Board will submit a yearly written report to the Mayor and Council and make the report available to the public.

H. The Design Review Board shall elect a Chair and Vice Chair from among their membership.

(Ord. No. 266, 1998)

17.72.030 ESTABLISHMENT AND EXTENSION OF MIAMI HISTORIC DISTRICT

A. The Miami Historical District is hereby created and has the same boundaries as set forth in the Resource Survey completed for the State Historic Preservation Office by Mr. Mark E. Pry, Consulting Historian, dated March 1997. The Resource Survey is hereby adopted by reference.

B. Additional areas may be added to the Miami Historical District at any time by the following procedure:

1. Owners of 51% of the properties within the proposed district shall submit a written request or petition to the Design Review Board.
2. A public hearing on the request shall be scheduled by the Design Review Board and every reasonable effort will be made by the Town to notify property owners within the proposed district of the hearing.
3. Within ten (10) working days after the public hearing, the Design Review Board shall make its recommendation on the proposed addition to the Planning and Zoning Commission.
4. Within twenty (20) working days of the recommendation, the Planning and Zoning Commission will forward its recommendations along with that of the Design Review Board to the Town Council. Failure to act within this period by the Planning and zoning Commission shall constitute endorsement of the Design Review Board's recommendation.
5. After receipt of the Planning and Zoning Commission recommendation or within thirty (30) working days of the public hearing, whichever comes first, the Town Council shall schedule a hearing on the proposed district at its next regular session.
6. Approval of the proposal by the Town Council shall constitute an amendment to the Zoning Ordinance in lieu of the procedures of amendments/rezoning. The addition shall be subject to the Miami Historical District regulations which supersede the zoning classification regulations.

C. The Miami Historical District is an overlay to the basic zoning district.

(Ord. No. 266, 1998)

17.72.040 ARCHITECTURAL DESIGN REVIEW FOR HISTORIC PRESERVATION (HP) OVERLAY DISTRICT

17.72.041 PURPOSE

Architectural Design Review is intended to encourage and enhance the historical character and natural attractiveness of the Town of Miami. It is a recognized fact that part of the economic well-being of the Town depends upon its tourism development. It is also the intent of this district to protect the Town's unique architecture and items of historical significance from the effects of inharmonious, bizarre, and out-of-scale development. Design Review is therefore considered to further health, safety and general welfare. Architectural Design Reviews requires a review of the exterior design for all buildings, structures, or appurtenances which are to be erected, constructed, converted, established, altered, or enlarged within those districts subject to Architectural Design Review, by the Design Review Board.

The Historical Preservation District is a supplemental special district which, superimposed over any other zoning district, requires the plans for all sites, buildings, structures, or appurtenances to be erected, constructed, converted, established, altered or enlarged within the district to be reviewed and approved by the Zoning Administrator/Town Manager and the Design Review Board prior to any construction, removal, or site work.
(Ord. No. 266, 1998)

17.72.042 REVIEW REQUIREMENTS AND PROCEDURES

A. Prior to the change of any building's exterior features, by remodeling or alteration, the property owner, or his designated agent, shall secure the approval of the Design Review Board.

B. Prior to the preparation of final architectural or engineering drawings for all sites, buildings, structures, enclosures, or appurtenances to be erected, constructed, converted, remodeled, altered or enlarged, the property owner shall submit the following for the Design Review Board's consideration:
   1. An application for Design Review approval which includes the applicant's name, mailing address, location of property, legal description of property and other information deemed necessary by the Building Inspector and the Design Review Board.
   2. An adequate illustration of the building's character and treatment to scale through elevations of the front, sides and rear of the building.
   3. A site plan, to scale, showing area covered by building, parking areas, and landscaping treatment and any other information pertinent to understanding the application.
   4. A list of exterior material and colors. In case of a sign, the method of attachment to the building.
   5. A copy of the Assessor's map of the property.
   6. Photographs of the building and of neighboring structures.

C. Prior to the issuance of a building permit within any district subject to Design Review, the Building Inspector shall determine that the Design Review Board has approved plans which are in substantial conformance to those presented with the building permit application. A building permit must be applied for within 1 year of approval by the Design Review Board, otherwise, applicant must resubmit to the Design Review Board. An application form signed by the chair of the Design Review Board showing the action taken will be kept in the Planning and Zoning copy will be given to the applicant.

D. The Design Review Board shall impose such conditions as it may deem necessary in order to fully carry out the provisions and intent of this Ordinance (Ord. No. 266).

E. The Building Inspector shall insure that all matters approved by the Design Review Board are undertaken and completed according to the approval of the Design Review Board. The Building Inspector is authorized and required to stop any work attempted to be done without or contrary to the approval of the Design Review Board, and shall cite any violator into magistrate court.

F. Applications must be received at Town Hall no less than seven (7) calendar days prior to the next regularly scheduled meeting of the Design Review Board. Applicants to the Board or their designated representatives must appear in person before the Board at the scheduled hearing of their application.

G. Applications may be reviewed by the Zoning Administrator/Town Manager for recommendation to the Design Review Board. The Zoning Administrator must make any such recommendations available to the applicant, general public or Design Review Board at least five (5) days before the scheduled meeting is to take place.

(Ord. No. 266, 1998)

17.72.043 CRITERIA

In considering any application for Design Review approval, the Design Review Board shall be guided by the Design Guidelines for the Miami Historic District and the Secretary of the Interior's Standards for the Treatment of Historic Properties. (Ord. No. 266, 1998)

17.72.044 MAINTENANCE

Property owners of the Historic District shall have the right and are encouraged to maintain their property. The Building Inspector may approve a building permit without Design Review Board approval for any work that consists of nothing more than repair work where there will be no exterior change or where only exact replacement of material will be used. An administrative approval from the Zoning Administrator/Town Manager must be obtained prior to the issuance of the building permit. (Ord. No. 266, 1998)

17.72.045 DEMOLITION AND MOVEMENT OF HISTORIC BUILDINGS

The Design Review Board must approve all demolition or relocation permits for any significant part of any building in the Historic Preservation (HP) Overlay District. No permit shall be issued by the Building Inspector until DRB approval. In making its decision, the Design Review Board should determine whether and to what extent demolition or movement affects the structure in question or any contributing structure within the district as demolition and/or movement can have significant impact on the Town in general. For permit approval the applicant must show that preserving the building is not physically and/or economically feasible.

A. Approval. The Design Review Board may recommend approval of the demolition or relocation permit if any of the following conditions exist:
   1. The structure is judged by the Building Inspector to be a hazard to public health or safety.
   2. It is demonstrated that the structure is a deterrent to a major improvement program which will be of substantial community benefit.
   3. Retention of the structure would cause undue financial hardship on the owner, which would be defined as a situation where the investment required to preserve or rehabilitate the structure could not be offset by the return on the property.
   4. The Design Review Board shall notify the Building Official that the demolition permit is approved. The Building Official may do the following:
      a. Issue the permit, or,
      b. Deny the permit based on other duly adopted and applicable ordinances or regulations.

B. Denial. If preservation or rehabilitation is determined to be feasible the Design Review Board shall deny the permit for demolition or movement of a structure and the Board shall do the following:

1. Notification shall be sent to persons or groups interested in historic preservation who may either:
   a. Attempt to convince the owner to preserve the building for at least five (5) years, or,
   b. Attempt to have the property purchased by someone who will agree to purchase the building and preserve the building for five (5) years.
2. If within one hundred twenty (120) days after consideration of the application for a demolition permit by the Design Review Board and the Town Council of the application for a demolition permit and the options contained in Section 17.72.042.B.1 are unsuccessful, the Board will then notify the Building Official that issuance of the demolition permit is eligible for approval.

(Ord. No. 266, 1998)

17.72.046 APPEAL

A. Any applicant for Design Review approval who is dissatisfied or aggrieved by the decision of the Design Review Board may appeal the decision to the Town Council by filing a written Notice of Appeal with the Town Clerk, no later than thirty (30) days from the date of the Design Review Board decision.

B. The Town Council may review any decision of the Design Review Board and any application presented to the Design Review Board. (

Ord. No. 266, 1998)

17.72.060 BUILDING PERMITS

17.72.061 WHEN REQUIRED

Building permits will be issued by the Building Inspector in accordance with the Uniform Building Code and other building regulations adopted by Town Council. (Ord. No. 266, 1998)

17.72.062 COMPLETION OF EXISTING BUILDINGS

Nothing in this Ordinance (Ord. No. 622) shall require changes in the plans or construction of a building for which a lawful permit has been issued or which has been otherwise lawfully authorized, except where the prior building permit was not intended to specifically cover and ensure the harmonious character or ambiance of existing structures in the district in order to preserve the architectural heritage of the district; and to promote the historical significance of the site. (Ord. No. 266, 1998)

17.72.063 REVOCATION

The Zoning Administrator/Town Manager may revoke a building permit or approval issued under the provisions of this Ordinance where there has been any false statement or misrepresentation as to material fact in the application or plans on which the building permit or approval was based. The Zoning Administrator/Town Manager will notify the Building Inspector in writing of the interpretation and decision. (Ord. No. 266, 1998)

17.72.080 HP (HISTORIC PRESERVATION) OVERLAY ZONE

17.72.081 PURPOSE

The Historic Preservation Overlay Zone is intended to protect, preserve and enhance the Town's character, historical significance and distinctive architecture. This zone enhances the Town's general health, safety and welfare. The Historic Preservation Overlay Zone is superimposed over other zones. Land use zoning designations are defined in other sections of this Title 17, but regulations on lot area, width, depth, building height and setbacks do not apply here. (Ord. No. 266, 1998)

17.72.082 SPECIAL PROVISIONS

A. Within the Historic District minimum setbacks for reconstruction shall be determined by previous building footprints in cases of catastrophe, demolition or fire. Setbacks and lot configuration for new construction and/or new lots shall be determined by setbacks and lot configuration on comparable lots within the adjacent area.
B. Commercial Mixed Used Lots within the Historic District may have residential on the story or basement abutting the street.
C. No future division of tracts, lots or parcels resulting in lots under 6,000 square feet will be approved.
D. Zoning designation is determined by the last verifiable use of the property.
E. All lots without street frontage shall retain frontage on pedestrian access ways. Owner shall insure access for firefighting personnel and equipment.
F. Lots with street frontage shall have access for firefighting apparatus based on the adopted Miami Fire Code.

(Ord. No. 266, 1998)

17.72.083 HISTORIC DISTRICT DESIGN REVIEW BOARD

The intent of Design Review as applied within the Miami Historic District is to:

A. Improve and encourage uses leading to the conservation and/or rehabilitation of buildings, structures, sites, objects and spaces within the historical district.
B. Encourage harmonious growth and orderly development.
C. Assure future setting, design and construction will correspond to and enhance the visual characteristics of the District.
D. Prevent construction, alteration or remodeling from occurring in a manner detrimental to the historical or visual characteristics of the district.
E. Fences, walls or other physical features used to enclose open space or provide privacy shall be compatible with the architectural style of the subject and compatible with other historic structures within the historical district and reflect the historic period of the district.
F. Any existing building, structure, or appurtenance thereto in the Miami Historical District which does not meet the requirements of the District's criteria shall be considered non-conforming except for repairs and maintenance. No non-conforming building or structure may be added to or altered in any way unless the proposed addition or alteration will bring the whole to a higher degree of conformity with design components of the District.

(Ord. No. 266, 1998)

17.72.086 HISTORIC DISTRICT DEFINITIONS

Within the Miami Historical District, the following words shall have the indicated meanings:

A. Historic site, structure or landmark – a site or structure, including attached signs which:

1. Is documented as dating from a particular significant period(s) in Miami's history;
2. Is associated with the lives of historic people, significant historic events or occurrences;
3. Exemplifies the architectural period in which it was built as has distinguishing characteristics of an architectural style or method of construction;
4. Contributes information of archaeological, historical, cultural or social importance relating to the heritage of the community; and/or;
5. Relates positively to buildings in the immediate vicinity in terms of scale, size, massing, etc., so that its removal would be an irreparable loss to the setting.

B. Intrusion – a structure which detracts from the district's sense of time and place or its architectural continuity.

(Ord. No. 266, 1998)