

Off-street parking: Off-street parking for Public Facilities shall comply with the standards contained in Section 4.

Signs: Signage for Public Facilities shall comply with the standards contained in Section 4.

2.5 INDUSTRIAL DISTRICTS

2.5.1 General Purpose

The purpose of the industrial zoning districts is to provide areas that promote employment opportunities for existing and future residents of the City and surrounding communities, while also separating these districts from future and/ or established residential and commercial areas from their potential direct and indirect operational influences.

2.5.2 Industrial Districts

Business Park (BP)

The purpose of this industrial district is to provide sites for a range of research, technology and business park uses, including office and administrative uses, designed to be conducted such that these and storage operations are contained entirely within enclosed buildings. Light manufacturing uses that complement the business park or research park use that do not exhibit nuisances may be permitted if pertinent to the primary use. This district encourages the development of attractive buildings in a campus type setting on well-landscaped sites which may be adjacent to residential areas.

Light Industrial (I-1)

The purpose of this industrial zoning district is to provide for a mix of assembly and non-intensive manufacturing and office park uses. Such uses are located in an attractive, planned development setting with proper screening and landscaping; all compatible with adjacent uses. It is intended that this district allow for employment growth through the establishment of high quality, planned industrial centers for corporate offices and indoor manufacturing and well screened storage uses.

General Industrial (I-2)

The purpose of this industrial zoning district is to provide areas where heavy and concentrated fabrication, manufacturing, and processing uses are appropriately screened and landscaped. It is intended that this district provide adequate space for industrial operations and related activities so that the economic base of the City may be strengthened and employment opportunities expanded while protecting residential and commercial land uses from objectionable encroachments.

2.5.3 Industrial Use Standards

The “Table of Allowed Uses for Industrial Districts” (Table 2.5-1), lists land uses and indicates whether they are permitted by right or with approval of a conditional use permit (CUP), or prohibited within each Zoning District. The Use Table also includes references to additional use-specific standards that may be applicable to that use. The organization headings and individual abbreviations utilized in the table are identified as follows:

A. Use Category

The “use category” is intended to provide a quick reference to organize the specific uses. Such category is not regulatory.

B. Specific Use Type

The “specific use type” is regulatory and functions as the basis for listing the existing and future land uses that are considered in each zoning district. Rather than list every possible individual land use type, this list classifies individual land uses and activities into specific use types based on common functional, product or physical characteristics; such as the type and amount of activity, the type of customers or residents, and how goods or services are sold or delivered and site conditions. The definition of each specific use type is located in Section 9, “Definitions”.

C. Permitted Uses (P)

A “P” in a cell indicates that the use is allowed by right in that zoning district.

D. Conditional Uses (C)

A “C” in a cell indicates that the use is allowed with a Conditional Use Permit in the respective zoning district. Conditional Use Permits must be reviewed and approved by both the Planning & Zoning Commission and City Council, in accordance with the procedures of Section 6.7.

E. Not Permitted (NP)

An “NP” in a cell indicates that the use is prohibited in that zoning district.

F. Use-Specific Standards

Section numbers listed in the “Supplemental Use Regulations” column denote the location of additional regulations that are applicable to the specific use type; however, provisions in other sections of this Ordinance may also apply.

G. Non-Specified Uses

When a use cannot be reasonably classified into a specific use type, or appears to fit into multiple specific use types, the Zoning Administrator is authorized to determine the most similar and thus most appropriate specific use type based on the actual or projected characteristics of the individual use or activity (including but not limited to size, scale, operating characteristics and external impacts) in relationship to the specific use type definitions provided in Section 9. Appeal of the

Zoning Administrator's decision may be filed with the Community Development Department and heard by the Board of Adjustment in conformance with the procedures of Section 6.2.11.

Table 2.5-1: Table of Allowed Uses For Business, Industrial and Public Facility Districts						
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use NP = Not Permitted				
		Industrial Zoning Districts				Supplemental Use Regulations
		BP	I-1	I-2	PF	
Public and Semi Public Use Category	Bus Terminal	P	P	P	NP	
	Campground	NP	C	C	NP	3.1.9
	Cemetery	P	C	NP	C	
	Crematorium or Funeral Parlor	P	P	NP	NP	
	Cultural Facility	C	NP	NP	P	
	Government Offices and Civic Buildings	P	P	P	P	
	Hospitals	P	C	NP	P	
	Non-profit/Non-governmental Organization	P	C	C	C	
	Public Safety Facility	P	P	P	P	
	Religious Assembly	P	P	C	NP	3.1.34
	Solar Generation Facility	C	C	C	C	
	Utility Facility and Service Yard, Major	C	C	P	P	
	Utility Facility, Minor	P	P	P	P	
	Wireless Facility (Including Tower and Supporting Facilities)	P	P	P	C	4.5
Commercial Use Category	Adult Entertainment Business	NP	C	NP	NP	3.1.2
	Animal Training	C	C	P	NP	
	Animal Kennel/Shelter	C	C	P	NP	
	Animal Hospital/Veterinarian	C	P	P	NP	3.1.4
	Automobile Rentals	P	P	NP	NP	
	Automobile Repair Major	C	P	P	NP	3.1.6
	Automobile Repair Minor	P	P	P	NP	3.1.6
	Automobile Sales and Leasing	P	P	NP	NP	
	Bar, Lounge, or Tavern	P	P	C	NP	
	Business Services	P	P	C	NP	
	Car Wash	P	P	NP	NP	
	Commercial Entertainment, Indoor	P	C	NP	NP	

Table 2.5-1: Table of Allowed Uses For Business, Industrial and Public Facility Districts						
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		Industrial Zoning Districts				Supplemental Use Regulations
		BP	I-1	I-2	PF	
	Commercial Entertainment, Outdoor	C	C	NP	NP	
	Convenience Store	P	P	NP	NP	3.1.6
	Farmers Market	P	P	NP	NP	
	Flea Market	NP	C	NP	NP	
	Feed Store	C	P	C	NP	
	Financial Institution (chartered; bank)	P	NP	NP	NP	
	Financial Institution (chartered), With Drive Through	C	NP	NP	NP	3.1.19
	Fitness and Sports Center	P	P	C	NP	
	Flea Market	C	C	C	NP	
	General Personal Services	C	P	C	NP	
	General Recreation, Indoor	P	P	C	NP	
	General Recreation, Outdoor	NP	C	C	NP	
	Instructional Services or Trade Schools	P	P	P	P	
	Medical Marijuana Dispensary, Infusion, or Cultivation	C	C	C	NP	3.1.25, 3.1.26, 3.1.27
	Microbrewery or Craft Distillery	C	C	NP	NP	3.1.28
	Non-Chartered Financial Institution (Payday loan/Check Cashing)	NP	C	NP	NP	
	Nursery, Commercial	NP	P	P	NP	
	Office Business or Professional	P	P	P	NP	
	Outdoor/Mobile Vending	NP	C	NP	NP	3.1.32
	Parking Lots and Parking Structure	P	P	P	P	
	Restaurant	P	P	C	NP	
	Restaurant, With Drive Through	P	P	C	NP	3.1.19
	Restaurant, With Off Track Betting	C	C	C	NP	
	Retail, General	P	P	C	NP	
	Retail, General With Drive Through	C	P	C	NP	3.1.19
	Retail, Large	C	C	NP	NP	
	Retail, Smoke Shop	C	P	NP	NP	
	Retail, Pawn Shop	C	P	NP	NP	
	Self-Storage, Indoor	P	P	P	NP	3.1.37
	Service Station	P	P	NP	NP	3.1.38
	Service Station With Car Wash	C	P	NP	NP	3.1.38
	Wholesale Establishment	P	P	P	NP	

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		Industrial Zoning Districts				Supplemental Use Regulations
		BP	I-1	I-2	PF	
Industrial Use Category	Assembly, Light	P	P	P	NP	
	Auctions, Indoor	P	P	P	NP	
	Auto Wrecking and Salvage Yard	NP	NP	C	NP	
	Building Materials Sales, Indoor Retail	P	P	P	NP	
	Building Materials Sales, Outdoor or Wholesale	NP	P	P	NP	
	Distribution Yard, Outdoor	NP	C	P	NP	
	Distribution / Warehousing Center, Indoor	NP	C	P	NP	
	Manufacturing, Heavy	NP	NP	P	NP	
	Manufacturing, Light	P	P	P	NP	
	Outside Storage (Vehicles, Boat, RV)	NP	C	P	NP	3.1.31
	Recycling Center	NP	C	P	C	
	Research Laboratory	P	P	P	NP	
	Resource Extraction	NP	NP	C	NP	
	Truck Stop	NP	C	P	NP	
	Waste Facility, Landfill	NP	NP	C	C	
	Waste Facility, Transfer Station	NP	NP	C	C	
	Wholesale Establishment	P	P	P	NP	

2.5.4 Industrial Development Standards

Following development standards identified in Table 2.5-2 apply to all principal uses and structures in Industrial Districts, except as otherwise expressly stated in this zoning code. General exceptions to these regulations and rules to determine compliance are identified in Section 9. Regulations governing accessory uses and structures are identified in Section 3.2.

Table 2.5-2: Business and Industrial Districts Development Standards				
Zoning District		BP	I-1	I-2
Lot Dimensions, minimum	Lot width (feet)	60	100	100
Setbacks, minimum	Front, (feet)	20 [1]	20 [1]	30 [1]
	Side, (feet)	15 [2]	15 [2]	20 [2]
	Side, (feet) <i>Adjacent to Residential</i>	30 [1]	50 [1]	75 [1]
	Street Side (feet)	10	15	15
	Rear, (feet)	15	15	20

	Rear, (feet) <i>Adjacent to Residential</i>	30	50	75
Lot Coverage, maximum (%)		50	60	60
Building Height, maximum (feet)		45	45	55

2.5.5 Industrial Design Guidelines

The Industrial design guidelines contained in this Section have been established to: recognize the unique needs and characteristics of development in business and industrial use settings; protect and promote long-term economic vitality through the promotion of high quality development; and minimize adverse impacts to existing neighborhoods and anticipated residential growth areas.

A. Applicability

These guidelines shall apply to development of new buildings or renovation of existing buildings within any Business and Industrial Zoning District, unless otherwise specified within this Section.

These guidelines will be used by City staff and the Planning & Zoning Commission as a framework for evaluating development proposals and for commenting on the design aspects of those proposed projects. The Eloy Subdivision Regulations should also be referenced for additional site design standards specifically applicable to commercial subdivision developments.

B. Architecture

1. Natural materials and deep earth tone colors are preferred, and design elements shall not consist primarily of metal, glass, plastic, highly reflective materials and bright colors. Such materials may have limited application in trim or accent areas, but shall not be predominant visual elements of the building(s) or site improvements.
2. Large, bland monolithic facades or rooflines and repetition of very simple details which become monotonous character shall be avoided. Building elevations shall create a unique character which is emphasized through interesting architectural details or relief in each component. For example, windows may be arched or rectangular, bay out or be recessed, have raised borders, awnings, planter boxes or shutters.
3. All building facades must be designed with architecturally finished materials, with primary building materials being limited to the following:
 - a. Modular masonry materials such as brick, block, and stone.
 - b. Precast concrete or aggregate panels with a decorative finish.
 - c. Stucco or stucco-like materials.
 - d. Wood, provided the surfaces are finished for exterior use and wood of proven exterior durability.
 - e. Other materials as determined by the Zoning Administrator.

4. The following building types and materials are expressly prohibited:
 - a. No galvanized or unfinished steel, galvalume or unfinished aluminum buildings (walls or roofs), unless the roadway facing façade of the building is specifically intended to have a corrosive designed finish such as Cor-Ten steel or is finished with a material that is compliant with Section 2.4.5.C.2 above.
 - b. Exposed, untextured, uncolored, unaugmented concrete.

C. Site Design/Orientation

1. Buildings, structures, open space areas and other features shall be oriented to protect and/or enhance major vistas and panoramas that give special emphasis to mountains and special man-made or natural landmarks.
2. Multi-building developments shall minimize auto/pedestrian conflicts and maximize convenient pedestrian access between buildings.
3. Openings for vehicular uses, such as garage door bays used to access vehicles into and out of a building for repair or storage, must be located on facades that do not face the primary street.

D. Circulation

1. Developments along ADOT controlled roadways shall complete a traffic study analysis, including access needs, traffic control needs, highway expansion needs, drainage management plan, and/or a cost sharing plan. ADOT approval will be required as part of the development plan approval process.
2. Access points along primary gateway roadways shall be placed and designed in accordance with ADOT and/or City requirements.

E. Properties with Frontage along Primary Gateway Roadway Corridors

Development of new buildings or renovation of existing buildings within any Industrial Zoning District that has frontage along Interstate 10, Frontier Street, State Route 87, Sunland Gin Road, Toltec Road and Sunshine Boulevard, and Battaglia Road, in the City of Eloy shall adhere to the following guidelines:

1. Prohibited Uses
The following uses are prohibited within any Business Park (BP), Light Industrial (I-1) or Heavy Industrial (I-2) zoning district that is located adjacent to the right of way of Interstate 10, Frontier Street State Route 87, Sunland Gin Road, Toltec Road, and Sunshine Boulevard, and Battaglia Road:
 - a. Adult Oriented Businesses;
 - b. Auto wrecking and salvage yard
 - c. Heavy Rental, Outdoor
 - d. Waste Facility, Landfill
 - e. Non-Chartered Financial Institutions

2. A copy of the operating procedures adopted in compliance with Arizona Revised Statutes, Section 36-2804(8) (1) (c).
 3. A survey sealed by a registrant of the state of Arizona showing the location of the nearest medical marijuana dispensary or cultivation location if within five thousand two hundred eighty feet (5,280').
 4. Site plan, floor plan, building permits for occupancy change, and a security plan.
- B.** Shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle.
 - C.** Shall have a maximum occupant load requirement that will not exceed limitations for single exit floor plan in accordance with Table 1014.1 of the 2003 International Building Code.
 - D.** Shall not be located within one thousand three hundred twenty feet (1,320') of the same type of use. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
 - E.** Shall not be located within one thousand three hundred twenty feet (1,320') of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
 - F.** Shall not be located within one thousand three hundred twenty feet (1,320') of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or public community center. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted, or proposed to be conducted, to the property line of the protected use.
 - G.** Shall have operating hours not earlier than eight o'clock (8:00) A.M. and not later than six o'clock (6:00) P.M.
 - H.** Drive-through services are prohibited.
 - I.** Cultivation of medical marijuana is prohibited.
 - J.** Shall provide for proper disposal of marijuana remnants or byproducts, and not to be placed within the facility's exterior refuse containers.
 - K.** With regard to a Medical Marijuana Dispensary, on-site and drive through services are prohibited. Applicants seeking a Conditional Use Permit shall provide the name and location of the off-site cultivation location or source, a copy of operating procedures adopted in compliance with ARS §36-2804(B) (1) (c), procedures for proper disposal of marijuana remnants or by-products (not to be the facility's exterior refuse container), a security plan, and a plan to prohibit the emission of odors from the facility into the environment. The dispensary must be a permanent

building (not a habitable trailer, cargo container or motor vehicle) with a maximum area not to exceed 1,000 square feet. Operating hours shall not be earlier than 8 a.m. and not later than 8 p.m. Marijuana shall not be consumed on the premises of the dispensary, including any accessory structures, parking lot or parking areas.

3.1.26 Medical Marijuana Infusion

- A.** Medical marijuana infusion (or manufacturing) production facility.
 - 1. Applicant shall provide:
 - a. Name(s) and location(s) of the offsite dispensary.
 - b. A copy of the operating procedures adopted in compliance with Arizona Revised Statutes, Section 36-2804(9) (1) (c).
 - c. A survey sealed by a registrant of the state of Arizona showing the location of the nearest medical marijuana dispensary or cultivation location if within five thousand two hundred eighty feet (5,280').
 - 2. The facility shall not be located within one thousand three hundred twenty feet (1,320') of the same type of use. This distance shall be measured from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted.
 - 3. The facility shall not be located within one thousand three hundred twenty feet (1,320') of a residentially zoned property. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the businesses are conducted or proposed to be conducted to the zoning boundary line of the residentially zoned property.
 - 4. The facility shall not be located within one thousand three hundred twenty feet (1,320') of a preschool, kindergarten, elementary, secondary or high school, place of worship, public park, or public community center. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
 - 5. There shall be no emission of dust, fumes, vapors, or odors into the environment from the facility.

3.1.27 Microbrewery, Craft Distillery or Tasting Room

- A.** Must provide evidence of valid State license before commencing operations or at any time upon the request of the Zoning Administrator. The conditions of any such license shall be adhered to by the operator of the establishment at all times.
- B.** Pure manufacturing and storage uses not associated with a retail or restaurant function are not allowed in the C-2 or MU zoning districts.
- C.** All manufacturing and processing activity shall be conducted within a completely enclosed building.

- D. In the C-2 and MU zoning districts outdoor storage shall be limited to grain silos designed to be screened from public view or integrated into the design of the principal building through the use of compatible materials and colors. No other materials, including products ready for shipping, or equipment shall be stored outdoors unless approved through a Conditional Use Permit.
- E. Outdoor seating and serving is permitted.

3.1.28 Nursing Home

- A. A completed registration shall be submitted to the Community Development Department on a form established by the Zoning Administrator. Registration shall become effective upon issuance of zoning clearance for the home and shall terminate when the nursing home use ceases operation. No registration/clearance shall be accepted or approved for a nursing home that does not comply with the conditions listed within this subsection.
- B. Nursing homes shall comply with all applicable federal, state and local requirements for the location, development and operation of such homes and the provision of safe outdoor recreation areas and gross floor areas for every person that the home is licensed to accommodate.
- C. Nursing care homes shall not be located within one thousand two hundred (1,200) feet, as measured from the property lines, of another nursing home, group care home or a residential care home facility.
- D. The nursing home shall not involve changes in the exterior appearance of any structure or necessitate equipment that is not related to the primary residential use.
- E. All administrative activities, including staffing, counseling, and other visitations, shall serve only residents of the nursing home.

3.1.29 Commercial Entertainment, Outdoor

Outdoor commercial entertainment (i.e. music/concerts) is a conditional use in the C-2, MU, BP and I-1 zoning districts subject to the following:

- A. A business or property desirous of providing outdoor musical entertainment shall be required to obtain a Conditional Use Permit (CUP) within those zoning districts that permit the use as a CUP. The CUP shall be personal to the permittee and applicable only to the specific business/property identified and shall not be transferable. A new Conditional Use Permit shall be obtained if the business/property is sold, leased, or conveyed by the permittee; or if the permittee moves to a new location.
- B. Outdoor Musical Entertainment Conditional Use Permits shall be subject to an annual review, based on the initial approval date, to ensure the use is conducted in

accordance with all of the terms, conditions and restrictions of this Ordinance, the approved CUP or any other applicable laws. If the use is found to be in compliance, an administrative renewal shall be issued by the Community Development Department. Any use found to be in violation of the terms, conditions, or restrictions of this Ordinance, the CUP or any other applicable laws shall be subject to revocation and scheduled for a formal public hearing in accordance with Section 6, Zoning Procedures. Following the formal public hearing process, the City Council may elect to renew, renew with additional stipulations, or revoke the CUP.

- C. Amplified outdoor musical entertainment, live or recorded, shall not be permitted within six hundred (600) feet of a single-family residentially zoned property or existing residential dwelling.
- D. Outdoor musical entertainment will not be permitted within public rights-of-way.
- E. Outdoor musical entertainment will be limited to the hours of 8:00 am to 11:00 pm.
- F. No retail or wholesale over-the-counter sale of goods or products are permitted to be sold in conjunction with the entertainment, other than the products or service being provided by the permitted business, unless accompanied by an Arizona Transaction Privilege Tax License.
- G. The performer will not use in their show any flammable items, fireworks, electronic light displays, or laser-operated device.
- H. Outdoor musical entertainment shall be restricted to music or singing which is not excessive or disturbing to the community as prescribed by City Code 13-15.6.
- I. If the sound is of sufficient volume and duration that it would cause discomfort or annoyance to a reasonable person of normal sensitivities, it shall be prohibited.

3.1.30 Outdoor Storage Facilities

- A. All outside storage facilities shall be subject to the CUP process in the I-1 zoning district and the Site Plan review process as a permitted use in the I-2 zoning district. In addition to standard site plan information, the applicant shall provide a plan which shows an ability to control on-site and prevent off-site nuisance conditions such as noise, dust, odors, vectors and wind-blown debris.
- B. A use may combine outside storage with automobile/boat major repair and automobile/boat sales only if both uses are permitted or conditionally permitted and approved in that district. If combined with said uses, outdoor storage facilities shall additionally comply with the provisions of Section 3.1.6 automobile/boat major repair and/or Section 3.1.30, Outdoor Storage Facilities.
- C. Outdoor storage facilities shall be located with direct access to paved roadways that are suitable in size to allow for the efficient delivery of automobiles and boats for storage. The paved roadway requirement of this paragraph shall not apply to outdoor storage facilities located in the I-2 zoning district.

- D. Outdoor storage areas shall be paved in compliance with City standards. The provisions of this paragraph shall not apply to outdoor storage facilities located in the I-2 zoning district.
- E. Outside storage facilities must be fully screened from view by a 100% opaque fence or engineered concrete/masonry block wall that is no less than six (6) feet, but no more than eight (8) feet in height.
- F. As part of the Conditional Use Permit process within the I-1 zoning district, a landscaped screen of plantings may be required in combination with a required fence or wall to further buffer and/or shield storage activities from public view or adjacent residential districts. See Section 4.3 for additional screening regulations and Section 3.1.30 for outdoor storage facilities. The provisions of this paragraph shall not apply to Major Repair facilities located in the I-2 zoning district.
- G. No outdoor storage that exceeds the height of the screen wall may occur within the required setback areas. The provisions of this paragraph shall not apply to outside storage facilities located in the I-2 district.
- H. No stored automobile/boat shall be utilized for overnight sleeping or as living accommodations.
- I. All exterior lighting shall comply with the lighting standards provided within Section 4.6.
- J. Any lawful outside storage facility in existence as of June 25, 2018, that could not be permitted or rebuilt thereafter because of zoning district requirements shall be considered a permitted use and, accordingly, shall not be subject to this subsection, unless the facility is proposed to be expanded beyond the building or facility use footprint, whichever is greater, that existed as of June 25, 2018. If the building or facility use footprint exceeds the allowed threshold or if the intensity of uses increases beyond that which existed as of June 25, 2018, the outside storage facility shall be required to be brought into compliance with all current, applicable provisions of this Ordinance.

3.1.31 Outdoor/Mobile Vending

A. Requirements

1. A business or individual desirous in providing outdoor vending shall obtain a Conditional Use Permit for use in the C-1, C-2, MU and I-1 zoning districts.
2. Outdoor vendors shall only be permitted to operate on City specified property or on private property C-1, C-2, MU and I-1 zoning districts. The owner or lessee of a property shall give written consent to outdoor vendors to utilize their property for outdoor vending purposes and vendors shall have said written consent available at all times for review by City inspectors.
3. Outdoor vending businesses are considered to be temporary in nature and are not to be placed in a permanent way on a property.
4. Outdoor vending will only be permitted on properties that have been established with principle uses.

5. All signs shall be affixed to the vending cart, stand or stall. Standalone signs on any one side of the cart, stand or stall, shall be approved as part of the CUP process. This type of sign will not require the issuance of a separate sign permit.
6. Vending carts, stands or stalls shall not block a driveway, sidewalk or other point of emergency vehicular access, including emergency access points.
7. All vending carts, stands or stalls shall be located at least five (5) feet from any sidewalk and/or ten (10) feet from any street whichever is the lesser. If located near a street intersection, the vending cart, stand or stall must maintain a visibility triangle per Section 4.3.11.
8. Vending carts, stands or stalls located in parking areas shall not reduce the number of parking spaces required for the principal use if said principle use is in operation during the same hours as the outdoor vendor. Additional off-street parking space must be provided for all employees of the outdoor vending operation unless employees arrive in the vending cart.
9. Vending carts, stands or stalls must be constructed of durable and high quality materials. Vending carts, stands or stalls must be maintained in good condition and repair. Vending carts, stands or stalls that are in disrepair shall be replaced or removed at the request of the Zoning Administrator.
10. Outdoor Vending will be conducted with proper licensing, certification and registration required under the State of Arizona, Pinal County and the City of Eloy, if required. The application shall include the applicant's name of business and State Tax License number.
11. Every applicant, before being granted a permit for outdoor vending shall submit the following:
 - a. A Conditional Use Permit application and non-refundable application fee per the approved City of Eloy fee schedule.
 - b. Site plan showing the location where the vending cart, stand or stall will be placed, and compliance with parking and setback and other code standards.
 - c. Information providing support that the vending operation is in conformance with the regulations outlined in this Section.
 - d. Business Registration for vending business and State Tax License number.
 - e. If Permit will be on City Property, proof of liability insurance for 1,000,000.00 with the City of Eloy listed as additionally insured.
12. Renewal and Revocation
 - a. Outdoor Vendor Conditional Use Permits shall be subject to an annual review, based on the initial approval date, to ensure the use is conducted in accordance with all of the terms, conditions and restrictions of this Ordinance, the approved CUP or any other applicable laws. If the use is found to be in compliance, an administrative renewal shall be issued by the Community Development Department. Any use

found to be in violation of the terms, conditions, or restrictions of this Ordinance, the CUP or any other applicable laws shall be subject to revocation and scheduled for a formal public hearing in accordance with Section 6 Zoning Procedures. Following the formal public hearing process, the City Council may elect to renew, renew with additional stipulations, or revoke the CUP.

3.1.32 Non-Chartered Financial Institution (Payday Loan Facility)

- A.** Non-chartered financial institutions shall require a CUP in the C-2 and I-1 zoning districts only.
- B.** Non-chartered financial institutions shall not be permitted on a forward pad of a principle corner of two arterial roadways. They may be permitted, with a CUP, as an in-line tenant within a commercial center located at the intersection of two arterial roadways.
- C.** Non-chartered financial institutions shall not be located within one thousand two hundred (1,200) feet of another non-chartered financial institution.
- D.** Non-chartered financial institutions shall not be located within one thousand two hundred (1,200) feet of a residential zoning district or existing residential dwelling unit.
- E.** Non-chartered financial institutions shall not be located within one thousand two hundred (1,200) feet of school or place of religious assembly.

3.1.33 Religious Assembly

- A.** All vehicular access to the facility shall be onto an arterial or collector road.
- B.** Wherever an off-street parking area is adjacent to a residential use, a continuously obscuring wall, fence and/or landscaped area at least six (6) feet in height shall be provided.

3.1.34 Resident Care Home (see “Group Care Home” for persons without disabilities)

- A.** A completed registration form shall be submitted to the Community Development Department on a form established by the Zoning Administrator. Registration shall become effective upon issuance of zoning clearance for the home and shall terminate when the home use ceases. No registration/clearance shall be accepted or approved for a home that does not comply with the conditions listed within this subsection.
- B.** Resident care homes shall comply with all applicable federal, state and local requirements for the location, development and operation of such homes and the provision of safe outdoor recreation areas and gross floor areas for every person that the home is licensed to accommodate.

- C. No more than five (5) resident care homes with ten (10) or fewer unrelated residents with one or more disabilities may be located within one-half (1/2) mile (two thousand six hundred forty (2,640) foot) radius as measured from the property lines.
- D. Resident care homes shall not be located within one thousand two hundred (1,200) feet, as measured from the property lines, of another resident care home or a group care home facility.
- E. All administrative activities, including staffing, counseling, and other visitations, shall serve only residents of the Residential Care Home.
- F. As a reasonable accommodation for persons with a disability, strict compliance with the standards set out in this Section may be waived by the Zoning Administrator in accordance with the requirements stated herein. A request for such a reasonable accommodation waiver must be in writing and filed with the Zoning Administrator. In all cases, the Zoning Administrator, or his/her designee, shall make findings of fact in support of his/her determination and shall render his/her decision in writing. The Zoning Administrator may meet with and interview the person making the request in order to ascertain or clarify information sufficiently to make the required findings and/or may request additional information such as a site plan, floor plan, maximum number of residents, transportation methods or description of daily activities. To grant a reasonable accommodation waiver, the Zoning Administrator shall find affirmatively **all** of the following:
 - 1. The request will be in compliance with all applicable zoning, building and fire codes.
 - 2. The request will not create traffic impacts, parking impacts, impacts on air, water or sewer systems, or other similar adverse impacts.
 - 3. Profitability or financial hardship of the owner/service provider of a facility shall not be considered by the Zoning Administrator in determining to grant a reasonable accommodation waiver.
 - 4. An appeal of the decision of the Zoning Administrator may be made regarding reasonable accommodation to the Board of Adjustment pursuant to Section 6.2.11 of this Ordinance.

3.1.35 Schools (Boarding, Private, Public, K-8, 9-12)

- A. The facility shall meet fire code, building code and any other applicable regulations.
- B. All vehicular access for high schools, middle schools, boarding schools, or colleges shall be from an arterial or collector roadway; vehicular ingress and egress to local streets is prohibited.
- C. Elementary schools shall not be located adjacent to arterial roads or roads with higher functional roadway classifications.
- D. A separate Conditional Use Permit shall be required for any additional accessory uses customarily found in conjunction with schools, including dormitories,

stadiums, outdoor recreational lighting, and auditoriums which were not specifically described when the CUP was originally approved.

- E. Schools shall comply with the building setback and building height requirements established by the zoning district for which the School is located; unless modified as part of the CUP process.

3.1.36 Self Service Storage

- A. All storage shall be completely within enclosed buildings.
- B. A use may combine indoor storage with outside storage only if both uses are permitted or conditionally permitted and approved in that district. If combined with said use, indoor storage facilities shall additionally comply with the provisions of Section 3.1.30, Outdoor Storage.
- C. Doors to individual storage units shall not face any abutting public street frontage, or, if the site is located on a corner parcel, shall not face the primary public street frontage.
- D. No business activity other than rental of storage units shall be conducted on the premises.
- E. All self-storage rental contracts shall include clauses prohibiting, (a) the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals, and (b) the use of the property for purposes other than dead storage.
- F. An accessory structure for a management office may be allowed on site, subject to regulations specified in Section 3.2, Accessory Buildings, Structures and Uses.

3.1.37 Service Station

- A. Service stations shall not include:
 - 1. Any outdoor service or repair operations, other than the dispensing or installation of gasoline or other minor services for customers as related to such dispensing or installation;
 - 2. There shall be no sale, rental, display, long-term parking, or storage of vehicles, boats, trailers, machinery or other similar equipment; or
 - 3. There shall be no outdoor storage or display of vehicle components and parts, supplies or equipment, except within an area defined on the project approved site plan and which extends no more than ten (10) feet beyond the building.
 - 4. Service bay doors may not face I-10, Frontier Street or residential neighborhoods.
 - 5. All fuel pumps and/or pump islands shall be covered by a canopy that matches or complements the design of the main structure.
 - 6. Electric charging stations may count towards required parking spaces.

7. Under canopy mounted lights shall be flush with the underside of the canopy. All additional outdoor lighting shall be subject to the requirements of Section 4.5, Outdoor Lighting.
8. Any signs, logo or identifying paint scheme on the primary building, canopy or gas price signs shall adhere to the applicable sign regulations provided in Section 4.4.

3.1.38 Solar Generation Facility

- A.** All solar generation facilities must comply with the following standards:
1. Lot Size:
 - a. A minimum lot size of one hundred sixty (160) acres shall be established and maintained.
 - i) Setbacks: A building, structure, or lot shall not be developed, used, or occupied unless it establishes and maintains minimum yard setbacks of forty feet (40').
 - b. Lot Coverage: Maximum lot coverage percentage shall be ten percent (10%) except that freestanding, ground mounted solar devices shall not count toward the lot coverage percentages.
 - c. Building Height: Building height shall not exceed the height limitations designated for the zone in which such building is located, except that thermal towers may extend up to two hundred feet (200') in height provided that the tower is centrally located on the property and maintains a safe fall zone equal to or greater than the height of the tower.

3.1.39 Tiny Houses

- A.** Tiny Houses shall be built and inspected in accordance with adopted City of Eloy building code(s), including required electric and plumbing inspections.
1. Site built Tiny Houses constructed on an approved foundation system shall be allowed in all residential zoning districts where detached single-family dwellings are identified as permitted uses and shall meet all of the development standards and design guidelines of the underlying zoning district.
 2. Tiny Houses built on trailers, where the suspension/axle components have been removed and the chassis permanently attached on an approved foundation, shall be permitted in residential zoning districts allowing detached single-family dwellings and shall meet the development standards and design guidelines of the underlying zoning district.
 3. Tiny houses constructed on mobile chassis where the suspension/axle components are not removed are considered semi-permanent. As such, the chassis shall be attached on an approved foundation system, and shall be permitted in zoning district(s) allowing manufactured homes as a permitted use

and shall meet all of the development standards and design guidelines of the underlying zoning district.

4. Tiny Houses licensed as Travel Vehicles by the State of Arizona are considered as a non-permanent house and must be self-contained. These structures shall be considered as a permitted use similar to recreation vehicles. Such Travel Vehicles are within the purview of ADOT.
5. Tiny Houses proposed for an accessory structure shall conform to the same development standards for accessory structures as provided within the underlying zoning district. More specifically, a Tiny House that is to function as an accessory unit may not contain kitchen facilities that would transform such structure as a second dwelling unit on any one parcel, which is only permitted in the R-2 residential zoning district
6. A Tiny House site, under single ownership and not organized as a subdivision, containing only tiny home units shall require Multiple Family Residential (R-3) zoning; be submitted, reviewed and considered under the Site Plan Review procedures and requirements of Section 6.11; and conform to the development standards and design guidelines of the R-3 zoning district.

3.2 GENERAL DEVELOPMENT STANDARDS FOR ACCESSORY USES, BUILDINGS AND STRUCTURES

3.2.1 Purpose

The purpose of this Section is to identify and regulate accessory buildings, structures and uses in all zoning districts that are incidental and customarily subordinate to principal uses.

3.2.2 Establishment of Accessory Buildings, Structures and Uses

- A. All principal uses allowed in a zoning district shall be deemed to include those accessory buildings, uses, structures, and activities typically associated with the use as described in the principal uses definition provided in Section 9: Definitions, unless otherwise specified or specifically prohibited within this Section.
- B. Accessory buildings, uses or structures not specifically defined within this Ordinance, shall be subject to Section 2.2.3.G, 2.3.3.G, and 2.4.3.G Non-Specified Uses.
- C. No accessory building, structure, use or conditional use, shall be erected or permitted on any lot or parcel until the principal building or use has been established or erected; unless both principal and accessory buildings and conditional uses are being established simultaneously.

3.2.3 General Development Standards for Accessory Buildings, Structures and Uses

- A. Unless otherwise expressly stated, accessory buildings, structures and uses are subject to the same lot and building regulations as apply to principal uses and buildings.
- B. Accessory structures and uses shall be designed as an integral part of the principal structure and should be similar in architectural style, materials, colors, and similar features.
- C. Accessory buildings shall not exceed the height regulations of the underlying zoning district for said lot within any part of the permitted buildable lot area, and shall not exceed fifteen (15) feet in height in any required side or rear yard.
- D. Accessory buildings and structures, except for accessory dwelling units defined in Section 3.2.6.A and 3.2.6.B, shall not be used for living or sleeping quarters.
- E. If the principal building or use is destroyed, removed or ceases to exist, the utilization of the accessory building, use or structure shall no longer be allowed.
- F. In the case of any conflict between the accessory building, use or structure standards of this section and any other requirement of this Code, the more restrictive standards shall control.

3.2.4 Location Standards for Accessory Buildings, Structures and Uses

- A. Accessory uses and structures must be operated and maintained under the same ownership and located on the same lot as the principal use to which they are accessory, unless otherwise expressly stated. Accessory structures shall be prohibited on vacant parcels with no principle use established.
- B. Accessory buildings, uses or structures shall not be erected in any right-of-way, easement, street side yard building setback, or required front yard setback.
- C. No accessory building (e.g. freestanding garage, carport, workshop, pool house, etc.) shall be located within ten (10) feet of the site's principal building. If attached by any part of a common wall or covered roof to the principal building, said building shall be deemed a part of the principal building and shall conform to the development standards of the principal building.
- D. Accessory structures (e.g. fence, deck, trellis, sun shade, etc.) may be attached or detached from the principal building. All required separation for applicable building and fire codes shall also be met.
- E. The accessory building, use or structure shall have a setback of at least five (5) feet from every side and rear property line, except that the setback shall be the same as required for the principal building in the zoning district in which the accessory building or structure is located whenever the accessory building or structure exceeds fifteen (15) feet in height. This includes movable structures, for single-family residential lots, such as children's play equipment and domesticated farm animal shelters.

1. Exceptions. The following structures are exempt from the accessory structure setback requirements:
 - a. Trash enclosures, tool sheds, and pet shelters for single-family residential lots, that are six (6) feet or less in height may be placed within a required rear or side yard setback without limitation on location, provided in no event shall the roof of said structures be designed to allow water to drain onto adjacent property.

3.2.5 Size Standards for Accessory Buildings and Structures

- A. The maximum gross floor area of any accessory building or structure shall not exceed the building footprint of the principal building. However, the provisions of this paragraph shall not apply to the RR-20, RR-5 and RR-2.5 or any of the commercial and industrial zoning districts, which may exceed the building footprint of the principal building.
- B. Both principal and accessory buildings/structures together must comply with the applicable lot coverage requirements established by this Zoning Ordinance.

3.2.6 Additional Standards for Specific Accessory Buildings, Structures and Uses

A. Accessory Dwelling Unit

1. No more than one (1) accessory dwelling unit may be located on any lot.
2. For residential uses, an accessory dwelling unit shall be permitted only on a lot having eight thousand (8,000) square feet or more in area. The accessory dwelling unit shall have an architectural design and exterior building materials that are compatible with the principal building.
3. Mobile homes, manufactured housing, or recreational vehicles shall not be used as accessory dwelling units.
4. The accessory dwelling unit and the principal residence shall share utilities. Separate utility meters shall not be allowed.
5. A maximum of one (1) separate bedroom shall be permitted per accessory dwelling unit.
6. At least one (1) off-street parking space shall be provided for each accessory dwelling unit.

B. Watchman's Quarters

In order to provide increased security within the industrial zoning districts a watchman's quarters may be provided as an accessory use under the following conditions:

1. Watchman's quarters shall only be permitted within the BP, I-1 and I-2 zoning districts subject to the approval of a Conditional Use Permit. Before granting a CUP, the Council shall determine that there is a direct link to the principal use and there is a bona fide need for the increased residential presence. Additional

conditions of approval beyond those listed in this subsection may be required to ensure compatibility with adjacent uses.

2. The watchman's quarters must clearly be accessory to the principal use, which must also be active at the time of CUP application and approval.
3. Only one watchman's quarters per lot shall be permitted.
4. Watchman's quarters shall be attached units and must be an integral part of the principal building and may not exceed forty (40) percent of building floor area, with a maximum quarter's size of one thousand (1,000) square feet.
5. Watchman's quarters shall meet fire code, residential building code and any other applicable codes or regulations.
6. A watchman's quarters shall consist of sleeping, kitchen, and bathroom facilities, and for the purposes of this Section, shall not be considered an accessory dwelling unit.
7. There shall be no payment of rent by the occupant of the quarters;
8. The watchman's quarters and the principal building or use shall share utilities. Separate utility meters shall not be allowed.
9. At least one (1) off-street parking space shall be provided for a watchman's quarters.
10. If the principal building or use is destroyed, removed or ceases to exist, the utilization of the watchman's quarters shall no longer be allowed.

3.2.7 Cargo Containers

Cargo Containers are permitted as an accessory use in General Commercial (C-2), Business Park (BP), Light Industrial (I-1), General Industrial (I-2) and Aviation Overlay (AO) Zoning Districts subject to the following conditions:

- A.** A building permit shall be obtained at the Community Development Department prior to installation of a Cargo Container as a permanent accessory use. Temporary placement of cargo containers, solely used for the transport or storage of goods, in conformance with permitted uses of the subject property shall not require a building permit.
- B.** Cargo Containers shall be located on the side or rear of the principal building and must meet all development standards including setbacks, lot coverage and height regulations for the zoning district in which it lies and must also meet Fire Code requirements for placards as is necessary.
- C.** Cargo Containers may not occupy any required off-street parking spaces with the exception of temporary use during construction activities authorized by a City of Eloy building permit.
- D.** Cargo Containers may not be stacked, except when used for cargo purposes in the Light Industrial (I-1) or General Industrial (I-2) districts.
- E.** Cargo Containers shall not be connected to any utilities.

- F. Licensed building contractors may use Cargo Containers in any zoning district for temporary storage of equipment and/or material at a construction site that has a valid building permit.
- G. Cargo Containers shall be painted in an earth tone color, shall not be used for advertisement, and shall be screened from public view with landscaping or an opaque screen wall/fence, as determined by the City of Eloy Zoning Administrator.
- H. Containers that are designed to be used for storage and appear to be Cargo Containers, yet do not meet the specifications for commercial shipping, packing or transportation of freight, shall comply with the requirements of this section.

3.2.8 Domesticated Animals

- A. Permitted in any zone: The keeping, in connection with each permitted dwelling, of not more than three (3) pets, such as dogs, cats, and similar household pets, exclusive of animals under the age of six (6) months, and exclusive of birds, fish and other pets which at all times are kept within a fully enclosed building or accessory building and which do not create odor or sound which is detectable on an adjoining lot.
- B. The keeping of large livestock is allowed in the RR-20, RR-5 and RR-2.5 zoning districts. Large livestock shall be limited to four (4) large animals per acre. Any shelter, stables, stalls, corals, or pens for the animals shall adhere to the same development standards as required for the principal use in the zoning district in which the animals are located.
- C. Chicken hens and pullet are allowed in all residential zoning districts subject to any applicable health, sanitation, and nuisance laws. Roosters shall only be allowed in the RR-20, RR-5 and RR-2.5 zoning districts. Chickens shall be kept within enclosed coops, pens, or cages that comply with all applicable accessory setbacks of the respective zoning district. All lots less than ten-thousand (10,000) square feet shall be limited to no more than five (5) chickens per lot.
- D. Places where animals are kept shall be maintained so that flies, insects, or vermin, rodents, odors, ponded water, the accumulation of manure, garbage, refuse or other noxious material does not disturb the peace, comfort, or health of any person.
- E. No person shall keep or maintain any poisonous reptile or dangerous, carnivorous, wild exotic animal without having approval from the Arizona Game and Fish Department and meeting all County and City animal control regulations. The animals or reptiles shall be safely penned or caged and kept in accordance with all requirements of State, County and City regulations.

3.2.9 Outdoor Display and Sales

- A. Outdoor display and/or sale of merchandise may be allowed as an accessory use for all commercial, mixed-use and industrial uses, provided that the display meets the following guidelines and regulations:

1. Outdoor display and/or sale area shall be clearly defined on a Site Plan and approved by the Zoning Administrator and may be subject to appropriate conditions by the Administrator to ensure compliance with the provisions of this subsection.
 2. Exceptions: A permanent outdoor retail display area which is an integral part of a business, including but not limited to, Garden Centers and Auto, Boat, and RV Dealership display lots shall obtain plan approval with all applicable site development/improvements.
- B.** Shall be a fixed location that does not disrupt the normal function of the site or its circulation, and does not encroach upon required driveways, landscaped areas, parking lots, sidewalks, loading zones, or fire lanes. Displays shall not obstruct any entrance to a building or traffic safety sight areas or otherwise create hazards for pedestrian or vehicle traffic.
- C.** Display/sale of goods shall not be in any public right-of-way.
- D.** Shall directly relate to a business occupying a permanent structure on the same site, and shall display only goods of the primary business on the same site, unless associated with a non-profit organization.
- E.** Shall be limited to the hours of operation of the business and portable and removed from public view at the close of each business day, unless otherwise permitted through the Site Plan or development review process.
- F.** No merchandise shall be affixed to the exterior of a building or displayed so as to impede or interfere with the reasonable use of the store front windows for display purposes.
- G.** Shall be managed so that display structures and goods are maintained at all times in a clean and neat condition, and in good repair.
- H.** All signage shall adhere to Section 4.4, Signage.

3.2.10 Outdoor Storage

- A.** Outdoor storage associated with an on-site primary use is permitted subject to the following conditions; however, the provisions of this paragraph shall not apply to outdoor storage associated with industrial or agricultural uses:
1. Storage areas must be fully screened from view by an opaque fence or concrete/masonry block wall that is no less than six (6) feet, but no more than eight (8) feet in height. A landscaped earthen berm may be used instead of or in combination with a required fence or wall.
 2. The storage area screen fence/wall shall incorporate exterior colors and/or finishes to match the primary building.
 3. Stored materials shall not exceed the height of the lowest screen fence/wall, except as provided elsewhere in this ordinance.
 4. Storage area gates must be opaque.

5. Storage areas shall be paved in compliance with City standards.
6. Storage areas shall not be located within a required off-street parking or loading area.
7. No storage of any items may occur within the front setback area or within the street side yard building setback.

B. Outdoor Vehicle Storage

The intent of Outdoor Vehicle Storage standards is to protect the health, safety, and welfare and ensure neighborliness and aesthetic quality for the residents and business owners within the City's zoning jurisdiction. The following standards apply:

1. Non-Residential Districts.
 - a. The on-site outdoor storage of any personal vehicles, commercial vehicles, a boat and trailer, recreation vehicle, motor home, truck tractor, semi-trailer, trailer or equipment of a similar nature when it is not associated with the business of the property shall be prohibited in non-residential districts for a period greater than forty-eight (48) consecutive hours, except where expressly permitted by other provisions of this Ordinance.
2. Residential Districts
 - a. No person shall store any vehicle not owned or leased by that person or a member of that person's family, or household, on any property in a residential zoning district.
 - b. In all residential zoning districts, it shall be prohibited for any person to park or store any personal or commercial vehicle having a gross vehicle weight rating (GVWR) exceeding ten thousand (10,000) pounds, except:
 - i) temporary parking is permitted for the purpose of delivery or the loading and unloading of household or permitted home occupation goods; and
 - ii) The storage of recreational vehicles shall also be subject to Section 4.2.10, Recreational Vehicles.

C. Vehicle Service

1. No person shall dismantle, repair, restore or otherwise perform any work on any vehicle, machine, motor, or similar device not owned or leased by that person or a member of that person's family, or household, on any property in a residential district. In addition, any work beyond basic maintenance performed shall be:
 - a. Incidental to a permitted use and completely within a garage or carport; or
 - b. Completely within a paved area wholly enclosed from the view of surrounding properties and rights-of-way by a solid structural barrier

(either a wall or fence of ornamental block, brick, wood, or combination of those materials) of six (6) feet in height.

D. Inoperable or Unregistered Vehicles

1. Any personal vehicles, commercial vehicles and/or personal recreational vehicles, motor homes, utility trailers, camp trailers, boats and similar equipment which are inoperable and/or unregistered shall be parked or stored consistent with the following standards.
 - a. Parking of operable vehicles, trailers, and vessels with registration expired three (3) months or less is permissible under a carport, in a garage, or in an interior paved side yard or rear yard when screened by a solid six (6) foot tall fence, wall or landscape barrier. No parking shall be allowed in the required front yard setback or street side yard setback.
 - b. Inoperable vehicles, trailers, and vessels and/or those vehicles, trailers, and vessels with registration expired for a period greater than three (3) months shall be stored within an enclosed building or structure.

E. Recreational Vehicles

1. The parking and/or storage of boats, campers, travel trailers, motor homes, and personal recreational vehicles and trailers are permitted on any residential lot, subject to the following:
 - a. Such equipment shall adhere to the provisions of Section 4.2.10: special parking requirements for residential uses.
 - b. Parking and/or storing in a required front yard, driveway, or street side yard shall be prohibited unless all of the following conditions exist:
 - i) The vehicle is parked on the designated driveway that provides direct access to the garage from the street or on an improved area having an asphalt, concrete, rock, gravel or other similar surface which is intended for the parking of vehicles;
 - ii) The vehicle does not extend over a sidewalk or street, or equestrian path;
 - iii) The vehicle is fully operable and legally registered; and
 - iv) No more than two (2) such vehicles or trailers are parked or stored in the combined front or street side yard setback areas.
 - c. Temporary parking of more than two (2) recreational vehicles/trailers or recreational vehicles that exceed a gross vehicle weight of ten thousand (10,000) pounds in a required front yard, driveway, or street side yard is permitted for loading/unloading or repairs for no more than forty-eight (48) hours within seven (7) consecutive days. The Zoning Administrator may authorize a longer period of time if an emergency exists, up to a maximum of five (5) days.
 - d. Parking of such equipment is permitted within side and rear yards when screened by a solid six (6) foot tall fence, wall, and/or landscape barrier

as approved by the Zoning Administrator. Such equipment shall be stored so as to maintain a minimum three (3) foot clearance on at least one side for emergency access.

- e. Such equipment shall be prohibited for human occupancy as a permanent residence. Temporary occupancy is allowed for periods of no more than four (4) weeks per twelve (12) month period. A temporary occupancy permit must be issued by the Community Development Department. See Section 3.3: Temporary Uses for additional provisions and exceptions.
- f. Such equipment shall not be used for storage of goods, materials, or equipment other than those items considered to be a part of the recreational vehicle or essential for its use as a recreational vehicle.

3.2.11 Swimming Pools

- A.** Any swimming pool along with incidental installations, such as pumps and filters, shall be enclosed by a permanent fence, wall or barrier in conformance with this section, and applicable provisions of the International Residential Code and International Building Code as adopted by the city of Eloy and amended from time to time.
- B.** Swimming pools along with incidental installations, such as heater, pump and filter or other mechanical equipment used in association with a private swimming pool, may be located in other than the required front yard provided such pool sits back from all lot lines a minimum distance of three (3) feet. Any such mechanical equipment shall be situated so that no exhaust, vibration, noise, or other nuisance creates a disturbance to the adjoining property.
- C.** The protective pool enclosure and barrier shall not contain openings that might be used for foothold or handhold climbing purposes and shall not be less than five (5) feet nor more than six (6) feet in height.
- D.** Residential structure walls containing exterior entry doors into a pool enclosure area shall comply with the standards in the City's adopted International Residential Code and International Building Code.
- E.** Access to the swimming pool enclosure area from all gates shall be equipped with a minimum five (5) foot high self-closing and self-latching gate which shall open outward away from the pool with the latch/lock placed at least fifty-four (54) inches above the underlying ground and with the closing device (spring, pneumatic) at least thirty-six (36) inches above the underlying ground. Any vertical openings at the ground level in a pool enclosure fence (e.g., wrought iron) shall be of such size that a spherical object four (4) inches in diameter cannot pass through the openings. Wrought iron or wood barriers or enclosures shall be constructed with at least fifty-four (54) inches between the top surfaces of the horizontal members.
- F.** In all residential districts, contained bodies of water, either above or below ground level, with the container being eighteen (18) or more inches in depth and/or wider than eight (8) feet at any point, measured perpendicular to the long axis, shall

conform to the location and fencing requirements for swimming pools. Irrigation and stormwater retention facilities, and the water features in public parks and golf courses are exempt from the fencing requirements of this Section.

3.3 Temporary Uses

3.3.1 Purpose

This Section allows for the establishment of temporary uses and/or activities that might not meet the normal development or use standards of the applicable zoning district, but may be considered acceptable because of their temporary nature. These activities are regulated to ensure that basic health, safety, and community welfare standards are met, while also ensuring compatibility is maintained between the proposed activity and surrounding areas.

3.3.2 Temporary Use Approval

All allowed temporary uses shall obtain a Temporary Use permit (TUP), (unless otherwise stated in Section 3.3.3 or exempt as identified in subsection 3.3.4), pursuant to Section 6.8 Temporary Use Permit, of this Ordinance and provided that the temporary use complies with the standards and/or conditions specified in subsection 3.3.3 below.

3.3.3 Allowed Temporary Uses

- A.** All temporary uses and structures, unless otherwise specified, shall comply with the dimensional and development standards of the zoning districts in which they are located. In the case of any conflict, the more restrictive standards, as determined by the Zoning Administrator, shall apply.
- B.** A construction trailer/yard may be permitted in any zoning district during the construction of a permanent building when a valid building permit is in effect, provided the following conditions are met:
 - 1. The uses are only associated with the developer/owner and subdivision or project in which they are located.
 - 2. Off-street parking shall be provided for the office and construction staff.
 - 3. Such structures and uses shall be located on the site no more than thirty (30) days prior to the start of construction and removed no more than thirty (30) days after completion of the project or expiration of the approved TUP, whichever occurs first. Unless satisfactory evidence is provided by the property owner/contractor justifying the need for the extension of these time limitations.
 - 4. The construction trailer/yard complex shall be permitted for no longer than one (1) year from the date of such approval and may be renewed for like periods thereafter upon submittal of satisfactory evidence from the property owner indicating that the need for the use continues to exist on the property.

- C.** A temporary sales office, leasing office or model home may be permitted, provided the following conditions are met:
1. Such offices shall be located on the property being offered for sale or lease. The temporary structures use shall be limited to the sale or lease of on-site subdivided lots, dwelling units, or other types of on-site real property.
 2. Off-street parking shall be provided for the sales office or model home.
 3. All structures must meet all building code and permit requirements for the appropriate category of construction.
 4. Any Temporary Use Permit (TUP) approved for such office shall be limited to a period of time not to exceed two (2) years from the date of issue and said permit may be renewed for like periods thereafter if the real property being offered for sale or leased on the site has not been sold or leased.
 5. Upon sale of the development, cessation of the need for the use (90% buildout) or termination of TUP, whichever comes first, all modifications to structures and uses shall be removed.
- D.** Carnivals, Circuses, Concerts, Revivals, Rodeos and Similar Activities may be permitted, provided the following conditions are met:
1. A Temporary Use Permit (private property) shall be obtained or a Special Event Permit when the event is on City property.
 2. Staff shall ensure that health and fire safety is considered and shall solicit the comments of the Pinal County Health Department and Eloy Fire District chief/ marshal as necessary.
 3. Staff shall ensure that land area is adequate for the proposed use's parking; and shall ensure that traffic safety is considered.
 4. Staff shall require measures to adequately protect surrounding property.
 5. Permanent structures shall not be allowed.
 6. A Special Events Permit or a Temporary Use Permit shall pertain to the allowable activity permitted during the time limit of the permit. A change in ownership or sponsor applicant for the same activity during the time limit of the permit shall not constitute grounds for extending the time granted for the activity in the original permit.
- E.** Seasonal and holiday sales, such as Christmas tree or pumpkin sales on any open lot or parking lot in commercial or industrial zones are limited to one (1) sale per calendar quarter, lasting no longer than forty-five (45) consecutive days of site occupation and operation.
- F.** Outdoor arts and crafts shows and exhibits subject to not more than fifteen (15) days of operation or exhibition in any ninety (90) day period.
- G.** Outdoor parking lot sale events sponsored by businesses shall be located on paved areas on the same lot as the structure containing the business holding the event and are limited to one (1) sale per calendar quarter, lasting no longer than one (1) week in duration. Rummage and other outdoor sales sponsored by local non-profit organizations are limited to one (1) sale in each six (6) month period.