

ARTICLE 14-11 ADDITIONAL GENERAL REGULATIONS

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SECTION 14-11-1 APPLICATION OF GENERAL REGULATIONS

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

SECTION 14-11-2 NON-CONFORMANCE TO REGULATIONS

The Town may acquire by purchase or condemnation private property for the removal of non-conforming uses and structures. The elimination of such non-conforming uses and structures in a zoned district is a public purpose. Nothing in the Zoning Ordinance shall affect existing property or the right to its continued use for the purpose used at the effective date of this Ordinance, not to any reasonable repairs or alterations in buildings or property used for existing purposes (Reference ARS 9-462.02)

SECTION 14-11-3 BUILDINGS UNDER CONSTRUCTION

Nothing in this Article may be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Ordinance and upon which actual building construction has been diligently carried forth. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

SECTION 14-11-4 MOVING OF BUILDINGS

No building or structure which has been wholly or partially erected on any

premises located either within or outside the Town shall be moved to or be placed upon any premises located within the Town until a permit for such removal and a zoning compliance certificate for such relocation, shall have been issued by the Zoning Administrator. any such building or structure shall conform to all provisions of this Article in the same manner as a new building or structure. No such building or structure shall be used or occupied until an occupancy permit has been issued, as provided in article 14-23 of this Ordinance.

SECTION 14-11-5 ACCESSORY BUILDINGS AND USES

A. Accessory buildings shall not be constructed upon a lot until the construction of the principal building has been actually commenced.

B. Accessory buildings may be built in the required rear yard but such accessory buildings shall not occupy more than thirty (30) percent of the required rear yard and shall not be nearer than two (2) feet to any side of the rear lot line or setback line, except that in the case of corner lots, accessory buildings shall not be nearer to the street than a distance equal to not less than one-half (1/2) the depth of the required front yard of the corner lot and when a garage is entered from an alley, it shall not be located nearer than ten (10) feet to the alley line.

C. Accessory buildings on through lots shall be no nearer to either street than a distance equal to the required front yard of such lot.

SECTION 14-11-6 NUMBER OF PRINCIPAL BUILDINGS ON A LOT

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

SECTION 14-11-7 ADJUSTMENT PERMITTING AN ADDITIONAL DWELLING UNIT

In zoning districts permitting multiple family dwellings, if an amount of lot area not allocated to a dwelling unit is more than eighty (80) percent of that required for one (1) dwelling unit, such remaining lot area may be used to satisfy the lot area requirement for an additional dwelling unit.

SECTION 14-11-8 TWO-FAMILY DWELLINGS

Two-family dwellings may be erected in single Family Residential Districts whenever forty (40) percent of the frontage on one (1) side of a street, between two (2) intersecting streets is occupied by two-family dwellings or two-family and multiple-family dwellings are complied with.

SECTION 14-11-9 ADDITIONAL LOT AREA AND DIMENSION REGULATIONS

A. Any lot of record existing at the time this Ordinance or amendments thereto

become effective, which does not conform with the lot area or width requirements for the zoning district in which it is located may be used for any use permitted in that zoning district provided other applicable regulations of this Ordinance are complied with.

B. Any lot, after this Ordinance or amendments thereto become effective, shall not be reduced in any manner below the lot area and dimension requirements of this Ordinance for the zoning district in which it is located, or if a lot is already less than the minimum so required, such lot area or dimension shall not be further reduced.

C. Any lot, after this Ordinance or amendments thereto become effective, shall not be reduced or diminished so as to cause the yards or other open spaces to be less than that required by this Ordinance, or to decrease the lot area per swelling unit except in conformity with this Ordinance.

SECTION 14-11-10 ADDITIONAL YARD AND OPEN SPACE REGULATIONS

A. Require yard or other open space around any existing buildings, or which is hereafter provided around any building for the purpose of complying with this Ordinance shall not be construed as providing a yard or open space for any other building.

B. Every part of a required yard shall be open to the sky, unobstructed, except as enumerated in the following:

1. Accessory buildings may be located in the required rear yard subject to applicable regulations elsewhere in this Ordinance.

2. Ordinary projections of window sills, cornices, eaves, and other ornamental features may project a distance not exceeding three (3) feet into any required yard, except that in the case of accessory buildings in the required rear yard this projection shall not exceed one (1) foot beyond the walls of such accessory buildings.

3. Chimneys may project a distance not exceeding two (2) feet into any required yard.

4. Fire escapes may project a distance not exceeding five (5) feet into any required yard provided such projection shall be distant at least two (2) feet from any lot line or setback line.

5. Bay windows and balconies may project a distance not exceeding three (3) feet into the required front or rear yard, provided that such features shall not occupy, in the aggregate, more than one-third (1/3) of the length of the wall of the building on which they are located.

6. Uncovered stairs and necessary landings may project a distance not exceeding six (6) feet into the required front or rear yard, provided that such stairs and landings shall not extend above the entrance floor of the building except for a railing not to exceed three (3) feet in height.

7. Terraces, patios, platforms and ornamental features which do not extend more than three (3) feet above grade may project into any required yard, provided such features shall be a distance of at least two (2) feet from any lot line or setback line.

C. Where an open space is more than fifty (50) percent surrounded by a building which is two (2) stories or more in height, the minimum width of the open space shall be at least thirty (30) feet for a two-story building and forty (40) feet for a three-story buildings.

D. side yards for dwelling units erected above other uses conducted in the same building are not required in excess of the side yards that would be required for such building were it not to contain the dwelling units.

E. Where forty (40) percent or more of the frontage on one (1) side of a street between two (2) intersecting streets is developed with buildings that have not observed a required front yard, the required front yard for any buildings erected within one hundred (100) feet of existing buildings on both sides shall be a line drawn between the two closest front corners of the adjacent buildings on the two (2) sides; or where a building is to be erected, 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.

SECTION 14-11-11 ADDITIONAL HEIGHT REGULATIONS

A. Public or public-service buildings, hospitals, institutions, or schools may be erected to a height not exceeding sixty (60) feet, and churches may be

erected to a height not exceeding seventy-five (75) feet, if the building is set back from each lot line at least (1) foot for each additional building height above the height limit otherwise permitted in the zoning district in which the building is located.

B. Chimneys, church steeples, refrigeration coolers, or ventilating fans, elevator bulkheads, fire towers, ornamental towers or spires, wireless towers, and mechanical appurtenances necessary to operate and maintain the building may be erected to a height not exceeding one hundred (100) feet, if such structure is set back from each lot line at least one (1) foot for each foot of additional height above the height limit otherwise permitted in the zoning district in which the structure is located.

C. The following limitations shall apply to the height of fences, walls, gateways, ornamental structures, hedges, shrubbery and other fixtures, construction and planting on corner lots in all zoning districts where front yards are required:

1. Such barriers to clear unobstructed vision at corners of intersecting streets shall be limited to a height of not over two (2) feet above the established elevation of the nearest street line, for a distance of twenty-five (25) feet along both the front and side lot lines, measured from the point of intersection, of the said intersection line.

2. Within the isosceles triangle formed by measured along both the front and side lot lines a distance of twenty-five (25) feet from their point of intersection and by connecting the ends of the respective twenty-five (25) feet distances, such barriers shall be limited to a height of not over (2) feet above the elevation of the street line level at the said intersecting streets.

3. Within the said triangle, and in cases where front yards are terraced, the ground elevation of such front yards shall not exceed two (2) feet above the established street line elevation at said intersecting streets.

D. No fence in any residential district shall exceed six (6) feet in height above grade.

SECTION 14-11-12 ESSENTIAL SERVICES PERMITTED

Nothing in this Ordinance shall prevent the location, erection, construction, alteration or maintenance by a public utility of any essential services as defined herein.