

ARTICLE 14-2 GENERAL RULES AND DEFINITIONS

14-2-1 General Rules for Construction of Language

14-2-2 Definitions

SECTION 14-2-1 GENERAL RULES FOR CONSTRUCTION OF LANGUAGE

The regulations and restrictions as set forth in this Ordinance shall be so interpreted and applied as to further the purpose of this Ordinance. All words used in the present tense shall include the future tense. All words in the singular number shall include the plural number and all words in the plural number shall include the singular number. The word "structure" includes the word "building," the word "shall" is mandatory and not directory, and the word "may" is permissive.

SECTION 14-2-2 DEFINITIONS

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

Agriculture: Agriculture shall mean the growing of soil crops for commercial sale.

Apartment House (Multiple Dwelling): Any building or portion thereof to be occupied by three (3) or more families living independently of each other and having their own cooking and sanitary facilities on the premises.

Association: means a nonprofit corporation or unincorporated association of owners that is created pursuant to a declaration to own and operate portions of a planned community and that has the power under the declaration to assess association members to pay the costs and expenses incurred in the performance of the association's obligations under the declaration.

Boarding House: A dwelling in which 3,4, or 5 rooms are occupied as guest rooms in which food may be served to the occupants thereof. Any dwelling in which more than five (5) rooms are occupied as guest rooms shall be deemed as a hotel. A boarding house shall not include institutions for persons requiring physical or mental care by reason of age, infirmity or disease.

Building: Any structure built for the support, shelter, or enclosure of persons, animals, or property of any kind.

Building Accessory: a subordinate building, the use of which is incidental to that of the main building.

Carport: Shall mean an accessory building or portion of a main building with two (2) or more open sides designated or used for the parking of motor vehicles. Enclosed storage facilities may be provided as part of a carport.

Church: a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship.

Clinic: A building used for the diagnosis and/or treatment of ill or injured person, but which building does not provide board, room or regular hospital care and services.

“Club” or “Lodge” : Shall mean a regularly constituted association of persons who are bona fide members paying regular dues, primarily organized for some common social purposes and which derived not more than one-half of it’s revenue or income for the sale of goods and services to its members or others.

Cluster Development: a grouping of residential dwellings, commercial/industrial units or other uses within a specific area of the appropriate zoning district that maintains the same overall allowable density in that same district.

Conditional Use: A use which may be beneficial to have within certain zones, and because the uses may not be completely compatible with adjoining or nearby uses if not specifically controlled, therefore, a permit is issued after certain conditions are met. Community documents: means the declaration, bylaws, articles of incorporation, if any, and rules, if any.

Day Care Center: any child care arrangement that provides day care on a regular basis for more than four hours per day for more than five children of preschool age.

Dwelling: a building or portion thereof designed or used exclusively for residential occupancy, including , single family, two family, and multiple family dwellings, but not including hotels, boarding and lodging houses.

Dwelling Unit: One or more rooms in a building designed for living purposes (bathing, eating and sleeping) and occupied by one family.

Dwelling, One-Family: A detached residence designed for or occupied by one family.

Dwelling, Two-Family: a building containing two dwelling units.

Dwelling, Multiple-Family:A building containing three or more dwelling units.

Easement: a space on a lot or parcel of land, and so indicated on a subdivision map, (or in a deed restriction) reserved for and/or used for public utilities and/or public uses.

Family: One or more persons living together as a single housekeeping unit.

Floor Area: Floor area shall mean the gross floor area, measured from the exterior walls of the building.

Garage, Private: An accessory building or portion of principal building designed or used for the parking or temporary storage of motor vehicles of occupants in the building to which such garage is accessory, but not including the parking or temporary storage of delivery truck or motor vehicles having a capacity in excess of one (1) ton.

Garage, Public: A building or portion thereof, other than a private garage designed or used for servicing, repairing, equipping, hiring, selling, or storing motor vehicles.

Garden: A plot of land used to grow vegetables or fruit.

Grade: The average elevation of the finished ground surface adjacent to the exterior walls of a building.

Height of Building: The vertical distance from the grade to the highest point of the roof.

Home Occupation: Any occupation or profession within a dwelling conforming to all associated ordinances conducted at a small scale clearly incidental and subordinate to the use of the structure that precludes disturbance to the surrounding neighborhood or property and which does not change the exterior or character of the property in any way, 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.

Hospital: a building where the sick or injured are given medical or surgical care, including ancillary uses common to medical e.g., pharmacies and medical labs.

Junk: Any old or scrap copper, brass, rope, rags, batteries, hazardous waste, paper, trash of any kind, wood and rubber debris, waste, or junked, dismantled, or wrecked automobiles, parts thereof, iron, steel, and other old scrap ferrous or nonferrous material.

Junk Yard: A place where scrap, waste, discarded or salvaged materials are bought, sold exchanged, baled, packed, disassembled, handled, or stored in the open, including, but not limited to, automobile wrecking yards, used lumber yards, and places or yards for the storage or salvage house wrecking and structural steel materials, and equipment. This except where such activities are conducted entirely within a completely enclosed building and where salvaged materials are kept incidental to manufacturing or other industrial or agricultural operations conducted on the premises.

Kenel: Any establishment at which more than three (3) animals are bred or raised for sale, or boarded, cared for, commercially or on a nonprofit bases, exclusive of dental, medical or surgical care, or for quarantine purposes.

Landscaping, Landscaped: the addition and/or systematic retention and maintenance of plant materials on a lot or to enhance the environment and visual characteristics of commercial, industrial and residential neighborhoods.

Lot: A parcel of land, or two or more contiguous parcels to be used as a unit under the provision of this Chapter, as shown in the records of the Pinal County Assessor's Office, and having its principle frontage on a street. In any district where a half-street has been dedicated not less than 25 feet in width, lots facing such half-street shall be deemed to have frontage on a street.

Lot Corner: A parcel of land located at the intersection of two (2) or more streets. A corner lot shall be considered to be in that block in which the lot fronts.

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

Lot Line - Front: The front property line of a lot shall be determined as follows:

Lot, Front: The front property line of a through lot shall be that line which is obviously the front by reason 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 200 feet deep may be considered, for the purposes of this definition, as two lots each with its own frontage.

Lot, Interior: A lot other than a corner lot.

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

Lot, Key: an interior lot on side of which is contiguous to the rear line of a corner lot.

Lot Length: The length (or Depth) of a lot shall be (a) if the front and rear lines are parallel, the shortest distance between such lines; (b) if the front and rear line are not parallel, the shortest distance between the midpoint of the front lot line and the midpoint of the rear lot line' (c) 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 (10) feet lying wholly within the lot.

Lot, Rear: The rear property line of a lot is that line opposite to the front property line. Where the side property lines of a lot meet in a point, the rear property line shall be assumed to be a line not less than 10 feet long, lying within the lot parallel to a line tangent to the front property line. In the event that the front property line is a curved line, then the rear property line shall be assumed to be a line not less than ten (10) feet long, lying within the lot and parallel to a line tangent to the front property line at its midpoint.

Lot, Side: The side property lines of a lot are those lines connecting the front and rear property lines of a lot.

Lot Width: The width of a lot shall be: a. If the side property lines are parallel, the shortest distance between these side lines; b. 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.

Manufactured Home: A single-family dwelling unit built after June 15, 1976, on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation and with the tongue and axles removed. The structure must be 25 years or newer at time of placement and must be at least twenty feet (20') in width and forty feet (40') in length and shall be connected to the required utilities.

Mobile Home:A single-family dwelling structure transportable in one or more sections built before June 15,1976. The structure is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities. (These units are not legal in town of Mammoth.)

Manufactured Home Park: Any parcel of land containing three (3) or more acres upon which two (2) or more manufactured homes are located (regardless of whether or not a charge is made for such accommodations) and may be rented, leased. or sold. If the individual spaces are sold, he remainder of the use must be in the common ownership of all unit owners.

Manufactured Home Subdivision: A subdivision designed and intended for residential use where residence is in manufactured homes exclusively.

Neighborhood Tavern: Shall include but not limited to; saloons; bars; inns; night clubs. A place where liquors, beer, wine, etc. are sold to be consumed on the premises.

Non-Conforming Building: Shall mean a building or portion thereof which was lawful when established but which does not conform to a subsequently established district or district regulations.

Non- Conforming Use: Shall mean any building or land lawfully occupied by a use at the time of passage of this ordinance or amendment thereto which does not conform after the passage of this ordinance or amendment thereto with the use regulations of the district in which it is located.

Nuisance: Annoying, unpleasant or obnoxious and out of character with the neighboring area.

Outside Storage: Any specific and/or miscellaneous equipment, supplies, containers, material, products or provisions which are, either on a temporary, periodic or permanent basis, located either singularly or in accumulation outside the exterior walls of any building or structure. Included in the definition shall be five (5) or more company-owned or fleet vehicles.

Parking Space: A permanently surfaced area, enclosed or unenclosed, of not less than nine (9) feet, in width by twenty (20) feet in depth and having an area of not less than one hundred eighty (180) square feet, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Planned Community: Means a real estate development which includes real estate owned and operated by a nonprofit corporation or unincorporated association of owners that is created for the purpose of managing, maintaining or improving the property and in which the owners of separately owned lots, parcels or units are mandatory members and are required to pay assessments to the association for these purposes. Planned community does not include a timeshare plan or a timeshare association that is governed by chapter 20 of this title.

Recreational Vehicle (RV): A unit, designed to provide temporary living quarters, built into as an integral part of or attached to a self-propelled motor vehicle chassis or to be towed by a motor vehicle. The unit contains permanently installed independent life support systems which provide at **least four of the following** facilities; cooling, refrigeration or ice box, self-contained toilet, heating and/or air conditioning, a potable water supply system including a faucet and sink, separate 110-125 volt electrical power supply and/or LP gas supply.

RV Park: An area or tract of land used to accommodate two or more. recreational vehicles.

Rest Home: Building used for housing of and caring for the ambulatory, aged or infirmed. There shall be only incidental convalescent care not involving either trained nurses or physicians residing on the premises. There shall be no surgery, or similar activities, such as is customarily provided in sanitariums and hospitals.

Salvage Yard: See “ Junkyard”

Setback: The minimum horizontal distance between the lot or property line and the nearest front, side or rear line of the building (as the case may be), including terraces, eaves, or any covered projection thereof.

Sign: Any device used to attract attention to or provide identification, advertising or directional information for a specific business, service, product, person, organization, place or building included in this definition of sign are graphic devices such as logos, logo sculpture, obtrusively colored fascia or architectural elements, banners, balloons, streamers, search lights, strobe lights, flags, inflatable structures, merchandise displays, accessory lights, and other attracting media and devices.

Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the surface of such floor and the ceiling or roof above it.

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

Structure: Anything constructed or erected which required location on the ground or attached to something having location on the ground, but not including tents, vehicles, RVs or mobile homes.

Trailer: A single-family dwelling structure transportable in one or more sections built before June 15, 1976. The structure is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities.

Use: The purpose or purposes for which land or a building is occupied, maintained, arranged, designed or intended.

Use, Accessory: A use which is customarily incidental and subordinate to the principal use of a lot or a building, and located on the same lot therewith.

Use Principal: The main use of land or a building as distinguished from an accessory use.

Variance: The fact or quality of being different or inconsistent.

Yard: A required space other than a court on any lot, unoccupied by a structure and unobstructed from the ground upward except as otherwise provided therein, and measured as the minimum horizontal distance from a building or structure, excluding carports, porches and other permitted projections, to the property line opposite such building line.

Yard, Front: A yard extending across the full width of the lot and lying between the front line of the lot and the nearest line of the principal building.

Yard, Rear: A yard extending across the full width of the lot and lying between the rear line of the lot and the nearest line of the principal building.

Yard, Side: That portion of a zoning lot lying between the side line of the lot and a line drawn through the nearest point of a principal building extending from the front yard to the rear yard, or in the absence of either of said yards from the front to the rear lot lines respectively.

Zone District: Any section as shown of the Zoning District Map of the Town of Mammoth for which the regulations governing the use of buildings and premises or the height and area of building are uniform.

