

ARTICLE 151.04 SUPPLEMENTARY DISTRICT REGULATIONS

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Section 151.04.001 Purpose

The provisions of this Article establish standards and regulations for on-site development of all lots within the City.

(Ord. 743, passed 4-10-86)

Section 151.04.002 Buildings Under Construction

Nothing in this Code shall 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 Code and upon which actual building construction has been diligently carried forth. Actual construction is defined to include the placing of construction materials in the permanent location and fastened in permanent manner; except that where demolition or removal of an existing building has been substantially begun to prepare for rebuilding, such demolition or removal shall be deemed to be actual construction.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86)

Section 151.04.003 Moving of Buildings

No building or structure, which has been wholly or partially erected on any premises, shall be moved to or be placed upon any other premises until a permit for the removal and relocation has been issued by the Director of Community Development. Any such building or structure shall conform to all provisions of this Code in the same manner as a new building or structure.

No such building or structure shall be used or occupied until a Certificate of Occupancy has been issued, as provided in Section 151.03.005 of this Code.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86)

~~Section 151.04.004 Dumping or Disposal of Rubbish~~

~~The use of land for the dumping or disposal of scrap iron, junk, garbage, rubbish or other refuse, or industrial wastes or by-products, shall be prohibited in every district except as provided herein.~~

~~('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86)~~

Section 151.04.004⁵ Exceptions to Height Limitations

Height regulations established elsewhere in this Code shall not apply to the following:

- A. In any zoning district - church spires, belfries, cupolas, and domes that are not built for human occupancy; monuments; water towers; flagpoles; non-commercial radio or television antennas; and star watch equipment;
- B. In commercial or industrial zoning districts - parapet walls extending not more than 4 feet above the height of the building and any elevator housings;
- C. In industrial districts - chimneys, smokestacks, derricks, and conveyors; to grain elevators or similar structures used in the industrial processes.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 2010-017, passed 9-23-10)

Section 151.04.004⁵6 Administrative Modification of Dimensional Standards

A. Applicability

1. In accordance with the provisions of this Section, staff may modify a required building setback in cases where the following conditions apply:

a. For properties located outside the Infill Incentive District Area:

(1) The subject property contains an existing single-family dwelling unit; and

(2) The modified setback results in a building setback of no less than five feet from a rear or side property line unless the subject property abuts a platted alleyway or dedicated drainageway in which case a modified setback shall provide no less than one-foot of building setback from a rear or side property line that abuts a platted alleyway or dedicated drainageway.

b. For properties located inside of an Infill Incentive District Area:

(1) The subject property is used or proposed to be used for residential purposes; and

(2) The modified setback results in a building setback of no less than five feet from a rear or side property line unless the subject property abuts a platted alleyway or dedicated drainageway in which case a modified setback shall provide no less than one-foot of building setback from a rear or side property line that abuts a platted alleyway or dedicated drainageway.

(3) The modified setback results in a building setback of no less than fifteen feet from a front lot line adjoining the primary frontage or no less than ten feet from a front lot line adjoining the secondary frontage (on corner lots); provided, however, no setback modification shall be granted for that portion of a front facade containing an enclosed garage or carport.

2. In accordance with the provisions of this Section, staff may modify the maximum fence or wall height on properties used for residential purposes, provided however, any existing wall proposed to be elevated shall be certified by a professional engineer or architect registered in the State of Arizona as being able to support the modification in accordance with local building codes.

B. Application. Requests shall be made on application forms provided by the Department of Community Development.

C. The City shall notify, by mail, the property owner(s) most affected by the proposed request. The notice shall include a sketch plan of the site.

D. Standards. The City shall grant a modification of the setback after these following standards have been met:

1. The request shall not substantially reduce the amount of privacy that would otherwise be enjoyed by nearby residents. This is determined by the responses from adjacent property owners and staff observations.

2. Significant views of prominent land forms or parks from nearby properties will not be obstructed any more than would occur if the request was granted.

3. Traffic visibility on adjoining streets will not be adversely affected;

4. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights-of-way;

5. The location of proposed buildings and structures, and the activities to be conducted therein, will not impose objectionable noise levels or odors on adjoining properties.

6. The proposal will not interfere with the daily living activities or injure the rights of adjacent property owners. This is determined by the responses from the adjacent property owners and staff observations.

E. Determination by the City

1. The City shall review all the submitted information and provide a written response to the petitioner of the action.

2. The City shall approve the application if all the standards as stated in 151.04.006.D are met. Once granted, the building permit may be issued. The permit must be issued within 120 days of the granting of the request. Approval of the request does not set precedent; each request is reviewed on an individual basis.

3. The request shall be denied if the standards as stated in 151.04.006.D are not met. The decision shall indicate the reasons why the request was denied.

F. Fees. Fees for administrative modifications shall be determined according to a schedule established by the Council.

G. Appeals to the Hearing Officer. Any aggrieved person may appeal the decision of the City to the Hearing Officer, which will be heard in accordance with Section 151.30.008. Upon filing an appeal, the applicant shall pay a filing fee established by the Council.

(Ord. 2004-013, passed 11-9-04; Am. Ord. 2010-017, passed 9-23-10; Am. Ord. 2018-002, passed 2-8-18)

Section 151.04.006~~7~~ Projections into Required Yards in Residential Districts

A. Ground-mounted, suspended- or window-type air conditioning units, evaporative coolers, or forced-air furnaces and swimming pools, spa or hot tub equipment, or other

similar equipment may project over or onto any required side or required rear yard provided that they are not closer than 2 feet to any lot line when installed.

B. Awnings, open fire balconies, and fire escape stairs may project not more than 5 feet over any required yard provided that they are not closer than 2 feet to any lot line when installed.

C. Cornices and eaves may project not more than 3 feet over any required yard provided that they are no closer than 2 feet to any lot line.

D. Sills, leaders, belt courses, and similar ornamental features may not project more than 6 inches over or into any required yard. A chimney or pilaster may project not more than 18 inches into any required yard provided that it is not more than 8 feet in width.

E. Bay or greenhouse windows, whether supported on their own foundations or not, may project not more than 2 feet over or into any required yard provided that they are not more than 8 feet in width on the outside plane of the bay.

F. Unroofed terraces, patios, steps, or similar features may not extend over 3 feet above grade when projecting into any required yard.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 896, passed 1-23-92)

Section 151.04.0078 Yards and Setbacks, General Usage

A. Except as provided elsewhere in this Code, no compressor unit, condensing unit, cooling tower, evaporative condenser, or similar device located on the ground shall be located closer to any interior lot line than the minimum setback required for the main building. All such devices shall discharge air in a direction other than toward any lot line within 25 feet of such device.

B. Where future street lines have been officially established by the Council, all required setbacks shall be measured from future property lines.

C. Satellite antennas shall not be erected in the required front or side yards.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86)

Section 151.04.0089 Clear-Vision Area

A. Clear-Vision Areas at Street Intersections. Development shall be setback or restricted near certain street intersections in order to provide a minimum clear-vision area. Clear-vision areas shall be determined for each controlled street intersecting a

thru or uncontrolled street. The determination of the clear-vision area for each controlled street shall be made according to Diagram 1 using the minimum corner sight distance listed in Table A.

TABLE A
MINIMUM CORNER SIGHT DISTANCE

BY TYPE OF STREET OR DESIGN SPEED

<i>Type of Through Street</i>	<i>Design Speed</i>	<i>A-B, A-C Distance in Feet</i>
Principal Arterial	55 mph	550
Major Arterial	45 mph	450
Minor Arterial	40 mph	400
Collector	30 mph	300
Local	25 mph	250
Note: To determine corner sight distance for speeds not included in this table, multiply the speed by 10 to calculate the distance.		

B. Clear-Vision Areas at Driveways. Clear-vision areas at driveways, including private driveways to public streets in residential, commercial, or industrial districts shall have a minimum clear-vision area as determined by Diagram 1 and Table A. For driveways, point A shall be no closer than 10 feet behind the curb of the public street being accessed.

The clear-vision area for each driveway shall be illustrated on every site plan submitted to the City for approval.

C. Obstructions in the Clear-Vision Area. There shall be no fence, structure, wall, or sign, higher than 3 feet and no landscaping between a height of 3 feet and 8 feet within the Clear Vision Area for driveways, alleys, and street intersections. Obstructions in the Clear Vision Area for residential driveways shall not be regulated. The height shall be measured from the top of the curb, or where no curb exists, from the established street centerline grade.

D. The preceding provisions shall not apply to the following:

1. A public utility structure;
2. A supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective and permitted as a non-conforming structure as provided by Section 151.24.002.G;
3. An official warning sign or signal;

4. A place where the natural contour of the ground is such that there can be no cross-visibility at the intersection.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 764, passed 1-8-87; Am. Ord. 854, passed 1-25-90; Am. Ord. 2010-017, passed 9-23-10)

Section 151.04.009~~10~~ Fences and Walls

A. A fence or wall may be erected in any residential zoning district if it meets the following requirements:

1. Maximum height and setback requirements: (measured from highest grade on either side of the fence):

a. In a side and rear yard setback, the maximum height of a fence or wall shall not exceed 6 feet except for the following:

(1) A fence or wall can be constructed 8 feet above grade within the buildable area of the principal structure as long as all requirements of the International Building Code are met.

(2) Medical Marijuana Cultivation Facility walls shall be constructed 10 feet above grade within the buildable area of the principal structure as long as all appropriate requirements of the International Building Code and the Arizona Department of Health Services are met.

b. Additional height can be requested by applying for the Administrative Modification process as described in Section 151.04.006, Administrative Modification;

c. In a front yard setback, the maximum height of an opaque fence or wall shall not exceed 4 feet on properties less than 10,000 square feet or shall not exceed 5 feet on properties larger than 10,000 square feet;

d. No opaque fence or wall exceeding 3 feet high shall be erected in the clear-vision area of a driveway, alley, or intersection;

e. All fences and walls are to be constructed on private property and out of any public right-of-way, public drainageways, and publically dedicated easements.

B. No fence on the exterior of the property shall contain barbed wire, razor ribbon, electrical current or charge of electricity, broken glass, or similar hazardous materials or devices. However, fences in commercial or industrial districts which enclose storage areas, transformers, antennae, or other high value or dangerous installation areas may

have barbed wire or razor ribbon connected so long as they are located more than 6 feet above grade. Where the keeping of livestock is permitted, barbed wire is allowed.

C. Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair. Any fence that is or has become dangerous to public safety, health, or welfare shall be considered a violation of this Code.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 764, passed 1-8-87; Am. Ord. 934, passed 10-28-93; Am. Ord. 2003-014, passed 8-14-03; Am. Ord. 2010-017, passed 9-23-10; Am. Ord. 2011-004, passed 5-12-11)

Section 151.04.010~~4~~ Swimming Pools

A. No swimming pool or other body of water intended for bathing 2 feet or greater in depth and longer than 4 feet in the largest linear dimension shall be located in any required front or side yard nor shall any such pool or body of water intended for bathing be closer than 4 feet to any lot line.

B. Whether it is accessory to a residential or a business use, every swimming pool or body of water intended for bathing 2 feet or greater in depth and longer than 4 feet in the largest linear dimension shall be enclosed by a fence, wall, or other structure in conformance with the provisions of the International Building Code.

C. Under no circumstances shall a pool intended for bathing be drained into an alley or other public right-of-way except that draining to a street or alley capable of carrying the run-off may be authorized by permit from the City. The Director of Community Development may permit the use of an on-site dry well for pool drainage. Any such dry well shall be subject to the requirements of A.R.S. §§ 49-331 through 336, which requires a permit from the ADHS (Arizona Department of Health Services) and any provisions contained in Section 151.22.029, Flood Hazard.

D. Any structure built over a swimming pool or body of water intended for bathing, whether rigid, semi-rigid or inflatable is considered to be an accessory structure as defined in Section 151.02.004 and must meet the requirements of the adopted International Building Codes. Plans must be submitted to the Department of Community Development for approval prior to commencement of initial construction.

E. New swimming pools, spas, and hot tubs shall be required to have a cover. The permit application shall note the type of cover proposed. Covers shall be of a solid (not mesh) design.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 764, passed 1-8-87; Am. Ord. 874, passed 1-10-91; Am. Ord. 896, passed 1-23-92; Am. Ord. 2003-005, passed 2-13-03; Am. Ord. 2005-010, passed 6-9-05)

Section 151.04.01~~1~~² Unsuitable Land

Property may not be developed if, in the opinion of the City, based on the written recommendation of the Director of Community Development, the land is unsuitable for the proposed use by reason of adverse topography, adverse soils, earth surface subsidence, high water table, periodic flooding, lack of water, or other natural or man-made hazards to life. However, the City may approve development of such land upon receipt of evidence from the developer's professional engineer's justification acceptable to the Director of Public Works that the construction of specific improvements can be expected to render the land usable, in which case, construction upon such land shall be prohibited until the specified public improvements have been designed by the developer's professional engineer, approved by the City Engineer, and construction has been guaranteed.

(Ord. 743, passed 4-10-86; Am. Ord. 875, passed 1-10-91; Am. Ord. 1043, passed 9-11-97)

Section 151.04.01~~2~~³ Grading Requirements

A. Cuts. Cut slopes shall not exceed in steepness a 3:1 (horizontal to vertical) ratio unless recommended by a certified soils engineer and approved by the City Engineer. Slopes between 3:1 and 4:1 ratio shall receive an approved slope treatment such as dumped rip rap, grouted rip rap, or concrete. Slopes flatter than 4:1 may require a slope treatment such as hydroseeding, decomposed granite, or as determined by the City Engineer. Slopes flatter than 4:1 and located in the public right-of-way shall require a slope treatment such as hydroseeding, decomposed granite, or as determined by the City Engineer.

B. Fill. Fill slopes shall not exceed in steepness a 4:1 (horizontal to vertical) ratio. All fills shall receive an approved slope treatment such as hydroseeding, decomposed granite, or as determined by the City Engineer.

1. Ground Preparations. The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top soil and other unsuitable materials; scarify to provide a bond with new fill and where slopes are steeper than 15 percent and the height is greater than 5 feet, by benching into a competent material as determined by a certified soils engineering report and approved by the City Engineer.

2. Structural Fill Material. Detrimental amounts of organic material shall not be permitted in structural fills. Burial of tree stumps will not be allowed on any site other than an approved solid waste disposal site. No rock or similar material greater than 6 inches in diameter shall be placed in a structural fill. The City Engineer may permit placement of larger rock if the soils engineering report devises a method to continuously inspect placement and certify stability of rock disposal areas having no overlapping with physical improvements, and is a minimum of 5 feet below grade measured vertically.

3. Structural Fill Compaction. Structural fill will be compacted to a minimum of 95 percent of maximum density. The soils engineer shall certify all structural fills as meeting minimum bearing capacity for the intended use and meeting minimum compacted density of 95 percent.

4. Non-Structural Fills. Fill materials and landscape berms will be compacted to at least 90 percent maximum density by reasonable mechanical means.

(Ord. 743, passed 4-10-86; Am. Ord. 875, passed 1-10-91; Am. Ord. 1043, passed 9-11-97; Am. Ord. 2008-010, passed 5-8-08; Am. Ord. 2010-017, passed 9-23-10)

Section 151.04.0134 Required Drainage Facilities

A. All roof and foundation drains may be discharged either to:

1. a street or an alley, or
2. a public or approved private storm drain, or
3. a natural drainageway, if adjacent to the lot, or
4. to an on-site storage facility.(i.e. rain storage tank)
5. to depressed landscaped areas with a sufficient buffer from building foundation.
6. other as approved by the City Engineer.

B. The design of drainage facilities that involve discharges to a public works improvement or public property shall be reviewed and approved by the Director of Public Works prior to issuance of a building permit by the Director of Community Development. The Director of Community Development may permit the use of an on-site detention, retention, or dry well located in the rear yard for such drainage, provided the design is reviewed and approved by the Director of Public Works. Any such dry well shall be subject to the requirements of A.R.S. §§ 49-331 through 336 which requires a permit from the ADEQ. See Section 151.22.029, Flood Hazard, for applicable provisions when location of dry wells falls within the flood prone area.

C. Subsurface drainage facilities may be required in areas of fill if it is determined by a geologist or certified soils engineer that there will exist a groundwater situation that could cause stabilization problems. Any subsurface natural spring or field tile shall be piped to an approved drainage facility.

(Ord. 743, passed 4-10-86; Am. Ord. 764, passed 1-8-87; Am. Ord. 875, passed 1-10-91; Am. Ord. 1043, passed 9-11-97)

Section 151.04.01~~4~~5 Parking of Miscellaneous Vehicles and Trailers in Residential Zoning Districts

A. In residential zoning districts, no recreational vehicles, boat trailers, horse trailers, and similar trailers shall be parked or stored so as to interfere with the clear vision area as described by Section 151.04.009 or project into any right-of-way. No such vehicle so parked or stored shall be used for living purposes for more than 14 consecutive days.

B. No commercial or industrial type equipment to include: tractors, backhoes, bulldozers, trenchers, cranes, or other similar equipment, may be parked in an area visible to the public for more than 48 hours in any residential zoning district except when the equipment is being used for construction purposes on the site.

(Ord. 743, passed 4-10-86; Am. Ord. 982, passed 5-25-95)

Editor's notes:

Am. Ord. 2016-002, passed 2-25-16, renamed Article from General Regulations to Supplementary District Regulations.

Am. Ord. 2016-002, passed 2-25-16, removed Section 151.04.017 and relocated text to Section 151.06.003.

Am. Ord. 1086, passed 2-11-99. Amended Section 151.04.018. Language subsequently removed and relocated to Section 151.06.008 per Am. Ord. 2016-002, passed 2-25-16.