

ARTICLE VII

GENERAL PROVISIONS

SECTION 1 INTERPRETATION.

Paragraph 1 The provisions of this ordinance shall be minimum requirements and shall be liberally construed in favor of the Town.

SECTION 2 BUILDING PERMIT AND PLOT PLAN REQUIRED.

Paragraph 1 No building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the Building Official.

Paragraph 2 Application for a plot plan and building permit shall be made in accordance with the Town's development procedures ordinance.

SECTION 3 USES ALLOWED IN THE VARIOUS ZONING DISTRICTS.

Paragraph 1 Although it is intended that all possible uses are listed it is possible that specific uses may not be listed that should be due to their similarity to other allowed uses.

Paragraph 2 The Zoning Administrator shall have the authority to recommend to the Planning and Zoning Commission approval of uses that are similar to other allowed uses in each of the approved zoning districts. This recommendation shall be in writing and shall include reasons for the recommendations. The Planning and Zoning Commission may approve or deny the similar use but shall show reasons for their decision in the Commission record. Upon approval by the Planning and Zoning Commission the use is allowed. Uses approved by the Planning and Zoning Commission shall be added to this ordinance as an ordinance amendment the next time the ordinance is considered for amendment.

SECTION 4 PRINCIPAL USES.

Paragraph 1 Principal Uses: only those uses specifically designated as "Permitted Uses" in the zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited as principal uses.

SECTION 5 PRINCIPAL BUILDINGS LIMITED TO ONE (1) PER LOT WITHOUT TOWN APPROVED SITE PLAN.

Paragraph 1 Unless otherwise specifically allowed no more than one (1) principal building shall be permitted on a single lot unless a site plan designating the location of all principal buildings has been approved by the Town Council and had been recorded with the Clerk and Recorder of La Paz County.

SECTION 6 ACCESSORY USES AND BUILDING

Paragraph 1 Accessory Uses: uses normally accessory to principal or conditional uses shall be permitted as specified. No accessory use or structure shall be permitted in any district until its principal use or structure is present or under construction unless specifically recommended by the Planning and Zoning Commission and approved by the Town Council.

Paragraph 2 Accessory Buildings: unless otherwise specifically allowed no accessory building shall be used for living or sleeping purposes.

SECTION 7 TEMPORARY CONSTRUCTION BUILDINGS

Paragraph 1 Temporary Buildings: temporary buildings for uses incidental to construction work are permitted. Such buildings shall be removed upon completion or abandonment of the construction work. Such temporary buildings shall not be used as residences except as follows:

- A. A travel trailer or mobile home may be used as a residence when the main building is being renovated or remodeled provided the maximum time limit allowed shall be ninety (90) days. Temporary buildings may be used for a night watchman's residence on a construction site.

Paragraph 2 Portable water type structures may be allowed for use as temporary real estate sales offices when associated with a land or housing sales operation at a subdivision.

- A. Such structures may not be used for residences nor contain sleeping accommodations.
- B. Placement of such structures shall only be done after issuance of a Conditional Use Permits.

SECTION 8 DUMPING OR DISPOSAL

Paragraph 1 The use of land for the dumping or disposal of scrap, debris, obsolete vehicle, iron, junk, garbage, rubbish, refuse, ashes, slag, industrial wastes or by-products, shall be prohibited in every district.

SECTION 9 JOINT USE PROHIBITED

Paragraph 1 No lot, yard, parking, loading, building, or other space required in connection with any building shall be included as part of a yard, area or space required for any other building.

SECTION 10 EXTERIOR LIGHTING

Paragraph 1 All lighting for off-street parking of loading areas or for the external illumination of buildings shall be directed away from and shielded from any adjacent residential district and shall not detract from visibility on adjacent public or private streets.

SECTION 11 STRUCTURES NEAR AIRPLANE RUNWAY OR LANDING STRIP

Paragraph 1 No building or structure or any portion thereof which exceeds a height of twenty (20) feet shall be erected or structurally altered within five hundred (500) feet of the projected center line of an existing or proposed runway or landing strip for a distance of one thousand (1,000) feet from the end of the existing or proposed runway or landing strip.

Paragraph 2 No building or structure or any portion thereof shall be erected to exceed a height that would interfere with the takeoff or landing of a plane with the glide angle of one (1) foot vertical for every forty (40) feet horizontal, such glide angle to be computed as beginning at a point on the extended center line of the runway two hundred (200) feet beyond and at the same elevation as the end of the runway pavement; or, if runway pavement is not provided, one hundred (100) feet beyond and at the same elevation as the end of the landing strip.

SECTION 12 STREET AND UTILITY REQUIREMENTS.

Paragraph 1 The following restrictions shall apply:

- A. All new lots shall abut a public street connecting with public street system.
- B. A building permit shall not be issued for a lot which does not have legal access to a dedicated street.
- C. A building permit shall not be issued for any new lot(s) created after the effective date of this ordinance for which a suitable and approved sewerage and water supply is not available.

SECTION 13 SITE UNSUITABILITY

Paragraph 1 No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate or bearing strength, erosion susceptibility or any other features likely to be harmful to the health, safety and general welfare of the community.

Paragraph 2 The Commission, in applying the provisions of this section, shall state in writing the particular facts upon which its conclusions are based.

Paragraph 3 The applicant shall have the right to present evidence contesting such determination to the Council if he so desires, whereupon the Council may affirm, modify or withdraw the determination of the unsuitability.

SECTION 14 MOVING OF BUILDINGS

Paragraph 1 No building or structure shall be moved to or be placed upon any other premises within the Town until a permit for such relocation shall have been issued by the Zoning Administrator.

Paragraph 2 Any such building or structure shall conform to all provisions of this Ordinance in the same manner as any new building or structure.

Paragraph 3 No such building or structure shall be used or occupied until a final inspection and notice of approval by the Building Inspector.

SECTION 15 PROJECTIONS INTO REQUIRED YARDS

Paragraph 1 Residential Districts:

- A. A chimney may project into any required yard a distance of no more than two (2) feet.
- B. Open terraces, patios, steps or similar features not over three (3) feet in height above grade, may project into any required yard, provided that projections into required front yards shall not exceed ten (10) feet.
- C. Solar heating and cooling units, non-commercial solar green-houses and associated apparatus may be located in a rear or side yard provided that such apparatus does not cover more than thirty (30) percent of rear yard and shall be no closer than five (5) feet to any lot line.
- D. All solar apparatus can only be installed with a building permit and must be inspected and approved before operating.
- E. Every part of a required yard shall be open to the sky and unobstructed.
- F. Trees, shrubbery and other landscape features shall not be considered obstructions.

SECTION 16 MOBILE HOMES

Paragraph 1

- A. All mobile homes shall be equipped with tie downs as specified per the Office of Manufactured Housing.
- B. All mobile homes shall be skirted with weather and termite resistant material within six (6) months of placement of the mobile home and which shall conform to the Uniform Building Code.
- C. No material may be stored over or against a mobile home.
- D. Mobile home lots or spaces shall be kept free from open stored materials.
- E. No flammable materials shall be stored beneath a mobile home.

SECTION 17 TRASH ENCLOSURES

Paragraph 1 A container (acceptable to the Town) for temporary storage of garbage, refuse and other waste materials shall be provided for every use in every zoning district.

Paragraph 2 In addition, trash enclosures shall be provided for non-residential uses and shall be constructed that contents are not visible from a height of five (5) feet from above grade from any abutting street or property. Trash enclosures shall comply with the following regulations:

- A. Construction: trash enclosures shall be constructed of solid walls with solid concrete floor sloped for drainage and maintenance of sanitary conditions.
- B. Enclosures shall be of sufficient height to conceal contents, including containers.

SECTION 18 GRADING.

Paragraph 1 No person shall strip, excavate or otherwise remove top soil for sale or for use except in connection with a building permit.

SECTION 19 AUTOMOBILE SERVICE STATION PUMP.

Paragraph 1 No automobile service station pump shall be located closer than twenty (20) feet to a street property line.

SECTION 20 STORING AN UNOCCUPIED MOBILE HOME.

Paragraph 1 An unoccupied mobile home may not be stored in a residential zone.

SECTION 21 STORING A RECREATION TRAILER.

Paragraph 1 A recreation trailer may be stored in a rear yard or side yard provided the required side yard remains open.

SECTION 22 YARD SALES, SWAP MEETS AND RUMMAGE SALES.

Paragraph 1 Yard sales are permitted in all residential neighborhoods provided that such sales are held on the premises, said sale lasting no longer than seventy-two (72) hours at a time and held no more frequently than one (1) time every thirty (30) days.

Paragraph 2 Yard sales held longer than seventy-two (72) hours at a time or held more frequently than one (1) time every thirty (30) days at any single address, are considered to be a swap meet and shall be restricted to commercially zoned area by special use permit. Swap meets are allowed subject to review and approve by the Town consistent with administrative rules and procedures adopted by the Town Council.