

ARTICLE III

RULES OF CONSTRUCTION & DEFINITIONS

SECTION 1 RULES OF CONSTRUCTION

Paragraph 1 Words in this ordinance shall be interpreted as follows:

- A. Words used in the present tense include the future tense; words used in the future tense include the present tense; the singular includes the plural; the plural includes the singular.
- B. The word “may” is permissive; the words “shall” and “will” are mandatory.
- C. The word “person” includes an individual, or any other group of individuals acting as an entity.
- D. The following words can be used interchangeably: Lot, plot or premises; uses or occupied; dwelling, residence; building or structure.
- E. The term “Town” shall mean the Town of Quartzsite, Arizona.
- F. “Council” shall mean the Town Council.
- G. “Commission” shall mean the Planning and Zoning Commission.
- H. “Board” shall mean the Board of Adjustment.

SECTION 2 DEFINITIONS

Paragraph 1 **Accessory:** a use, building, structure, part of a building or part of a structure which is subordinate to, and the use of which is customarily incidental to, that of the main building, structure or use on the same lot which does not alter the character of the principal use or adversely affect other properties within the district.

Paragraph 2 **Addition:** is any extension or increase in floor area or height of a building or structure.

Paragraph 3 **Airport:** any landing area, either land or water, which is used or intended to be used for the landing and takeoff of aircraft, whether or not facilities are provided for the shelter, servicing or repair of aircraft, or for receiving or discharging passengers or cargo.

Paragraph 4 **Amendment:** a change in the wording, context, or substance of this ordinance, or an addition or deletion or a change in the zone district boundaries or classifications of the zoning map.

Paragraph 5 **A.R.S.:** Arizona Revised Statutes.

Paragraph 6 **Automobile Repair Garage:** is a structure or part thereof, other than a private garage, where motor vehicles are repaired or painted.

Paragraph 7 **Automobile Service Station:** a facility for the servicing of motor vehicles, including tire repairs, battery charging and changing, storage of merchandise and supplies related to the servicing of motor vehicles, pumps and storage tanks for the sale and dispensing of diesel fuel and gasoline into motor vehicles, sale of lubricants, automobile washing and grease racks, minor engine repair but excluding body and fender work, engine overhauling or other similar activities.

Paragraph 8 **Automobile, Truck & Trailer Sales Lot:** an open area used for the display, sales and/or rental of new or used automobiles, trucks and trailer coaches, but where no repair, repainting or remodeling is performed.

Paragraph 9 **Boarding House:** a dwelling in which three (3), four (4) or five (5) sleeping rooms are provided for compensation which serve as the principal or temporary residence of the occupants. A common dining room may be provided for the residents.

Paragraph 10 **Building:** is any structure used or intended for supporting or sheltering any use or occupancy.

Paragraph 11 **Building, Principal:** a building which houses the principal use of the lot.

Paragraph 12 **Building, Accessory:** a detached building the use of which is customarily accessory and incidental to the main use of the principal building or premises.

Paragraph 13 **Building, Height:** the vertical distance measured from the finished grade level to the highest level of the building.

Paragraph 14 **Building, Permit:** the permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the incorporated area of the Town of Quartzsite.

Paragraph 15 **Building Setback Line:** the required distance between the property line and the closest point of any building or structure.

Paragraph 16 **Carport:** the permanent roofed structure with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage.

Paragraph 17 Cemetery: the land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbiums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

Paragraph 18 Church: the permanently located building together with its accessory buildings and uses commonly used for religious worship fully enclosed with walls (including windows and doors) and having a structurally solid roof. A church is not a “public building.”

Paragraph 19 Clinic: the building or part thereof in which ambulatory patients are provided diagnostic, therapeutic, or preventive medical, surgical, dental or optical treatment by a group of doctors acting conjointly, but not providing for overnight residence of patients.

Paragraph 20 Club: the association of persons (whether or not incorporated), religious or otherwise, for social purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

Paragraph 21 Clubhouse: the structure and related facilities for conducting or continuing the social purposes for which the club was organized.

Paragraph 22 Common Property: the parcel or parcels of land, together with the improvements thereon, the maintenance, use and enjoyment of which are shared by the owners and occupants of the development.

Paragraph 23 Conditional Use: a use which requires a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same district.

Paragraph 24 Condominium: the individual ownership of a dwelling unit in a multi-unit structure and/or development, including an undivided interest in the common areas associated thereto. A condominium may include either a single or multi-story dwelling unit under one ownership.

Paragraph 25 Congregate Care Facility: a long-term residential facility for elderly persons within which are provided living and sleeping rooms, a common dining room, laundry services and room cleaning. Such facilities may also provide other services such as transportation for routine social and medical appointments.

Paragraph 26 Contractor’s Yard: the operation where building materials and construction equipment are stocked while waiting to be used for various projects.

Paragraph 27 Day Care Center: the facility in which child care is regularly provided for 5 or more children under the age of 16, not related to the provider and his/her employees for all or any part of a 24 hour day.

A. Must meet all Federal and State licensing requirements. This definition shall not include public or private schools operating in accordance with the laws of this State.

Paragraph 28 Density: Shall be based upon lot area and shall be determined by dividing the area of a parcel, exclusive of streets, alleys and similar right-of-way, by the required lot area per dwelling unit.

Paragraph 29 Drive-In Establishment: the enterprise, activity or use of land consisting primarily of sales or services rendered to patrons who normally receive the products or utilize the services while in motor vehicles upon the premises, including but not limited to banks, photo developing drop off and pick up, liquor store, restaurants, gas service stations, drive-in laundry and dry cleaning pick-up stations.

Paragraph 30 Dwelling: the building or portion thereof designated for or occupied exclusively for residential purposes, including one-family and multiple dwellings, but not including hotels or motels.

A. Dwelling Unit is one or more rooms designed for occupancy and having its own cooking and sanitary facilities.

B. Single-Family Dwelling is a detached building containing only one (1) dwelling unit.

C. Two-Family Dwelling is a detached building containing two (2) dwelling units. (Duplex)

D. Multiple Family Dwelling is a building, or portion thereof, containing three (3) or more dwelling units.

Paragraph 31 Floodplain: the areas that are included in the Federal Emergency Management Agency Flood Insurance Rate Map(s) and more fully regulated in the Town of Quartzsite Code.

Paragraph 32 Floodplain Regulations: the codes, ordinances and other regulations relating to the use of land and construction within the channel and floodplain areas, including zoning ordinance, subdivision regulations, building codes, housing codes, setback requirements, open area regulations and similar methods of control affecting the use and development of the area.

Paragraph 33 General Plan: the plan developed and adopted by the Planning and Zoning Commission and Town Council as a guide for future growth and development within the Town of Quartzsite.

Paragraph 34 Grade: the highest elevation of the finished ground surface adjacent to the exterior walls of a building or base of a structure, except that in the case

of fences or freestanding walls, the grade shall be the finished ground surface along the base of the fence or wall and nearest the point of measurement.

Paragraph 35 Gross Floor Area: the area contained inside the building or structure as measured along the exterior walls of the building or structure.

Paragraph 36 Group Home: a long term residential care service functioning as a single housekeeping unit providing meals, supervision and other support services for six (6) to ten (10) elderly, physically, emotionally and/or mentally disabled individuals not related to the owner/manager of the group home. Typical uses include adult care homes, homes for the developmentally disabled, group foster homes and homes for the chronically mentally ill. A group home does not include nursing homes, shelter facilities or community correctional facilities.

Paragraph 37 Hospital: a building, or portion thereof or group of buildings, in which sick or injured persons are given medical or surgical treatment, examination or care, including overnight residence, together with related facilities, e.g., laboratories, training facilities, staff residences, outpatient department, and similar facilities which are integral part of the principal use, e.g., alcoholic sanitarium, institutions for the care of chronic drug addicts, and residential treatment facilities for mental patients.

Paragraph 38 Hotel: is any building containing six (6) or more guest rooms, intended or designed to be used, or which are used, rented or hired out to be occupied, or which are occupied for sleeping purposes by guests.

Paragraph 39 Kennel: an establishment housing dogs, cats or other household pets and where grooming, breeding, training, raising, caring for or selling of animals is conducted as a business or pleasure and whether or not for profit.

Paragraph 40 Laundry, Self Help: a building in which domestic type washing machines and/or dryers are provided on a rental basis for use by individuals doing their laundry.

Paragraph 41 Lodge: an order or society of persons organized for some common non-profit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business.

Paragraph 42 Lot: a parcel of land with a separate and distinct number or other designation shown on a plat recorded in the office of the County Recorder of La Paz County.

Paragraph 43 Lot Area: the total area of a lot within the lot lines as measured on a horizontal plane.

Paragraph 44 Lot Coverage: a part or percentage of a lot occupied by principal and/or accessory buildings.

Paragraph 45 **Lot Depth:** a horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

Paragraph 46 **Lot Line Front:** a line separating the lot from the street, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street.

Paragraph 47 **Lot Line Rear:** a lot line which is opposite and most distant from the front lot line and in case of an irregular shaped lot, a line within the lot parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.

Paragraph 48 **Lot Line Side:** a lot boundary line not a front lot line or a rear lot line.

Paragraph 49 **Lot Width:** a width of a lot as measured at the minimum required front setback line.

Paragraph 50 **Open Space:** a space which can be enjoyed by people and not used by buildings, parking areas, walkways or driveways or other paved areas.

Paragraph 51 **Manufactured Home:** a structure, manufactured after June 15, 1976, transportable in one or more sections, which in traveling mode, is 8 feet or more in width and 40 feet or more in length and when erected on site, is 320 square feet or more in size and which 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, including plumbing, heating and electrical systems contained therein. The term "Manufactured Home" does not include recreational vehicles or factory built buildings including Modular or Mobile Homes. (Ord. #96-07)

Paragraph 52 **Manufactured Home or Mobile Housing:** a movable or portable structure, manufactured prior to June 15, 1976, over 400 square feet constructed to be towed on its own chassis and designed to be installed as a dwelling unit with or without a permanent foundation, which may include one or more components, when connected to the required utilities, including plumbing, heating and electrical systems contained therein. The term Mobile Home or Mobile Housing does not include Recreational Vehicle or factory built building including Modular or Manufactured Homes. (Ord. #96-07)

A. Mobile Homes or Mobile Housing not installed or established as a dwelling unit within Town limits prior to November 1, 1996, shall comply with Rehabilitation Rules as set forth by the State of Arizona, Department of Building and Fire Safety Rules Article 1, R4-34-107.

B. Any Mobile Home or Mobile Housing installed and established as a dwelling unit within Town limits prior to November 1, 1996, may be relocated

within Town limits without compliance with Certified Rehabilitation Rules Article 1, R4-34-107.

Paragraph 53 Medical Marijuana: “Marijuana” for “Medical Use” as those terms are defined in A.R.S. §36-2801. (Ord. 11-02)

Paragraph 54 Medical Marijuana Dispensary: A nonprofit medical marijuana dispensary as defined in A.R.S. §36-2801 and duly registered and certified pursuant to A.R.S. §36-2804. (Ord. 11-02)

Paragraph 55 Medical Marijuana Cultivation Location: Any facility, building, or location that grows, cultivates or processes medical marijuana, including but not limited to the following:

- (i) a medical marijuana dispensary that cultivates medical marijuana on its site;
- (ii) the one additional location, if any, duly identified pursuant to A.R.S. §36-2806 (E) during the process of registering a medical marijuana dispensary where marijuana will be cultivated for sale at a medical marijuana dispensary;
- (iii) any location for the cultivation of marijuana by a qualifying patient or designated caregiver permitted under A.R.S. §36-2801 *et seq.*; and
- (iv) includes a facility that incorporates or processes medical marijuana into a consumable or edible product. (Ord. 11-02)

Paragraph 56 Mobile Home Park: a lot, parcel or tract of land having as its principal use the rental of space for occupancy by four (4) or more mobile homes, including any accessory buildings, structures or uses customarily incidental thereto.

Paragraph 57 Modular Home: a prefabricated or factory built dwelling intended and designed to be attached to a permanent footing at a site and used for human occupancy as a residence.

Paragraph 58 Motel: a building or group of buildings containing six (6) or more guest rooms or apartments, each of which maintains a separate outside entrance, used primarily for the accommodation of automobile travelers, and providing automobile parking space on the premises.

Paragraph 59 Nonconforming Building: a building or portion thereof lawfully existing at the time this ordinance became effective and which was designed, erected or structurally altered for a use which does not conform to the use of the zone in which it is located, or which does not comply with all the height and area regulations of the district in which it is located.

Paragraph 60 Nonconforming Use: a use of a building or land existing at the time of the adoption of this ordinance which does not conform to the regulations for the zone in which it is located, as set forth in this ordinance.

Paragraph 61 Nurseries, Plant: a commercial operation for the growth and/or sale of plants.

Paragraph 62 Nursery School: an institution for the care of children.

Paragraph 63 Nursing Home: a structure operated as a lodging house in which nursing, dietary and other personal services are rendered to convalescents, not including persons suffering from contagious diseases, and in which surgery is not performed and primary treatment, such as customarily is given in hospitals and sanitariums, is not provided.

Paragraph 64 Office: a room or rooms and accessory facilities for the managing or conducting of a business.

Paragraph 65 Off-Street Loading Facility: a site or portion of a site provided for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, situated on the same lot with a building and entirely outside the right-of-way of any public street or alley, including loading berth, aisles, access drives and landscaped areas.

Paragraph 66 Off-Street Parking Facility: a site or a portion of a site devoted to the off-street parking of motor vehicles including parking spaces, aisles, access drives and landscaped areas.

Paragraph 67 Outdoor Advertising: a sign of any type or character whatsoever and of any material whatsoever, placed for outdoor advertising purposes on the ground or on any structure or thing whatsoever.

A. The term "Placed" as used herein shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner.

Paragraph 68 Park: a public or private parcel of land developed and used for passive or active recreation.

Paragraph 69 Park Model: a moveable or portable dwelling containing from three hundred twenty (320) square feet and over to a maximum of four hundred (400) square feet constructed to be towed on its own chassis and designed so as to be installed with or without a permanent foundation for human occupancy as a residence composed of a single unit.

Paragraph 70 **Parking Area, Public:** an open area other than a street or alley used for the temporary parking of more than four (4) automobiles and available for public use whether free, for compensation or as an accommodation for clients or customers.

Paragraph 71 **Parking Space:** a fully accessible space adequate for the temporary parking of vehicles, situated entirely outside the right-of-way of any public street or alley.

Paragraph 72 **Public Building:** a facility for conducting public business.

A. Includes all federal, state, county and town offices and building.

Paragraph 73 **Public Utility:** any person, firm corporation, municipality or municipal board duly authorized under state or municipal regulations, to furnish to the public electricity, gas, steam, communications, water, drainage, flood control, irrigation, garbage, or trash disposal or sewage disposal.

Paragraph 74 **Recreational Vehicle:** a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

Paragraph 75 **Recreational Vehicle Park:** facilities for the temporary storage parking and maneuvering of recreational vehicles (motorhomes, travel trailers, campers, etc.) with roads and sites, including sanitary and water facilities.

Paragraph 76 **Recycle Yard:** an open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled, processed or handled; including but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles and including motor vehicles stored out doors which are unserviceable for a period of six (6) months or longer.

Paragraph 77 **Repair Garage:** an establishment where the following services may include those normal activities of a gas service station, general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision services such as body, frame or fender straightening and repair, general painting and under coating of automobiles; high-speed washing; auto, boat or trailer rental; and general sales of auto parts or accessories.

Paragraph 78 **Restaurant:** an establishment which serves food or beverages.

Paragraph 79 **Rest Home:** see "Nursing Home".

Paragraph 80 **Retail Store:** a commercial business for selling goods, services, ware or merchandise directly to the customer.

Paragraph 81 **Right-Of-Way:** includes any public or private right-of-way and includes any area required for public use pursuant to any general official plan.

Paragraph 82 **Rooming House:** a building with not more than five (5) guest rooms where, for compensation and by prearrangement for definite periods of time, lodging is provided.

Paragraph 83 **Rummage Sale:** a residential use in which donated personal property of one or more individuals or organizations is offered for sale by a church, civic, fraternal or other charitable or non-profit association.

Paragraph 84 **School, Public or Private:** building, or group of buildings, used for the purpose of primary or secondary education, meeting all requirements of the compulsory education laws of the State of Arizona.

Paragraph 85 **School, Trade:** a school offering instruction in the technical, commercial or trade skills, such as real estate schools, business colleges, electronic schools, automotive and aircraft technicians schools and similar commercial establishments.

Paragraph 86 **Screen Wall:** a masonry wall so constructed as to obscure the view of enclosed activities or uses from outside the wall.

Paragraph 87 **Setback:** the minimum horizontal distance between a lot line and nearest point of a building, structure, or use, as the context indicates, located on a lot.

Paragraph 88 **Shelter Care:** a short-term residential care service which provides temporary lodging, meals and counseling to individuals and groups such as the homeless, pregnant teenagers, victims of domestic violence, neglected children and runaways. Short-term residential care is typically less than thirty (30) days.

Paragraph 89 **Shopping Center:** a cluster or grouping of stores organized in a balanced arrangement for retail trade with adequate provisions for on-site parking.

Paragraph 90 **Sign:** see "Outdoor Advertising".

Paragraph 97 **Street:** a public thoroughfare or right-of-way dedicated, deeded or condemned for use as such, other than an alley, which affords the principal of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare.

Paragraph 92 **Street, Paved:** a street that is paved with concrete or asphalt and in compliance with the town's street construction standards.

Paragraph 93 **Street Line:** a right-of-way line of a street which abuts a lot line.

Paragraph 94 **Structure:** any constructed or erected material or combination of materials the use of which requires location on the ground or attachment to something located on the ground, including buildings, stadiums, radio towers, sheds, storage bins, fences and signs.

Paragraph 95 **Swap Meet:** a commercial use in which property of two or more individuals is offered for sale to the public.

Paragraph 96 **Swimming Pool:** is any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground and on-ground swimming pools; hot tubs; portable or non-portable pools. Swimming pools are required to be adequately fenced with a minimum height of 48 inches.

Paragraph 97 **Temporary Structure:** any lawfully constructed or erected structure which is readily moveable and to be used for a period of not to exceed 180 days within a twelve (12) month period on the same premises.

Paragraph 98 **Trailer, Utility:** a vehicle without motive power, designed and constructed to travel on the public thoroughfares in accordance with the provisions of the State Vehicle Code, and to be used only for carrying property.

Paragraph 99 **Travel Trailer:** a vehicle without motive power, portable structure with wheels built on a chassis, designed as a temporary dwelling for travel, recreation and vacation purposes, having a body width not exceeding eight (8) feet and its body length does not exceed forty (40) feet.

Paragraph 100 **Use:** the purpose for which a site or structure is arranged, designed, intended, constructed, moved, erected, altered or enlarged or for which either a site or structure is or may be occupied and maintained.

Paragraph 101 **Variance:** a modification of the literal provisions of the Zoning Ordinance granted by the Board of Adjustment upon a finding that strict enforcement of the Ordinance would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted.

Paragraph 102 **Warehouse:** building used for the rental of space to the public for the storage of merchandise, commodities or personal property and where access is under the control of the building management.

Paragraph 103 **Watercourse:** a lake, river, creek, stream, wash, arroyo, channel or other body of water having banks and bed through which water flow at least periodically.

A. The term may include specifically designated areas in which substantial flood damage may occur.

Paragraph 104 **Wrecking Yard:** see “Recycle Yard”.

Paragraph 105 **Yard:** a required space unobstructed from the ground upward and measured as the minimum horizontal distance from a building or structure to the property line.

A. Front: a yard abutting on a public street and extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the front line of the main building.

B. Rear: a yard extending across the full width of the lot between the main building and the rear lot line; the depth of the rear yard shall be the minimum horizontal distance from the nearest part of the rear lot line to the main building.

C. Side: a yard between the main building and the side lot line; the width of the side yard shall be the minimum horizontal distance from the nearest part of the side lot line to the main building.

Paragraph 106 **Yard Sale/Garage Sale:** a sale of personal property commonly household goods 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 107 **Zone:** any area shown on the Zoning Map of the Town of Quartzsite for which there are uniform regulations governing the use of buildings and land and the height and area of buildings.

Paragraph 108 **Zoning Map:** the map entitled “The Zoning Map of the Town of Quartzsite, Arizona” and maintained and updated in the office of the Town Department of Planning and Zoning. In addition, one original zoning map shall be stored in the office of the Town Clerk.