



CITY OF ELOY

THE CITY OF ELOY
PLANNING & ZONING COMMISSION MEETING
Wednesday, August 21, 2019, 6:00 PM
Eloy City Council Chambers-City Hall
595 North C Street
Eloy, Arizona 85131

AGENDA

- I. **Call to Order**
- II. **Roll Call**
- III. **Invocation**
- IV. **Pledge of Allegiance**
 - Motion to approve the June 19, 2019 meeting minutes of the Planning and Zoning Commission**
 - A. June 19, 2019 Meeting Minutes
- VI. **Old Business: Possible discussion and/or action on the following:**
- VII. **New Business: Possible discussion and/or action on the following:**
 - A. Review and Approval of Minor Revisions to the Eloy Zoning Code pertaining to portions of Sections 1.6.5, 1.6.6, 2.2.3, 2.2.5, 3.1.39, 4.4.2, 4.4.3 and Section 9.
- VIII. **Informational Item:**
 - A. Update on Status of Major General Plan Amendments for Calendar Year 2019
 - B. Update on the Status of City Solicitations for Upcoming Projects
- IX. **Communications:**
 - A. Ex-Officio Member Report-Councilman Dan Snyder
 - B. Good of the Order
- X. **Motion to Adjourn**

POSTED BY THURSDAY, AUGUST 15, 2019, BY 5 O'CLOCK PM AT ELOY CITY HALL, ELOY POST OFFICE, TROY THOMAS COMMUNITY CENTER, TOLTEC COMMUNITY/SENIOR CENTER AND CITY WEBSITE: www.elayaz.gov

A handwritten signature in cursive script, reading "Mary Myers", followed by a horizontal line.

Mary Myers, CMC
City Clerk

INDIVIDUALS WITH SPECIAL ACCESSIBILITY NEEDS MAY CONTACT LORENA LaSALDE-RIOS, ADA COORDINATOR FOR THE CITY OF ELOY AT 520-466-9201 OR 520-466-7455 (TDD). IF POSSIBLE, SUCH REQUESTS SHOULD BE MADE 72 HOURS IN ADVANCE. ONE OR MORE MEMBERS OF THE COMMISSION AND/OR STAFF MAY PARTICIPATE BY TELEPHONIC OR VIDEO MEANS.

**MEETING MINUTES OF
THE CITY OF ELOY
PLANNING AND ZONING COMMISSION
Regular Meeting
Wednesday, June 19, 2019
6:00 p.m.**

I. CALL TO ORDER

Vice-Chairperson Larry Brown called the meeting to order at 6:00 p.m.

II. ROLL CALL

*One or more members of the Planning and Zoning Commission may attend by telephonic means.

Members present:

- | | |
|--------------------------------|-------------------------------|
| ▪ Vice-Chairperson Larry Brown | ▪ Commissioner Steve Paulson |
| ▪ Commissioner John Peterson | ▪ Commissioner Allen Crawford |

Members Absent:

- Chairperson Marlo Schuh (excused)
- Commissioner Kirk Tatom (excused)
- Ex-Officio Daniel Snyder (excused)

Staff present: Jon Vlaming, Community Development Director, and Belinda Lopez, Planner, Jeff Fairman, Economic Development Specialist and Jerry Stabley, Planning Manager.

Others present: Scott Cloran, United Entertainment, LLC and Sachia Cloran.

III. INVOCATION

Vice-Chairperson Brown led the Invocation and requested a moment of silence.

IV. PLEDGE OF ALLEGIANCE

Vice-Chairperson Brown led the recitation of the Pledge of Allegiance.

V. MOTION TO APPROVE THE MEETING MINUTES OF THE PLANNING AND ZONING COMMISSION.

A. MOTION TO APPROVE THE FEBRUARY 20, 2019 MEETING MINUTES OF THE PLANNING AND ZONING COMMISSION.

Vice-Chairperson Brown asked for a motion to approve the meeting minutes of the Planning and Zoning Commission. Commissioner Peterson made a motion to approve the February 20, 2019 meeting minutes as presented. Commissioner Paulson seconded the motion. The motion was approved with a vote of 4-0.

B. MOTION TO APPROVE THE APRIL 17, 2019 MEETING MINUTES OF THE PLANNING AND ZONING COMMISSION.

Vice-Chairperson Brown asked for a motion to approve the meeting minutes of the Planning and Zoning Commission. Commissioner Paulson made a motion to approve the April 17, 2019 meeting minutes as presented. Commissioner Crawford seconded the motion. The motion was approved with a vote of 4-0.

VI. OLD BUSINESS: POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

None.

VII. NEW BUSINESS: POSSIBLE DISCUSSION AND/OR ACTION ON THE FOLLOWING:

A. PUBLIC HEARING TO ALLOW COMMENT FROM THE PUBLIC AND INTERESTED PARTIES ON PROPOSED CASE NO.: RZ19-003. APPLICATION BY UNITED ENTERTAINMENT, LLC C/O SCOTT CLORAN FOR A ZONING REQUEST ON 0.54 ACRES FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO C-2 (GENERAL COMMERCIAL). SUBJECT PROPERTY IS LOCATED AT 200 E. FRONTIER STREET BOUNDED BY NORTH D STREET TO THE WEST AND STUART BOULEVARD TO THE EAST, ASSESSOR'S PARCEL NUMBERS: 405-03-294, 405-03-295, AND 405-03-296 IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 8 SOUTH, RANGE 8 EAST OF THE G&SRB&M, PINAL COUNTY, ARIZONA.

Vice-Chairperson Brown opened the Public Hearing. Mr. Vlaming introduced the case and commented that Mr. Cloran (who was present) has been making improvements on the property and added a public notice had been published in the newspaper and property owners within a 300 foot buffer from the subject parcels were notified of this hearing. Vice-Chairperson Brown expressed he had no questions and asked if anyone else had a question. Hearing none, the public hearing closed.

B. CONSIDERATION, DISCUSSION, AND RECOMMENDATION TO THE ELOY CITY COUNCIL FOR APPROVAL, DISAPPROVAL OR OTHER ACTION ON CASE NO.: RZ19-003. MOTION TO APPROVE, APPLICATION BY UNITED ENTERTAINMENT, LLC C/O SCOTT CLORAN FOR A ZONING REQUEST ON 0.54 ACRES FROM C-1 (NEIGHBORHOOD COMMERCIAL) TO C-2 (GENERAL COMMERCIAL). SUBJECT PROPERTY IS LOCATED AT 200 E. FRONTIER STREET BOUNDED BY

NORTH D STREET TO THE WEST AND STUART BOULEVARD TO THE EAST, ASSESSOR'S PARCEL NUMBERS: 405-03-294, 405-03-295, AND 405-03-296 IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 8 SOUTH, RANGE 8 EAST OF THE G&SRB&M, PINAL COUNTY, ARIZONA.

There being no additional comments, Vice-Chairperson Brown asked for a motion to approve, disapprove or other action. Commissioner Crawford made a motion to approve Case No. RZ19-003 as presented and was seconded by Commissioner Peterson with a vote 4-0.

- C. PUBLIC HEARING TO ALLOW COMMENT FROM THE PUBLIC AND INTERESTED PARTIES ON PROPOSED CASE NO.: CUP19-004. APPLICATION BY UNITED ENTERTAINMENT, LLC C/O SCOTT CLORAN FOR A CONDITIONAL USE PERMIT FOR A BAR AND NIGHT CLUB (ROCK N RODEO) ESTABLISHMENT USE. SUBJECT PROPERTY IS LOCATED AT 200 E. FRONTIER STREET BOUNDED BY NORTH D STREET TO THE WEST AND STUART BOULEVARD TO THE EAST, ASSESSOR'S PARCEL NUMBERS: 405-03-294, 405-03-295, AND 405-03-296 IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 8 SOUTH, RANGE 8 EAST OF THE G&SRB&M, PINAL COUNTY, ARIZONA.**

Vice-Chairperson Brown opened the public hearing. Mr. Vlaming gave a summary of the Conditional Use permit request. He added a public notice had been published in the newspaper for this request and property owners within a 300 foot buffer from the subject parcels were notified of this hearing. Hearing no other comments, Vice-Chairperson Brown closed the public hearing.

- D. CONSIDERATION, DISCUSSION, AND RECOMMENDATION TO THE ELOY CITY COUNCIL FOR APPROVAL, DISAPPROVAL OR OTHER ACTION ON CASE NO.: CUP19-004. APPLICATION BY UNITED ENTERTAINMENT, LLC C/O SCOTT CLORAN FOR A CONDITIONAL USE PERMIT FOR A BAR AND NIGHT CLUB (ROCK N RODEO) ESTABLISHMENT USE. SUBJECT PROPERTY IS LOCATED AT 200 E. FRONTIER STREET BOUNDED BY NORTH D STREET TO THE WEST AND STUART BOULEVARD TO THE EAST, ASSESSOR'S PARCEL NUMBERS: 405-03-294, 405-03-295, AND 405-03-296 IN THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 8 SOUTH, RANGE 8 EAST OF THE G&SRB&M, PINAL COUNTY, ARIZONA.**

There being no additional comments, Vice-Chairperson Brown asked for a motion to approve, disapprove or other action. Commissioner Crawford made a motion to approve Case No. CUP19-004 as presented and was seconded by Commissioner Paulson with a Vote 4-0.

VIII. INFORMATIONAL ITEMS:

OVERVIEW OF POTENTIAL MAJOR GENERAL PLAN AMENDMENTS FOR CALENDAR YEAR 2019- Mr. Vlaming gave a power point presentation to the Planning and Zoning Commission of an overview of potential General Plan Amendments for this year. He noted that the Major General Plan Amendment Criteria are:

1. A change in residential land use designation that exceeds 320 acres.
2. A land use designation change from residential to non-residential of 40 acres or more.
3. A change in any commercial or employment land use designations (e.g. neighborhood commercial, community commercial, light industrial, General Industrial) exceeding 40 acres for commercial and 80 acres for industrial or employment uses.

The proposed 2019 Major General Plan Amendments are proposed for the following Elements:

Introduction-Update information;

Amendments and Process-Update information;

Land Use-Planned Community Area definition revision;

Circulation-New Corridor for proposed I-11; inclusion of transit information;

Growth-No;

Parks, Open Space and Trails-Significantly update text and maps;

Housing-No;

Environmental Planning-No;

Water Resources-No;

Public Facilities-No;

Downtown Development and Neighborhood Preservation-No;

Economic Development-Based on directions framed in the Economic Development Strategic Plan;

Cost of Development-No; and

Implementation Strategies-Update information.

The schedule for the 2019 Major General Plan Amendments would be as follows:

July 26: Applicant Submittal

August 1 through

September 30: 60-day Review

October 2: Open House

October 16: Planning and Zoning Commission Public Hearing

November 11: City Council Public Hearing

November 25: City Council Action

- A. REVIEW OF THE DRAFT ECONOMIC DEVELOPMENT STRATEGIC PLAN.-**Mr. Jeff Fairman gave a presentation to the Planning and Zoning Commission. He introduced the names of the project team: Judie Scalise, ESI Corp who is the Principal in charge, and responsible for Stakeholder input, Market Assessment, Target Industry Analysis and Plan Development. Kevin Kugler, Michael Baker International is responsible for

the Industrial Site Assessment, Infrastructure Analysis and Plan Development. Lani Lott, LL consulting, is responsible for the Downtown Assessment, Downtown Property and Business Owner Interviews and Plan Development.

Mr. Fairman reviewed the Planning Process: Stakeholder Input, Market Assessment, Industry Targets and Plan Development. The following were their findings: SWOT Findings-*Strengths*, *Weakness*, *Opportunities* and *Threats*. The *Strengths* are that Eloy is centrally located between Phoenix and Tucson, its proximity to major transportation and rail corridors, existing workforce in production jobs, Central Arizona College, strong civic leadership, concentration of education and civic uses downtown, Downtown festivals and events and the vacant industrial zoned land.

The *Weaknesses* are undefined image and no real brand, aging road infrastructure, absence of new workforce housing stock, slow household growth, shortage of amenities for residents and business, inadequate infrastructure to industrial sites, lack of available industrial buildings absence of regional cooperation and collaboration and under performing schools. For the *Opportunities*, there is a Downtown revitalization and adaptive reuse of old buildings, Downtown façade improvement program, leverage relationships with Sky Dive Arizona for Eloy tourism, target industry attraction, potential “Economic” corridor for electric and autonomous vehicles, new housing development to attract workforce population, transportation planning & improvements, and facilitating shovel ready sites. The *Threats* are economic development fragmentation, growing competition from other cities, majority of sales tax comes from I-10 businesses, majority of property tax comes from correctional institutions, economic stagnation and negative perception cast on the city due to the Eloy Detention Center.

Population growth projection comparison: Eloy household population growth is stagnant. Eloy Age and Gender: 51% are Males and 49% are Females. K-12 Preparation: School achievement scores lag the county and state. Educational Attainment: Eloy higher education attainment falls below Pinal County. Household by Income: Eloy average household income is \$46,627. Occupations: Eloy has a large percentage of its workers employed in Service (31%) and Production (15%) occupations. Unemployment Rate: Eloy’s historical unemployment rate is higher than the County. The Eloy worker inflow and outflow: Live and work in Eloy 478; In-commuters 1,101; and Out-commuters 3,101. He also showed a table of the benchmarking Eloy has against other Pinal County Communities and one benchmarking employment by Industry. Eloy has identified five industrial sites: Sunshine Industrial Park, Toltec Business Park, Houser Road Industrial Park, 10eight Industrial Park and Bool property.

Plan execution-Success will be dependent upon: Alignment of goals and funding priorities among City departments and organizations who have a role to play in the City's economic success; reliable multi-year operating support for the key initiatives, including work that supports job growth, capital improvements that foster economic development, and marketing and promotion; collaboration of the public and private sector partners throughout the community/region to carry out the actions; and oversight will be managed by the Economic Development Manager in consultation with City leadership, including timely updates to City Council, Eloy Planning and Zoning Commission and Downtown Advisory Commission.

Desired outcome: Generate robust job growth within industry clusters by maximizing the assets that Eloy has; continue to leverage the assets of downtown; guide investment in infrastructure and other capital projects to stimulate private sector development and job growth; align workforce development with industry needs; and create the branding to enhance Eloy's image within the market.

IX. COMMUNICATIONS:

A. EX-OFFICIO MEMBER REPORT-None.

B. GOOD OF THE ORDER-Mr. Vlaming communicated the following events:

- No Planning and Zoning Commission in the month of July.
- Next Planning and Zoning Commission is tentatively scheduled for Wednesday, August 21, 2019 at 6:00 p.m.
- Staff is going to look into purchasing tablets for the Commission to use during future meetings.

X. MOTION TO ADJOURN.

Vice-Chairperson Brown asked for a motion to adjourn. Commissioner Crawford made a motion to adjourn and was seconded by Commissioner Paulson. The adjournment passed 4-0 and the meeting adjourned at approximately 7:09 p.m.

CITY OF ELOY

REQUEST FOR COMMISSION ACTION

Agenda Item: **VII.A.**

Date: **8/21/2019**

Date submitted:
8/8/2019

Action: Formal

**Subject: Review and Approval of
Minor Revisions to the Eloy Zoning
Code pertaining to portions
of Sections 1.6.5, 1.6.6, 2.2.3, 2.2.5,
3.1.39, 4.4.2, 4.4.3 and Section 9.**

Date requested:
8/21/2019

TO: Planning and Zoning Commission

FROM:

RECOMMENDATION:

Planning and Zoning Commission recommend approval of Minor Revisions to the Eloy Zoning Code pertaining to portions of Sections 1.6.5, 1.6.6, 2.2.3, 2.2.5, 3.1.39, 4.4.2, 4.4.3 and Section 9.

DISCUSSION:

In July of 2018, the City Council adopted a new Zoning Ordinance. After a new Ordinance is approved, it is transmitted to the codifiers, who prepare it for placement on the internet. Sterling Codifiers is working with our Ordinance, and they found several instances where there were inconsistencies with items in the Zoning Ordinance, such as a cross reference to the wrong section. These type of errors are called scrivener errors, and they can be adjusted by staff.

The Codifiers did identify 23 changes that are not scrivener errors in the judgment of staff. These changes are before you today, and they are organized in five groups:

- Tiny Houses
- Wireless Facilities
- Other New Definitions
- Removing Redundancies with other Chapters of City Code
- Other Changes

Tiny Houses

The current Ordinance lists 4 types of tiny houses:

- Site Built
- Built on Trailers: Axle Components Removed
- Built on Trailers: Axle Components not Removed

- Licensed as Travel Vehicles

Each of these types of tiny houses have different land use impacts. The current Ordinance does not address where each of these different types will be permitted. The additions shown on Table 2.2.1 in the attachment shows how the issue was addressed.

Staff used the standards from the closest match in our Ordinance. For example: for tiny houses that are built on-site or have their axles removed, the proposed Ordinance permits them in the same locations as single family detached homes.

Along with some clarification of definitions, Staff also proposes a new definition for a group of tiny houses on a single parcel. The name proposed is Tiny House Park, and the definition is shown in Section 9 in the attachment.

Wireless Facilities

A number of issues arose with the wireless facilities section of the Ordinance. Staff recommends a clarification of some definitions and deleting language entitled AM band that the Consultant who wrote the Ordinance admitted did not belong and should not have been included. The Consultant also wrote new language for commercial television and radio antennas, after Staff pointed out that the current Ordinance is silent on the topic.

Other New Definitions

There are terms that are used in the Ordinance that are not defined. The added definitions include: Detention/Correction Facility, Fairground, 4H Program, General Market and Nature Area Preserves.

There is also a definition for Subdivision in the current Ordinance that is different from the definition in the Subdivision Code. The proposed definition you will find in Section 9 in the attachment comes from the Subdivision Code.

Removing Redundancies with other Chapters of City Code

Two changes are recommended under this heading. Both of them are covered in other parts of the City Code and so are redundant. The problem with redundancy is that when changes are made to one part of the code, they are often not changed in other parts. When that occurs, it can lead to conflicts, confusion and legal issues.

In one of the proposed changes, the Zoning Ordinance describes the preliminary plat approval process. Staff's recommendation is to delete this language and to allow the Subdivision Code to cover that issue.

The other change is to delete language in the Zoning Ordinance regarding minimum open space in subdivisions and to again allow the Subdivision Code to address the issue.

Other Changes

This is an issue which arose under the Waiver of Requirements Section. This Section is in keeping with State Law which requires the City to have a process if property owners believe that a new ordinance provision reduces the fair market value of their property. The date shown needed to be the date that the last major update to the Ordinance was adopted by the City Council, which was July 23, 2018.

FISCAL IMPACT:

There is no fiscal impact to the proposed changes.

CHAPTER 21

City of Eloy Zoning Ordinance

1.6.5 Developments with Approvals or Permits

A. Conditional Use Permit Approved Prior to Effective Date

An applicant for a use for which a Conditional Use Permit has been approved prior to the effective date of this Ordinance may file an application for a Building Permit, even if the use does not fully comply with the provisions of this Zoning Ordinance. If a Building Permit application is not filed within one (1) year from the date of approval of the Conditional Use Permit, it shall expire. No time extensions shall be permitted. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

B. Site Plan Approved Prior to Effective Date

An applicant whose development has received Site Plan Approval prior to the effective date of this Ordinance may file an application for a Building Permit in compliance with the approved site plan and any conditions of approval, even if the development does not comply with the provisions of this Zoning Ordinance. Upon approval of construction plans for the development, a Building Permit may be issued. Site Plan approval for developments approved prior to the effective date of this Zoning Ordinance shall be valid for one (1) year from the date of Plan Approval. No time extensions shall be permitted. Any re-application for an expired project approval shall meet the standards in effect at the time of re-application.

~~C. Preliminary Subdivision Plat Approved Prior to Effective Date~~

~~A project which has a preliminary plat approved prior to the effective date of this Ordinance may file an application for a final subdivision plat and improvement plan approval, even if the subdivision does not fully comply with the provisions of this Ordinance. If a final plat application is not filed within eighteen (18) months as provided by the Subdivision Regulations, of the date of preliminary plat approval, the preliminary plat shall expire. No time extensions shall be permitted. Subsequent preliminary plat applications shall comply with this Zoning Ordinance and the Eloy Subdivision Regulations.~~

1.6.6 Waiver of Requirements

- A. Properties for Which the Owner Believes the Adoption of this Ordinance has a Direct Effect Upon and has caused a Diminution of Value. (A.R.S. §12-1134)
- B. If a property owner has reason to believe the adoption of this Ordinance and the requirement(s) related to this Ordinance have directly reduced the fair market value of their property, a Waiver of Requirements from this Ordinance, in favor of all requirements of the Zoning Ordinance in effect previous to ~~June 6, 2004~~ July 23, 2018, may be applied. Actions establishing the initiation of this waiver must be made before 3 years from the date of adoption, ~~June 25, 2018~~ July 23, 2018.

Table 2.2-1: Table of Allowed Uses for Residential Districts

[illegible]

Table 2.2-1: Table of Allowed Uses for Residential Districts

[illegible]

Table 2.2-1: Table of Allowed Uses for Residential Districts												
Use Category	Specific Use Type	P = Permitted Use C = Conditional Use NP = Not Permitted O=Overlay District										
		Residential Zoning Districts										
		RR-20	RR-5	RR-2.5	R1-54	R1-43	R1-12	R1-6	R-2	R-3	PF	Supplemental Use Regulations
	Plant Nursery/Greenhouse	P	P	P	C	C	NP	NP	NP	NP	NP	
	Arizona/Pinal County 4H Program	P	P	P	P	P	C	C	NP	NP	NP	
	Produce Stand	C	C	C	NP	NP	NP	NP	NP	NP	NP	
	Ranching, Commercial	C	C	NP	NP	NP	NP	NP	NP	NP	NP	
Commercial	Commercial Riding Stables	C	C	NP	NP	NP	NP	NP	NP	NP	NP	3.1.14
	Detention/Correctional Facilities	C	C	NP	NP	NP	NP	NP	NP	NP	C	3.1.17
	Extractive Industries	C	NP	NP	NP	NP	NP	NP	NP	NP	NP	3.1.19
	Farmers Market	C	C	C	C	C	NP	NP	NP	C	NP	
	Feed Store	C	C	C	C	C	NP	NP	NP	NP	NP	
	Golf Course, Unlighted	P	P	P	P	P	P	P	P	P	NP	
	Animal Kennel/Shelter	P	C	C	NP	NP	NP	NP	NP	NP	NP	
	Parking Lots and Parking Structure	NP	NP	NP	NP	NP	NP	NP	NP	P	P	
	Resort	C	C	C	C	C	C	C	C	C	NP	

2.2.5 Single-family Residential Design Guidelines

C. Single-family Residential Open Space **Guidelines Requirements**

1. All residential developments (subdivisions) shall provide the minimum net acreage required by ~~Subsection 15-598~~ Chapter 15 of this Ordinance as open space. ~~Developers shall set aside a minimum of fifteen percent (15%) open space (net acreage) in subdivisions platted under the R1-6 zoning districts. Not more than fifty percent (50%) of the required open space for any residential development (subdivisions) shall be attributed to golf course use or ancillary golf uses.~~

3.1.39 Tiny Houses

- A. Tiny Houses shall be built and inspected in accordance with adopted City of Eloy building code(s), including required electric and plumbing inspections.
 1. Site built Tiny Houses constructed on an approved foundation system shall be allowed in all residential zoning districts where detached single-family dwellings

are identified as permitted uses and shall meet all of the development standards and design guidelines of the underlying zoning district.

2. Tiny Houses built on trailers, where the suspension/axle components have been removed and the chassis permanently attached on an approved foundation, shall be permitted in residential zoning districts allowing detached single-family dwellings and shall meet the development standards and design guidelines of the underlying zoning district.
3. Tiny houses ~~constructed built on mobile-chassis trailers~~ where the suspension/axle components are not removed are considered semi-permanent. As such, the chassis shall be attached on an approved foundation system, and shall be permitted in zoning district(s) allowing manufactured homes as a permitted use and shall meet all of the development standards and design guidelines of the underlying zoning district.
4. Tiny Houses licensed as Travel Vehicles by the State of Arizona are considered as a non-permanent house and must be self-contained. These structures shall be considered as a permitted use similar to recreation vehicles. Such Travel Vehicles are within the purview of ADOT.
5. Tiny Houses proposed for an accessory structure shall conform to the same development standards for accessory structures as provided within the underlying zoning district. More specifically, a Tiny House that is to function as an accessory unit may not contain kitchen facilities that would transform such structure as a second dwelling unit on any one parcel, which is only permitted in the R-2 residential zoning district
6. A Tiny House ~~Park site, under single ownership and not organized as a subdivision, containing only tiny home units~~ shall require Multiple Family Residential (R-3) zoning; be submitted, reviewed and considered under the Site Plan Review procedures and requirements of Section 6.11; and conform to the development standards and design guidelines of the R-3 zoning district.

4.4 WIRELESS FACILITIES

4.4.2 Applicability

- A. Wireless Facilities, Freestanding. All new wireless freestanding structures (or support structures), including a monopole, tower (guyed or lattice) and alternative structure, in the City, and their related equipment, shall be subject to a CUP in any zoning district. The CUP process is described in Section 6.7.
- B. Modifications to pre-existing freestanding Wireless Facilities. All modifications or alterations to towers and antennas in the City, and their related equipment, are subject to these regulations. The review process and permit type required is determined based on the scale of the modification(s) and whether or not a Conditional Use Permit is in good standing. Review and permitting procedures, via ~~Zoning Permit~~ ~~administrative approval~~ or Conditional Use Permit, is a determination made during a Pre-Application review by the Community

Development Director or designee in accordance with the requirements of this Section.

- C. **Mobile and Temporary Wireless Facilities.** All new mobile and temporary antennas in the City shall be subject to these regulations and require a Temporary Use Permit. In the event an approved Conditional Use Permit for a permanent tower or antenna does not provide for an interim mobile or temporary antenna, mobile and temporary antennas shall be reviewed and permitted by Temporary Use Permit for a period not to exceed twelve (12) months. More than one Temporary Use Permit may be approved for the same temporary antenna. These facilities do not require a CUP, if said facilities conform to the development standards of the underlying zoning district.
- D. **Amateur Radio Towers and Antennas.** This Section shall govern the installation of any tower or antenna that is an Amateur Radio Station Operators/Receive Only Operations, that is under the maximum building height of the Zoning District in which such structure is located and which is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for "receive only" operations. These facilities do not require a CUP if said facilities conform to the development standards of the underlying zoning district.
- E. **Commercial television and/or radio antennas.** All new commercial television and/or radio antennas intended for commercial transmission and broadcasting are permitted under the maximum building height of the underlying Zoning District. Commercial television or radio antennas proposed to exceed the maximum building height of the underlying Zoning District shall be approved by Conditional Use Permit.
- F. **Exceptions. The following are exempt from the provisions of this Section:**
 - 1. **Valid Use Permits.** Legally established pre-existing towers and pre-existing antennas with a valid Conditional or Special Use Permit shall not be required to meet the requirements of this Section. Legal Non-Conforming Antennas and Towers proposed for modifications may be allowed (for modifications to pre-existing towers and/or antennas).
 - 2. A **Zoning Permit administrative approval** may be approved for a Public Safety Communications Facility seventy- five foot in height or less in any public facility or industrial zoning district.
 - 3. A **Zoning Permit administrative approval** may be approved for a modification, improvement or co-location of an existing Wireless Facility (seventy- five feet in height or less) in a commercial and industrial zoning district and (sixty- five feet in height or less) in any residential district.
 - 4. **Small Wireless Facilities.** The construction, improvement, co-location, modification, repair or operation of small wireless facilities may be located within any City right-of-way or any areas outside of the right-of-way that are not zoned exclusively for residential uses. Said small wireless facilities shall be permitted by right and not subject to any zoning or CUP review and approval. Additional City permits may apply for the construction, improvement, co-location, modification, repair or operation of small wireless facilities.

4.4.3 Use and Development Regulations

- G. Land Use Regulations. Wireless Facilities are permitted as a CUP in all zoning districts with the exception of Small Wireless Facilities and certain public safety communication facilities as described in Section 4.4.2 (E).
- H. Residential Zoning Districts. Wireless Facilities are permitted by CUP in single-family and multi-family residential zoning districts only on property owned by:
 - 1. The state, County, the City of Eloy, public school district, and/or private schools, HOA approved tract, or community college district, if the primary use of such property is a government use;
 - 2. A public or private utility company, if the property is used for a utility use; or
 - 3. A place of religious assembly, if the primary use of such property is for worship or place of public assembly.
 - 4. ~~AM band. For purposes of implementing this Section, an AM array, consisting of one (1) or more tower units and supporting ground system, which functions as one (1) AM broadcasting antenna, shall be considered one tower. Additional tower units may be added within the perimeter of the AM array by right.~~

SECTION 9 - DEFINITIONS & ACRONYMS

Alternative Wireless Facility: Any Wireless Facility that is designed in a stealth-like manner intended to be camouflaged and/or conceal the presence of the Wireless Facility so that the Wireless Facility is not readily apparent to the casual observer. Examples include man made trees, cacti and Alternative Tower Structures.

Detention/Correctional Facility: Public or private unit housing individuals who are awaiting trial, or are serving a sentence after being found guilty of a criminal offense.

Fairground: An area where land, building and structures are used for the exhibition of livestock and farm products including carnival like entertainment and shows. Events are managed or sponsored by the City or the County.

4H Program: Children and young adults raising animals that will participate in competitions sponsored by 4H or other similar agricultural based programs.

General Market: A single retail establishment that sells groceries, prepackaged food items and other household items and occupies less than 125,000 square feet of gross floor area.

Natural area preserves: Areas which will remain in a natural or undeveloped state to provide resource protection and may include opportunities for passive recreation and environmental education.

Subdivision: ~~In accordance with ARS 9-463.02, a "subdivision" means improved or unimproved land or lands divided for the purpose of financing, sale or lease, whether immediate or future,~~

~~into four or more lots, tracts or parcels of land, or, if a new street is involved, any such property which is divided into two or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into more than two parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse or similar project containing four or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon, but plats of such projects need not show the buildings or the manner in which the buildings or airspace above the property shown on the plat are to be divided.~~

Improved or unimproved land or lands divided for the purpose of financing, sale, lease, or conveyance whether immediate or future, into four (4) or more lots, tracts or parcels of land; or, if a new street is involved, any such property which is divided into two (2) or more lots, tracts or parcels of land, or, any such property, the boundaries of which have been fixed by a recorded plat, which is divided into two (2) or more parts. "Subdivision" also includes any condominium, cooperative, community apartment, townhouse, patio home, or similar project containing four (4) or more parcels, in which an undivided interest in the land is coupled with the right of exclusive occupancy of any unit located thereon.

Tiny House Park – A single parcel of land, not organized as a subdivision, containing more than one tiny home and no other type of dwelling unit.