

ARTICLE 6. GREER ZONING

Section 601. Introduction-Definitions for Greer Zones

Greer is a high mountain village located in one of the most unique and beautiful natural settings in the Southwest. The vision of the community is a mixture of open mountain forest and meadowland, natural rivers and streams, which flow year round, homes on one acre lots, small commercial enterprises and widely disbursed minor destination resorts. Recreational opportunities in the area are virtually unlimited. There is an abundance of wildlife species including deer, elk, antelope, bear, turkey, and many others, which are frequently observed in the meadow and forestland areas of the community. Wildlife experts have proclaimed the area as the natural habitat for many of our states "threatened and endangered species" such as the Bald Eagle, Spotted Owl, Southwestern Willow Flycatcher and many other plant and animal species.

However, this mountain wonderland is experiencing unprecedented growth pressures of seasonal use and increasing development. These changes must be managed with intelligent and reasonable planning, land use and development controls.

The character of Greer is shaped in part by its ties to the past. Greer has a rich history much of which is tied to the people who have lived or visited there and the properties and places where that history was made. Residential and business property owners and visitors are united in their perception of the Greer area as a very special place that must not be sacrificed in terms of visual image, scenic quality, character, and environmental stability of natural resources. They sincerely believe that these qualities attract visitors, tourists and investment and that their preservation, which is fundamental to sustaining a healthy and growing economy, can be accomplished with faithful adherence to this Ordinance and the Comprehensive Plans for both Apache County and, when adopted, the Community of Greer.

Comment [MO1]: Eliminate entirely or keep it in the document with changes to it. This section needs to state a purpose and not leave unclear language.

A. In this Article, unless otherwise specified:

- "GR-1" means Greer Residential Zone
- "GC" means Greer Commercial Zone
- "GCR" means Greer Commercial Resort Zone

B. Application of Article 6 and Zones

1. This Article replaces and renders null and void the Greer Phase I Zoning Ordinance in its entirety.
2. All parcels of land in Greer that are being legally used as a resort, lodge, hotel, motel, and/or Bed & Breakfast, at the time this Article 6 is adopted, shall be automatically designated as being a GCR Greer Commercial Resort Zone upon adoption of this Article
3. All parcels of land in Greer that are being legally used as a commercial use other than a resort, lodge, hotel, motel, Bed & Breakfast, or single family residential nightly cabin rental, at the time this Article 6 is adopted, shall be automatically designated as being a GC Greer Commercial Zone upon adoption of this Article 6.

Comment [MO2]: There needs to be an effective date.

4. All other parcels of land in Greer, including, but not limited to parcels being used as single family residential, or that are vacant, at the time this Article 6 is adopted, shall be automatically designated as being a GR-1 Greer Residential Zone upon adoption of this Article 6.
5. Property owners wishing to rezone their properties after adoption of this Article 6, shall have until the formal adoption of a map to request zoning his or her property may make the appropriate application to Apache County, for review. Approval of these applications to rezone rests with the Board of Supervisors.

Comment [MO3]: Consider adding "and single-family nightly cabin rental property"

Comment [MO4]: Eliminate this wording and add "follow the procedures for amending the zone map as listed in Article 11."

Section 602. Purpose

A. Greer Residential Zone

The primary purpose of the Greer Residential Zone (GR-1) is to:

1. Provide for low-density Single Family Residential development with adequate open space and separation of buildings ~~to preserve the natural features of the land and the rural character of the community.~~
2. Provide for low-density development to minimize the hazard of wild land fires, soil instability, and other natural and man-made threats.
3. Preserve visual aesthetics in developed areas by providing proper scenic corridors.
4. Provide for ~~Preserve the established scale and character of residential structures in the community by providing~~ design and development standards for architectural, lighting, signage, and other site constructed elements.
5. Maintain low-density development in order to minimize adverse impacts to environmentally sensitive features of the community.
6. Protect the public safety by prohibiting or regulating development in areas of flood plain, saturated soils, or steep slopes.

Comment [M05]: This wording appears to add fluff leaving too much ambiguity in the ordinance.

Comment [M06]: Include in the deletion of words "design and". This will make it clear that the ordinance is not regulating design guidelines only development guidelines as it relates to intensity of use.

B. Greer Commercial Zone

The primary purpose of the Greer Commercial Zone (GC) is to:

1. Provide for small Retail Shops, Convenience Stores, Restaurants, Bars, Lounges, Professional Office and Service Facilities in convenient locations where there is adequate access to Principal or Minor arterial roads or highways, in order to meet the needs of the residents and visitors in community.
2. Provide for low-density development with consideration ~~for adjoining environmentally sensitive meadowlands and streams, and~~ for adjoining residential properties.
3. Provide for ~~Preserve the small scale rustic character established in existing commercial zones by providing~~ design and development standards for architectural, landscaping, lighting, signage and other site constructed elements.
4. ~~Prohibit commercial uses or structures which are, because of their visual or environmental insensitivity or their hazardous nature, inherently incompatible with the character and values of the community.~~
5. Provide parking standards in order to promote pedestrian and vehicular safety, and to minimize the negative visual impact of open parking areas.
6. Provide for low-density development to minimize the hazard of wild land fires, soil instability, and other natural and man-made threats.
7. Protect the public safety by prohibiting or regulating development in areas of flood plain, saturated soils, or steep slopes.

Comment [M07]: This wording appears to add fluff leaving too much ambiguity in the ordinance.

Comment [M08]: Include in the deletion of words "design and". This will make it clear that the ordinance is not regulating design guidelines only development guidelines as it relates to intensity of use.

Comment [M09]: This wording is leads to much ambiguity. The ordinance attempts to no regulation of these issues any in the ordinance therefore having this wording in place continues to raise questions.

C. Greer Commercial Resort Zone

The primary purpose of the Greer Commercial Resort Zone (GCR) is to:

1. Provide for the development and operation of Resorts, Lodges, Hotels, Motels and Bed & Breakfasts containing guest accommodations for the short term visitor, and amenities which may include Restaurants, Bars and Lounges, Convention and Recreational facilities ~~in a physical setting of open space exhibiting the natural features of the land,~~
2. Provide for low-density development with consideration ~~for adjoining environmentally sensitive meadowlands and streams, and for adjoining residential properties.~~
3. Encourage development ~~whose scale and character exhibits a consistency with architectural and historical precedents established within the community by providing design and development~~ standards for architectural, landscaping, lighting, signage and other site constructed elements.
4. Provide parking standards in order to promote pedestrian and vehicular safety, ~~and to minimize the negative visual impact of open parking areas.~~
5. Provide for low-density development to minimize the hazard of wild land fires, soil instability, and other natural and man-made threats.
6. Protect the public safety by prohibiting or regulating development in areas of flood plain, saturated soils, or steep slopes.

Comment [MO10]: Remove this wording – again it leaves much to individual interpretation.

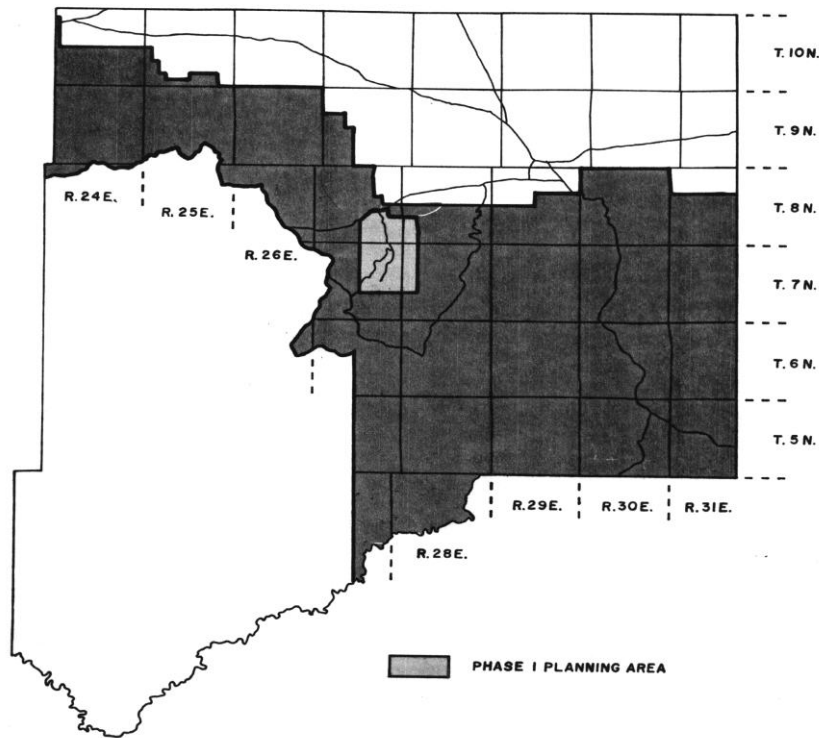
Comment [MO11]: This wording appears to add fluff leaving too much ambiguity in the ordinance.

Comment [MO12]: Eliminating this wording will make it clear that the ordinance is not regulating design guidelines only development guidelines as it relates to intensity of use.

Comment [MO13]: This is addressed in the parking sections of the County Zoning ordinance. There may be a need to add parking requirements as it relates to the zone definitions of this Article.

Section 603. Area Description

This area is located within the southern portion of Apache County. By general description, it is located south of state Route 260 within Township 7 and 8 North, Range 27 and 28 East.



Section 604. Development Standards (Height, Setback, and Intensity of Use)

A. GR-1 Greer Residential Zone (one house per acre)

Comment [MO14]: Change "acre" to "lot"

- Lot Area (min): One-Acre (43,560 square feet)
- Lot Width (min): 150 feet
- Lot Coverage (max): 20 percent covered by structures gross floor area
25 percent – ratio of total gross floor area of structures to lot area
- Open Space (min): 50 percent of lot area exclusive of parking, circulation space and structures
- Front Yard Setback (min): Height of building plus 10 feet
- Side Yard Setback (min): 15 feet plus 1 additional foot for each foot of building height over 14 feet, or 10 feet if abutting Forest Service property
- Rear Yard Setback (min): Height of building plus 10 feet, or 10 feet if abutting Forest Service property
- Building Height (max): 2 stories not to exceed 28 feet
- Building Separation (min): 15 feet for single story, 20 feet for two story
- Accessory Buildings: Height limited to 1 story not to exceed 18 feet
Size limited to 850 sf gross floor area for each building
Size limited to 1200 sf gross floor area for each building on lots of 2 or more acres
- Guest Houses: (1 per lot) Height limited to 1 story not to exceed 18 feet
Size limited to the lesser of 50% of the principal building or 850 sf gross livable floor area
- Accessory Buildings & Guest Houses: Combined total number per lot limited to 2.

Comment [MO15]: Review building codes and/or wildfire codes for justification.

Comment [MO16]: Define 'livable' per the building codes.

B. GC Greer Commercial Zone

- Lot Area (min): 20,000 square feet
- Lot Width (min): 100 feet
- Lot Coverage (max): 20 percent covered by structures gross floor area
25 percent – ratio of total gross floor area of structures to lot area
- Open Space (min): 50 percent of lot area exclusive of parking, circulation space and structures
- Front Yard Setback (min): Height of building plus 10 feet
- Side Yard Setback (min): 10 feet plus 1 additional foot for each foot of building height over 14 feet, or 10 feet if abutting Forest Service property
- Rear Yard Setback (min): Height of building plus 10 feet, or 10 feet if abutting Forest Service property
- Building Height (max): 2 stories not to exceed 30 feet
- Building Separation (min): 15 feet for single story, 20 feet for two story
- Accessory Buildings: Height limited to 1 story not to exceed 18 feet
Area limited to 1200 sf gross floor area for each building

Comment [MO17]: Review building codes and/or wildfire codes for justification.

C. GCR Greer Commercial Resort Zone

Lot Area (min):	One Acre (43,560 square feet)
Lot Width (min):	150 feet
Lot Coverage (max):	20 percent covered by structures gross floor area 25 percent – ratio of total gross floor area of structures to lot area
Open Space (min):	50 percent of lot area exclusive of parking, circulation space and structures
Front Yard Setback (min):	Height of building plus 10 feet
Side Yard Setback (min):	10 feet plus 1 additional foot for each foot of building height over 14 feet, or 10 feet if abutting Forest Service property
Rear Yard Setback (min):	Height of building plus 10 feet, or 10 feet if abutting Forest Service property
Building Height (max):	2 stories not to exceed 30 feet
Building Density (max):	8 housekeeping units per acre or 20 non-housekeeping units per acre, or a proportionate combination thereof (for example 4 housekeeping units & 10 non-housekeeping units on a one acre site)
Building Separation (min):	15 20 feet for single story, 20 25 feet for two story
Accessory Buildings:	Height limited to 1 story not to exceed 18 feet Size limited to 1200 sf gross floor area for each building

Comment [MO18]: Review building codes and/or wildfire codes for justification.

D. Additional Building Setback and Separation Standards applicable to Sections 604.A, 604.B & 604.C

1. **Building Height:** Building Height shall be measured from the first finished floor, above ground, to the highest ridge line of the roof.
2. **Building Setbacks and Separations:** Building setbacks shall be measured from the property lines to exterior walls, roof overhangs or edges of porches or decks, whichever protrudes more. Building separations shall be measured between the most protruding structural elements identified for the measurement of building setbacks.
3. **Bordering Zones:** Where a property zoned GC or GCR has one or more common boundaries with a property zoned GR-1 the common boundary setbacks for the GC or GCR property shall be doubled. Exception: Properties located on opposite sides of a road which share a common boundary within or adjacent to the road shall be exempt from the double setback requirement related to that particular common boundary. **Properties in the GR-1 zone operating as a Nightly Cabin Rental shall not require double setbacks from neighboring properties.**

Comment [MO19]: How should double setbacks be addressed?

4. Building Setbacks from State Highways

Structures shall not be erected closer than 50 feet from the right-of-way of State Highways 373 or 260. (Note: Highway 373 extends from Highway 260 in a southerly direction to the point near the Greer Village area where State Highway maintenance ends as indicated by a roadside sign).

Comment [MO20]: Single-Family homes in the GRC zone should be zoned as residential until such time as the decision to become commercial is made. Then said properties should follow whatever the requirements are for double setbacks.

Building Setbacks from Roads

Building setbacks for properties adjacent to roads or alleys shall be measured from the edge of the right of way of the road defined by a dedicated roadway parcel or an easement line. Building setbacks shall not be measured from the center line or any other line within the right of way.

Comment [MO21]: This has never been regulated in the past. If a person chooses to build on an easement line, there has been no battle from the County. The difficulty of this is that there are properties that may have an easement running through the middle. This would leave little room for a building pad and would require a variance. Most of these easements only affect one or two people and this should remain a civil issue.

Section 605. Uses

USE TABLE (see footnote 4)	GR-1	GC	GCR
Accessory Buildings	P	P	P
Antique Shops	X	P	P
Art Galleries	X	P	P
Arts and Craft Shops	X	P	P
Bed and Breakfast Dwellings	X	X	P
Candy and Ice Cream Stores	X	P	P
Child Care Facilities	X	P	P
Churches, Museums, Schools, Libraries and Community Centers	P(1)	P	P
Communication Towers	X	C	C
Convenience Stores	X	P	X
Domestic Animals / Livestock	P	C	X
Furniture Stores	X	P	X
Garage and yard sales	P	X	X
Gift Shops	X	P	P
Government & Public Offices	X	P	X
Guest Homes	P	X	X
Guest Ranch	X	X	P
Hardware Stores	X	P	X

Home Business	P	X	X
Horseback Riding & Stables	X	P	P(2)
Laundry (self service)	X	P	X
Liquor Stores	X	P	X
USE TABLE (continued) (see footnote 4)	GR-1	GC	GCR
Nightly Single Family Cabin Rentals	A(3)	X	P
Parks and Playgrounds	P	P	P
Photographic or Artist Studio	P	P	P
Professional Offices (see Article 2 Definitions)	X	P	X
Public Utility Installations	X	P	C
Public Utility Offices	X	P	X
Resorts, Lodges, Hotels & Motels	X	X	P
Restaurants, Bars and Cocktail Lounges	X	P	P
Single Family Residence (site constructed)	P	X	P(5)
Sporting Goods Stores (incl. sports eqpt. rentals)	X	P	X
Temporary outdoor events	A	A	A
Townhouses, Condominiums, Timeshares	X	X	P
Youth Camps	X	X	P

Comment [MO22]: Is a townhouse a form of ownership? Should a condo require a conditional use permit if it already will require going through the subdivision process?

P: Permitted use **A:** Administrative use **X:** Not Permitted **C:** Conditional Use

Conditional uses shall follow the process as described in Article 11. Administrative uses shall follow the process as described in Article 9.

Use Table Footnotes:

- 1) Facilities must be located fronting an arterial road or highway. Vehicular access to the facilities must be directly from the arterial road or highway.
- 2) Facilities located in GCR zones must be operated in conjunction with Resort Facilities.
- 3) Facilities require Guest Accommodations License.
- 4) The Community Development Director may permit in a zone any use not described in the above tables but deemed to be of the same character and in general keeping with the uses authorized in such zone in accordance with the provisions of Article 9, Section 901.
- 5) Subject to conformance with GR-1 development standards

Prohibited Uses Include:

Adult Oriented Businesses	Gasoline Service Stations	Mini Storage Facilities
Auto Parts & Supplies	Dry Cleaners	Individual retail stores exceeding 5000 sf.
Auto Repair Shops	Heavy Equipment Rental & Sales	Tattoo Parlors
Auto Sales & Rentals	Feed Stores	Theaters & Movie Houses
Car Washes	Funeral Homes	Warehouses
Drive-in Restaurants	Industrial Uses (see Article 4)	Multi-Family Dwellings
Mobile Home & Trailer Parks	Manufactured Housing	Townhouses, & Condominiums
RV Storage Lots	Campgrounds	Timeshares