

## AGENDA

### TUSAYAN TOWN COUNCIL REGULAR MEETING

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03

Wednesday, November 7, 2012 @ 6:00 P.M.

TUSAYAN TOWN HALL BUILDING  
845 Mustang Drive, Tusayan Arizona

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tusayan Town Council and to the general public that the Tusayan Town Council will hold a meeting open to the public on Wednesday, November 7, 2012 at the Tusayan Town Hall Building. If authorized by a majority vote of the Tusayan Town Council, an executive session may be held immediately after the vote and will not be open to the public. The Council may vote to go into executive session pursuant to A.R.S. § 38-431.03.A.3 for legal advice concerning any matter on the agenda, including those items set forth in the consent and regular agenda sections. The Town Council may change, in its discussion, the order in which any agenda items are discussed during the course of the meeting.

Persons with a disability may request a reasonable accommodation by contacting Town manager (928) 638-9909 as soon as possible.

As a reminder, if you are carrying a cell phone, electronic pager, computer, two-way radio, or other sound device, we ask that you silence it at this time to minimize disruption of today's meeting.

### TOWN COUNCIL REGULAR MEETING AGENDA

#### 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

#### 2. ROLL CALL

MAYOR BRYAN  
VICE MAYOR MONTOYA

COUNCILMEMBER FITZGERALD  
COUNCILMEMBER RUETER  
COUNCILMEMBER SANDERSON

*\* One or two Council Members may attend by telephone*

#### 3. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA

***Members of the public may address the Council on items not on the printed agenda. The Council may not discuss, consider or act upon any matter raised during public comment. Comments will be limited to three minutes per person.***

***Members of the audience who wish to speak to the Council on an item listed as Public Hearing should complete a Request to Speak Card and turn it into the Town Clerk. Speakers will be limited to three minutes each.***

#### 4. CEREMONIAL AND/OR INFORMATIONAL MATTERS

Flood Study Update

**5. OPEN PUBLIC HEARINGS**

- A. Public Hearing on comprehensive revisions to the Town of Tusayan Zoning Ordinance. Case No. ZOA2012-01 (Ordinance No. 2012-04)**
- B. Public Hearing on deleting Design Review Overlay Zoning. Case No. ZOA2012-02 (Ordinance No. 2012-05)**

**6. CLOSE PUBLIC HEARINGS**

**7. ACTION ITEMS**

- A. Consideration, discussion, and possible approval of Resolution No. 2012-14 declaring the Planning and Zoning Ordinance of the Town of Tusayan, dated November 7, 2012, to be a Public Record and establishing a Planning and Zoning Ordinance of the Town of Tusayan**
- B. Consideration, discussion, and possible approval of Ordinance No. 20112-04 (Case No. ZOA2012-01) adopting by reference the establishment of the Planning and Zoning Ordinance, repealing Ordinance 2010-06-09-1 and all amendments thereto and prescribing penalties for violations thereof**
- C. Consideration, discussion, and possible approval of Ordinance No. 20112-05 (Case No. ZOA2012-02) deleting the Design Review Overlay and including the provisions of the Design Review Overlay in the revised Planning and Zoning Ordinance**
- D. Consideration, discussion, and possible approval of a contract with Willdan Engineering for development of a General Plan for the Town of Tusayan**
- E. Consideration, discussion, and possible approval of Resolution No. 2012-12 urging the Arizona Legislature to renew its support of the Arizona State Parks System**
- F. Consideration, discussion, and possible approval of Resolution No. 2012-13 supporting the repeal of Arizona House Bill 2826**
- G. Consideration, discussion, and possible approval of moving the Tusayan Town Council Meeting scheduled for Wednesday, November 21, 2012, 6:00pm to Tuesday, November 20, 2012, 4:00pm**

**8. CONSENT AGENDA**

**ITEMS ON THE CONSENT AGENDA ARE ROUTINE IN NATURE AND WILL BE ACTED ON WITH ONE MOTION AND ONE VOTE. PUBLIC HEARING ITEMS ARE DESIGNATED WITH AN ASTERISK (\*). MEMBERS OF THE COUNCIL OR STAFF MAY ASK THE MAYOR TO REMOVE ANY ITEM FROM THE CONSENT AGENDA TO BE DISCUSSED AND ACTED UPON SEPARATELY.**

**Accounts Payable Billings**

9. DISCUSSION ITEMS
10. COMMITTEE REPORTS
11. TOWN MANAGER'S REPORT
12. FUTURE AGENDA ITEMS
13. COUNCIL MEMBERS' REPORTS
14. MAYOR'S REPORT
15. MOTION TO ADJOURN

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the General Store in Tusayan, Arizona on this 31<sup>st</sup> day of October, 2012, at \_\_\_\_\_ p.m. in accordance with the statement filed by the Tusayan Town Council.

DATED this 31st day of October, 2012.

\_\_\_\_\_  
Signature of person posting the agenda

ITEM NO. 5A & B

and

7A, B, & C

# TOWN OF TUSAYAN STAFF REPORT

**Date:** November 7, 2012

**To:** Tusayan Town Council

**From:** Richard Turner, AICP, Town Planner

**Subject:** Comprehensive Revisions to the Town of Tusayan Zoning Ordinance (Case No. ZOA2012-01, Ord. No. 2012-04) and Deletion of Design Review Overlay Zoning (Case No. ZOA2012-02, Ord. No. 2012-05)

**ISSUES:** Should the Town amend its Zoning Ordinance to provide correct references for review and approval authorities? Should changes be made to add and/or delete certain sections to be consistent with state law? Should additional changes be made to reduce the number of uses subject to approval as Conditional Use Permits? Should new, updated outdoor lighting regulations be approved? Should the Design Review Overlay Zoning be removed and design review guidelines from the Design Review Overlay Zone included in the Zoning Ordinance? Should regulations dealing with banner signs be included in the updated Zoning Ordinance?

**BACKGROUND:** The Town of Tusayan adopted the Coconino County Zoning Ordinance as its Zoning Ordinance after incorporation (Ordinance No. 2010-06-09-01). Since that time, the problems associated with using what is essentially a county zoning regulation for the purpose of a town zoning regulation have become evident. Accordingly, and with the support of the Council and Town Manager, staff has undertaken the task of revising the Zoning Ordinance to better suit the needs of a town and specifically, the Town of Tusayan.

These are the required public hearings by the Town Council on the proposed changes to the Zoning Ordinance and deletion of the Design Review Overlay Zoning. Prior to this meeting, a total of eight workshops were held on proposed changes to the Ordinance by either by the Town Council, the Council with the Planning and Zoning Commission (joint workshops) or by the Planning and Zoning Commission alone. Workshops were held on December 14, 2011, January 9, 2012, February 8, 2012, February 22, 2012, March 6, 2012, April 3, 2012, June 26, 2012 and July 24, 2012.

The Planning and Zoning Commission held public hearings on the proposed Zoning Ordinance and deletion of the Design Review Overlay Zoning on August 28, 2012 and September 25, 2012. Following the public hearing on September 25<sup>th</sup>, the Commission acted to forward the revised Zoning Ordinance to the Council with a recommendation for approval with the following modifications:

1. Substitution of an alternative version of Section 11 (Commercial Zones) that requires most of the commercial uses with outdoor storage or activity obtain approval of a conditional use permit.
2. Section 11 (Commercial Zones): Convenience Markets with gas pumps will require a conditional use permit in all three zones.

3. Section 11 (Commercial Zones): Cocktail Lounges and Bars will require a conditional use permit in CG and CH zones, as originally written.
4. Section 11 (Commercial Zones): Theaters will require a conditional use permit in all three zones, as originally written.
5. Section 11 (Commercial Zones): Added Tour Operator with associated outdoor storage or activity in the CH and CG zones, subject to the approval of a conditional use permit.
6. Section 11 (Commercial Zones): Revise the accessory use regulations for a single family residence of the owner/operator of a business such that if the residence is part of the commercial building, it would be a permitted use in the CG and CH zones; but if it is detached, it would require approval of a conditional use permit.
7. Section 13.10 (Design Review): Revise the percentage of change to the façade of a building that would constitute a substantial change from 50% to 25%.

Discussion at the meeting included the need for definitions for two-family housing (duplex) and triplex housing in the Ordinance. Staff advised the Commission that changes to the Ordinance would be made to address these deficiencies. The version of the revised Zoning Ordinance that is included with this report reflects all of the Commission's recommendations and the definitions and adjustments necessary to accommodate two-family and triplex housing.

The Commission also approved a motion to recommend that the Design Review Overlay Zoning be deleted.

#### **DISCUSSION AND ANALYSIS:**

This report will provide an overview of changes proposed to the Zoning Ordinance. The Zoning Ordinance included with the report shows all of the proposed changes in legislative format (strikeouts and capital letters).

All sections of the Ordinance have been revised to reflect the fact that this will be a Town regulation and no longer a County regulation. These changes include the following:

1. "Director of Community Development" to "Town Manager or Designee"
2. "Coconino County" or "County" to "Town of Tusayan" or "Town"
3. "Board of Supervisors" or "Board" to "Town Council" or "Council"
4. "Coconino County General Plan" to "Tusayan Area Plan"
5. "Department of Community Development" to "Town Staff"

Other important changes to the Zoning Ordinance are briefly described below.

SECTIONS 1 THROUGH 6:

No significant changes are proposed to these sections

SECTION 7: ENFORCEMENT

This section has already been updated by the Town. Only a few additional changes are proposed. These include a clarification of the duties of the Hearing Officer (7.1.A) and corrected references to a Statute and other sections of the regulation (7.0.B, 7.3.A.2, 7.3.B.1, 7.4.C and 7.5.B).

SECTION 8: DEFINITIONS

Consistent with the discussion at the August Planning and Zoning Commission meeting, the definition of "Campground" has been changed as follows:

"CAMPGROUND shall mean a plot of ground, ~~with or without sanitation facilities or water, for overnight or limited camping. May include the overnight parking of recreational vehicles. A CAMPGROUND MAY BE OCCUPIED BY TENTS, RECREATIONAL VEHICLES OR TRAVEL TRAILERS."~~

The concept of long term use and occupancy by park models was eliminated.

The definition of "Manufactured Home" was changed to clarify that a park model is not a manufactured home. The definition of "Manufactured Home Park" was changed to include park models and delete reference to mobile homes. The definition of "Manufactured Home Space" was changed to state that this type of space is found in a manufactured home park. The definition of "Mobile Home" was changed to clarify that a park model is not a mobile home. The term "Recreational Vehicle Park" was clarified to exclude manufactured home parks and travel trailer parks. The definition of "Trailer Park or Court" was changed to include park models. The definition of "Structure" was changed to include manufactured homes.

Definitions for "Dwelling, Two Family" and "Triplex" have been added. Conforming changes were required to the terms "Apartment", "Dwelling, Multi-Family" and "Dwelling Unit."

The definition of "Wholesale" was changed to clarify the distinction between retail and wholesale businesses.

A definition for "Zoning Administrator" was added.

SECTION 9: GENERAL, AGRICULTURAL RESIDENTIAL AND RURAL RESIDENTIAL ZONES

Changes are proposed to the "Purpose" section to be more consistent with a town ordinance (9.0).

The setback from the National Forest boundary (side or rear yard setback) is proposed to be reduced to 80% percent of the required setback, but not less than 5 feet (9.3.B).

Mobile home has been dropped from the list of permitted uses and park model has been added (as a conditional use) (9.1.A).

Some agricultural uses are changed from “permitted” to “conditional” uses and public parks are changed to a “permitted” use (9.1.B and 9.1.C).

The allowance for rehabilitated mobile homes in the G and AR Zones has been eliminated (9.3.A.3).

A park model has been added as an option for a temporary residence, subject to the issuance of a Temporary Use Permit (9.3.A.5).

The change to Section 9.4.C.1 would reduce the total amount of allowed outdoor storage of previously used material from 2,000 to 1,000 square feet on any lot zoned G, AR or RR. The storage of what is essentially “junk” is more appropriate in a rural environment than in a town environment. The storage of up to 2,000 square feet of this type of material is not consistent with the Tusayan Area Plan. This change is also found in Section 10.3.C.1.

#### SECTION 10: RESIDENTIAL ZONES

Mobile homes will no longer be permitted in remote areas on large parcels (10.2.A.4).

The setback from the National Forest boundary (side or rear yard setback) is proposed to be reduced to 80% percent of the required setback, but not less than 5 feet (10.2.B).

With the addition of definitions for two family dwellings and triplexes and changes to related definitions for multi-family and apartment, conforming changes were necessary to Sections 10.0 (Purposes), Section 10.1.II.A (Permitted and Conditional Uses) and Section 10.2.B.II (Property Development Standards – Off-Street Parking).

#### SECTION 11: COMMERCIAL ZONES

Commercial uses are either not allowed, permitted by right or require approval of a conditional use permit in one or more of the three commercial zoning districts. The Planning and Zoning Commission has recommended that most of the uses with outdoor storage and activity require approval of a conditional use permit, as indicated in the existing Ordinance. It was felt that a decision to allow more uses by right would best be made following the approval of a General Plan, at which time community goals regarding the desired extent of land use control can be determined.

Other changes to this section include the following: Auction house is listed twice, once with indoor sales/display and the second listing, allowing outdoor sales/display. Wholesale bakeries and ceramic studios with outdoor kilns will not be allowed in the CG zone. A solid waste haulers yard will only be allowed in the CH zone with a CUP. A self service laundry has been added to the list of uses as a permitted use in all commercial zones. Canopies over gasoline pumps will be eliminated as a use. A restaurant with outdoor dining will require a CUP in all commercial zones. Other added uses include apartments above the first floor and kennels with indoor and outdoor runs.

Many common commercial uses such as grocery store, drug store, retail bakery, art studio, beauty salon and hardware store are not found in the list of commercial uses in Section 11. This is because they are included in number 24 on the list of uses. Use number 24 reads as follows:

“General retail business establishments, except for Large Retail Establishments as defined in Section 8, engaged in selling goods or services to the public provided that such uses are conducted entirely within an enclosed building”

Use number 24 is a “catch-all” for retail businesses that do not have outdoor activity or storage. All of those types of business would be included in the general description of use number 24 and permitted by right.

The commercial use “tour operator with associated outdoor storage or activity” has been included in the list of uses. A tour operator whose business is conducted entirely within an enclosed building and has no related outdoor activity or storage would be captured by use number 24. Tour operator with outdoor use characteristics has been added as a conditional use in the CG and CH Zoning Districts.

The Planning and Zoning Commission recommends some changes to the provision that deals with accessory single family homes occupied by the owner/operator of an on-site business. The recommendation is to allow the residence as a permitted use in the CG and CH zones if the dwelling is an integral part of the commercial building. If it is detached, a conditional use permit is required.

In the section on public and semi-public uses, day care centers and preschools will be a permitted use in the CN zone and prohibited in the CH zone. Churches will be allowed in all zones.

A market analysis will not be required to establish a CN zone (11.2.A.1).

A park model can be a temporary construction office, but a mobile home cannot (11.3.A).

A regulation on music emanating from an outdoor dining area was added (11.3.P).

## SECTION 12: INDUSTRIAL ZONES

The maximum height of buildings in all industrial zones has been changed to 40 feet (12.2.B). This is a transfer to the Zoning Ordinance of one of the guidelines in the DRO.

In Section 12.3 reference to the Tusayan Fire Department was changed to the Tusayan Fire District. This same change occurs in Sections 13.2-3.O and 13.9-4.D.

## SECTION 13: SPECIAL PURPOSE ZONES

In the Manufactured Home Park (MHP) Zone, a mobile home has been dropped from the list of permitted uses and park model has been added (13.1-4.A).

The setback from the National Forest boundary (side or rear yard setback) is proposed to be reduced to 80% percent of the required setback, but not less than 5 feet (13.1-5 and 13.2-3).

Credit is allowed for existing landscaping on manufactured home spaces in manufactured home parks (13.1-6.E).

Provision to allow a rehabilitated mobile home in the MHP Zone has been eliminated (13.1-6).

With a commitment from the Sanitary District, the requirement for a wastewater system report in order to establish a manufactured home park will be waived (13.1-11). In this same section the term "Wastewater Treatment Agency" has been replaced by the more accurate description, "Wastewater Treatment Provider".

A mobile home will not be an allowed use in the Planned Community, Resort Commercial, Mineral Resource or Residential or Manufactured Home Zones (13.3-2, 13.7-2, 13.9-2 and 13.11-2).

The Floodplain Management Overlay Zone is not proposed to be changed at this time. Further study is required before changes should be made. In the future, appropriate wording will replace the existing "County" wording.

Rather extensive changes are proposed to Section 13.10, the Design Review Overlay Zone. This zone will be converted to a design review regulation that will incorporate design standards and guidelines from the Design Review Overlay Zoning document. The DRO guidelines not located in this part of the Ordinance are found in other parts of the Ordinance. The sections of the DRO being transferred to other sections of the Zoning Ordinance are identified an attachment to the staff report.

In Section 13.10-1, the purpose section of the new design review chapter, the type of development subject to design review is clarified for consistency with later sections of this Chapter. All non-single family residential development is subject to design review.

Section 13.10-2 has also been revised. The concept of only requiring design review for redevelopment when the change is "substantial", has caused concern in that there is difficulty in measuring what would be considered "substantial". In an attempt to remedy this shortcoming, several examples of what would constitute a substantial change are included in the Ordinance.

The Design Review Section (13.10-2.B) has also been amended to address the approval of changes that fall below the threshold of a significant change. Those changes would be approved by the Town Manager.

The allowance for rehabilitated mobile homes in the Residential and Manufacture Home Zone has been eliminated (13.11-3.A).

#### SECTION 14: SPECIAL USES AND CONDITIONS

The allowed frequency of special events has been increased from three times a year to five times a year (14.1.A).

The length of time that a security trailer can remain on a construction site has been clarified to be 12 months (14.1.F).

In Section 14.1-2 the performance standard dealing with the review of signs has been changed to reflect the fact that the DRO as an overly zone is proposed to be eliminated.

A provision has been added dealing with banner signs. It would allow banner signs by temporary use permit that are not permitted elsewhere by the Ordinance for a maximum of 60 days.

#### SECTION 15: OFF-STREET PARKING

Credit will be given for tour bus parking provided at hotels and motels (15.2.C).

Landscaping in parking lots has been reduced by a change in the ratio of trees per square foot of parking area (15.3.B).

#### SECTION 16: SIGNS

A property owner will have more time, six months, to remove a sign for a discontinued business. The owner will have the option of just removing the sign message, allowing the sign structure to remain (16.2.F).

Some regulations from the DRO have been added to this section. These include a prohibition of fluorescent signs (16.2.S) and a requirement that the base of a freestanding sign be landscaped (16.2.T). Additional DRO provisions include those that pertain to flags and the height of flag poles (16.4.D).

Language has been added to clarify that wall signs on buildings on corner lots will get the benefit of both street frontages in the computation of allowed sign area (16.7.A.1.c).

Increases in sign area for commercial free standing signs and wall signs have been added (16.7.A).

Changes regarding banner signs have been incorporated into Section 16. These changes include a definition of banner, a definition of a temporary business identification sign (a type of banner), a limitation on the illumination of banners, banners as a type of special sale sign, banners allowed on church property, banners for business grand openings and banners for changes in business ownership/management.

#### SECTION 17: LIGHTING

This section deals with outdoor lighting. The lighting section in the existing Ordinance (County) provides for 3 zones with each zone having its own regulations. The regulations in each zone differ by the distance from astronomical observatories. Tusayan is in the least restrictive zone. However, based on direction from the Council provided to staff early last year, a more rigorous regulation was drafted by staff for the revised Ordinance.

With a few exceptions, the proposed regulation is the same one that was reviewed by the Planning and Zoning Commission on March 24<sup>th</sup> of last year. That version of the regulation has been revised to reflect the comments and suggestions of the Airport Manager and a representative of the Naval Observatory. Specifically, the definition of airport lighting and the section dealing with the exemption for airport

lighting systems have been changed (17.8.A). The changes made as a result of input from the representative of the Naval Observatory are of a more technical nature and facilitate administration of the regulation.

There is a statement in the "Purpose and Intent" that encourages a transition from high energy lighting to more energy efficient lighting (17.0.B).

Several definitions have been added to assist in the administration of the more technical aspects of the code (17.3).

Narrow spectrum amber LED will be added as a preferred light source (17.4).

The requirements for lamp source, shielding of light emissions and total outdoor light output are revised based on input from the expert from the Naval Observatory (17.5.B and C).

The holiday lighting restrictions have been changed to be more flexible by allowing holiday lighting to remain in place longer (17.8.B).

#### SECTION 18: LANDSCAPING

Parts of this section are proposed to be changed to be consistent with the Design Review Guidelines. These changes include "Purpose and Scope" (deleting drought tolerant plants), the definition of "drought tolerant", landscape material requirements and preferred materials (18.1, 18.3, 18.4.C, 18.5.B).

Credit will be allowed for existing landscaping (18.5.A).

Changes to require the use of effluent to irrigate landscaping have been included (18.5.A.5).

#### SECTION 19: NONCONFORMING SITUATIONS

Instead of the Board of Adjustment, the Hearing Officer is able to grant a Variance from setbacks with regard to a nonconforming lot (19.4.B).

The ability to expand a nonconforming mobile home park has been eliminated (19.6.B).

The provision allowing the replacement of a non-conforming mobile home on an individual parcel with another mobile home, with the approval of a CUP, is proposed to be deleted (19.6.C).

The section allowing 100 percent expansion of a nonconforming business use is based on a County statute and is being eliminated in the new edition of the Zoning Ordinance (19.7).

Another proposed change will eliminate the ability to exchange one non-conforming use for another with the approval of a CUP. This provision is not consistent with the idea that reducing the overall number of non-conforming uses in a community is generally a good approach to community development (19.9).

## SECTION 20: ADMINISTRATION

The section that provides for a protest by the owners of property adjacent to the area of a zoning map amendment has been changed to reflect the law as it relates to cities and towns (20.4-11.C).

Notice provisions for zoning amendments have been updated to reflect changes in the state law (20.5.C).

Provisions have been added explaining the duties, responsibilities and procedures to be followed in matters considered by the Hearing Officer (20.7).

A section dealing with the purpose, membership, organization, and authority of the Board of Adjustment has been added (20.8).

A section has been added outlining the duties of the Zoning Administrator (20.9).

Sections 20.3-2.E, 20.4-4.F, 20.5.B and 20.7-2.A.6 have all been changed. All of these sections originally included a reduction in the notification area from 300 feet to 150 feet. This change was consistent with the protest provisions of state law, but not consistent with the zoning amendment notice requirements in ARS 9-462.04.A.3. It would be appropriate to leave the distance requirement at 300 feet.

## SECTION 21: GENERAL PLAN

In addition to a change in the title (proposed to be changed to "Tusayan Area Plan), there will be other changes reflecting the change from a County Plan to the Tusayan Area Plan. Additional changes to this section will be required in the future when the Town adopts a General Plan.

## DESIGN REVIEW OVERLAY ZONING

Design Review Overlay Zoning is proposed to be deleted as a separate zoning document and as an overlay zoning district. In its place will be an amended Section 13.10 in the Town's Zoning Ordinance that will include most of the actionable design guidelines from the DRO. Those provisions of the DRO that are more logically located in other parts of the Zoning Ordinance have been placed in those sections. Efforts have been made to include all of the guidelines from the DRO somewhere in the Zoning Ordinance. The only standards that were not transferred were those that already existed in the Zoning Ordinance.

**FISCAL IMPACT:** The only direct fiscal impact of moving forward with the proposed revisions of the Zoning Ordinance would be the cost associated with the required legal notice, public hearings and required publications of documents. Staff does not foresee any significant fiscal impact to the Town government associated with the approval and implementation of the proposed changes.

**RECOMMENDATION:** A total of 8 workshop meetings and two sets of public hearings have been held on updating the Town's Zoning Ordinance and deleting the Design Review Overlay Zone. The proposed draft reflects much of the input staff received from the public, the Town Council and the Planning and Zoning Commission. Staff believes the revised Zoning Ordinance is a substantial and important

improvement over the existing Ordinance and should be approved. The Town Council should consider input received at these public hearings before acting on either of the ordinances that would adopt these changes.

It is recommended that the proposed update of the Tusayan Zoning Ordinance, including the most recent changes recommended by the Planning and Zoning Commission, Case No. ZOA2012-01 and Ordinance No. 2012-04 be approved.

By separate action, it is recommended that the proposal to delete Design Review Overlay Zoning, Case No. ZOA2012-02 and Ordinance No. 2012-05 be approved.

**Attachments:**

Ord. No. 2012-04, Adoption of Planning and Zoning Ordinance

Ord. No. 2012-05, Deletion of DRO Zoning

Updated draft of Zoning Ordinance, legislative format

DRO Amendments to the Zoning Ordinance (other than Section 13.10)

**DRO AMENDMENTS TO THE ZONING ORDINANCE**

The following suggested amendments will transfer specific development standards from the DRO to various sections of the Zoning Ordinance.

**DRO Language:**

From the Site Design Section

“Building height shall not exceed three stories above ground and 40 feet above existing grade.”

**Corresponding Changes to the Zoning Ordinance:**

Commercial Zones, Section 11.2.B

|  |               |                  |                  |
|--|---------------|------------------|------------------|
|  | <u>CN-2/A</u> | <u>CG-10,000</u> | <u>CH-10,000</u> |
| 10. Structure height, maximum, in feet | 35            | 35               | <del>50</del> 40 |

Industrial Zones, Section 12.2.B

|                             |                  |                   |                  |
|-----------------------------|------------------|-------------------|------------------|
|                             | <u>MP-20,000</u> | <u>M-1-10,000</u> | <u>M-2-6,000</u> |
| 9. Building height, in feet | 40               | <del>50</del> 40  | <del>50</del> 40 |

**DRO Language:**

From the Site Design Section

“Landscaping shall consist of indigenous plants. Exotic ornamental plants which could “escape” to the surrounding area and displace native vegetation shall be prohibited.”

**Corresponding Changes to the Zoning Ordinance:**

Landscaping, Section 18.1

The purpose of this Section is to establish landscaping standards and guidelines in order to maintain and enhance the environmental qualities of the ~~County~~ TOWN; to mitigate the impacts of adjacent uses; and to enhance the quality and appearance of new or existing development in the ~~County~~ TOWN. By requiring adequate and environmentally compatible landscaping, the visual quality of the environment will be enhanced, and other environmental qualities will be improved by promoting conservation of water used for landscaping, addressing wildfire safety concerns, providing erosion and storm water runoff control, providing control of noxious weeds and invasive plants, requiring native ~~and/or drought-tolerant~~ plants, and encouraging the preservation of existing trees and vegetation.

Landscaping, Section 18.2

DROUGHT TOLERANT shall mean non-native species that can survive extended periods of time with little or no water, ~~and that are appropriate for a particular site without posing a threat of invasiveness or possessing characteristics of invasive species or noxious weeds.~~

Landscaping, Section 18.4

C. In all areas of the ~~County~~ TOWN the ~~preferred~~ REQUIRED landscaping materials are native plants as defined by the Native Plants for Northern Arizona Landscapes compiled by The Arboretum at Flagstaff. The use of specifically identified invasive species and noxious weeds is prohibited. ~~Some non-native species, which meet the definition of drought tolerant, may be used.~~

Landscaping, Section 18.5.B

1. All landscape plans must use native ~~and/or drought tolerant~~ plant materials appropriate for their location. Invasive plants and noxious weeds are prohibited. ~~Preferred~~ REQUIRED landscaping materials are native plants as defined by the Native Plants for Northern Arizona Landscapes compiled by The Arboretum at Flagstaff. A detailed plant list shall be included with all plans. The list shall include both the botanical and common names.
2. If turf areas are included, they must use a sod or seed mix specifically cultivated to thrive in the conditions present at the particular site. The use of non-native and/or high water consumptive turf such as Kentucky Blue Grass is ~~discouraged~~ PROHIBITED. The applicant must provide information regarding the composition of a sod or seed mix as part of the detailed plant list as required.

Landscaping, Section 18.10.A

2. If phasing is proposed, or if only a portion of the parcel is being developed, the undeveloped area shall be maintained in existing native plants. If the area has been disturbed or the existing vegetation consists primarily of weeds, the area must be successfully revegetated with a substantial mix of native ~~and/or drought tolerant~~ grasses and ground covers. The density of the re-established vegetation must be adequate to prevent soil erosion and invasion of weeds after one growing season.

**DRO Language:**

From the Signs Section

“6. Flags shall be limited to one Arizona flag and one U.S. flag, maximum. Flag poles shall meet the 40 foot maximum height adopted through this DRO. This shall not apply to future public spaces such as transportation center, visitor center or roadway medians.”

**Corresponding Changes to the Zoning Ordinance:**

Signs, Section 16.4

D. Other Special Signs

1. Flags, emblems, insignias and posters of any nation, state, international organization, political subdivision or other governmental agency; unlighted non-verbal religious symbols attached to a place of religious worship; and, temporary displays of a patriotic, religious, charitable, or civic character shall be exempt from the provisions of this section EXCEPT AS FOLLOWS:

A. ~~however, if~~ IF the height exceeds thirty (30) feet, such signs shall be subject to the approval of the ~~Director of Community Development.~~ TOWN MANAGER OR DESIGNEE.

B. WITH THE EXCEPTION OF A PUBLIC SPACE SUCH AS A TRANSPORTATION CENTER, VISITOR CENTER OR ROADWAY MEDIAN, A MAXIMUM OF ONE U.S. AND ONE ARIZONA FLAG SHALL BE ALLOWED PER PROPERTY.

C. FLAG POLES SHALL NOT EXCEED 40 FEET IN HEIGHT.

D. The preceding shall not be construed as to permit the use of such flags, insignias, etc. for the purpose of advertising or identifying a product or business.

**DRO Language:**

From the Signs Section:

“Colors such as “day-glo” shall be prohibited.”

**Corresponding Changes to the Zoning Ordinance:**

Signs, Section 16.2

S. FLUORESCENT SIGNS OR SIGNS WITH FLUORESCENT LETTERING, ILLUSTRATIONS OR FEATURES ARE PROHIBITED.

**DRO Language:**

From the Signs Section:

“11. The base of a freestanding sign shall be located in a planter box or landscaped area.”

**Corresponding Changes to the Zoning Ordinance:**

Signs, Section 16.2

T. THE BASE OF A FREESTANDING SIGN SHALL BE LOCATED IN A PLANTER BOX OR OTHER LANDSCAPED AREA.

**DRO Language:**

From the Signs Section:

“10. Externally lighted signs may be permitted for signs constructed of natural materials providing such lighting is directed and shielded so that direct rays do not project above the horizontal or reflect onto adjacent properties or rights-of-way.”

**Corresponding Changes to the Zoning Ordinance:**

Lighting, Section 17.6

A. A. Externally Illuminated Sign Standards: External illumination for signs shall BE LIMITED TO SIGNS CONSTRUCTED OF NATURAL MATERIALS AND SHALL conform to all provisions of this Code. In particular, such lighting shall be treated as Class 1 lighting and shall conform to the lamp source, shielding restrictions and lumen caps of Section 17.5. All upward-directed sign lighting is prohibited.

**DRO Language:**

From the Lighting Section:

“8. Ornamental luminaries with exposed light sources are not acceptable.”

**Corresponding Changes to the Zoning Ordinance:**

Lighting, Section 17.5

J. ORNAMENTAL LUMINARIES WITH EXPOSED LIGHT SOURCES ARE NOT PERMITTED.

COCONINO COUNTY TOWN OF TUSAYAN, ARIZONA

ZONING ORDINANCE

AN ORDINANCE OF THE ~~BOARD OF SUPERVISORS OF COCONINO COUNTY~~ MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN, ARIZONA, ADOPTING THE ZONING ORDINANCE OF THE ~~COUNTY OF COCONINO TOWN OF TUSAYAN~~ SETTING FORTH NEW PROVISIONS ESTABLISHING LAND USE CLASSIFICATIONS; DIVIDING THE ~~COUNTY~~ TOWN INTO ZONES; ADOPTING A MAP OF SAID LAND USE ZONES; IMPOSING REGULATIONS FOR THE PROMOTION OF HEALTH, SAFETY, MORALS, CONVENIENCE AND WELFARE; CONCERNING THE USE OF LAND FOR RESIDENTIAL AND NON-RESIDENTIAL PURPOSES; REGULATING AND LIMITING THE HEIGHT AND BULK OF BUILDINGS AND OTHER STRUCTURES; LIMITING LOT OCCUPANCY AND THE SIZE OF YARDS AND OTHER OPEN SPACES; ESTABLISHING STANDARDS OF PERFORMANCE AND DESIGN; PRESCRIBING PROCEDURES FOR CHANGES OF ZONE; CONDITIONAL USE PERMITS, VARIANCES, OR OTHER PERMITS; PRESCRIBING PENALTIES FOR VIOLATIONS OF SAID ORDINANCE; AND, REPEALING THE PREVIOUS ZONING ORDINANCE AS ADOPTED ~~JUNE 3, 1974~~ JUNE 9, 2010 WITH ALL SUBSEQUENT AMENDMENTS THERETO.

THE ~~BOARD OF SUPERVISORS OF COCONINO COUNTY~~ MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN DOES ORDAIN THAT THE ZONING ORDINANCE OF THE ~~COUNTY OF COCONINO TOWN OF TUSAYAN~~ IS HEREBY ADOPTED TO READ AS FOLLOWS:

Section 1: Purpose and Scope

For the purpose of implementing the goals, objectives and policies of the ~~Coconino County Comprehensive General Plan~~ TUSAYAN AREA PLAN, to promote and protect the public health, safety, and welfare of the people of ~~the County of Coconino;~~ TUSAYAN and to provide for the social, physical and economic advantages resulting from comprehensive and orderly planned use of land resources, a Zoning Ordinance establishing classifications of zones, and regulations within those zones hereby is established and adopted by the ~~Board of Supervisors~~ MAYOR AND COUNCIL.

Section 2: Private Agreements

The provisions of this Ordinance are not intended to abrogate any easements, covenants, or other existing agreements which are more restrictive than the provisions of this Ordinance.

### Section 3: Repeal of Conflicting Ordinances

Whenever the provisions of this Ordinance impose more restrictive regulations upon buildings or structures and the use of them or the use of lands or premises and require larger open space or yards or setbacks than are imposed or required by other ordinances, the provisions of this Ordinance or rules or regulations promulgated thereunder shall govern.

### Section 4: Establishment of Zones

#### A. Division of ~~County~~ THE TOWN into Zones

In order to classify, regulate, restrict and separate the use of land, buildings and structures and to regulate and to limit the type, height, and bulk of buildings and structures in the various districts and to regulate areas of yards and other open areas abutting and between buildings and structures and to regulate the density of population, the ~~County~~-TOWN hereby is divided into the following zones:

#### 1. General, Agricultural, and Rural Residential Zones

|    |                               |
|----|-------------------------------|
| G  | General Zone                  |
| AR | Agricultural Residential Zone |
| RR | Rural Residential Zone        |

#### 2. Residential Zones

|          |                                  |
|----------|----------------------------------|
| RS-6000  | Residential Single Family Zone   |
| RS-10000 | Residential Single Family Zone   |
| RS-18000 | Residential Single Family Zone   |
| RS-36000 | Residential Single Family Zone   |
| RM-10/A  | Residential Multiple Family Zone |
| RM-20/A  | Residential Multiple Family Zone |

#### 3. Commercial Zones

|          |                              |
|----------|------------------------------|
| CN-2/A   | Commercial Neighborhood Zone |
| CG-10000 | Commercial General Zone      |
| CH-10000 | Commercial Heavy Zone        |

4. Industrial Zones

|           |                       |
|-----------|-----------------------|
| MP-20000  | Industrial Park Zone  |
| M-1-10000 | Light Industrial Zone |
| M-2-6000  | Heavy Industrial Zone |

5. Special Use and Combining Zones

|                |   |
|----------------|---|
| MHP            | <del>Mobile</del> MANUFACTURED Home Park Zone           |
| PRD            | Planned Residential Development                         |
| PC             | Planned Community Zone                                  |
| PS             | Public and Semi-Public Zone                             |
| OS             | Open Space and Conservation Zone                        |
| <del>FPM</del> | <del>Flood Plain Management Overlay Zone</del> RESERVED |
| RC             | Resort Commercial Zone                                  |
| P              | Parking Zone  |
| MR             | Mineral Resource Zone                                   |
| <del>DRO</del> | <del>Design Review Overlay Zone</del>                   |
| RMH            | Residential and Mobile Home Zone                        |

B. Adoption of Zones – Maps

Said several zones and boundaries of said zones and each of them hereby are established and adopted as shown, delineated and designated on the “Official Zoning Maps” of the ~~County of Coconino~~, TOWN OF TUSAYAN, Arizona, which maps, together with all notations, references, data, zone boundaries and other information thereon, is made a part hereof and adopted concurrently herewith.

C. Filing

The originals of the Official Zoning Maps shall be kept on file with the ~~Department of Community Development~~ OFFICE OF THE TOWN MANAGER and shall constitute the original record.

## Section 5: Effects of Zoning

### A. Application of Provisions

The provisions of this Ordinance governing the use of land, buildings and structures, the size of yards abutting buildings and structures, the height and bulk of buildings, the density of population, the number of dwelling units per acre, standards of performance and other provisions hereby are declared to be in effect upon all land included within the boundaries of each and every zone established by the Ordinance.

### B. Buildings Under Construction

Any building or structure for which a building permit has been issued and which is still valid under the provisions of earlier ordinances of the TOWN OR County which are in conflict with this Ordinance nevertheless may be continued and completed in accordance with the plans and specifications upon which the permit was issued.

## Section 6: Severability

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or places. The ~~Board of Supervisors~~ TOWN COUNCIL hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions, or the application thereof to any person or place, be declared invalid or unconstitutional.

~~Section 7: Enforcement~~ SECTION 7: ENFORCEMENT

Section 7.0 A: Enforcement

A. It shall be unlawful, and considered a public nuisance per se, to make use of any lot, parcel, or piece of property in such a way as to conflict with the provisions of the Zoning Ordinance. Likewise, it shall be in violation of this Zoning Ordinance to erect, construct, reconstruct, alter or use a building or any other structure, or to use real property that does not conform to the criteria set forth in this Zoning Ordinance. The Tusayan Town Council, Town Attorney, Town Marshall, Town Clerk, Town Manager, and all officials charged with the issuance of licenses or permits shall enforce the provisions of this Zoning Ordinance. Any permit, certificate, or license issued in conflict with the provisions of this Zoning Ordinance shall be void. To provide for the enforcement of the Zoning Ordinance, the Town may withhold all building permits and, or, conditional use permits for properties on which a use of the property, building or any other structure exists which does not meet the standards of this Zoning Ordinance.

B. A Zoning Enforcement Officer shall investigate, and report on all notices of zoning violations. The Town Council shall appoint a Hearing Officer to hear and determine zoning violations. Individuals determined by the Hearing Officer to be violating any provisions of this Zoning Ordinance shall be responsible for a zoning violation that is punishable by a civil sanction not to exceed the equivalent of a maximum fine of a Class 2 misdemeanor for each violation pursuant to ~~§ARS 11-808~~. ARS 9-240.

Section 7.1 B. Hearing Officer

A. The Town Council shall periodically appoint a Hearing Officer to hear and determine zoning code and other code violations. The Hearing Officer shall not be a member of any Town board ~~of~~ OR commission and shall not be an employee of the Town in any other capacity except if the Town elects to employ a person to be the Town's Hearing Officer. THE HEARING OFFICER MAY HAVE OTHER RESPONSIBILITIES PURSUANT TO OTHER SECTIONS OF THIS ORDINANCE, BUT SHALL NOT BE THE TOWN ZONING ADMINISTRATOR.

B. An administrative review of decisions of the hearing officer by the Town Council shall be available to any party to the hearing. Any appeal of the Town Council's decision shall be filed in Coconino County Superior Court.

Section 7.2 C. Zoning Enforcement Officer

A. "Zoning Enforcement Officer" shall mean the Town's Zoning Administrator or his/her designee.

B. The Zoning Enforcement Officer shall review all reported violations of this Zoning Ordinance. Upon receiving a report of a zoning violation, the Zoning Enforcement Officer shall inspect the site of the alleged violation. During an inspection the Zoning Enforcement Officer shall take careful and comprehensive notes as to condition and

existing uses of the subject property, location, property owner and address, and specific section(s) of the Zoning Ordinance corresponding to the alleged violation.

C. Should the Zoning Enforcement Officer determine that a violation is occurring on the subject property, he/she shall serve notice to the property owner/alleged violator of the violation. The notice of violation shall cite the nature of the violation, the section of the Zoning Ordinance violated, information of possible penalties if violation has not ceased, steps necessary to bring the subject property into compliance with the zoning regulations, and a reasonable time frame in which all necessary actions should be completed to correct the noticed violation.

D. Re-inspection shall occur after the given deadline. If the violation still exists at this time, a second notice shall be given to the property owner/alleged violator. The second notice of violation shall set a final deadline for compliance not to exceed two (2) weeks. If the zoning enforcement officer is convinced an attempt is being made in the correction of the violation, an additional extension not to exceed thirty (30) days may be granted.

E. If all reasonable attempts by Town staff fail to resolve the violation within the time specified in the second notice, or by the deadline of any extension, a citation shall be issued for each specific section of the Zoning Ordinance, which has been violated. The Town shall use reasonable efforts to personally serve the citation on the alleged violator by the Zoning Enforcement Officer at least seventeen (17) days prior to the hearing,. If the Zoning Enforcement Officer is unable to personally serve the citation, the citation may be served in the same manner prescribed for alternative methods of service by the Arizona Rules of Civil Procedure. Violations for which citations are issued shall be scheduled for a hearing before the Town of Tusayan Hearing Officer. If a citation is served upon AN alleged violator other than by personal service, i.e. Certified Mail with return receipt, the hearing shall be set for a date no sooner than thirty (30) days from the date indicated on the Certified Mail receipt. A notification of the specific time and date by which the alleged violator must appear at the hearing office to submit a plea shall be enclosed with the citation.

### Section 7.3 D. Hearing Officer Procedure

#### A. Commencement

1. Every action or proceeding brought before the Hearing Officer for a violation of the Tusayan Zoning Ordinance shall be commenced by the filing of a zoning violation citation by the Zoning Enforcement Officer. No notice shall be deemed insufficient for failure to contain a definite statement of the essential facts constituting the specific violation if the notice contains either a written description or reference to the applicable section of the Zoning Ordinance.

2. Pursuant to Section 7.© 2 of this Zoning Ordinance, the alleged violator or his attorney shall appear in front of the Hearing Officer by the date and time specified in the notice accompanying the zoning citation, and may admit responsibility by appearing in person or by mailing to the hearing office an appearance form provided by the Hearing Officer

or in lieu of such form, a short statement signed by the alleged violator or his or her attorney, admitting the allegations of the notice. Once a formal admission of responsibility is received by the Hearing Officer, the hearing officer shall set a time and place for the determination of the penalty for the violation. At the Hearing Officer's meeting, both the alleged violator and zoning enforcement officer shall be given an opportunity to state their position on the amount of the penalty to be imposed by the Hearing Officer.

~~a. Pursuant to Section 7.C of this Zoning Ordinance, the alleged violator or his attorney shall appear in front of the Hearing Officer by the date and time specified in the notice accompanying the zoning citation, and may admit responsibility by appearing in person or by mailing to the hearing office an appearance form provided by the Hearing Officer or in lieu of such form, a short statement signed by the alleged violator or his or her attorney, admitting the allegations of the notice. Once a formal admission of responsibility is received by the Hearing Officer, the hearing officer shall set a time and place for the determination of the penalty for the violation. At the Hearing Officer's meeting, both the alleged violator and zoning enforcement officer shall be given an opportunity to state their position on the amount of the penalty to be imposed by the Hearing Officer.~~

## B. Counsel

1. Pursuant to Section 7.C 2 of this Zoning Ordinance, the alleged violator or his attorney shall appear at the hearing office by the date specified in the notice accompanying the zoning citation and may deny responsibility by appearing in person or by mailing to the Hearing Officer an appearance form provided by the Hearing Officer, or in lieu of such form, a denial signed by the alleged violator or his attorney. Once a formal denial is received by the Hearing Officer, the Hearing Officer shall schedule the matter for hearing and notify the alleged violator, or his attorney, of the date, time and place for the hearing. Upon appearance, it shall be the responsibility of the alleged violator or his attorney to notify the Hearing Officer of an incorrect address or any different address than what is set forth on the zoning citation.

- a. After the submittal of formal denial, the Hearing Officer shall promptly notify the alleged violator of his right to be represented by counsel. The alleged violator must notify the Hearing Officer in writing at least ten (10) days prior to the hearing date of his or her choice to be represented by counsel. The Hearing Officer may move to continue a hearing if the alleged violator does not make notification of his decision to secure counsel within the aforementioned time frame.
- b. If the alleged violator fails to appear by the date and time specified in the notice accompanying the zoning citation, the allegations filed against the alleged violator shall be deemed admitted, and the Hearing Officer shall enter judgment for the Town and impose a penalty subject to this Zoning Ordinance.

- c. The Town does not need to be represented by counsel at the Hearing Officer's meeting. Should the Town elect to secure counsel, the Town must, in writing, notify the Hearing Officer and the alleged violator at least ten (10) days prior to the hearing of the Town's decision to be represented by counsel.
- d. Within ten (10) days prior to the hearing, both parties shall produce for inspection by the opposing party a list of all witnesses and any prepared exhibits to be on file at the hearing office. Failure to comply with this provision may result in the granting of a continuance to permit such inspection or denial of the admission of the evidence, at the Hearing Officer's discretion.

### C. Hearing Officer Meeting

#### 1. The order of the Hearing Officer proceeding shall be as follows:

- a. The Hearing Officer shall call the case and briefly describe the procedures to be followed.
- b. Town's statement.
- c. Testimony of the Town's witnesses.
- d. Respondent's statement.
- e. Testimony of the Respondent's witnesses.
- f. Testimony of other attendees, at the discretion of the Hearing Officer.
- g. Respondent's rebuttal.
- h. Town's rebuttal.
- i. Cross-examination of witnesses shall be strictly limited to subjects or evidence elicited during direct testimony.
- j. Closing statement of the parties or their counsel.
- k. Ruling by the Hearing Officer. At the conclusion of the hearing, the Hearing Officer shall determine whether a zoning violation exists and, if a violation is found to exist, may impose civil penalties in accordance with this Zoning Ordinance. A ruling shall include the findings, conclusions and opinions of the Hearing Officer.

2. At the discretion of the Hearing Officer, a hearing may be continued for a period not exceeding sixty (60) days if it appears that the interests of justice so require. The Hearing Officer shall not continue a hearing without first giving notice to both parties. The Hearing Officer shall notify both parties in writing of the new hearing date.

3. The Hearing Officer may question witnesses or representatives of either party.

4. The Arizona Rules of Evidence shall not apply before a Hearing Officer. Any evidence offered may be admitted subject to a determination by the Hearing Officer that the offered evidence is relevant.

5. Audio recordings of the hearing shall be made and kept on record at the hearing office for a period of one (1) year. In addition, a record of the proceedings may be made by a court reporter if requested by the alleged violator at the alleged violator's expense.

6. If the alleged violator fails to appear at the time set for the hearing, the alleged violator shall be found to be in violation of the Zoning Ordinance, and the allegations filed against the violator shall be deemed admitted, and the Hearing Officer shall enter finding for the Town and may impose civil sanction, and report such judgment to the Zoning Enforcement Officer.

7. If no witness for the Town, excluding the alleged violator, appears at the set time for the hearing, the Hearing Officer shall dismiss the citation unless the Hearing Officer, for good cause shown, continues the hearing to another date.

8. At anytime, the Hearing Officer may set aside a finding entered upon a failure to appear if it is deemed by the Hearing Officer that the alleged violator was not served a citation, or for any other reason where necessary to prevent an injustice.

#### D. Finding of Responsibility/Civil Sanctions

1. If the alleged violator, after the hearing, is found responsible for the zoning violation, the Hearing Officer shall enter finding for the Town, and may impose a civil sanction not to exceed the equivalent of a maximum fine not to exceed seven hundred and fifty (\$750) dollars per violation, per day.

2. The Hearing Officer shall levy an initial fine reflecting a penalty for the existing violation situation. The Hearing Officer has the option of suspending the initial fine should extenuating circumstances exist.

3. A non-compliance and daily penalty schedule shall be outlined in the judgment to accrue should the violation not be abated by the compliance date specified by the Hearing Officer.

4. The Hearing Officer may attach a penalty for "recurrence" to a parcel for maximum of two (2) years from the hearing date. Said penalty shall be levied if a violation of the same section of the ordinance, as addressed in the Hearing Officer's proceedings, occurs within the specified time period. A recall notice shall be served and the alleged violator shall be scheduled to appear at the earliest possible hearing date.

5. The following guidelines shall be utilized when assessing penalties:

|  | USE TYPE                 |                       |
|--|--------------------------|-----------------------|
|  | Residential/Agricultural | Commercial/Industrial |
| <u>MINIMUM PENALTY</u>                     |                          |                       |
| Initial                                    | \$100                    | \$300                 |
| Non-Compliance                             | \$200                    | \$600                 |
| Daily                                      | \$20                     | \$60                  |
| Recurrence                                 | \$300                    | \$500                 |
| MAXIMUM Cumulative Amount of Daily Penalty | \$1,500                  | \$3,000               |

NOTE: A maximum penalty of \$750 per day per violation is allowed in accordance with a Class 2 Misdemeanor, subject to A.R.S. §§9-500.21.4 and 9-240.

6. Should the daily penalty balance exceed \$1,500 for agricultural/residential use, or \$3,000 for commercial/industrial use, the matter shall be forwarded to the Town Attorney for further legal action.

7. The alleged violator, if found responsible for the zoning violation and penalized with a civil sanction, shall not be relieved from the responsibility of correcting any prohibited condition. Unless an administrative review with the Town Council is scheduled within seven (7) days from the date of the hearing, the defendant shall correct the zoning violation within thirty (30) days from the date of the hearing.

#### 7.4 E. Administrative Review Before The Town Council

A. Any party may apply for an administrative review to the Town Council for the final finding of the Hearing Officer. A written notice of the administrative review shall be filed with the Hearing Officer within seven (7) days after the Hearing Officer's finding.

B. The notice of administrative review shall identify the finding(s) that are to be reviewed. It shall be signed by the requestor or the requestor's counsel, and shall contain the names, addresses, and telephone numbers of all parties and their attorneys. When a party requests an administrative review, the Hearing Officer shall send a copy of the notice of administrative review to the other party or his or her attorney.

C. Administrative reviews shall be limited to the record of the proceeding before the Hearing Officer, and no new evidence may be introduced. The record of the proceedings shall include all materials in the Hearing Officer's file, all evidence admitted at the hearing, and the official record as per Section ~~7.3.E-7.D.3.d~~ 7.3.C.5 of this Zoning Ordinance.

D. Upon receiving the notice request for administrative review, the Hearing Officer shall, within thirty (30) days, prepare and transmit the record and schedule the administrative review before the Town Council.

E. The parties may stipulate that the administrative review may be heard on less than a complete record or upon stipulated facts. The designation of the stipulated record shall be in writing, filed with the Hearing Officer within fifteen (15) days after the notice of administrative review.

F. Upon sending the record to the Town Council, the Hearing Officer shall notify both parties that they have five (5) days from the date of the letter to submit a memorandum stating the party's position to be submitted at the Town Council's hearing. The memorandum shall be submitted to the Town Clerk and shall not exceed five (5) pages in length.

G. A notice of administrative review before the Town Council shall be posted at least twenty four (24) hours prior to the administrative review. The Hearing Officer shall mail a notice of the administrative review to both parties not less than five (5) days prior to the meeting.

H. The Mayor shall preside at the administrative review and shall decide on all questions pertaining to procedure. Final decisions on the merits of the case shall be made upon motion and majority vote of the quorum.

I. At the Town Council's administrative review, arguments on appeal shall be limited to five (5) minutes for each party unless extended by the Mayor.

J. After consideration of the merits of an administrative review, the Town Council may increase, decrease, or modify any sanction imposed by the Hearing Officer and may:

1. Affirm the action of the Hearing Officer;
2. Affirm in part and reverse in part and, if necessary, remand for further proceedings; or,
3. Reverse the action of the Hearing Officer and, if necessary, remand for further proceedings.

#### 7.5 F. Recall

A. Recall of a case may occur when the conditions and/or compliance time frame have not been met by the alleged violator. The Hearing Officer's case is considered to be an open case until complete compliance has been reached as outlined in the Hearing Officer's Judgment.

B. In the event that there is a penalty for recurrence, a recall notice may be served in accordance with the procedures indicated in Section ~~7.F-3~~ 7.5.C, only if the term of the recurrence penalty has not expired.

C. Service of the recall notice shall be completed in person, by Certified ~~MAIL~~ MAIL, or alternate methods of service as prescribed in the Arizona Rules of Civil Procedure, not less than fourteen (14) days prior to the hearing date.

## SECTION 8: DEFINITIONS

A. For the purposes of this Ordinance, certain words, phrases, and terms used herein shall have the meaning assigned to them by this Section. Certain special definitions applicable only to the Floodplain Management Overlay Zone are contained in Section 13.6 of this Ordinance.

When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; and those in the plural number include the singular. The word "shall" is mandatory; the word "may" is permissive.

ABUT shall mean to touch or adjoin along a common border or property line.

ACCESS or ACCESS WAY shall be the means of ingress and egress connecting a site to the public roadway system.

ACCESSORY BUILDING shall mean a building, part of a building, or structure, which is incidental or subordinate to the main building or use on the same building site.

ACCESSORY LIVING QUARTERS shall mean a portion of a single family dwelling, attached to the main dwelling, used by members of the family occupying the main dwelling or their nonpaying guests. Identifying characteristics include attachment by heated living space, or the sharing of a common wall. Accessory living quarters may not be separated from the main dwelling by patios, garages, carports, breezeways, or other similar separations.

ACCESSORY USE shall mean a use incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of such lot or building.

ADVERTISING DEVICE shall mean any figure, symbol, design, model, or device, whether it contains a lettered advertising message or not, used to attract attention or convey a message and which is visible to any area outside a building.

AGRICULTURE shall mean the tilling of the soil, raising of crops, horticulture, viticulture, silviculture, small livestock farming, dairying and/or pasture and range livestock production, including all uses customarily incidental thereto but not including slaughter houses, fertilizer yards, or plants for the reduction of animal matter or any other industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes. Agriculture does not include the concentrated single-use operation of feed lots, hog, turkey, chicken, fur-bearing animals or other similar farms, unless these operations are operated in conjunction with or are a part of the crop production of the same or adjoining parcels under common ownership.

AIRPORT shall mean any area which is used or is intended to be used for the taking off and landing of aircraft, including helicopters, and appurtenant areas which are used or are intended to be used for airport building or facilities, including open spaces, taxiways and tie-down areas.

ALLEY shall mean any dedicated way, intended for vehicular service to the rear or side of property served by a street. An alley is not intended for general traffic circulation.

APARTMENT: ~~See DWELLING, MULTIPLE.~~ SHALL MEAN A BUILDING OR PORTION THEREOF WHICH IS DESIGNED, BUILT AND RENTED OR LEASED FOR OCCUPANCY BY THREE OR MORE FAMILIES LIVING INDEPENDENTLY OF EACH OTHER AND DOING THEIR OWN COOKING IN THE SAME BUILDING.

AREA PLAN SHALL MEAN THE TUSAYAN AREA PLAN ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN, ARIZONA.

ANIMAL HOSPITAL shall mean a place where animals are given medical or surgical treatment and are cared for during the time of such treatment. Use as kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

AUTO LUBRICATION and OIL CHANGE OPERATION shall mean any building or premise used primarily for the purpose of lubrication, fluid replenishment and oil changing. Such servicing shall not entail the overnight storage of vehicles, nor shall such services include tire recapping, wheel repair, sale or rebuilding of engines, battery manufacturing or rebuilding, radiator repair, transmission repair, engine steam cleaning, autobody work, welding, reupholstering or installation of auto glass.

AUTOMOBILE SERVICE STATION shall mean any premises used or intended to be used for the retail sales of vehicular fuels and for servicing and light maintenance activities such as engine tuneups, lubrication, sale and service of tires and batteries, and minor repairs. Service stations shall not include premises where heavy automobile maintenance activities such as engine overhauls, painting, body repair, and transmission repair are conducted. Service stations shall entail only incidental overnight parking of vehicles.

AUTOMOBILE WRECKING YARD shall mean the dismantling or wrecking of motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts, outside of an enclosed building, but not including the incidental storage of vehicles in connection with the operation of a repair garage, providing the repair period for any one vehicle does not exceed 30 days.

AUTOMOTIVE REPAIR GARAGE shall mean an establishment engaged in furnishing automotive and light-truck repair and servicing to the general public. These facilities shall not include tire recapping or battery manufacturing or rebuilding.

BASE FLOOD shall mean the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT shall mean a story partly or wholly underground. A basement shall be counted as a story for purpose of height measurement where more than one-half of its height is above grade.

BED AND BREAKFAST ESTABLISHMENT shall mean a portion of a single family dwelling in which one or two bedrooms are completely furnished guest rooms occupied, or intended to be occupied, on a nightly basis for compensation. See Section 14.3.

BILLBOARD shall mean any sign designated for use with changing advertising copy and which is normally used for the advertisement of goods produced or services rendered at locations other than the premises on which the sign is located.

BOARD or BOARD OF SUPERVISORS shall mean the Board of Supervisors of Coconino County, Arizona.

BOARD OF ADJUSTMENT shall mean the Board of Adjustment of ~~Coconino County,~~ THE TOWN OF TUSAYAN, Arizona.

BORROW PIT shall mean any place or premises where dirt, soil, sand, gravel or other earthy material is removed by excavation for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

BUILDING shall mean a structure having a roof supported by columns or walls.

BUILDING FRONT shall mean that side of a building which contains the main entrance for pedestrian ingress and egress and which faces the street or access easement. On a corner lot the side of the building with the smallest lineal dimension containing a main entrance shall be considered the building frontage. The front may be designated by the owner if the orientation is consistent with other lots and improvements in the immediate vicinity.

BUILDING HEIGHT shall mean the vertical distance from the average line of the highest point and lowest points of the preexisting natural grade of that portion of the lot covered by the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the highest point of the highest gable of a pitch or hip roof.

BUILDING PERMIT shall mean a permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the ~~unincorporated areas of Coconino County~~ TOWN OF TUSAYAN, pursuant to building codes adopted by the ~~Board of Supervisors~~ MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN.

BUILDING SITE shall mean a legally created parcel or contiguous parcels of land in single or joint ownership, which provides the area and the open space required by this Ordinance, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner thereof. Private easements providing access to four or less parcels shall not be deducted from the building site area.

CABANA shall mean any portable, demountable, room, enclosure, or other building or structure erected, constructed or placed on a mobile home space and used in conjunction with a mobile-home.

CAMPGROUND shall mean a plot of ground, with or without sanitation facilities or water, for overnight or limited camping. May include the overnight parking of recreational vehicles. A CAMPGROUND MAY BE OCCUPIED BY TENTS, RECREATIONAL VEHICLES OR TRAVEL TRAILERS.

CANOPY shall mean a roof-like structure supported by a permanent foundation and open on all four sides.

CARPORT shall mean a permanent roofed structure or a portion of a main structure with not more than two (2) enclosed sides used or intended to be used for automobile storage for the occupants of the premises.

CEMETERY shall mean land used or intended to be used for the burial of the dead, and dedicated for such purposes, including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

CLUB shall mean an association of persons (whether or not incorporated) for a common purpose, but not including groups organized solely or primarily to render a service as a business for profit.

COMMERCIAL MACHINERY shall mean any motorized or non-motorized piece of machinery designed for construction, demolition, excavation, logging, shipping, warehousing, freight-hauling, etc., including but not limited to backhoes, bulldozers, equipment trailers, forklifts, front-end loaders, etc.

COMMERCIAL VEHICLE shall mean any bus, truck or truck tractor having a gross vehicle weight over 26,000 pounds; or trailer, or semi-trailer, aggregate hauling trailer, logging trailer, etc., not including water hauling tank truck, or tank trailer for purposes of transporting water for personal use.

COMMISSION shall mean the ~~Cocconino County~~ TOWN OF TUSAYAN Planning and Zoning Commission.

COMMUNICATION TOWER shall mean a freestanding structure including appurtenances (greater than 34 feet in height) used for the following commercial communication purposes:

- a. VHF & UHF television;
- b. AM & FM radio;
- c. Two-way radio;
- d. Common carriers;
- e. Cellular telephone;
- f. Microwave;

Amateur (HAM) towers for the personal use of the property owner are excepted from this definition unless in excess of 100 feet in height.

COMMUNITY SERVICE AGENCY shall mean an organization such as YMCA, YWCA, Boy Scouts, Girl Scouts, Campfire, or any similar organization organized as a nonprofit corporation or supported in whole or in part by public subscription and primarily established to serve the social or welfare needs of the community or any part thereof, and not organized for the personal profit of any individual, group of individuals, or corporation.

CONDOMINIUM shall mean an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential complex located on such real property. A condominium may include, in addition, a separate interest in other portions of such real property.

CONDOMINIUM CONVERSION shall mean the development of land and existing structures as a condominium, regardless of the present or prior use of such land or structure, and regardless of whether substantial improvements have been made to such structures.

CONTRACTOR'S YARD shall mean the use of any lot or parcel of land for the commercial or non-commercial parking, storage, maintenance of commercial vehicles; and/or more than one piece of commercial machinery; and/or outdoor storage of building materials, aggregates, lumber, piping, vehicle parts, tires, etc.

CONVALESCENT HOME shall mean a facility licensed by the State Department of Public Health, the State Department of Social Welfare, or Coconino County, which provides bed and ambulatory care for patients with post-operative convalescent, chronically ill or dietary problems, and aged or infirm persons unable to care for themselves.

CONVENIENCE MARKET shall mean a retail store that is intended to attract stop-and-go traffic, with or without gasoline sales, and sell primarily food, beverages and other household supplies to customers who purchase only a few items.

COTTAGE INDUSTRY shall mean a more intensive home occupation which may be carried out in an accessory structure.

COUNTY shall mean the County of Coconino, State of Arizona.

COUNTY RECORDER shall mean the County Recorder of the County of Coconino.

DAY CARE CENTER shall mean any child care arrangement that provides care and/or supervision for six (6) or fewer children for compensation.

DENSITY shall mean the total number of dwelling units permitted on an acre of land exclusive of all streets and rights-of-way that restrict the surface use of the property in question.

DETACHED (FREESTANDING) SIGN shall mean a ground sign with no form of support other than its own structural members.

~~DIRECTOR shall mean the Director of Community Development of Coconino County.~~

DOMESTIC FARM-TYPE ANIMALS shall mean horses, cattle, sheep, goats, and swine or other cleft-hoof domestic animals.

DORMITORY shall mean a building intended or used primarily for sleeping accommodations, where such building is related to an educational or religious institution or for employee housing associated with a commercial enterprise. For purposes of calculating density, three dorm rooms shall be equivalent to one dwelling unit.

DOUBLE-FACED SIGN shall mean a sign with two faces only, with each face oriented 180 degrees from the other.

DRIVE-IN RESTAURANT shall mean an establishment that primarily delivers prepared food and/or beverages to customers in motor vehicles or to customers at a service window for consumption either on or off the premises.

DRIVE-IN THEATER shall mean an outdoor structure designed for theatrical performances, displays or shows where the performance is viewed by all or part of the audience from a vehicle.

DWELLING shall mean a building or portion thereof designed exclusively for residential occupancy in conformance with the provisions of the Uniform Building Code adopted by the County: TOWN.

DWELLING, MULTIPLE MULTI-FAMILY shall mean a building containing two (2) or more dwelling units or a combination of two (2) or more separate, single-family dwelling units on one lot or building site. DESIGNED EXCLUSIVELY FOR OCCUPANCY BY THREE OR MORE FAMILIES LIVING INDEPENDENTLY OF EACH OTHER.

DWELLING, SINGLE FAMILY shall mean a detached dwelling unit designed for the use of one family.

DWELLING, TWO FAMILY SHALL MEAN A RESIDENTIAL STRUCTURE ON A SINGLE LOT CONTAINING TWO DWELLING UNITS. ALSO KNOWN AS A DUPLEX.

DWELLING UNIT shall mean one or more rooms and a single kitchen or cooking accommodation and a bathroom in a single-family dwelling, apartment house, MULTI-FAMILY DWELLING, TWO FAMILY DWELLING or hotel designed as a unit for occupancy by one family for living and sleeping purposes.

EASEMENT shall mean a space on a lot or parcel of land reserved or used for the location of and/or access to utilities, drainage or other physical operations on the land.

EDUCATIONAL INSTITUTIONS shall mean public and other non-profit institutions conducting regular academic instruction at pre-school, kindergarten, elementary, secondary, collegiate levels, and including graduate schools, universities, non-profit research institutions and religious institutions. Such institutions must either (1) offer general academic instructions, or

(2) confer degrees as a college or university of undergraduate or graduate standing, or (3) conduct research, or (4) give religious instruction. This definition does not include commercial or trade schools.

FAMILY shall mean any number of individuals related by blood, marriage, or legal adoption, or a group of not more than five (5) unrelated persons living together as a single housekeeping unit in a single dwelling unit sharing common cooking facilities.

FLOODPLAIN DEFINITIONS: See Section 13.6.

FLOOR AREA shall mean the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage, but excluding courts, carports, and garages used for the parking of motor vehicles.

FRONTAGE shall mean that side of a lot abutting a street.

GARAGE, PRIVATE shall mean a detached accessory building or a portion of a main building on the same lot for the parking and temporary storage of vehicles of the occupants of the premises.

~~GENERAL PLAN shall mean the Coconino County General Plan or Comprehensive Plan and all special area plans adopted as amendments to the General or Comprehensive Plan.~~

GRADE shall mean the average level of the finished ground surfaces surrounding a building.

GRAZING shall mean the feeding of domestic livestock on an open range or fenced pasture for commercial purposes and uses customarily incidental thereto, but not including slaughterhouses, stockyards, packing houses, bone yards, or plants, for the reduction of animal matter.

GROSS AREA shall mean the total horizontal area within the lot lines of a lot or parcel of land before public streets, easements or other areas to be dedicated or reserved for public use are deducted from such lot or parcel.

GROSS VEHICLE WEIGHT shall mean the weight of the vehicle or vehicle combination together with the weight of the maximum load to be carried thereon at any one time; or, the declared gross weight per current vehicle registration.

GROUP HOME FOR THE HANDICAPPED shall mean a facility licensed or authorized by a governmental authority having jurisdiction over operations for 10 or fewer handicapped persons who reside together as a single housekeeping unit and who receive care, supervision, or counseling from one or more staff persons. This use includes assisted living homes, homes for the mentally ill, group care agencies and similar residential living arrangements for handicapped persons, but shall not include boarding houses, nursing homes, or other group homes not for the handicapped.

GUEST HOUSE shall mean a detached habitable structure used by members of the family occupying the main dwelling and their nonpaying guests.

HEARING OFFICER SHALL MEAN THE HEARING OFFICER OF THE TOWN OF TUSAYAN.

HELIPORT shall mean a place designed or designated for the landing and taking off of helicopters.

HOME OCCUPATION shall mean any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof or does not adversely effect the uses permitted in the zone of which it is a part.

HOSPITAL shall mean an institution for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.

HOTEL - MOTEL shall mean a structure or portion thereof or a group of attached or detached structures containing completely furnished individual guest rooms or suites occupied less than thirty (30) days, by any one individual or group of individuals, for compensation.

INDUSTRY shall mean the excavation, transporting, manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof, and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

INOPERABLE VEHICLE shall mean any whole, dismantled, partially dismantled, or obsolete vehicle which cannot be started and driven under its own power.

JUNK YARD shall mean the use of more than the allowable square footage of any lot or parcel of land regardless of zone classification for the outdoor storage of any used or secondhand materials, including but not limited to lumber, auto parts, household appliances, pipe, fencing, drums, machinery or furniture.

KENNEL, COMMERCIAL shall mean any kennel maintained for the purpose of boarding, breeding, raising or training dogs or cats over the age of four months for a fee or for sale.

KENNEL, NONCOMMERCIAL shall mean any property where five or more dogs and/or cats, over the age of four months, are kept or maintained for the use and enjoyment of the occupant for noncommercial purposes.

KITCHEN shall mean any room or portion thereof in a building or dwelling unit which is used or intended to be used for cooking or the preparation of food.

LANDSCAPING shall mean the placement of trees, shrubs, vegetative and organic or inorganic materials in a prescribed area. Organic and inorganic materials include gravel, cinders, rock and bark materials.

LARGE RETAIL ESTABLISHMENT shall mean a retail establishment (store) with any commercial retail uses or a combination of such commercial retail uses comprised of greater than 25,000 square feet and less than 70,000 square feet of gross floor area. The 25,000 square feet of floor area includes gross floor area and ancillary outdoor storage or merchandise display areas. The floor area does not include motor vehicle parking or loading areas. For the purpose of determining the applicability of the 25,000 square foot of floor area, the aggregate square footage of all adjacent stores which share common check stands, management, a controlling ownership interest, and storage areas, shall be considered one establishment, e.g. a plant nursery associated with a general merchandise area such as a home improvement area.

LOT shall mean:

1. A parcel of real property with a separate and distinct number or other designation shown on a plan recorded in the office of the County Recorder, or
2. A parcel of real property delineated on an approved record of survey, parcel map or subdivision map as filed in the office of the County Recorder ~~or in the office of the Department of Community Development~~, and abutting at least one (1) public street or right-of-way, or easement determined by the Commission to be adequate for the purpose of access, or
3. A parcel of real property abutting at least one (1) public street or right-of-way or easement determined by the Commission to be adequate for the purpose of access and held under separate ownership from abutting property prior to the date of adoption of this Ordinance.

LOT, CORNER shall mean a lot located at the intersection or interception of two (2) or more streets at an angle of not more than one hundred thirty-five (135) degrees. If the angle is greater than one hundred thirty-five (135) degrees, the lot shall be considered an "Interior Lot."

LOT (SITE) COVERAGE shall mean that portion of a lot or building site which is occupied by any building or structure, excepting paved areas, uncovered parking areas, driveways, walks, lanais, terraces, swimming pools and landscaped areas.

LOT DEPTH shall mean the average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

LOT, INTERIOR shall mean a lot other than a corner lot.

LOT LINE shall mean any line bounding a lot as herein defined.

LOT LINE, FRONT on an interior lot shall mean the property line abutting the street. On a corner lot, the front lot line is the shorter property line abutting a street, except in those cases where the subdivision or parcel map specifies another line as the front lot line. On a through lot

or a lot with three (3) or more sides abutting a street or a corner lot with lot lines of equal length, the ~~Director~~ TOWN MANAGER OR DESIGNEE shall determine which property line shall be the front lot line for purposes of compliance with yard and setback provisions of this Ordinance. On a private street or easement, the front lot line shall be designated as the edge of the easement.

LOT LINE, INTERIOR shall mean a lot line not abutting a street.

LOT LINE, REAR shall mean a lot line not abutting a street which is opposite and most distant from the front lot line. In the 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. A lot which is bounded on all sides by streets may have no rear lot lines.

LOT LINE, SIDE shall mean any lot line which is not a front or rear lot line.

LOT, THROUGH shall mean a lot having frontage on two dedicated parallel or approximately parallel streets.

LOT WIDTH shall mean the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines.

MANUFACTURED HOME shall mean a dwelling unit built after June 15, 1976 to standards established by the U.S. Department of Housing and Urban Development (HUD) with a HUD seal affixed, and which is designed to be used as a year-round dwelling when connected to the required utilities. A MANUFACTURED HOME ~~Does~~ IS not include A mobile home, travel trailer, PARK MODEL or recreational vehicle.

MANUFACTURED HOME PARK shall mean any area or tract of land where one or more ~~mobile home spaces~~ MANUFACTURED HOME SPACES are rented or leased or held out for rent or lease to accommodate MANUFACTURED HOMES, OR PARK MODELS OR ~~mobile homes THAT HAVE BEEN REHABILITATED PURSUANT TO SECTION 13.1-6.M OF THIS ORDINANCE AND ARE used for habitation.~~

MANUFACTURED HOME SPACE shall mean a plot of ground within a mobile home park OR MANUFACTURED HOME PARK designed for the accommodation of one mobile home.

MOBILE HOME shall mean a dwelling unit built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a residence. A MOBILE HOME ~~Does not include~~ IS NOT A recreational vehicle, travel trailer, PARK MODEL or manufactured home.

MODULAR HOME shall mean a dwelling unit which is pre-assembled in whole or in part in a factory prior to delivery to the job site for final assembly, and which conforms to the following:

1. Built to Uniform Building Code standards including ~~Coonine County~~ LOCAL amendments;

2. Built with exterior materials customarily used on conventional site built dwellings; e.g. wood siding, asphalt roof shingles;
3. Minimum roof pitch of 3 in 12;
4. Minimum one (1) foot overhang on all four sides;
5. Minimum width of 20 feet; and
6. Constructed to be set on a permanent foundation similar to site built dwellings; e.g. footings and stem walls or piers, in compliance with the ~~UBC~~ **ADOPTED BUILDING CODE FOR THE TOWN OF TUSAYAN**.

MOTEL shall mean the same as “hotel”.

NET AREA shall mean the total horizontal area within the property lines of a lot or parcel of land excluding all vehicular access ways except those private easements which serve as primary access to no more than four individual lots or parcels.

NEW CONSTRUCTION shall mean structures for which the “start of construction” commenced on or after the effective date of this Ordinance.

NONCONFORMING SITUATIONS: See Section 19.

OFF HIGHWAY VEHICLE (OHV) shall mean any motorized vehicle designed for use off paved roadways, and shall include motorcycles, motorbikes, three-wheelers, quads, four wheel drive vehicles, snowmobiles, go carts, sandrails, and any similar vehicle.

OFF-HIGHWAY VEHICLE FACILITY shall mean a track or other constructed facility, generally with berms, hills, banked turns, and other grading, but possibly created by simply driving over an area to create a track over which vehicles would traverse repetitively for recreational purposes. The facility may be for either personal or commercial use.

PARK TRAILER or PARK MODEL shall mean a recreational vehicle, typically 12 feet in width, that is built on a single chassis, mounted on wheels, designed to be connected to utilities necessary for operation of installed fixtures and appliances, and has a gross trailer area of not less than 320 square feet and not more than 400 square feet, except that it does not include fifth wheel trailers.

PARKING AREA shall mean an area designed and constructed for the parking, storage and maneuvering of vehicles.

PARKING SPACE shall mean a space within a public or private parking area, exclusive of driveways, ramps, columns, offices and work areas, which space is for the temporary parking or storage of one motor vehicle.

PLANNED RESIDENTIAL DEVELOPMENT shall mean two or more dwelling units, including dwelling units in developments commonly known as town or row housing, condominiums and cluster housing, together with related land, buildings and structures, planned and developed as a whole in a single development operation or a programmed series of operations in accordance with detailed, comprehensive plans encompassing such elements as the circulation pattern and parking facilities, open space, recreational areas, utilities, and lots or building sites, together with a program for provision, operation and maintenance of all areas, improvements, facilities and services provided for common use of the residents thereof.

PRE-SCHOOL shall mean the use of any building or structure, in conjunction with any child care arrangement that provides care, supervision, education or instruction for more than six (6) preschool aged children.

PUBLIC UTILITY INSTALLATION shall mean all above-ground buildings, structures and related equipment for electric, telephone, and cable television, water distribution, wastewater treatment, and natural gas, and all facilities necessary for conducting a service by a governmental entity or by a public utility, nonprofit organization, or corporation. Transmission and distribution lines and supporting structures are excepted.

RECREATION FACILITIES shall mean those buildings, structures or areas built or developed for purposes of entertaining, exercising or observing various activities participated in either actively or passively by individuals or organized groups.

RECREATIONAL VEHICLE shall mean 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.

RECREATIONAL VEHICLE PARK shall refer to facilities for the temporary storage, parking and maneuvering of recreational vehicles (motor homes, travel trailers, campers, etc.) with adequate roads and stall sites, including sanitary and water facilities. Site locations are provided on a day-by-day basis. A RECREATIONAL VEHICLE PARK ~~Does not constitute~~ IS NOT a mobile home PARK, MANUFACTURED HOME PARK or TRAVEL trailer park.

RECYCLING CENTER shall mean a building within which recoverable resources such as newspapers, glass, and cans are collected, separated, and processed essentially by hand prior to shipment to others for use in the manufacture of new products. This does not include a junk yard.

RECYCLING COLLECTION POINT shall mean an incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. Such facilities would consist of small enclosed containers, and would generally be located in shopping center parking lots or other public/quasi-public area such as at schools or churches.

RESTAURANT shall mean an establishment which serves food or beverages only to persons seated within OR ADJACENT TO a building and including cafes, coffee shops and tea rooms.

RIGHT-OF-WAY shall mean an easement or other legal right of passage over another person's land or a strip of land over which a road is built.

SETBACK shall mean the distance between the established lot line and any building.

SETBACK LINE, FRONT YARD shall mean the line which defines the depth of the required front yard. Said setback line shall be parallel with the street line and be removed therefrom by the perpendicular distance prescribed for the front yard of the zone in which the property is located.

SETBACK LINE, REAR YARD or SIDE YARD shall mean the line which defines the width or depth of the required rear or side yard. Said setback line shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard of the zone in which the property is located. Where the side or rear yard abuts a street, the distance shall be measured as set forth in the "Setback Line, Front Yard."

SIGN shall mean any notice or advertisement, pictorial or otherwise, used as an outdoor display or visible from outside a building for the purpose of advertising the property or the establishment or enterprise, including goods and services, upon which the sign is exhibited, or for use for off-site directional purposes. This definition shall not include official notices issued by any court or public body or officer or directional warning or information sign or structure required by or authorized by law.

SIGN, OFF-PREMISE shall mean any notice or advertisement which is erected on the ground or upon a building that does not pertain to the use of the property on which displayed.

SITE shall mean a parcel of land, subdivided or unsubdivided, occupied or to be occupied by a use or structure.

SITE PLAN shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and uses and the exact manner of development proposed for a specific parcel of land.

STABLE, COMMERCIAL shall mean a structure or site for horses, mules or ponies which is rented, used or boarded on a commercial basis for compensation.

STABLE, PRIVATE shall mean an accessory building for the keeping of horses, mules or ponies owned by the occupants of the premises and not rented, used or boarded on a commercial basis for compensation.

STATE shall mean the State of Arizona.

STORY shall mean that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

STREET shall mean a public thoroughfare or right-of-way or approved private thoroughfare or right-of-way determined by the Commission to be adequate for the purpose of access, which affords the principal means of access for abutting property including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare, except as excluded in this Ordinance. The word "street" shall include all major and secondary highways, collector streets, and local streets but shall not include alleys.

STRUCTURAL ALTERATION shall mean any change in or alteration to a structure involving a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, retaining walls, or similar components.

STRUCTURE shall mean anything constructed or erected, any edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, which requires location on or in the ground or is attached to something having a location on or in the ground, including but not limited to MANUFACTURED HOMES, mobile homes, signs, pre-fab storage sheds, light standards, flag poles, church spires, antennas, swimming and wading pools, and covered patios, excepting paved areas, concrete walks, tennis courts, and similar outdoor areas, and further excepting fences and walls three (3) feet or less in height.

SUPERMARKET shall mean a market having 10,000 square feet or more of floor area devoted principally to the sale of food.

TOWN COUNCIL SHALL MEAN THE TOWN COUNCIL OF THE TOWN OF TUSAYAN, ARIZONA.

TRAILER PARK or COURT shall mean facilities for the storage, parking and maneuvering of recreational vehicles, PARK MODELS or travel trailers with adequate road and stall sites, and providing adequate sanitation and water facilities required to meet the needs of the residents. Site location is provided on a rent or lease basis.

TRAVEL TRAILER shall mean a self-contained 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 40 feet.

TRIPLEX SHALL MEAN A MULTI-FAMILY DWELLING ON A SINGLE LOT DESIGNED FOR OCCUPANCY BY THREE FAMILIES LIVING INDEPENDENTLY OF EACH OTHER.

TRUCK STOP shall mean a facility for servicing trucks and tractor trailers, with or without a convenience market. One or more of the following uses shall constitute a truck stop:

- 1) Four (4) or more diesel fuel pumps
- 2) Two (2) or more truck washing bays
- 3) Facilities for the repair of diesel engines

TRUCK YARD shall mean the parking, storage, or maintenance of two (2) or more commercial vehicles on any given lot or parcel of land.

UNLICENSED VEHICLE shall mean any motor vehicle which is not currently licensed in the State of Arizona.

USE shall mean the purpose for which land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

VARIANCE shall mean a grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

WAREHOUSE shall mean a building or portion thereof used for the commercial storage of goods or merchandise and where no retail or wholesale operations are conducted at the site.

WAREHOUSING shall mean the use of a building or buildings for the storage of goods of any type, when such building or buildings contain more than five hundred square feet (500 sq. ft.) of storage space and where no retail operation is conducted.

WATERCOURSE shall mean any lake, river, creek, stream, wash, arroyo, channel, or other course through which waters flow at least periodically. The term may include specifically designated areas in which substantial flood damage may occur.

WHOLESALE WHOLESALE shall mean the selling SALE of any type of goods or materials for the purpose of resale. BUSINESSES THAT HAVE BOTH RETAIL AND WHOLESALE SALES SHALL BE CONSIDERED WHOLESALE IF AT LEAST FIFTY ONE PERCENT (51%) OF THEIR SALES VOLUME IS WHOLESALE SALES.

YARD shall mean any open space on the same lot with a building or dwelling, which open space is unoccupied and unobstructed from the ground to the sky except for the projections permitted by this Ordinance.

YARD, FRONT shall mean a space between the front yard setback line and the front lot line or future street line, and extending the full width of the lot.

YARD, REAR shall mean a space between the rear yard setback line and the rear lot line, extending the full width of the lot.

YARD, SIDE shall mean a space extending from the front yard, or from the front lot line where no front yard is required by this Ordinance, to the rear yard, or rear lot line, between a side lot line and the side yard setback line.

ZONE shall mean a classification established by this Ordinance which limits or permits various and specific uses.

ZONING ADMINISTRATOR SHALL MEAN THE STAFF POSITION CREATED FOR THE PURPOSE OF ADMINISTRATION OF THE ZONING ORDINANCE. THE TOWN MANAGER SHALL SERVE AS THE ZONING ADMINISTRATOR.

ZONING ORDINANCE or ORDINANCE shall mean the Zoning Ordinance of the ~~County of Coconino~~, TOWN OF TUSAYAN, Arizona.

SECTION 9: GENERAL, AGRICULTURAL RESIDENTIAL AND RURAL  
RESIDENTIAL ZONES

Section 9.0: Purposes

In addition to the objectives outlined in Section 1 (Purposes and Scope), the General, Agricultural Residential, and Rural Residential Zones are included in the zoning regulations to achieve the following purposes:

~~A. To provide zone classifications for all unincorporated remote areas of the County not committed to any specific urban use.~~

A. To reserve areas of the County TOWN for light agricultural pursuits in conjunction with very low density residential uses and thereby ~~to encourage and promote PRESERVE~~ rural living.

B. To provide space for people, minimize traffic congestion and ~~preserve~~ MAINTAIN the existing rural environment ~~of the County.~~ IN CERTAIN PARTS OF TOWN.

G – General Zone

This zone is a general rural land use category intended for application to those ~~unincorporated~~ areas of the County TOWN not specifically designated in any other zone classification. Only those uses are permitted which are complementary and compatible with a rural environment.

AR - Agricultural Residential Zone

This zone is intended to designate areas of the County TOWN for low density residential use on minimum lot sizes of one (1) acre where those light agricultural activities can be conducted which are related to rural family living and pursuits.

RR - Rural Residential Zone

This zone is intended to designate areas of the County TOWN for low density residential use on minimum lot sizes of one (1) acre where those light agricultural activities can be conducted which are related to rural family living and pursuits. The zone is similar to AR but prohibits mobile and manufactured homes.

Section 9.1: Permitted and Conditional Uses

The following uses shall be permitted where the symbol “P” appears and shall be permitted uses subject to a conditional use permit where the symbol “C” appears in the column beneath each zone designation. All uses not listed are prohibited. For uses similar to those listed, see Section 20.1.

|  |                                |           |           |
|--|--------------------------------|-----------|-----------|
| A. <u>Residential Uses</u>   | <u>G</u>                       | <u>AR</u> | <u>RR</u> |
| 1. Single family dwelling or modular home  | P                              | P         | P         |
| 2. Manufactured home   | P                              | P         | -         |
| 3. Mobile home   | <del>See Section 9.3.A.3</del> |           |           |
| 4. Travel trailer (8' x 32' minimum size) OR PARK MODEL  | C                              | C         | -         |
| <br>   |                                |           |           |
| B. <u>Agricultural and Related Uses</u>  | <u>G</u>                       | <u>AR</u> | <u>RR</u> |
| 1. Commercial agriculture on parcels of five (5) acres or more.  | PC                             | PC        | PC        |
| 2. The non-commercial keeping of horses and other domestic farm-type animals not including chickens, rabbits or common household pets subject to the following conditions: | P                              | P         | P         |
| a. A minimum of one (1) acre of land shall be required for the maintenance of such animals.  |                                |           |           |
| b. Three such animals may be maintained on the first acre and up to one additional animal for each additional one half acre.   |                                |           |           |
| c. No such animal may be sheltered, fed, or watered closer than 100 feet to a residence occupied by other persons.   |                                |           |           |
| d. The keeping of all animals shall be subject to the regulations and conditions of the Coconino County Health Department and Animal Control Division.                     |                                |           |           |
| 3. Riding academies or riding clubs  | C                              | C         | C         |
| 4. The keeping or raising of animals for commercial purposes including commercial stables where more than 2 horses are boarded   | C                              | C         | C         |
| a. For the commercial boarding of more than 2 horses, a minimum of 5 acres in gross area is required.  |                                |           |           |
| 5. Boarding of 1 or 2 horses for a fee   | P                              | P         | P         |
| 6. The keeping of poultry or rabbits for non-commercial purposes at least 100 feet from a residence belonging to other persons   | P                              | P         | P         |
| 7. The keeping of poultry or rabbits for commercial purposes   | C                              | C         | C         |
| 8. The keeping of wild, exotic or non-domesticated animals   | C                              | C         | C         |
| 9. Cattle and sheep ranch operations   | PC                             | PC        | PC        |
| 10. Dairy farms  | C                              | C         | C         |
| 11. Feed stores  | C                              | C         | C         |
| 12. Commercial fertilizer operations   | C                              | C         | C         |
| 13. Animal hospitals and veterinary facilities   | C                              | C         | C         |
| 14. Aviaries and apiaries  | P                              | P         | P         |
| 15. Commercial kennels   | C                              | C         | C         |
| 16. Non-commercial kennels   | P                              | P         | P         |
| 17. Parking or storage of no more than one (1) commercial vehicle exceeding 26,000 gvw   | C                              | C         | C         |
| <br>   |                                |           |           |
| C. <u>Public and Semi-Public Uses</u>  | <u>G</u>                       | <u>AR</u> | <u>RR</u> |
| 1. Day Care Center   | P                              | P         | P         |

|   |              |               |               |
|---|--------------|---------------|---------------|
| 2. Pre school   | C            | C             | C             |
| 3. Hospitals  | C            | C             | C             |
| 4. Churches, convents, monasteries and other religious institutions   | C            | C             | C             |
| 5. Educational institutions, public or private  | C            | C             | C             |
| 6. Libraries and museums  | C            | C             | C             |
| 7. Off-Highway Vehicle Facilities   | C            | -             | -             |
| 8. Public parks and recreational facilities   | CP           | CP            | CP            |
| 9. Public utility and public service sub-stations, reservoirs, pumping plants, and similar installations, not including public utility offices  | C            | C             | C             |
| 10. Recreational facilities such as rodeos, hunting/riding clubs, country clubs, tennis and swim clubs, golf courses, with incidental limited commercial uses which are commonly associated and directly related to the primary use | C            | C             | C             |
| 11. Community Service Agency Camps  | C            | C             | C             |
| 12. Cemeteries, human and pet   | C            | C             | C             |
| 13. Airports, landing fields, heliports and related activities and uses   | C            | C             | C             |
| 14. Sanitary landfill operations  | C            | C             | -             |
| 15. Group homes for the handicapped, subject to the provisions in Section 14.6  | P            | P             | P             |
| 16. Other group homes   | C            | C             | C             |
| <br>D. <u>Other Uses</u>  | <br><u>G</u> | <br><u>AR</u> | <br><u>RR</u> |
| 1. Solar and geothermal stations  | C            | C             | C             |
| 2. Wireless Telecommunications Facilities subject to the provisions of Section 14.5   | C            | C             | C             |
| 3. Mineral extraction operations  | C            | C             | -             |
| 4. Borrow pits  | C            | C             | -             |
| 5. Firewood storage and sales yards   | C            | C             | -             |
| 6. Soil and water resource conservation projects  | P            | P             | P             |
| 7. Lumber mills   | C            | -             | -             |
| <br>E. <u>Home Occupations</u>  | <br><u>G</u> | <br><u>AR</u> | <br><u>RR</u> |
| 1. Home occupations subject to the provisions of Section 14.2   | P            | P             | P             |
| 2. Cottage industries subject to the provisions of Section 14.3   | C            | C             | C             |
| <br>F. <u>Accessory Uses</u>  | <br><u>G</u> | <br><u>AR</u> | <br><u>RR</u> |
| 1. Accessory uses and structures on the same site as a permitted use subject to the provisions of Section 9.6   | P            | P             | P             |
| a. Accessory structures in excess of 3000 square feet   | C            | C             | C             |
| 2. Accessory uses and structures on the same site as a conditional use  | C            | C             | C             |
| 3. Guest house or accessory living quarters subject to the following conditions:  | P            | P             | P             |
| a. Attached accessory living quarters are permitted regardless of parcel size. Detached guest houses are permitted only on parcels of 2 acres or larger.  |              |               |               |

- b. Accessory living quarters and guest houses are limited to 50% of the livable square footage of the main dwelling up to a maximum of 800 square feet for a detached guest house or 1000 square feet for attached accessory living quarters.
- c. Kitchens are allowed.
- d. Travel trailers, manufactured homes and mobile homes are not allowed as guest houses or accessory living quarters.
- e. All utilities must be on the same meters as the principal dwelling.
- f. Maximum separation between the main dwelling and guest house shall be 60'.
- g. A deed restriction shall be recorded prior to issuance of a building permit indicating that the accessory unit is for family or guests and not for rental.
- h. Application for a conditional use permit can be requested for a modification to existing structures that may not be in compliance with the limits of these provisions.

4. Metal Storage Containers See Section 14.7

G. Temporary Uses G    AR    RR

- 1. Temporary uses as prescribed in Section 14.1 P    P    P
- 2. Model homes and subdivision sales offices C    C    C

H. Bed and Breakfast Establishments

- 1. Bed and Breakfast Establishments subject to the provisions of Section 14.4 C    C    C

Section 9.2: Special Uses: G, AR, and RR Zones

~~Within 500 feet of an Interstate highway interchange the following uses shall be permitted subject to the granting of a conditional use permit:~~

- ~~1. Automobile service stations~~
- ~~2. Convenience markets~~
- ~~3. Hotels/Motels~~
- ~~4. Recreational vehicle and travel trailer parks~~
- ~~5. Restaurants~~
- ~~6. Truck stops~~

SECTION 9.2: RESERVED

Section 9.3: Property Development Standards: G, AR, and RR Zones

The following property development standards shall apply to all land and buildings, other than accessory buildings, permitted in their respective zones, except that any lot shown on an official subdivision map that was duly approved and recorded, or any lot for which a bona fide deed was duly recorded in conformance with the zoning in effect prior to the date of adoption of this

ordinance may be used as a building site; excepting therefrom any lot having an area of less than 6,000 square feet. For access purposes each building site shall have a minimum 30 foot wide easement or right-of-way. A turnaround with a minimum radius of 25 feet shall be provided at the end of each easement over 150 feet in length. No fences or other obstructions shall be placed in the easement area except with written permission of all other property owners served by the easement. For any parcel of land created after January 3, 1995, an access road to the parcel must be provided prior to the delivery of any combustible building materials. Said access road must be constructed to the standards found in Ordinance Number 95-1, the Ordinance for Road Standards. AN ALL WEATHER STANDARD.

#### A. Special Requirements

1. In the AR and RR Zone, the minimum lot size shall be one (1) acre. However, larger minimum lot sizes may be specified and designated on the Official Zoning Map by attaching a number designation following the zone classification: such number shall be in increments of one-half ( $\frac{1}{2}$ ) acre. For example, AR-2 means Agricultural Residential -- 2 acre minimum lot size; AR- 2  $\frac{1}{2}$  means Agricultural Residential -- 2  $\frac{1}{2}$  acre minimum lot size; etc.

2. In the G, AR, and RR Zones, structures permitted under Section 9.1-C--Public and Semi-Public Uses, Section 9.1-D--Other Uses and Section 9.2--Special Uses shall maintain a minimum setback of 50 feet from all property lines. Interior side and rear setback areas may be used for off-street parking, landscaping, and recreational purposes.

~~3. In the G and AR Zones, the establishment of a pre-HUD mobile home may be permitted subject to the rehabilitation of that unit in accordance with the Arizona Office of Manufactured Housing administrative rules and subject to an insignia of approval having been placed by the state on the home. Mobile homes shall not be relocated and placed on-site prior to renovation and rehabilitation as provided for in this Ordinance.~~

4. 3.A travel trailer, PARK MODEL or fifth wheel trailer, but not a recreational vehicle, may be established as a permanent residence in the G or AR Zones, subject to the granting of a conditional use permit. Establishment shall require the installation of a permanent wastewater disposal system and connection to appropriate utilities. Establishment shall require a county TOWN building permit.

~~5.~~ 4. In the G, AR, and RR Zones, one recreational vehicle, PARK MODEL or travel trailer per lot or parcel may be used for temporary residency not to exceed 100 days per year provided the lot or parcel is not already occupied by a dwelling. A temporary use permit shall be obtained prior to establishing said temporary residence, and the travel trailer, PARK MODEL or recreational vehicle must be removed from the parcel upon the expiration of the temporary use permit. Approval may be subject to conditions.

~~6.~~ 5. In the G and AR Zones a temporary use permit may be issued to allow the storage of one (1) mobile home per lot or parcel for a period not to exceed thirty (30) days.

7. 6. In the G, AR, and RR Zones, as a precaution against unauthorized use, swimming pools when located within 300 feet of a neighboring residence shall be enclosed by a wall or fence not less than 5 feet in height. ~~to the specifications of the Department of Community Development.~~ IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN.

8. 7. A building permit, as required by the Building Code, shall be obtained prior to the construction, reconstruction, alteration or change in use of any building or other structure.

B. General Requirements: The following requirements are minimum unless otherwise noted:

|   | <u>G</u> | <u>AR</u> | <u>RR</u> |
|---|----------|-----------|-----------|
| 1. Dwelling unit per parcel, maximum                              | 1        | 1         | 1         |
| 2. Building site, net area in acres (or as specified per 9.3.A.1) | 10       | 1         | 1         |
| 3. Lot width, in feet   | 300      | 100       | 100       |
| 4. Lot depth, in feet   | 300      | 150       | 150       |
| 5. Front yard, in feet  | 30       | 25        | 25        |
| 6. Side yard--interior, in feet                                   | 20       | 10        | 10        |
| 7. Side yard--street side, in feet                                | 30       | 15        | 15        |
| 8. Rear yard, in feet   | 30       | 20        | 20        |
| 9. Lot coverage, maximum  | 30%      | 35%       | 35%       |
| 10. Structure height, maximum, in feet                            | 40       | 35        | 35        |
| 11. Off-street parking spaces - per dwelling unit                 | 1        | 1         | 1         |
| 12. Distance between buildings, in feet                           | 10       | 10        | 10        |

WHERE A PROPERTY IS ADJACENT TO THE NATIONAL FOREST, THE REQUIRED SIDE OR REAR YARD MINIMUM SETBACK SHALL BE 80% OF THE SETBACK SHOWN IN B ABOVE, EXCEPT THAT IN NO CASE SHALL THE SETBACK BE LESS THAN FIVE (5) FEET.

Section 9.4: Performance Standards: G, AR, and RR Zones

A. All required landscaping shall be permanently maintained in a neat and orderly condition.

B. With the exception of vehicles described in subsection (E), outdoor parking of personal vehicles which are currently licensed and currently operable is permitted. Vehicles which are neither currently licensed ~~or~~ NOR currently operable shall be considered outdoor storage, and housed or screened per subsection (C). Required front and street side setback areas shall not be used for parking or storage of any motor vehicles, vehicle accessory, including but not limited to travel trailers, recreational vehicles, camper shells, boats, utility trailers, motor bikes, etc. One motor vehicle or travel trailer for sale may be parked on or adjacent to the driveway but not elsewhere in the front or street side setback areas.

C. In all G, AR, and RR Zones outdoor storage of unlicensed or inoperable vehicles, vehicle parts, auto parts, tires, secondhand building material, pipe, drums, appliances, household

furniture, household refuse, unlicensed travel trailers or utility trailers, etc., shall be permitted subject to the following conditions:

1. For any lot or parcel of land, the area permitted for the above described outdoor storage shall be 200 square feet. An additional 100 square feet of outdoor storage per acre for properties larger than one acre, shall be permitted up to a maximum of ~~2000~~ 1000 square feet.
2. On any lot or parcel of land, all outdoor storage shall be located to the rear of the property and screened from neighboring properties and roadways by a wall, non-transparent fencing, landscaping, or other structure. Any wall or fencing shall not exceed six (6) feet in height. Stored secondhand materials, vehicles, vehicle parts, etc., shall not be stacked so as to be visible above the required screening, or more than six (6) feet high. The provisions of this paragraph shall not be construed to restrict the storage of firewood maintained for personal use by the occupant of the premises.
3. All permitted screened outdoor storage areas shall meet the minimum required building setbacks as prescribed by this Section.
4. Screened outdoor storage areas shall not be permitted on any parcel unless there is a dwelling on the parcel.

D. Temporary storage of construction materials shall be permitted on any lot or parcel of land provided such materials are being used in conjunction with a valid construction project on that lot or parcel.

E. Commercial vehicles exceeding 26,000 lbs. gross vehicle weight, including but not limited to semi tractors, semi trailers, dump trucks, etc., and associated commercial equipment shall not be parked, stored, or serviced on any lot or parcel of land except as prescribed in Section 9.1-B of this Ordinance.

F. The storage of a mobile home on any lot or parcel of land, is prohibited, except as prescribed in Section 9.3-A.6.

G. Where public or semi-public uses are established, a masonry wall or alternative opaque fence, six feet in height as measured from the highest adjacent grade and screen landscaping may be required by the Planning and Zoning Commission to be erected and maintained between such uses and adjacent residential uses on properties.

H. Apparatus needed for the operation of active and passive solar energy systems or other alternate energy systems, including but not limited to, overhangs, movable insulating walls and roofs, attached or detached solar collectors, reflectors and piping shall be permitted for any use subject to the approval and specifications of the ~~Director of Community Development~~. TOWN MANAGER OR DESIGNEE.

Section 9.5: Signs: G, AR, and RR Zones

No sign or outdoor advertising structure shall be permitted in the G, AR and RR Zones except as provided in Section 16.

Section 9.6: Accessory Structures: G, AR, and RR Zones

A. In the General, Agricultural Residential, and Rural Residential Zones all accessory structures (excluding guest house/accessory living units as provided for in Section 9.1.F.3) shall be subject to the following restrictions:

1. Bathroom facilities shall be limited to one (1) sink and one (1) toilet.
2. No kitchen facilities or wet bars shall be permitted.
3. The use of the accessory structure shall be consistent with the provisions of Section 9.0 and 9.1.
4. Accessory structures shall be limited to a maximum size of 3000 sq. ft. Any accessory structure which exceeds 3000 sq. ft. shall require a conditional use permit.
5. The use of mobile homes, semi trailers, railroad cars, shipping containers, travel trailers, camper shells or similar units as accessory structures is prohibited. Metal storage containers may be permitted, refer to Section 14.7.
6. Accessory structures may be established prior to the dwelling or primary structure subject to the provisions outlined above.

B. Attached Structures

An accessory structure that is attached to the main structure shall meet all of the setback requirements of the main structure.

C. Detached Structures

1. A detached structure shall meet the setback requirements of the main building for the front and street side yard areas.
2. A detached accessory structure which does not exceed 15 feet in height and 600 sq. ft. in area, may be located within an interior side yard or rear yard; provided, however, that such structure shall not be located closer than five feet to an interior side or rear lot line.
3. A detached accessory structure which exceeds 15 feet, or 600 square feet in area, in height shall maintain the same minimum side and rear setbacks as required for the main dwelling.

4. A detached structure shall maintain a minimum 10 feet separation from the main structure.
5. For the purpose of this section, swimming pools, hot tubs and spas shall be considered to be a detached accessory structure.
6. Although not requiring a building permit, accessory structures with less than 120 square feet of roof area must meet the above minimum setbacks.

#### D. Other Structures

1. Steps, architectural features, such as eaves, awnings, chimneys, stairways, wing walls or bay windows, may project not more than six feet into any required front, street side or rear yard area, nor into any required side yard area more than one half (1/2) of said required side yard. Greater overhangs or projections may be permitted when it is demonstrated that such additional overhangs or projections are needed for solar or alternate energy purposes, subject to the approval of the ~~Director of Community Development~~. TOWN MANAGER OR DESIGNEE.
2. Balconies, porches or decks shall not encroach or project into any required setback area.
3. Amateur (HAM) Radio Towers shall be permitted for the personal use of the property owner/resident and subject to the following provisions:
  - a. Towers shall not project more than 65 feet above grade; establishment of towers above this limit but less than 100 feet in height may be permitted only through the variance procedure set forth in Section 20. The height of extension antennas shall be determined in its cranked-down position and shall remain in said position except during use.
  - b. Towers shall meet the minimum setback requirements for the zone in which they are located; no portion of any antenna array shall extend beyond the property lines.
  - c. It shall be the responsibility of the property owner to demonstrate that the site is adequate in size to contain debris resulting from tower failure and that such failure will not present a safety hazard to adjoining properties.
4. Satellite dishes up to 12 ft. in diameter shall be permitted subject to the following restrictions:
  - a. Ground mounted antennas shall be located outside any required front and side yard setback area.
  - b. All installations must comply with accessory use height requirements.

#### Section 9.7: Walls and Fences: G, AR, and RR Zones

A. In any required front or street side yard, an opaque or solid wall or fence shall not exceed three feet in height. Non-opaque fences, which are at least 50% transparent, may be established in any required front or street side yard to a maximum height of six feet.

B. A wall or solid fence not more than six feet in height, as measured from the highest adjacent grade, may be maintained along the interior side or rear lot lines provided that such wall or solid fence does not extend into a required front or street side yard. Extensions of walls or fences into required front or street side yards may not exceed three (3) feet in height. Stacking firewood along a property line shall be considered a wall or fence and must meet height limits.

C. Walls or fences exceeding six feet in height may be permitted only through the variance procedure set forth in Section 20 and subject to the granting of a building permit.

D. A wall or fence adjacent to a driveway providing vehicular access to an abutting lot shall not exceed three feet in height within fifteen feet of the intersection of said driveway and the street right-of-way so as not to obstruct visibility.

E. The provisions of this Section shall not apply to a wall or fence required by any law or regulation of the State of Arizona or any agency thereof.

F. Tires may not be used to construct walls, unless they are fully encapsulated so as to prevent the accumulation of water inside the tires, and subject to the granting of a building permit.

## SECTION 10: RESIDENTIAL ZONES

### Section 10.0: Purposes

In addition to the objectives outlined in Section 1 (Purposes and Scope), the Residential Zones are included in the zoning regulations to achieve the following purposes:

- A. To reserve appropriately located areas for family living at a broad range of dwelling unit densities consistent with the ~~General~~ TUSAYAN AREA Plan and with sound standards of public health, safety and welfare.
- B. To ensure adequate light, air, privacy, and open space for each dwelling.
- C. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive number in relation to the land area around them.
- D. To protect residential properties from noise, direct illumination, unsightliness, odors, smoke and other objectionable influences.
- E. To facilitate the provision of utility services and other public facilities commensurate with anticipated population, dwelling unit densities, and service requirements.

### RS-6,000 - Residential Single Family Zone

This zone is intended for single family, urban residential development on minimum lot sizes of 6,000 square feet and maximum densities of 6.0 dwelling units per acre. Only those additional uses are permitted that are complimentary to, and can exist in harmony with, a residential neighborhood.

### RS-10,000 - Residential Single Family Zone

This zone is intended for low-urban density single family residential development on minimum lot sizes of 10,000 square feet and maximum densities of 4.0 dwelling units per acre. Only those additional uses are permitted that are complimentary to, and can exist in harmony with, a residential neighborhood.

### RS-18,000 - Residential Single Family Zone

This zone is intended for low density single family residential development on minimum lot sizes of 18,000 square feet and at maximum densities of 2.0 dwelling units per acre. Only those additional uses are permitted that are complimentary to, and can exist in harmony with, a suburban residential neighborhood.

### RS-36,000 - Residential Single Family Zone

This zone is intended for very low density single family residential development on minimum lot sizes of 36,000 square feet and at maximum densities of 1.0 dwelling units per acre. Only those additional uses are permitted that are complimentary to, and can exist in harmony with, a suburban residential neighborhood.

RM-10/A - Multiple Family Residential Zone

This zone is intended for the development of MULTI-FAMILY DWELLINGS, TWO FAMILY DWELLINGS, apartments, condominiums, townhouses or other group dwellings with provisions for adequate light, air, open space and landscaped areas at maximum densities of 10.0 dwelling units per acre. Only those additional uses are permitted that are complimentary to, and can exist in harmony with, such residential developments.

RM-20/A - Multiple Family Residential Zone

This zone is intended for the development of high density MULTI FAMILY DWELLINGS apartments, condominiums, townhouses or other group dwellings with provisions for adequate light, air, open space and landscaped areas at maximum densities of 20.0 dwelling units per acre. Only those additional uses are permitted that are complimentary to, and can exist in harmony with, such residential developments.

Section 10.1: Permitted and Conditional Uses: R Zones

The following uses shall be permitted uses where the symbol “P” appears and shall be permitted uses subject to a conditional use permit where the symbol “C” appears in the column beneath each zone designation. All uses not listed are prohibited. For uses similar to those listed, see Section 20.1.

I. RESIDENTIAL SINGLE FAMILY ZONES

A. Residential Uses RS-6000 RS-10000 RS-18000 RS-36000

|   |   |   |   |   |
|---|---|---|---|---|
| 1. Single family dwelling or modular home                                     | P | P | P | P |
| 2. Group homes for the handicapped, subject to the provisions in Section 14.6 | P | P | P | P |
| 3. Other group homes  | C | C | C | C |

B. Agricultural and Related Uses

|   |   |   |   |   |
|---|---|---|---|---|
| 1. All types of agriculture and horticulture  | P | P | P | P |
| 2. Sale of products raised on the premises  | P | P | P | P |
| 3. Keeping of horses and other farm-type animals (not including swine) subject to the following conditions: | - | - | P | P |
| a. A minimum of one (1) acre of land shall be required for the maintenance of such animals.                 |   |   |   |   |
| b. Three such animals may be maintained on the first  |   |   |   |   |

acre and up to one additional animal for each

RS-6000 RS-10000 RS-18000 RS-36000

additional one-half acre.

- |  |   |   |   |   |
|--|---|---|---|---|
| c. No such animal may be sheltered, fed or watered closer than 100 feet to a residence occupied by other persons.                                      |   |   |   |   |
| d. The keeping of all animals shall be subject to the regulations and conditions of the Coconino County Health Department and Animal Control Division. |   |   |   |   |
| 4. Keeping of poultry or rabbits for noncommercial purposes at least 100 feet from a residence occupied by other persons                               | - | - | - | P |
| 5. Riding academies or riding clubs  | - | - | C | C |
| 6. Soil and water conservation projects (not including stock watering tanks)   | C | C | C | C |

C. Public and Semi-Public Uses

RS-6000 RS-10000 RS-18000 RS-36000

- |  |     |     |     |     |
|--|-----|-----|-----|-----|
| 1. Day Care Center   | P   | P   | P   | P   |
| 2. Pre School  | C   | C   | C   | C   |
| 3. Hospitals   | C   | C   | C   | C   |
| 4. Churches, convents, monasteries and other religious institutions  | C   | C   | C   | C   |
| 5. Educational institutions, public or private   | C   | C   | C   | C   |
| 6. Libraries and museums   | C   | C   | C   | C   |
| 7. Public parks and recreational facilities  | € P | € P | € P | € P |
| 8. Public utility and public service sub-stations, reservoirs, pumping plants, and similar installations, not including public utility offices   | C   | C   | C   | C   |
| 9. Recreational facilities such as rodeos, country clubs, tennis and swim clubs, golf courses, with incidental, limited commercial uses which are commonly associated with and directly related to the primary use | C   | C   | C   | C   |

D. Home Occupations

RS-6000 RS-10000 RS-18000 RS-36000

- |  |   |   |   |   |
|--|---|---|---|---|
| 1. Home occupations subject to the provisions of Section 14.2    | P | P | P | P |
| 2. Cottage industries subject to the provisions of Section 14.3. | - | - | - | C |

E. Accessory Uses

RS-6000 RS-10000 RS-18000 RS-36000

- |  |   |   |   |   |
|--|---|---|---|---|
| 1. Accessory uses and structures located on the same site as a permitted use | P | P | P | P |
|--|---|---|---|---|

|  | <u>RS-6000</u> | <u>RS-10000</u> | <u>RS-18000</u>  | <u>RS-36000</u> |
|--|----------------|-----------------|------------------|-----------------|
| 2. Accessory uses and structures located on the same site as a conditional use   | C              | C               | C                | C               |
| 3. Guest house or accessory living quarters subject to the following conditions:   | P              | P               | P                | P               |
| a. Attached living quarters are permitted regardless of parcel size. Detached guest houses are permitted only on parcels of 2 acres or larger.   |                |                 |                  |                 |
| b. Accessory living quarters and guest houses are limited to 50% of the livable square footage of the main dwelling up to a maximum of 800 square feet for a detached guest house, or 1000 square feet for attached accessory living quarters. |                |                 |                  |                 |
| c. Kitchens are allowed.   |                |                 |                  |                 |
| d. Travel trailers and mobile homes are not allowed as guest houses.   |                |                 |                  |                 |
| e. All utilities must be on the same meters as the principal dwelling.   |                |                 |                  |                 |
| f. Maximum separation between the main dwelling and guest house shall be 60'.  |                |                 |                  |                 |
| g. A deed restriction shall be recorded prior to issuance of a building permit indicating that the accessory unit is for family or guests and not for rental.  |                |                 |                  |                 |
| h. Application for a conditional use permit can be requested for a modification to existing structures that may not be in compliance with the limits of these provisions.  |                |                 |                  |                 |
| 4. Metal Storage Containers  |                |                 | See Section 14.7 |                 |

| <u>F. Temporary Uses</u>                        | <u>RS-6000</u> | <u>RS-10000</u> | <u>RS-18000</u> | <u>RS-36000</u> |
|---|----------------|-----------------|-----------------|-----------------|
| 1. Temporary uses as prescribed in Section 14.1 | P              | P               | P               | P               |
| 2. Model homes and subdivision sales offices    | C              | C               | C               | C               |

| <u>G. Bed and Breakfast Establishments</u>                                    | <u>RS-6000</u> | <u>RS-10000</u> | <u>RS-18000</u> | <u>RS-36000</u> |
|---|----------------|-----------------|-----------------|-----------------|
| 1. Bed and Breakfast Establishments subject to the provisions of Section 14.4 | -              | -               | -               | C               |

## II. RESIDENTIAL MULTIPLE FAMILY ZONES

| <u>A. Residential Uses</u>  | <u>RM-10/A</u> | <u>RM-20/A</u> |
|---|----------------|----------------|
| 1. Single family dwellings  | P              | P              |
| 2. Guest dwellings  | P              | P              |
| 3. Group homes for the disabled as defined by the Fair Housing Amendments Act of 1988 | P              | P              |
| 4. TWO FAMILY DWELLINGS   | P              | P              |

|  | <u>RM-10/A</u> | <u>RM-20/A</u> |
|--|----------------|----------------|
| 5. Apartments MULTI-FAMILY DWELLINGS containing not more than 4 units  | P              | P              |
| 6. Apartments MULTI-FAMILY DWELLINGS containing 5 or more units  | C              | C              |
| 7. Condominiums and condominium conversions  | C              | C              |
| 8. Dormitories   | C              | C              |
| <b>B. <u>Agricultural and Related Uses</u></b>   | <u>RM-10/A</u> | <u>RM-20/A</u> |
| Not permitted  |                |                |
| <b>C. <u>Public and Semi-Public Uses</u></b>   | <u>RM-10/A</u> | <u>RM-20/A</u> |
| 1. Day Care  | P              | P              |
| 2. Pre School  | C              | C              |
| 3. Hospitals   | C              | C              |
| 4. Churches, convents, monasteries and other religious institutions  | C              | C              |
| 5. Educational institutions, public or private   | C              | C              |
| 6. Libraries and museums   | C              | C              |
| 7. Public parks and recreational facilities  | € P            | € P            |
| 8. Public utility and public service sub-stations, reservoirs, pumping plants and similar installations, not including public utility offices  | C              | C              |
| 9. Recreational facilities such as rodeos, hunting/riding clubs, country clubs, tennis and swim clubs, golf courses, with incidental, limited commercial uses which are commonly associated with and directly related to the primary use | C              | C              |
| <b>D. <u>Home Occupations</u></b>  | <u>RM-10/A</u> | <u>RM-20/A</u> |
| 1. Home occupations subject to the provisions of Section 14.2  | P              | P              |
| <b>E. <u>Accessory Uses</u></b>  | <u>RM-10/A</u> | <u>RM-20/A</u> |
| 1. Accessory uses and structures located on the same site as a permitted use   | P              | P              |
| 2. Accessory uses and structures located on the same site as a conditional use   | C              | C              |
| <b>F. <u>Temporary Uses</u></b>  | <u>RM-10/A</u> | <u>RM-20/A</u> |
| 1. Temporary uses as prescribed in Section 14.1  | P              | P              |
| 2. Model homes and subdivision sales or rental offices   | C              | C              |

G. Bed and Breakfast Establishments

RM-10/A

RM-20/A

1. Bed and Breakfast Establishments subject to the provisions of Section 14.4

C

C

Section 10.2 - Property Development Standards: R Zones

The following property development standards shall apply to all land and buildings, other than accessory buildings, permitted in their respective residential zones, except that, any lot shown on an official subdivision map that was duly approved and recorded; or any lot for which a bona fide deed was duly recorded in conformance with the zoning in effect prior to the date of adoption of this Ordinance, may be used as a building site; excepting therefrom any lot having an area of less than 4,000 square feet. For access purposes each building site shall have a minimum 30 foot wide easement or right-of-way. A turnaround with a minimum radius of 25 feet shall be provided at the end of each easement over 150 feet in length. No fences or other obstructions shall be placed in the easement area except with written permission of all other property owners served by the easement. For any parcel of land created after January 3, 1995, an access road to the parcel must be provided prior to the delivery of any combustible building materials. Said access road must be constructed to ~~the standards found in Ordinance Number 95-1, the Ordinance for Road Standards.~~ AN ALL WEATHER STANDARD.

A. Special Requirements

1. In the RS Zone, other lot sizes larger than 6,000 square feet may be specified and designated on the Official Zoning Map by attaching a number designation following the zone classification. For example, RS-15,000, RS-40,000, or RS-5 (5 acre minimum lot size). Permitted and conditional uses, property development standards, performance standards and all other requirements and regulations for these alternate zone classifications with the exception of the minimum parcel size, shall be the same as those specified in this Ordinance for the zoning classification with the next lower minimum parcel size. E.g. RS-15,000 would have RS-10,000 requirements and RS-40,000 and RS-5 would have RS-36,000 requirements.
2. Use of a travel trailer or recreational vehicle as a temporary or permanent residence is prohibited.
3. In any residential zone, a building used for public or semi-public uses shall maintain a minimum setback of 50 feet from any single family use.
4. In any multiple family residential zone, a mobile, manufactured, or modular home may not be used as a main or guest dwelling or accessory living quarters, except in remote areas on parcels larger than 2 acres where one ~~mobile~~, manufactured or modular home may be allowed with the granting of a conditional use permit. If the property is later

developed with multiple family residential housing, the ~~mobile~~, manufactured or modular home shall be removed.

5. In the RS Zone, on lots of one acre or larger, horses or other domestic farm-type animals shall not be kept in the front yard or street side yard areas. Keeping animals shall also be subject to Coconino County Health Department regulations.

6. A building permit, as required by the Building Code, shall be obtained prior to the construction, reconstruction, alteration or change in use of any building or other structure.

**B. General Requirements**

**I. RESIDENTIAL SINGLE FAMILY ZONES:** The following requirements are minimum unless otherwise noted:

| <u>General Requirements</u>                       | <u>RS-6000</u> | <u>RS-10000</u> | <u>RS-18000</u> | <u>RS-36000</u> |
|---|----------------|-----------------|-----------------|-----------------|
| 1. Density, maximum dwelling units per acre       | 6.0            | 4.0             | 2.0             | 1.0             |
| 2. Dwelling unit per parcel, maximum              | 1              | 1               | 1               | 1               |
| 3. Building site, net area in square feet         | 6000           | 10000           | 18000           | 36000           |
| 4. Lot width, in feet                             | 60             | 80              | 100             | 120             |
| 5. Lot depth, in feet                             | 100            | 100             | 100             | 150             |
| 6. Front yard, in feet                            | 20             | 20              | 25              | 25              |
| 7. Side yard-interior, in feet                    | 5              | 10              | 10              | 20              |
| 8. Side yard-street side, in feet                 | 10             | 10              | 15              | 20              |
| 9. Rear yard, in feet                             | 20             | 20              | 25              | 25              |
| 10. Lot coverage, maximum                         | 40%            | 40%             | 35%             | 35%             |
| 11. Building height, in feet                      | 35             | 35              | 35              | 35              |
| 12. Off-street parking spaces - per dwelling unit | 2              | 2               | 2               | 2               |
| 13. Distance between buildings, in feet           | 10             | 10              | 10              | 10              |

WHERE A PROPERTY IS ADJACENT TO THE NATIONAL FOREST, THE REQUIRED SIDE OR REAR YARD MINIMUM SETBACK SHALL BE 80% OF THE SETBACK SHOWN IN B.I ABOVE, EXCEPT THAT IN NO CASE SHALL THE SETBACK BE LESS THAN FIVE (5) FEET.

**II. RESIDENTIAL MULTIPLE FAMILY ZONES:** The following requirements are minimum unless otherwise noted:

| <u>General Requirements</u>                 | <u>RM-10/A</u> | <u>RM-20/A</u> |
|---|----------------|----------------|
| 1. Density, maximum dwelling units per acre | 10             | 20             |
| 2. Building site, net area, in acres        | 0.5            | 2.0            |
| 3. Lot width, in feet                       | 100            | 150            |
| 4. Lot depth, in feet                       | 100            | 200            |
| 5. Front yard, in feet                      | 20             | 25             |

|  |                                |            |
|--|--------------------------------|------------|
| 6. Side yard-interior, in feet   | 10                             | 15         |
| 7. Side yard-street side, in feet  | 15                             | 20         |
| 8. Rear yard, in feet  | 20                             | 25         |
| 9. Lot coverage, maximum   | 45%                            | 50%        |
| 10. Building height, in feet   | 35                             | 40         |
| 11. OFF-STREET PARKING SPACES FOR TWO FAMILY DWELLINGS – PER DWELLING UNIT | 2                              | 2          |
| 12. Covered off-street parking spaces per dwelling unit                    | 2                              | 1 + 1 open |
| Open guest parking spaces  | Additional 10% of total spaces |            |
| 13. Distance between buildings, in feet                                    | 10                             | 10         |

All setbacks shall be measured from property lines. In situations where an access easement is located along a property line, the setback shall be measured from the interior edge of the access easement line. Where an access easement bisects any parcel of land, said easement shall be considered a street for setback purposes and street side yard setbacks shall apply.

WHERE A PROPERTY IS ADJACENT TO THE NATIONAL FOREST, THE REQUIRED SIDE OR REAR YARD MINIMUM SETBACK SHALL BE 80% OF THE SETBACK SHOWN IN B. II ABOVE, EXCEPT THAT IN NO CASE SHALL THE SETBACK BE LESS THAN FIVE (5) FEET.

Section 10.3: Performance Standards: R Zones

A. In all residential zones, air conditioners, heating, cooling, ventilating equipment, swimming pool pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace, quiet, and comfort of neighboring residents. Facilities for the operation of alternate energy systems shall be exempted from the screening requirements when such screening will clearly restrict the efficient operation of such systems.

B. In all residential zones, required front and street side yards shall be landscaped except for necessary walks, drives and fences. In the RM Zones, the undeveloped site area shall be landscaped. Such required landscaping may include outdoor recreation areas. All required landscaping shall be permanently maintained in a neat and orderly condition.

C. In all RS and RM Zones, outdoor storage of unlicensed or inoperable vehicles, vehicle parts, auto parts, tires, secondhand building materials, pipe, drums, appliances, household furniture, household refuse, unlicensed travel trailers or utility trailers, etc. shall be subject to the following conditions:

1. For any lot or parcel of land, the area permitted for the above described outdoor storage shall be 200 square feet. An additional 100 square feet of outdoor storage per acre for properties larger than one acre, shall be permitted up to a maximum of ~~2000~~ 1000 square feet.

2. On any lot or parcel of land, all outdoor storage shall be located to the rear of the property and screened from neighboring properties and roadways by a wall, non-transparent fencing, landscaping, or other structure. Any wall or fencing shall not exceed six (6) feet in height. Stored secondhand materials, vehicles, vehicle parts, etc., shall not be stacked so as to be visible above the required screening, or more than six (6) feet high. The provisions of this paragraph shall not be construed to restrict the storage of firewood maintained for personal use by the occupant of the premises.

3. All permitted screened outdoor storage areas shall meet the minimum required building setbacks as prescribed by this Section. Outdoor storage shall not be permitted on any RS or RM zoned lot unless there is a dwelling on the lot.

D. Required front and street side yards shall not be used for parking or storage of any motor vehicle or vehicle accessory such as camper shells, trailers, motor bikes, or other wheeled accessory or convenience, except that operable motor vehicles may be parked upon the driveway or access way to the garage or carport. One motor vehicle or travel trailer for sale may be parked on or adjacent to the driveway but not elsewhere in the front or street side setback areas.

E. Commercial vehicles exceeding 26,000 pounds gross vehicle weight and associated commercial equipment shall not be parked, stored, or serviced in any residential zone.

F. Where a multiple-family dwelling or structure, containing 5 or more units, including incidental or required accessory uses, abuts property in an agricultural residential, rural residential, general or single family zone, a masonry wall or solid wood fence six feet in height and/or screen landscaping shall be established and maintained between such uses and adjacent residential zones.

G. Where public or semi-public uses are established, a masonry wall or solid wood fence six feet in height as measured from the highest adjacent grade and screen landscaping shall be erected and maintained between such uses and adjacent residential uses on properties.

H. Apparatus needed for the operation of active or passive solar energy systems or other alternate energy systems, including but not limited to, overhangs, movable insulating walls and roofs, attached or detached solar collectors, reflectors and piping shall be permitted for any use subject to the approval and specifications of the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE.

#### Section 10.4: Signs: R Zones

No sign or outdoor advertising structure shall be permitted in any R Zone except as provided in Section 16.

#### Section 10.5: Accessory Structures: Residential Zones

A. Attached Structures. An accessory structure that is attached to a main structure shall meet all of the requirements for location of the main structure except as provided in "D" of this Section.

B. Canopies. Canopies, or roofs attached to the main building or connecting the main building with a detached accessory building, may extend into a required rear or interior side yard provided that portions of such structure extending into the yard:

1. Shall not exceed 15 feet in height nor project closer than five feet to an interior side or rear lot line;
2. Shall be entirely open on at least three sides except for necessary supporting columns; except that a roof connecting a main building and an accessory building shall be open on at least two sides.

C. Detached Structures

1. A detached structure shall meet the setback requirements of the main building for the front and street side yard areas.
2. A detached accessory structure which does not exceed 15 feet in height and 600 square feet in area may be located within an interior side yard or rear yard; provided, however, that such structure shall not be closer than five feet to an interior side or rear lot line.
3. A detached accessory structure which exceeds 15 feet in height, or 600 square feet in area, shall maintain the same minimum side and rear setbacks as required for the main building.
4. A detached structure shall maintain a minimum 10 foot separation from the main structure.
5. Although not requiring a building permit, accessory structures with less than 120 square feet of roof area must meet the above minimum setbacks.
6. For the purpose of this Section, swimming pools shall be considered to be a detached structure.
7. Detached structures shall not be permitted prior to the dwelling except in RS Zones with minimum lot sizes of 1 acre or more.
8. Plumbing in detached structures shall be limited to one (1) sink and one (1) toilet.
9. Use of accessory structures shall be consistent with Section 10.0.
10. The use of mobile homes, semi trailers, railroad cars, shipping containers, travel trailers, camper shells, or similar units as accessory structures is prohibited. Metal storage containers may be permitted, refer to Section 14.7.

D. Other Structures

1. Steps, architectural features, such as eaves, awnings, chimneys, stairways, wing walls or bay windows, may project not more than six feet into any required front, street side or rear yard area, nor into any required side yard area more than one-half (1/2) of said required side yard. Greater projections may be permitted when it is demonstrated that such additional projections are needed for solar or alternate energy purposes, subject to the approval of the ~~Director of Community Development.~~ TOWN MANAGER OR DESIGNEE.

2. Balconies, porches or decks shall not encroach or project into any required setback area.

3. Swimming pools including all accessory or appurtenant structures and equipment shall maintain a minimum setback of five feet from all property lines and buildings. As a precaution against unauthorized use, swimming pools shall be enclosed by a wall or fence not less than 5 feet in height ~~to the specifications of the Department of Community Development.~~ IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN.

4. Amateur (HAM) Radio Towers shall be permitted for the personal use of the property owner/resident and subject to the following provisions:

- a. Towers shall not project more than 65 feet above grade; establishment of towers above this limit but less than 100 feet in height may be permitted only through the variance procedure set forth in Section 20. The height of extension antennas shall be determined in their cranked down position and shall remain in said position except during use.
- b. Towers shall meet the minimum setback requirements for the zone in which they are located; no portion of any antenna array shall extend beyond the property lines.
- c. It shall be the responsibility of the property owner to demonstrate that the site is adequate in size to contain debris resulting from tower failure and that such failure will not present a safety hazard to adjoining properties.

5. Satellite dishes up to 10 feet in diameter shall be permitted subject to the following conditions:

- a. Ground mounted dishes shall be located outside of any front and side setback area.
- b. All installations must comply with accessory use height requirements.

#### Section 10.6: Walls and Fences: R Zones

A. In any required front or street side yard, an opaque or solid wall or fence shall not exceed three feet in height. Non-opaque fences, which are at least 50% transparent, may be established in any required front or street side yard to a maximum height of six feet.

B. A wall or solid fence not more than six feet in height, as measured from the highest adjacent grade, may be maintained along the interior side or rear lot lines provided that such wall or fence does not extend into a required front or street side yard. Extensions of walls or solid fences into required front or street side yards may not exceed three (3) feet in height. Stacking firewood along a property line shall be considered a wall or fence and must meet height limits.

C. Walls or fences exceeding six feet in height may be permitted only through the variance procedure set forth in Section 20 and subject to the granting of a building permit.

D. A wall or fence adjacent to a driveway providing vehicular access to an abutting lot shall not exceed three feet in height within fifteen feet of the intersection of said driveway and the street right-of-way so as not to obstruct visibility.

E. The provisions of this section shall not apply to a wall or fence required by any law or regulation of the State of Arizona or any agency thereof.

F. Tires may not be used to construct walls, unless they are fully encapsulated so as to prevent the accumulation of water inside the tires, and subject to the granting of a building permit.

#### Section 10.7: Condominiums and Condominium Conversions: R Zones

##### A. Pre-Application Procedure

Prior to formal application for a condominium conversion or construction of a condominium development, the applicant shall meet with the ~~Director of Community Development~~ TOWN MANAGER or his/HER designee to review and discuss the feasibility of the proposed project.

##### B. Application Procedure

A conditional use permit application shall be completed and returned to the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE with the following documents:

1. If the application is for a condominium conversion, a report ~~to the County~~ setting forth all repairs and replacements necessary, if any, to immediately place the buildings in substantial compliance with current Building and Safety Codes and the probable cost of such work. Said report shall include a report prepared by a licensed mechanical engineer verifying the condition of the mechanical elements in the project, including but not limited to furnaces, air conditioners, pumps, water heaters and plumbing fixtures.
2. If the application is for a condominium conversion, a pest inspection and written report by a certified inspector.
3. If the application is for a condominium conversion, a comprehensive building report which includes age, material and condition where applicable of the following:

- a. Type and age of construction.
- b. Walls, interior and exterior.
- c. Roof.
- d. Garaging.
- e. Trash disposal.
- f. Drainage.
- g. Laundry facilities.
- h. Current maintenance activities and programs.
- i. Estimated number of visiting tenants.
- j. Length of existing leases and average rents.
- k. Average length of tenancy for existing tenants.
- l. Estimated schedule for conversion.
- m. Estimated price range of converted units.
- n. List of improvements contemplated.
- o. Estimate of available similar housing in ~~areas~~: THE TOWN.

4. For condominium and condominium conversion projects, plot plans shall be submitted indicating the following minimum information:

- a. Location, height, the gross floor area and proposed uses of each existing structure and for each proposed structure.
- b. Location, use and type of surfacing of all open storage areas.
- c. Location and type of surfacing of all driveways, pedestrian ways, vehicle parking areas and curb cuts.
- d. Location, height and type of materials for all walls and fences.
- e. Location of all landscaped areas, type of landscaping, irrigation plans and a statement specifying the method by which landscaping areas shall be maintained.
- f. Location of all recreational facilities and a statement specifying the method of maintenance thereof.
- g. Location of parking facilities to be used in conjunction with each dwelling unit.
- h. Location, elevation, and type and color of materials to be employed and methods of illumination for signs.

5. Structural elevations shall be required at the discretion of the ~~Director of Community Development~~: TOWN MANAGER OR DESIGNEE. Elevations shall indicate type of materials used in construction, as well as the method used to provide sound insulation/attenuation in all common walls.

6. Such other information as may be determined by the ~~Director of Community Development~~: TOWN MANAGER OR DESIGNEE.

### C. Standards of Development

1. A Tentative Tract Map for a condominium development shall be prepared and submitted to the ~~County~~, TOWN in accordance with the Subdivision Ordinance of ~~Cocconino County~~. THE TOWN OF TUSAYAN.

2. All condominiums and condominium conversions shall be developed in accordance with dwelling unit requirements as set forth by the Uniform Plumbing and Electrical Code adopted by the ~~County of Coconino~~ TOWN OF TUSAYAN.
3. All existing buildings and structures shall be made to comply with all applicable building regulations of the ~~County~~ TOWN in effect at the time of filing a conditional use permit.
4. Utility systems shall exist or shall be constructed to adequately provide for utility services to all condominium units.
5. Each existing tenant of the project shall be given a 120 day notification on the intended condominium conversion and the right to purchase his converted multiple dwelling unit prior to the unit being placed for sale.

#### D. Special Conditions

1. Copies of the required Covenants, Conditions and Restrictions, Articles of Incorporation and By- Laws or other documents of the owner's association or other entity which controls the common facilities shall be submitted to the ~~County~~ TOWN for approval and shall set forth the occupancy and management policies for the project, as well as contain adequate and satisfactory provisions for maintenance, repair and general upkeep.
2. A minimum of two covered parking spaces shall be provided for each dwelling unit. An additional parking space for guests shall be provided for each two dwelling units. Guest parking spaces may be open. For new developments, off-street parking spaces shall be located on the same lot as the condominium unit or shall be constructed as an integral part of the condominium unit.
3. A minimum area of 400 square feet per unit shall be provided in all condominium projects for recreational purposes. Patios of individual units may be included in the satisfaction of this condition.
4. The ~~County~~ TOWN may vary from any or all of these conditions in order to ensure compatibility of the use with surrounding developments and uses and in order to preserve the public health, safety and welfare.

#### E. Findings

The Planning and Zoning Commission shall make the findings contained in ~~Section 20.2-7~~ SECTION 20.3-7 hereof prior to the granting of a conditional use permit for a condominium or condominium conversion project.

## SECTION 11: COMMERCIAL ZONES

### Section 11.0: Purposes

In addition to the objectives outlined in Section 1 (Purposes and Scope), the Commercial Zones are included in the Zoning Regulations to achieve the following purposes:

- A. To provide appropriately located areas for office uses, retail stores, service establishments, and wholesale business, offering commodities and services required by residents of the ~~County~~ TOWN and its surrounding market area.
- B. To encourage office and commercial uses to congregate for the convenience of the public and for a mutually beneficial relationship to each other.
- C. To provide adequate space to meet the needs of modern commercial development, including off-street parking and loading areas.
- D. To minimize traffic congestion and to avoid the overloading of utilities.
- E. To protect residential and other commercial properties from noise, odor, smoke, unsightliness, and other objectionable influences incidental to commercial uses.
- F. To promote high standards of site planning architecture and landscape design for office and commercial developments within ~~Cocaine County~~ THE TOWN.

### CN-2/A - Commercial Neighborhood Zone

This zone is intended for neighborhood shopping centers which provide limited retail business, service and office facilities for the convenience of residents of the neighborhood. These shopping centers are intended to be compatible with a residential environment at locations ~~indicated on the General Plan or on an adopted Specific Plan for an individual community.~~ CONSISTENT WITH THE TUSAYAN AREA PLAN.

### CG-10,000 - Commercial General Zone

This zone is intended for the location of general retail and wholesale commercial activities.

### CH-10,000 - Commercial Heavy Zone

This zone is intended to provide appropriately located areas for establishments catering primarily to highway travelers, visitors to the ~~County~~ TOWN or such businesses or uses where direct access to major arterial highways is essential or desirable for their operation.

Section 11.1: Permitted and Conditional Uses

The following uses shall be permitted where the symbol “P” appears and shall be permitted uses subject to a conditional use permit where the symbol “C” appears in the column beneath each zone designation. All uses not listed are prohibited. For uses similar to those listed, see Section 20.1.

| <u>A. Office and Related Uses</u>   | <u>CN-2/A</u> | <u>CG-10,000</u> | <u>CH-10,000</u> |
|---|---------------|------------------|------------------|
| 1. Administrative, professional executive offices   | P             | P                | P                |
| 2. Financial institutions   | P             | P                | P                |
| 3. Medical, dental and related health services for humans including laboratories and clinics; only the sale of articles clearly incidental to the services provided shall be permitted  | P             | P                | P                |
| 4. Public utility service offices   | P             | P                | P                |
| <br>  |               |                  |                  |
| <u>B. General Commercial Uses</u>   | <u>CN-2/A</u> | <u>CG-10,000</u> | <u>CH-10,000</u> |
| 1. Amusement arcades  | -             | P                | P                |
| 2. Appliance and hardware stores  | € P           | P                | P                |
| 3. Auction houses/stores, OUTDOOR SALES/DISPLAY   | -             | C                | C                |
| 4. AUCTION HOUSES/STORES, INDOOR SALES/DISPLAY  | -             | P                | P                |
| 5. Auto lubrication and oil change operation  | -             | C                | C                |
| 6. Automotive repair garage   | -             | C                | C                |
| 7. Automotive service station   | C             | C                | C                |
| 8. Automobile sales and services, including rental agencies   | -             | C                | C                |
| 9. Bakeries, wholesale  | -             | € -              | C                |
| 10. Boat and camper sales and services  | -             | C                | C                |
| 11. Bowling alleys and billiard halls   | -             | € P              | € P              |
| 12. Campgrounds   | -             | C                | C                |
| 13. Car washes  | -             | C                | C                |
| 14. Ceramic studio with outdoor kiln  | -             | € -              | C                |
| 15. Cocktail lounges and bars   | -             | C                | C                |
| 16. Contractor’s yards  | -             | C                | C                |
| 17. Convenience market  | € P           | € P              | P                |
| 18. CONVENIENCE MARKET WITH GASOLINE PUMPS  | C             | C                | C                |
| 19. Drive-in restaurants  | -             | P                | P                |
| 20. Drive-in theaters   | -             | € -              | C                |
| 21. Dry cleaners  | -             | P                | P                |
| 22. Farm implement and machine sales, rental and repairs  | -             | C                | C                |
| 23. Feed stores   | -             | C                | C                |
| 24. General retail business establishments, except for Large Retail Establishments as defined in Section 8, engaged in selling goods or services to the public provided that such uses are conducted entirely within an enclosed building | P             | P                | P                |
| 25. Hotels and motels   | -             | € P              | P                |

B. GENERAL COMMERCIAL USES (CONTINUED)

CN-2/A CG-10,000 CH-10,000

|   |              |              |              |
|---|--------------|--------------|--------------|
| 26. Large retail establishments as defined in Section 8 (establishments over 70,000 square feet are prohibited) | -            | C            | C            |
| 27. Laundry pick-up and delivery agencies   | €-           | €P           | €P           |
| 28. SELF-SERVICE LAUNDRY  | P            | P            | P            |
| 29. Mortuaries  | -            | €P           | P            |
| 30. Motorcycle, ATV, sales, and service AND RENTAL  | -            | C            | C            |
| 31. Nurseries and garden supply stores  | C            | C            | C            |
| 32. Public storage facilities (mini-storages)   | C            | C            | PC           |
| 33. Recreational vehicle sales and service  | -            | C            | C            |
| 34. Recreational vehicle and travel trailer parks   | -            | C            | C            |
| 35. Restaurants conducted within a building including sale of alcoholic beverages                               | C            | P            | P            |
| 36. Skating rinks   | -            | C            | P            |
| 37. Stone and monument yards  | -            | C            | C            |
| 38. Theater   | C            | C            | C            |
| 39. Tire sales and service  | -            | C            | PC           |
| 40. TOUR OPERATOR WITH ASSOCIATED OUTDOOR STORAGE OR ACTIVITY   | -            | C            | C            |
| 41. Truck and trailer rental, sales and service   | -            | C            | C            |
| 42. Veterinarian office and small animal hospitals  | -            | C            | P            |
| 43. Vehicular storage yards (not including auto wrecking yards)   | -            | C            | C            |
| 44. Warehousing   | -            | P            | P            |
| <del>41. Canopies over gasoline pumps</del>   | <del>€</del> | <del>€</del> | <del>€</del> |
| 45. Solid waste hauler's yard   | €-           | €-           | C            |
| 46. Wireless Telecommunications Facilities subject to the provisions of Section 14.5                            | C            | C            | C            |
| 47. Medical marijuana dispensaries subject to the provisions of Section 14.9.                                   | -            | P            | P            |
| 48. Medical marijuana cultivation and infusion facilities Subject to the provisions of Section 14.9             | -            | -            | C            |
| 49. RESTAURANTS WITH OUTDOOR DINING   | C            | C            | C            |
| 50. APARTMENTS, WHEN LOCATED ABOVE THE FIRST FLOOR OF THE BUILDING  | C            | P            | P            |
| 51. DOG KENNEL, OUTDOOR RUNS/PENS   | -            | C            | C            |
| 52. DOG KENNEL, INDOOR RUNS/PENS  | -            | P            | P            |

C. Public and Semi-Public Uses

CN-2/A CG-10,000 CH-10,000

|   |    |    |    |
|---|----|----|----|
| 1. Day care centers and preschools                                    | €P | C  | €- |
| 2. Churches   | -P | €P | €P |
| 3. Clubs and lodges including YMCA, YWCA and similar youth group uses | -C | C  | €P |
| 4. Commercial trade or vocational schools                             | C  | P  | P  |
| 5. Convalescent homes and hospital                                    | -  | C  | C  |

|  |   |    |    |
|--|---|----|----|
| 6. Educational institutions, public or private   | - | C  | C  |
| 7. Libraries and museums, public or private  | C | EP | EP |
| 8. Parks and recreational facilities, public or private, including tennis, racquetball and handball clubs and facilities | C | EP | EP |
| 9. Post office branch  | P | P  | P  |
| 10. Public/PRIVATE utility installations   | C | C  | C  |

D. Accessory Uses

CN-2/A CG-10,000 CH-10,000

|  |                  |    |    |
|--|------------------|----|----|
| 1. Accessory uses and structures located on the same site as a permitted use   | P                | P  | P  |
| 2. Accessory uses and structures located on the same site as a conditional use   | C                | C  | C  |
| 3. A single family residence established as an integral part of the commercial operation BUILDING, for exclusive use by the owner/operator of the business | C                | EP | EP |
| 4. A SINGLE FAMILY RESIDENCE WHICH IS DETACHED FROM ANY COMMERCIAL BUILDING ON THE SITE AND IS FOR THE EXCLUSIVE USE BY THE OWNER/OPERATOR OF THE BUSINESS | C                | C  | C  |
| 5. Accessory retail propane sales, tanks 2000 gallons or less, subject to the issuance of a building permit  | -                | P  | P  |
| 6. Metal Storage Containers  | See Section 14.7 |    |    |

E. Temporary Uses

CN-2/A CG-10,000 CH10,000

|  |   |   |   |
|--|---|---|---|
| Temporary uses as prescribed in Section 14.1 | P | P | P |
|--|---|---|---|

F. Other Uses

Other commercial, office or service uses as may be determined by resolution of the Planning and Zoning Commission to be consistent with the purposes indicated in Section 11.0 and similar to and no more detrimental than existing permitted or conditional uses in any commercial zone. Such other uses shall meet the performance standards outlined in Section 11.3.

Section 11.2: Property Development Standards: Commercial Zones

The following property development standards shall apply to all land and buildings permitted in their respective commercial zones, except that, any lot shown on an official subdivision map that was duly recorded, or any lot for which a bona fide deed was duly recorded in conformance with the zoning in effect prior to the date of adoption of this ordinance, may be used as a building site. For access purposes each building site shall have a minimum 30 foot wide easement or right-of-way. A turnaround with a minimum radius of 25 feet shall be provided at the end of each easement over 150 feet in length. No fences or other obstructions shall be placed in the easement

area except with written permission of all other property owners served by the easement. For any parcel of land created after January 3, 1995, an access road to the parcel must be provided prior to the delivery of any combustible building materials. Said access road must be constructed to the standards found in Ordinance Number 95-1, the Ordinance for Road Standards. AN ALL WEATHER STANDARD.

A. Special Requirements

1. Procedure for the Establishment of CN-2/A Zones

Preliminary Development Plans. The application for a CN-2/A Zone classification shall be accompanied by a preliminary development plan consisting of maps, drawings and such other materials necessary to show:

- a. The approximate size, shape and location of all proposed buildings and the intended uses of all buildings;
- b. The on-site parking arrangements and design, including loading areas;
- c. The proposed signing policy for all proposed uses;
- d. The location and treatment of required and proposed landscape areas;
- e. The proposed off-site circulation pattern including right-of-way dedications, street improvements, traffic control measures, location and design of driveway openings, and acceleration/deceleration lanes;

~~(6) Market analysis showing the need for the shopping center at the location requested and the inadequacy of existing zoned sites to meet this need.~~

The preliminary development plan is required to enable the Commission and the ~~Board of Supervisors~~ TOWN COUNCIL to assess the impact of the proposed shopping center on surrounding uses, its relationship to the objectives of the ~~General Plan, TUSAYAN AREA PLAN~~ its relationship to zoning patterns in the neighborhood, and to permit public agencies and utility services to review the adequacy of proposed improvements and the impact of the development on existing and proposed utilities and facilities.

Adoption of Development Plans. The development plans shall be approved by the ~~Board of Supervisors~~ TOWN COUNCIL and incorporated into the approval of the CN-2/A Zone.

The above procedures shall not apply to the establishment of a CN-2/A Zone classification at an existing neighborhood shopping center.

B. General Requirements: The following requirements are minimums unless otherwise noted.

|  | <u>CN-2/A</u> | <u>CG-10,000</u> | <u>CH-10,000</u> |
|--|---------------|------------------|------------------|
| 1. Building site, square feet or acres | 2 acres       | 10,000 sf        | 10,000 sf        |
| 2. Lot width, in feet                  | 200           | 60               | 50               |

|   |     |                |       |
|---|-----|----------------|-------|
| 3. Lot depth, in feet   | 150 | 100            | 100   |
| 4. Front yard, in feet  | 20  | 20             | 20    |
| 5. Side yard-interior, in feet  | 10  | -              | -     |
| 6. Side yard-interior and rear yard, in feet, adjacent to G, AR, RR, RS or RM Zones | 20  | 20             | 20    |
| 7. Side yard-street side, in feet   | 10  | 20             | 20    |
| 8. Rear yard, in feet   | 10  | 0              | 0     |
| 9. Lot coverage, maximum  | 35% |                |       |
| 10. Structure height, maximum, in feet  | 35  | 35             | 50 40 |
| 11. Off-street parking  |     | See Section 15 |       |

All setbacks shall be measured from property lines. In situations where an access easement is located along a property line, the setback shall be measured from the interior edge of any access easement line. Where an access easement bisects any parcel of land, said easement shall be considered a street for setback purposes and street side setbacks shall apply.

Section 11.3: Performance Standards: Commercial Zones

A. Trailers, ~~PARK MODELS~~, OR manufactured ~~or mobile~~ homes shall be permitted for temporary office use only during construction of a permanent building for a period not to exceed 12 months with an approved Temporary Use Permit. Modular homes built to UBC (Uniform Building Code) Commercial Standards shall be permitted.

B. In all commercial zones, required front and street side yards shall be landscaped to a depth of not less than ~~10~~ 6 feet. Remaining front and street side yard areas or setbacks may be used for required off-street parking.

C. Where a commercial or office use abuts property in any G, AR, RR, RS or RM Zone, a masonry wall six (6) feet in height as measured from the highest adjacent grade shall be erected and maintained between such uses and the residential zone. Alternatives to masonry, including double-sided solid wood fencing, stuccoed wood frame walls, native stone or rock veneered walls or an adequate vegetative buffer, may be approved by the ~~Director of Community Development~~ TOWN MANAGER, HIS/HER DESIGNEE or the Planning and Zoning Commission.

D. Wherever off-street parking areas are situated across the street from property in a G, AR, RR, RS or RM Zone, a masonry wall or berm three feet in height shall be erected between the required landscaped area and the parking area to adequately screen said parking areas from the residential properties.

E. All required landscaping shall be permanently maintained in a neat and orderly condition. In addition to front and street side yard landscaping requirements, additional landscaping requirements are contained in Section 15.3 - Site Development Standards for Off-Street Parking.

F. All mechanical equipment, including heating and air conditioning units, shall be completely screened from surrounding properties by use of a wall or fence or shall be enclosed within a

building. Facilities for the operation of solar or alternate energy systems may be exempted from this requirement subject to the approval of the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE.

G. Trash receptacles enclosed with solid masonry walls and with gates shall be provided for each commercial use. Said receptacles shall be set back a minimum of 20 feet from any G, AR, RR, RS or RM Zone boundary and shall be maintained in a neat and sanitary condition in order to safeguard the health, safety and general welfare of adjacent properties subject to the approval of the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE.

H. Noise shall not be KNOWINGLY generated by any use to the point of disturbing the peace, quiet and comfort of neighboring residences or the operation of businesses.

I. Methods of screening for outdoor storage may include acceptable wooden fencing, masonry walls, rock walls, landscaped berms or vegetative screening. All facilities for outdoor storage shall be subject to the review and approval of the Planning and Zoning Commission.

J. All outdoor area lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.

K. All lighting sources shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the light source.

L. The operation of searchlights or similar lighting sources for advertising display or any other commercial purpose is prohibited.

M. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise.

N. A building permit, as required by the Building Code, shall be obtained prior to the construction, reconstruction, alteration or change in use of any building or other structure.

O. The outdoor storage of any items, including but not limited to items for sale, unlicensed and/or inoperable vehicles, travel trailers, boats, recreational vehicles, or secondhand materials is prohibited, unless a conditional use permit is approved by the Planning and Zoning Commission for said outdoor storage.

P. OUTDOOR MUSIC IN AN OUTDOOR DINING AREA SHALL BE MAINTAINED SO AS NOT TO DISTURB THE PEACE, QUIET AND COMFORT OF NEIGHBORING BUSINESSES OR RESIDENTS. ALL OUTDOOR LIVE OR RECORDED MUSIC SHALL CEASE AT 10:00 PM.

#### Section 11.4: Signs: Commercial Zones

No sign or outdoor advertising structure shall be permitted in any commercial zone except as provided in Section 16.

### Section 11.5: Accessory Structures: Commercial Zones

- A. In any commercial zone, accessory structures shall not be located in front of the main building.
- B. In any commercial zone, accessory structures shall meet all of the setback requirements for main buildings.
- C. In any commercial zone, porches, steps, architectural features such as attached canopies or eaves, chimneys, balconies or stairways may not project more than four feet into any required yard area. Greater projections may be permitted when it is demonstrated that such additional projections are needed for solar or alternate energy purposes, subject to the approval of the ~~Director of Community Development.~~ TOWN MANAGER OR DESIGNEE.
- D. In any commercial zone, detached canopies shall be considered accessory structures and shall meet all of the setback requirements for main buildings. No portion of the canopy shall extend into the setback areas. Canopies may be located in front of the main building outside the required front and street-side landscape areas.
- E. The use of mobile homes, semi-trailers, railroad cars, shipping containers, travel trailers, camper shells, or similar units as accessory structures is prohibited. Metal storage containers may be permitted, refer to Section 14.7.
- F. For the purpose of this Section, swimming pools shall be considered to be a detached structure. Swimming pools including all accessory or appurtenant structures and equipment shall maintain a minimum setback of five feet from all property lines and buildings. As a precaution against unauthorized use, swimming pools shall be enclosed by a wall or fence not less than 5 feet in height ~~to the specifications of the Department of Community Development~~ IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN.

### Section 11.6: Walls and Fences: Commercial Zones

- A. In any required front or street side yard area, an opaque or solid wall or fence shall not exceed three (3) feet in height. Non-opaque fences, which are at least 50% transparent, may be established in any required front or street side yard area to a maximum height of six (6) feet.
- B. A wall or solid fence not more than six feet in height, as measured from the highest adjacent grade, may be maintained along the interior side or rear lot lines provided that such wall or fence does not extend into a required front or street side yard. Extensions of walls or solid fences into required front or street side yards may not exceed three (3) feet in height. Stacking firewood along a property line shall be considered a wall or fence and must meet height limits.
- C. Walls or fences exceeding six feet in height may be permitted only through the variance procedure set forth in Section 20 and subject to the granting of a building permit.

D. A wall or fence adjacent to a driveway providing vehicular access to an abutting lot shall not exceed three (3) feet in height within fifteen (15) feet of the intersection of said driveway and the street right-of-way so as not to obstruct visibility.

E. The provisions of this Section shall not apply to a wall or fence required by any law or regulation of the State of Arizona or any agency thereof.

F. Barbed wire, electrical fences, glass or other similar hazardous objects on top of walls and fences in commercial zones may be permitted subject to the approval of the ~~Director of Community Development~~ TOWN MANAGER, HIS/HER DESIGNEE or the Planning and Zoning Commission.

G. Tires may not be used to construct walls, unless they are fully encapsulated so as to prevent the accumulation of water inside the tires, and subject to the granting of a building permit.

## SECTION 12: INDUSTRIAL ZONES

### Section 12.0: Purposes

In addition to the objectives outlined in Section 1 (Purposes and Scope), the Industrial Zones are included in the Zoning Regulations to achieve the following purposes:

- A. To provide appropriately located areas for industrial uses and protect these areas from intrusion by dwellings and other inharmonious uses.
- B. To protect residential, commercial and nuisance-free, non-hazardous industrial uses from noise, odor, dust, smoke, truck traffic and other objectionable influences and from fire, explosion, radiation and other hazards incidental to certain industrial uses.
- C. To provide sufficient open space around industrial structures to protect them from hazard and to minimize the impact of industrial plants on nearby residential or commercial zones.
- D. To minimize traffic congestion and to avoid the overloading of utilities by restricting the construction of buildings of excessive size in relation to the amount of land around them.

### MP-20,000 - Industrial Park Zone

This zone is intended for modern industrial and research developments and administrative facilities that can meet high performance and development standards

### M-1-10,000 - Light Industrial Zone

This zone is intended for light industrial and limited service commercial uses that can meet high performance standards but that frequently do not meet site development standards appropriate to planned research and development of industrial parks.

### M-2-6,000 - Heavy Industrial Zone

This zone is intended for heavy industrial uses in those urban areas of the County TOWN which are designated for general industrial uses on the General TUSAYAN AREA Plan.

### Section 12.1: Permitted and Conditional Uses: Industrial Zones

The following uses shall be permitted where the symbol "P" appears and shall be permitted uses subject to a conditional use permit where the symbol "C" appears in the column beneath each zone designation. All uses not listed are prohibited. For uses similar to those listed, see Section 20.1.

A. Manufacturing Uses

MP-20,000 M-1-10,000 M-2-6,000

|  |   |   |   |
|--|---|---|---|
| 1. Electronics: electrical and related parts; electrical appliances, motors and devices; radio; television and phonograph  | P | P | P |
| 2. Instruments: scientific and precision; medical and dental; timing and measuring   | P | P | P |
| 3. Office and related machinery: audio machinery; computers, electrical and manual; visual and reproductive machinery  | P | P | P |
| 4. Pharmaceuticals: cosmetics, drugs, perfumes, toiletries and soap (not including refining or rendering of oils or fats)  | P | P | P |
| 5. Laboratories: dental, medical, electrical, optical and mechanical   | P | P | P |
| 6. Bottling plants   | P | P | P |
| 7. Borrow pits   | - | C | C |
| 8. Cement products manufacturing   | - | C | C |
| 9. Food and dairy products processing and manufacturing including frozen foods   | - | C | C |
| 10. Furniture manufacturing and upholstering   | P | P | P |
| 11. Manufacturing and maintenance of electrical and other signs  | P | P | P |
| 12. Machine shop   | C | C | P |
| 13. Manufacture of novelty items, not including fireworks or other explosive-type items  | P | P | P |
| 14. Manufacturing of fireworks or other explosive-type items   | - | - | C |
| 15. Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared typical materials: Canvas, cellophane, cloth, cork, felt, fiber, fur, glass, leather, paper (no milling), precious or semi-precious stones or metals, non-ferrous metals, plaster, plastics, shells, textiles, tobacco, wood and yarns | P | P | P |
| 16. Mineral extraction operations  | - | C | C |
| 17. Oil pumping, distributing, or storage facility   | C | C | C |
| 18. Packing houses   | - | C | P |
| 19. Refining or rendering of oils or fats  | - | - | C |
| 20. Rubber and metal stamp manufacturing   | P | P | P |
| 21. Rubber products manufacturing  | - | C | C |
| 22. Stone quarries, gravel pits, mines and stone mills   | - | C | C |

B. Wholesale and Warehousing

MP-20,000 M-1-10,000 M-2-6,000

|  |   |   |   |
|--|---|---|---|
| 1. Wholesale uses and distribution centers | C | P | P |
| 2. Warehousing operations                  | P | P | P |
| 3. Mini- or self-serve warehouse uses      | P | P | P |

C. Services

MP-20,000 M-1-10,000 M-2-6,000

|   |   |   |   |
|---|---|---|---|
| 1. Airports and heliports   | C | C | C |
| 2. Animal shelter or hospital   | C | P | P |
| 3. Automobile, truck and tractor repair and painting  | - | P | P |
| 4. Automobile wrecking yards  | - | - | C |
| 5. Automotive sales and services, including rental agencies   | C | P | P |
| 6. Blacksmith operations  | - | P | P |
| 7. Blueprinting and photocopying  | P | P | P |
| 8. Boat, camper and recreational vehicle sales and service  | C | P | P |
| 9. Business, professional and research offices  | P | P | P |
| 10. Cleaning and dyeing plants  | - | C | C |
| 11. Commercial sales establishments dealing principally with industrial customers such as heavy construction and earth-moving equipment, machines, presses, forges, material sales and related uses | - | C | P |
| 12. Contractor's yards  | - | C | P |
| 13. Equipment rental yards  | - | C | P |
| 14. Food locker facilities  | - | P | P |
| 15. Fuel sales  | - | C | C |
| 16. Junk yards  | - | - | C |
| 17. Kennels and stables   | - | C | P |
| 18. Lumber and building material yards  | - | C | P |
| 19. Newspaper publishing  | P | P | P |
| 20. Plumbing shops  | - | P | P |
| 21. Printing and lithography  | P | P | P |
| 22. Restaurants   | C | C | C |
| 23. Rock, sand and gravel yards   | - | C | C |
| 24. Service stations  | C | C | C |
| 25. Tire retreading and recapping   | - | C | C |
| 26. Trucking yards and truck stops  | - | C | C |
| 27. Solid waste hauler's yard   | - | C | C |
| 28. Wireless Telecommunications Facilities subject to the provisions of Section 14.5  | C | C | C |

D. Public and Semi-Public Uses

MP-20,000 M-1-10,000 M-2-6,000

|   |   |   |   |
|---|---|---|---|
| 1. Sanitary landfill operations   | - | - | C |
| 2. Post offices and postal terminals  | C | C | C |
| 3. Public utility pumping stations, electrical generating stations and substations, equipment buildings and installations | C | C | C |
| 4. Public utility service yards   | - | C | C |

E. Agricultural and Related Uses

MP-20,000 M-1-10,000 M-2-6,000

|   |   |   |   |
|---|---|---|---|
| 1. Agricultural and horticultural uses including the sale of products raised on the premises                | P | P | P |
| 2. Commercial fertilizer operations   | - | C | C |
| 3. Domestic animal ranch or farming operations  | P | P | P |
| 4. Lumber mills and processing plants   | - | C | P |
| 5. Medical marijuana off-site cultivation and infusion facilities subject to the provisions of Section 14.9 | - | P | P |

F. Accessory Uses

MP-20,000 M-1-10,000 M-2-6,000

|   |   |                  |   |
|---|---|------------------|---|
| 1. Accessory uses and structures located on the same site as a permitted or conditional use                                 | P | P                | P |
| 2. Incidental services for employees on a site occupied by a permitted or conditional use                                   | P | P                | P |
| 3. Watchman's or caretaker's living quarters only when incidental to and on the same site as a permitted or conditional use | P | P                | P |
| 4. Metal Storage Containers   |   | See Section 14.7 |   |

G. Temporary Uses

MP-20,000 M-1-10,000 M-2-6,000

|  |   |   |   |
|--|---|---|---|
| Temporary uses as prescribed in Section 14.1 | P | P | P |
|--|---|---|---|

H. Other Uses

Other uses as may be determined by resolution of the Planning and Zoning Commission to be consistent with the purposes outlined in Section 12.0 and similar to and no more detrimental than existing permitted or conditional uses in any industrial zone. Such other uses shall meet the performance standards outlined in Section 12.3.

Section 12.2: Property Development Standards: Industrial Zones

The following property development standards shall apply to all land and buildings permitted in their respective industrial zones, except that, any lot for which a bona fide deed was duly recorded in conformance with the zoning in effect prior to the date of adoption of this Ordinance, may be used as a building site. For access purposes each building site shall have a minimum 30 foot wide easement or right-of-way. A turnaround with a minimum radius of 25 feet shall be provided at the end of each easement over 150 feet in length. No fences or other obstructions shall be placed in the easement area except with written permission of all other property owners served by the easement. For any parcel of land created after January 3, 1995, an access road to the parcel must be provided prior to the delivery of any combustible building materials. Said access road must be constructed to the standards found in Ordinance Number 95-1, the Ordinance for Road Standards. AN ALL WEATHER STANDARD.

A. Special Requirements

When any industrial zone abuts or is situated across the street from property in any agricultural-residential or residential zone, a minimum building setback of 50 feet shall be required from such residential zone; provided, however, that the 20 feet of said setback nearest the street or zone boundary line shall be landscaped and the remainder may be used for off-street parking purposes as provided in Section 15. A three foot high wall or berm shall be constructed in back of the landscaped area along street setbacks; along all other lot lines adjacent to residential zones, a six foot high wall as measured from the highest adjacent grade and screen landscaping shall be erected and maintained.

B. General Requirements: The following requirements are minimum unless otherwise noted.

|                                   | <u>MP-20,000</u> | <u>M-1-10,000</u> | <u>M-2-6,000</u> |
|-----------------------------------|------------------|-------------------|------------------|
| 1. Building site, in square feet  | 20,000           | 10,000            | 6,000            |
| 2. Lot width, in feet             | 100              | 100               | 60               |
| 3. Lot depth, in feet             | 150              | 100               | 100              |
| 4. Front yard, in feet            | 20               | 10                | 10               |
| 5. Side yard, in feet             | 15               | --                | --               |
| 6. Side yard-street side, in feet | 20               | 10                | 10               |
| 7. Rear yard, in feet             | 20               | --                | --               |
| 8. Lot coverage, maximum          | 60%              | 60%               | --               |
| 9. Building height, in feet       | 40               | 50 40             | 50 40            |
| 10. Off-street parking            |                  | See Section 15    |                  |

Section 12.3: Performance Standards: Industrial Zones

A. In all industrial zones, required front and street side yards shall be landscaped to a depth of not less than ten feet. Remaining front and street side yard areas or setbacks may be used for required off-street parking.

B. All required landscaping shall be permanently maintained in a neat and orderly condition.

C. Trash receptacles enclosed with solid masonry walls and with gates shall be provided for each industrial use. Said receptacles shall be set back a minimum of 20 feet from any G, AR, RR, RS or RM Zone boundary and shall be maintained in a neat and sanitary condition in order to safeguard the health, safety and general welfare of adjacent properties, subject to the approval of the ~~Director of Community Development.~~ TOWN MANAGER OR DESIGNEE.

D. All mechanical equipment, including heating and air conditioning units, and trash receptacle areas shall be completely screened from surrounding properties by use of a wall or fence or shall be enclosed within a building. Facilities for the operation of solar or other alternate energy systems may be exempted from this requirement subject to the approval of the ~~Director of Community Development.~~ TOWN MANAGER OR DESIGNEE.

E. Electrical Disturbance, Heat and Cold, Glare. No use except a temporary construction operation shall be permitted which creates changes in temperature or direct glare, detectable by the human senses without the aid of instruments, beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site.

F. Fire and Explosion Hazards. All storage of and activities involving inflammable and explosive materials shall be provided with adequate safety and fire fighting devices to the specifications of the ~~County Safety Director.~~ TUSAYAN FIRE DISTRICT. All incineration is prohibited.

G. Odor. No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the site.

H. Radioactivity. In all industrial zones, the use of radioactive materials shall be limited to measuring, gauging and calibration devices.

I. Vibration. No use except a temporary construction operation shall be permitted which generates inherent and recurrent ground vibration perceptible, without instruments, at the boundary of the lot in which the use is located.

J. Outdoor Storage Areas shall be entirely fenced with a material not less than six feet in height. Those areas visible from a public street shall be adequately screened by masonry walls or a substitute acceptable to the ~~Director of Community Development.~~ TOWN MANAGER OR DESIGNEE.

K. Noise shall not be generated by any use to the point of disturbing the peace, quiet and comfort of neighboring residences or businesses.

L. Hazardous and Non-Hazardous Waste Materials. No hazardous material shall be disposed on the premises. All such materials shall be transported to a landfill site officially designated by the State of Arizona for hazardous materials disposal. Only non-hazardous materials produced on the premises may be disposed of on the premises, provided that such disposal be contained in a manner so as to prevent entry of such materials into the surface water system.

M. Solid Waste Disposal. All solid waste generated by an industrial use which is not disposed on-site shall be transported to a County landfill site for proper disposition.

N. Solar and Alternate Energy Systems. Apparatus needed for the operation of active or passive solar energy systems or other alternate energy systems, including but not limited to, overhangs, movable insulating walls and roofs, attached or detached solar collectors, reflectors and piping may be permitted for any use subject to the approval and specifications of the ~~Director of Community Development.~~ TOWN MANAGER OR DESIGNEE.

O. Lighting.

1. All outdoor lighting and aerial mounted floodlighting shall be shielded from above in such a manner that the bottom edge of the shield shall be below the light source.
2. All lighting sources shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the light source.
3. The operation of searchlights or similar lighting sources for advertising, display or any other commercial purpose is prohibited.
4. Ground mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise.

P. Conformance Testing. Whenever there is a question of conformance with the performance standards of this Section, the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE shall require the property owner or operator to engage the services of a certified testing firm. Copies of all such tests shall be furnished to the ~~Director.~~ TOWN MANAGER OR DESIGNEE.

Q. A building permit, as required by the Building Code, shall be obtained prior to the construction, reconstruction, alteration or change in use of any building or other structure.

R. The outdoor storage of any items, including but not limited to items for sale, unlicensed and/or inoperable vehicles, travel trailers, boats, or secondhand materials is prohibited, unless a conditional use permit is approved by the Planning and Zoning Commission for said outdoor storage.

Section 12.4: Signs: Industrial Zones

No sign or outdoor advertising structure shall be permitted in any Industrial Zone except as provided in Section 16.

Section 12.5: Accessory Structures: Industrial Zones

A. In any Industrial Zone, accessory structures shall not be located in front of the main building.

B. In any Industrial Zone, accessory structures shall meet all of the setback requirements for main buildings.

C. In any Industrial Zone, architectural features, canopies, eaves, or stairways may project not more than one-half the width of the required setback. Greater projections may be permitted when it is demonstrated that such additional projections are needed for solar or alternate energy purposes, subject to the approval of the ~~Director of Community Development.~~ TOWN MANAGER OR DESIGNEE.

D. In any Industrial Zone, accessory structures used for the selling of agricultural products shall be subject to the review and approval of the ~~Director of Community Development~~. TOWN MANAGER OR DESIGNEE.

E. Metal storage containers may be permitted, refer to Section 14.7.

#### Section 12.6: Walls and Fences: Industrial Zones

A. In any required front or street side yard area, an opaque or solid wall or fence shall not exceed three feet in height. Non-opaque fences, which are at least 50% transparent, may be established in any required front or street side yard area to a maximum height of six feet.

B. A wall or solid fence not more than six feet in height, as measured from the highest adjacent grade, may be maintained along the interior side or rear lot lines provided that such wall or fence does not extend into a required front or street side yard. Extensions of walls or solid fences into required front or street side yards may not exceed three (3) feet in height. Stacking firewood along a property line shall be considered a wall or fence and must meet height limits.

C. Walls or fences exceeding six feet in height may be permitted only through the variance procedure set forth in Section 20 and subject to the granting of a building permit.

D. A wall or fence adjacent to a driveway providing vehicular access to an abutting lot shall not exceed three feet in height within 15 feet of the intersection of said driveway and the street right-of-way.

E. The provisions of this section shall not apply to a wall or fence required by any law or regulation of the State of Arizona or any agency thereof.

F. Barbed wire, electrical fences, broken glass or other similar hazardous objects on top of walls and fences in Industrial Zones may be permitted subject to the approval of the ~~Director of Community Development~~. TOWN MANAGER OR DESIGNEE.

G. Tires may not be used to construct walls, unless they are fully encapsulated so as to prevent the accumulation of water inside the tires, and subject to the granting of a building permit.

SECTION 13: SPECIAL PURPOSE ZONES

Section 13.0 – Purposes

Because of their special or unique characteristics and the need to implement specific sections of the General TUSAYAN AREA Plan, the following Special Purpose Zones are established:

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Section 13.1: MHP -- Manufactured Home Park Zone

Section 13.1-1: Purpose

The MHP, Manufactured Home Park Zone, is intended for the exclusive development of manufactured home parks. All manufactured home parks hereinafter shall be developed in accordance with the provisions of this Section.

Section 13.1-2: Property Development Standards -- MHP Zone

The following regulations shall apply to the site of a manufactured home park. Additional regulations may be specified as conditions of approval of Design Review by the Planning Commission or as conditions of approval for the establishment of an MHP Zone:

- Minimum frontage: 200 feet, continuous frontage
- Density, maximum: 10 units per acre
- Minimum yards: 20 feet adjoining a street; 15 feet adjoining an interior lot line
- Recreation area: Minimum of 250 square feet of recreation area for each manufactured home space. This requirement shall be increased to 300 square feet per manufactured home space if children under the age of 18 are permitted within the development

Section 13.1-3: Screening and Landscaping -- MHP Zone

Screening shall be provided around the entire site of a manufactured home park except that, where a required yard adjoins a street, screening shall be located at the rear of the required yard. Required yards shall be landscaped and said landscaping shall consist predominantly of plant materials except for necessary walks, drives and fences. All required landscaping shall be permanently maintained in a neat and orderly condition.

Section 13.1-4: Permitted and Conditional Uses -- MHP Zone

The following uses shall be permitted where the symbol "P" appears and shall be permitted uses subject to a conditional use permit where the symbol "C" appears in the column to the right. All uses not listed are prohibited. For uses similar to those listed, see Section 20.1.

A. Residential Uses

MHP Zone

- |                      |                      |
|----------------------|----------------------|
| 1. Manufactured Home | P                    |
| 2. Mobile Home       | See Section 13.1-6.M |
| 3. Modular Home      | P                    |
| 4. PARK MODEL        | P                    |

B. Public and Semi-Public Uses

- |                 |   |
|-----------------|---|
| 1. Pre-schools. | C |
|-----------------|---|

- |   |   |
|---|---|
| 2. Group homes.   | C |
| 3. Churches, convents, and other religious institutions.  | C |
| 4. Schools, educational institutions, public or private.  | C |
| 5. Public parks and recreational facilities.  | C |
| 6. Public utility and public service substations, reservoirs, water storage tanks, pumping plants, or similar installations (not including public utility offices). | C |
| 7. Day care centers   | P |

C. Home Occupations

MHP Zone

- |   |   |
|---|---|
| Home occupations subject to provisions of Section 14.2. | P |
|---|---|

D. Accessory Uses

- |   |   |
|---|---|
| 1. Accessory uses and structures located on the same site as a permitted use.   | P |
| 2. Accessory uses and structures located on the same site as a conditional use. | C |

E. Temporary Uses

- |  |   |
|--|---|
| 1. Temporary uses as per Section 14.1. | P |
| 2. Model homes and sales offices.      | C |

Section 13.1-5: General Requirements

The following are minimum unless otherwise noted:

- |  |          |
|--|----------|
| 1. Dwelling units per lot, parcel, or manufactured home space, maximum | 1        |
| 2. Lot or space size in square feet (parks and rental spaces)          | 4000     |
| (subdivided lots)  | 5000     |
| 3. Subdivided lot minimum width  | 50 feet  |
| minimum depth  | 100 feet |
| 4. Front yard  | 10 feet  |
| 5. Side yard - Interior  | 5 feet   |
| Street   | 10 feet  |
| 6. Rear yard   | 10 feet  |
| 7. Lot coverage, maximum   | 40%      |
| 8. Maximum height  | 20 feet  |
| 9. Off-street parking spaces   | 2 spaces |
| 10. Distance between buildings   | 10 feet  |

WHERE A PROPERTY IS ADJACENT TO THE NATIONAL FOREST, THE REQUIRED SIDE OR REAR YARD MINIMUM SETBACK SHALL BE 80% OF THE SETBACK SHOWN ABOVE, EXCEPT THAT IN NO CASE SHALL THE SETBACK BE LESS THAN FIVE (5) FEET.

### Section 13.1-6: Interior Site Development Standards -- MHP Zone

The following requirements shall apply to development of manufactured home spaces and to facilities within a manufactured home park. Additional requirements may be specified as conditions of Design Review or as conditions of approval for the establishment of an MHP Zone:

- A. Manufactured Home Space. Each space shall contain a minimum of 4,000 square feet for exclusive use by the occupants of the space. Each space shall have at least 40 feet of width adjoining an access drive. Each space shall have dimensions capable of accommodating a rectangle with minimum dimensions of 45 feet by 65 feet.
- B. Manufactured Home Placement. Each manufactured home shall be located not less than 5 feet from the boundary of a manufactured home space, except that carports, patio covers, storage buildings, and similar structures accessory to a manufactured home may be located not less than 4 feet from the boundary of a manufactured home space.
- C. Access Drives. All manufactured home access drives within a manufactured home park shall be privately owned, and shall have at least 28 feet of pavement width, exclusive of adjoining parking areas, and shall be constructed to ~~County~~ TOWN standards.
- D. Sidewalks. Sidewalks at least 5 feet in width shall be provided to serve each manufactured home space and to serve all central or common facilities within the manufactured home park. Sidewalks need not adjoin access drives.
- E. Landscaping. Not less than 20 percent of each manufactured home space shall be landscaped, including at least one tree (minimum 5 gallon size) on each space. CREDIT WILL BE GIVEN FOR EXISTING LANDSCAPING.
- F. Minimum Size Manufactured Home. The minimum size for a manufactured home established within a manufactured home park shall be ~~12 feet by 50 feet~~; 400 SQUARE FEET.
- G. Accessory Buildings and Uses. Accessory buildings and uses serving the entire manufactured home park, including recreation facilities, laundry areas, manufactured home park offices, and maintenance or storage buildings, shall be located at least 50 feet from the boundary of the manufactured home park site. All exterior maintenance or storage areas shall be enclosed by a 6 foot high masonry wall.
- H. Parking. Two on-site parking spaces shall be provided for each manufactured home space.
- I. Guest Parking. Guest parking or recreational vehicle storage areas shall be provided as required by the Commission.
- J. Skirting. Skirting shall be required for each manufactured home, which skirting shall be complimentary to the design and coloration of the manufactured home.

K. Building Permits. A building permit shall be required for the establishment of a manufactured home OR PARK MODEL within a manufactured home park.

L. Cabanas. A cabana may be attached to a manufactured home providing the cabana shall be complimentary to the design and coloration of the manufactured home.

1. A cabana is a portable and demountable room or enclosure: This shall be interpreted to mean that such additions shall be constructed on only pier type foundations.

2. A cabana is used in conjunction with a manufactured home: This shall be interpreted to mean that the interior square footage of the cabana shall not exceed that of the manufactured home it is attached to; and that the cabana shall be directly attached to the manufactured home so as to provide interior access. Maximum height of the addition shall not exceed fifteen (15) feet.

3. A cabana is a room, enclosure or other building: This shall be interpreted to mean that stick-built type of additions constructed on-site shall be in conformance with the applicable Uniform Building Codes as it pertains to other conventional structures built in Coconino County. THE TOWN.

~~M. Mobile Homes. The establishment of a pre-HUD mobile home may be permitted subject to the rehabilitation of that unit in accordance with the Arizona Office of Manufactured Housing administrative rules and subject to an insignia of approval having been placed by the state on the home. Mobile homes shall not be relocated and placed on-site prior to renovation and rehabilitation as provided for in this Ordinance.~~

#### Section 13.1-7: Performance Standards

A. Air conditioners, heating, cooling, ventilating equipment, swimming pool pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace, quiet, and comfort of neighboring residents. Facilities for the operation of alternate energy systems shall be exempted from the screening requirements when such screening will clearly restrict the efficient operation of such systems.

B. Required front and street side yards shall be landscaped except for necessary walks, drives and fences. Said required front and street side yards shall not be used for the parking or storage of any motor vehicle or vehicle accessory such as camper shells, trailers, motor bikes, or other wheeled accessory or convenience, except that operable motor vehicles may be parked upon the driveway or access way to the garage or carport. One motor vehicle or travel trailer for sale may be parked on or adjacent to the driveway but not elsewhere in the front or street side setback areas.

C. All required landscaping shall be permanently maintained in a neat and orderly condition.

D. A maximum area of 200 square feet may be used on any one lot or manufactured home space for the outdoor storage of any used or secondhand materials, including but not limited to lumber, inoperable or unlicensed vehicles, auto parts, household appliances, pipe, drums, machinery or furniture, unlicensed travel trailers or utility trailers; provided, however, that such outdoor storage shall be located to the rear of the main dwelling and screened from surrounding properties and streets by a wall, non-transparent fence, landscaping or structure. Any wall or fencing shall not exceed six (6) feet in height. Stored secondhand materials, vehicles, vehicle parts, etc., shall not be stacked so as to be visible above the required screening, or more than six (6) feet high. All permitted screened outdoor storage areas shall meet the minimum required building setbacks as prescribed by this Section. The provisions of this paragraph shall not be so construed as to restrict the storage of firewood maintained for fuel purposes and use by the occupant of the premises.

E. The overnight parking of heavy commercial vehicles, including but not limited to semi-tractors, semi-trailers, dump trucks, equipment trailers, backhoes, etc., is prohibited in the Manufactured Home Park Zone.

F. Where public or semi-public uses are established, a masonry wall, or solid wood fence six feet in height as measured from the highest adjacent grade and screen landscaping shall be erected and maintained between such uses and adjacent residential uses on properties.

G. Apparatus needed for the operation of active or passive solar energy systems or other alternative energy systems, including but not limited to, overhangs, movable insulating walls and roofs, attached or detached solar collectors, reflectors and piping shall be permitted for any use subject to the approval and specifications of the ~~Director of Community Development~~. TOWN MANAGER OR DESIGNEE.

H. In the MHP Zone, as a precaution against unauthorized use, swimming pools when located within 300 feet of a neighboring residence shall be enclosed by a wall or fence not less than 5 feet in height ~~to the specifications of the Department of Community Development~~. IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN.

I. In the MHP Zone, one recreational vehicle or travel trailer per lot or parcel may be used for temporary residency not to exceed 100 days per year provided that the lot or parcel is not already occupied by a dwelling or other residential structure. A temporary use permit shall be obtained prior to establishing said temporary residence, and the travel trailer or recreational vehicle must be removed from the parcel upon the expiration of the temporary use permit. Approval may be subject to conditions.

J. A building permit, as required by the Building Code, shall be obtained prior to the construction, reconstruction, alteration or change in use of any building or other structure.

#### Section 13.1-8: Accessory Structures - MHP Zone

A. Attached Structures. An accessory structure that is attached to a main structure shall meet all of the requirements for location of the main structure except as provided in "C" of this Section.

B. Canopies. Canopies, or roofs attached to the main building or connecting the main building with a detached accessory building, may extend into a required rear or interior side yard provided that portions of such structure extending into the yard:

1. Shall not exceed 15 feet in height nor project closer than five feet to an interior side or rear lot line;
2. Shall be entirely open on at least three sides except for necessary supporting columns; except that a roof connecting a main building and an accessory building shall be open on at least two sides.

C. Detached Structures

1. A detached structure shall meet the setback requirements of the main building for the front and street side yard areas.
2. Although not requiring a building permit, accessory structures that have a floor area of 120 square feet or less on parcels of one-half acre or smaller shall meet the front and street side setbacks but may be within six feet of the main dwelling and three feet from any interior side or rear property line. Structures that are 64 square feet or less and eight feet or less in height measured to the highest peak may have a 0 foot separation from the main dwelling and a 1 foot interior side or rear setback as long as the roof does not drain onto an adjacent property. If there is more than one shed on a property, there must be at least a six foot separation between sheds.
3. A detached accessory structure which does not exceed 15 feet in height or 600 square feet in area may be located within an interior side yard or rear yard; provided, however, that such structure shall not be located closer than five feet to an interior side or rear lot line unless said structure meets 1 hour fire wall construction as specified in the International Building Code.
4. A detached accessory structure which exceeds 15 feet in height, or 600 square feet in area, shall maintain the same minimum side and rear setbacks as required for the main dwelling.
5. A detached accessory structure (over 120 square feet) shall maintain a minimum 10 foot separation from the main structure.
6. For the purpose of administering this Section, swimming pools shall be considered to be a detached structure.
7. The use of mobile homes, semi trailers, railroad cars, shipping containers, travel trailers, camper shells or similar units as accessory structures is prohibited.
8. Bathroom facilities shall be limited to one (1) sink and one (1) toilet.

9. No kitchen facilities or wet bars shall be permitted.

D. Other Structures

1. Steps, architectural features, such as eaves, awnings, chimneys, stairways, wing walls or bay windows, may project not more than six feet into any required front, street side or rear yard area, nor into any required side yard area more than one-half (1/2) of said required side yard. Greater projections may be permitted when it is demonstrated that such additional projections are needed for solar or alternate energy purposes, subject to the approval of the ~~Director of Community Development.~~ TOWN MANAGER OR DESIGNEE.

2. Balconies, porches or decks shall not encroach or project into any required setback area.

3. For the purpose of this Section, swimming pools shall be considered to be a detached structure. Swimming pools, including all accessory or appurtenant structures and equipment, shall maintain a minimum setback of five feet from all property lines and buildings. As a precaution against unauthorized use, swimming pools shall be enclosed by a wall or fence not less than 5 feet in height to the ~~specifications of the Department of Community Development.~~ IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN.

Section 13.1-9: Walls and Fences - MHP Zone

A. In any required front or street side yard, an opaque or solid wall or fence shall not exceed three feet in height. Non-opaque, which are at least 50% transparent, fences may be established in any required front or street side yard to a maximum height of six feet.

B. A wall or solid fence not more than six feet in height, as measured from the highest adjacent grade, may be maintained along the interior side or rear lot lines provided that such wall or fence does not extend into a required front or street side yard. Extensions of walls or solid fences into required front or street side yards may not exceed three (3) feet in height. Stacking firewood along a property line shall be considered a wall or fence and must meet height limits.

C. Walls or fences exceeding six feet in height may be permitted only through the variance procedure set forth in Section 20 and subject to the granting of a building permit.

D. A wall or fence adjacent to a driveway providing vehicular access to an abutting lot shall not exceed three feet in height within fifteen feet of the intersection of said driveway and the street right-of-way so as not to obstruct visibility.

E. The provisions of this Section shall not apply to a wall or fence required by any law or regulation of the State of Arizona or any agency thereof.

F. Tires may not be used to construct walls, unless they are fully encapsulated so as to prevent the accumulation of water inside the tires, and subject to the granting of a building permit.

#### Section 13.1-10: Pre-Application Procedure--MHP Zone

Prior to submitting an application for a Manufactured Home Park, the applicant or prospective developer should hold preliminary consultations with the ~~Department of Community Development~~ TOWN STAFF to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data. Such preliminary consultations should be relative to a general plan which expresses the concepts to be embodied in the proposed development.

#### Section 13.1-11: Application Requirements--MHP Zone

An application for the establishment of a manufactured home park zone must be accompanied with a general development plan showing the location, design and configuration of each manufactured home space and all accessory buildings and uses. The development plan shall also show the location and design of the following:

- A. Access drives, sidewalks, and parking spaces;
- B. Walls and fences;
- C. Lighting;
- D. Drainage and sanitary sewer facilities;
- E. Electrical and water service;
- F. Fire protection facilities;
- G. Refuse collection facilities;
- H. Landscape plan

Water and drainage reports prepared by a registered professional engineer shall be submitted with the application. A report on the proposed wastewater system prepared by a registered sanitary engineer shall also be submitted (MAY BE WAIVED BASED ON A COMMITMENT FROM AN APPROVED WASTEWATER TREATMENT PROVIDER).

#### Section 13.1-12: Adoption of Development Plans and Maps--MHP Zone

Prior to the development of the Manufactured Home Park the development plans and maps submitted with the application for a Manufactured Home Park shall be approved and adopted by the ~~Board of Supervisors~~. TOWN COUNCIL.

#### Section 13.1-13: Amendments to the Development Plan--MHP Zone

All development within the MHP Zone shall comply substantially with the development plans as approved and adopted by the ~~Board of Supervisors~~. TOWN COUNCIL. Any amendments to the development plans shall be accomplished in the same manner as an amendment to the zoning regulations as prescribed in Section 20.4.

Section 13.1-14: Pre-Existing Manufactured Home Parks--MHP Zone

A pre-existing manufactured home park shall not be deemed nonconforming by reason of failure to meet the minimum requirements prescribed by this Section, provided that the regulations of this Section shall apply to the remodeling, enlargement or expansion of an existing manufactured home park.

Section 13.1-15: Signs--MHP Zone

No sign or outdoor advertising structure shall be permitted in any MHP Zone except as provided in Section 16.

Section 13.1-16: Manufactured Home Park Subdivision

The division of land for the establishment of a manufactured home subdivision shall comply with all of the requirements of this Section and the County TOWN Subdivision Ordinance.

Section 13.2: PRD--Planned Residential Development

Section 13.2-1: Purposes

A. Planned residential development regulations are intended to facilitate development of areas designated for residential use ~~on the General~~ BY THE TUSAYAN AREA Plan by permitting greater flexibility and, consequently, more creative and imaginative designs for the development of such residential areas than generally is possible under conventional zoning and subdivision regulations.

B. These regulations are further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities, and preservation of natural and scenic qualities of open spaces.

Section 13.2-2: Uses Permitted--PRD Zone

A. Planned residential developments.

B. Parks, playgrounds, riding and hiking trails, recreational buildings, structures and facilities; clubhouses, community centers and similar uses; provided, all such uses are designed for and limited to use by residents of the planned development and their guests.

C. Public utility installations.

D. Accessory uses and structures incidental to permitted uses.

E. Temporary uses as prescribed in Section 14.1.

F. Model home and subdivision sales offices subject to the granting of a conditional use permit.

G. Guest houses and accessory living quarters shall be permitted subject to the provisions of Section 10.1.I.E.3.

H. Day care centers.

I. Keeping of horses and other farm-type animals shall be permitted subject to the provisions of Sections 10.1.I.B.3 and 10.2.A.5.

J. Home occupations subject to the provisions of Section 14.2.

K. Cottage industries subject to the granting of a conditional use permit and the provisions of Section 14.3.

L. Wireless Telecommunications Facilities subject to the provisions of Section 14.5.

Section 13.2-3: Property Development Standards -- PRD Zone

The following development requirements shall apply to all planned residential developments:

A. The planned residential development shall be designed and developed in a manner compatible with and complimentary to existing and potential residential development in the immediate vicinity of the project site. Site planning on the perimeter shall provide for the protection of the property from adverse surrounding influences, as well as protection of the surrounding areas from potentially adverse influences within the development.

B. There shall be no minimum area requirement for individual lots or individual dwelling sites in a planned residential development.

C. The maximum number of dwelling units permitted in a planned residential development shall be determined by dividing the total land area within the boundaries of the proposed development by the density restrictions designated on the General Plan or specific plan or by the density restrictions of BY the existing zone classification or by the action of the Board of Supervisors.  
TOWN COUNCIL.

D. The following specific site development requirements shall apply to a PRD in any zone; these requirements are minimum unless otherwise noted:

|  |     |
|--|-----|
| 1. Site area, in acres                     | 10  |
| 2. Site frontage on public street, in feet | 200 |
| 3. Front yard, in feet                     | 25  |
| 4. Side yard, interior, in feet            | 20  |
| 5. Side yard, street side, in feet         | 25  |

|  |       |
|--|-------|
| 6. Rear yard, in feet                        | 20    |
| 7. Building height, maximum, in feet         | 35    |
| 8. Site coverage, maximum                    | 40%   |
| 9. Dwelling unit size, square feet           | 1,150 |
| 10. Parking spaces per unit, covered         | 1     |
| 11. Guest parking spaces per unit, uncovered | 1     |

WHERE A PROPERTY IS ADJACENT TO THE NATIONAL FOREST, THE REQUIRED SIDE OR REAR YARD MINIMUM SETBACK SHALL BE 80% OF THE SETBACK SHOWN IN D ABOVE, EXCEPT THAT IN NO CASE SHALL THE SETBACK BE LESS THAN FIVE (5) FEET.

E. Required open space shall comprise at least 35 percent of the total area of the planned development. Land occupied by buildings, streets, driveways or parking spaces may not be counted in satisfying this open space requirement; provided, however, that the land occupied by recreational buildings, structures or uses may be counted as required open space.

F. At least one-half of the required open space may be improved, or may be left in its natural state, particularly if natural features worthy of preservation exist on site. Open space left in its natural state shall be kept free of litter and shall at no time constitute a health, safety, fire or flood hazard. Areas devoted to natural or improved flood control channels and those areas encumbered by flowage, floodway or drainage easements may be applied toward satisfying this portion of the total open space requirement.

G. If development is to be accomplished in stages, the development plan shall coordinate improvement of the open space, the construction of buildings, structures and improvements in such open space, and the construction of dwelling units in order that each development stage achieves a proportionate share of the total open space of the total planned development.

H. All or any part of the required open space may be reserved for use in common by the residents of the planned development. Areas permanently reserved for common open space shall be reserved for the use and enjoyment of the residents in a manner which makes the County TOWN, or a public district or public agency, a party to and entitled to enforce the reservation, subject to approval by the County TOWN Attorney. The Planning Commission may require that open space easements over the required open space be conveyed to the County TOWN.

I. No building, except as hereafter provided, shall be located closer than five feet from an interior vehicular or pedestrian way, court, plaza, open parking lot or any other surfaced area reserved for public use or for use in common by residents of the planned development. Such setback generally shall be measured from the nearest edge of the surfaced area; provided, however, that where no sidewalk exists in conjunction with a public or private street, such setback shall be measured from the nearest edge of the street right-of-way or private road easement.

J. No garage or carport having straight-in access from a public or private street shall be located closer than twenty-five feet from the nearest edge of the sidewalk of such street, or, where no sidewalk exists, from the nearest edge of the street right-of-way or road easement, unless

automatic garage door openers are provided in the case of a garage; but in no case shall a garage or carport be located closer than five feet.

K. Spacing between buildings shall be at least ten feet.

L. All public streets within or abutting the proposed planned development shall be dedicated and improved to ~~County~~ TOWN specifications for the particular classification of street. When the developer desires to retain any streets within the development as private streets, such streets shall be constructed to ~~County~~ TOWN standards and permanently reserved and maintained for their intended purpose by means acceptable to the Planning Commission and the ~~County Engineer,~~ TOWN MANAGER OR DESIGNEE. Other forms of access, such as pedestrian ways, courts, plazas, driveways or open parking lots shall not be offered for dedication.

M. Planned residential developments shall relate harmoniously to the topography of the site, shall make suitable provision for the preservation of water courses, drainage areas, wooded areas, rough terrain, and similar natural features and areas, and shall be otherwise so designed as to use and retain such natural features and amenities to the best advantage.

N. All utilities within a planned development shall be placed underground. A common central television antenna or receiver may be provided with underground cable service to all dwelling units. All other external television or radio antennas shall not be permitted; for the purposes of this Section, appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts in an underground system may be placed above ground.

O. The type, number and location of fire hydrants and other fire protective devices shall be subject to the specifications of the ~~Planning Commission,~~ TUSAYAN FIRE DISTRICT.

P. A building permit, as required by the Building Code, shall be obtained prior to the construction, reconstruction, alteration or change in use of any building or other structure.

#### Section 13.2-4: Signs--PRD Zone

No sign or outdoor advertising structure shall be permitted except as provided in Section 16 (Signs) or as prescribed on the approved development plan.

#### Section 13.2-5: Accessory Uses and Structures--PRD Zone

Accessory uses and structures shall be located as specified on the development plans as approved by the Planning Commission provided, however, that accessory structures shall meet all of the setbacks for site development as specified in Section 13.2-3.D.

#### Section 13.2-6: Pre-Application Procedure--PRD Zone

Prior to submitting an application for a planned residential development, the applicant or prospective developer should hold preliminary consultations with ~~the Department of Community~~

Development TOWN STAFF to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data. Such preliminary consultations should be relative to a general plan which expresses the concepts to be embodied in the proposed development.

Section 13.2-7: Application-Development Plans and Maps--PRD Zone

An application for a planned residential development must be for a parcel or parcels of land which is under the control of the person or corporation proposing the development. The application shall be accompanied by the following plans and maps:

A. A boundary survey map of the property; a tentative subdivision map may be substituted if the applicant proposes to subdivide the property.

B. Topography of the property and the preliminary proposed finished grade shown at contour intervals of not to exceed five feet.

C. The gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements.

D. A general development plan with at least the following details shown to scale and dimensioned:

1. Location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, the gross building and floor areas, approximate location of entrances and loading points thereof.
2. All streets, curb cuts, driving lanes, parking areas, loading areas, public transportation points, and illumination facilities for the same.
3. All pedestrian walks, malls and open areas for the use of occupants and members of the public.
4. Location and height of all walls, fences and screen planting, including a plan for the landscaping of the development and the method by which such landscaping is to be accomplished.
5. Types of surfacing, such as paving, turfing or gravel to be used at the various locations.
6. A preliminary grading plan of the area.
7. A preliminary report and overall plan describing proposed provisions for storm drainage, sewage disposal, water supply and such other public improvements and utilities as the ~~County Engineer~~ TOWN may require.

E. Plans and elevations of buildings and structures sufficient to indicate the architectural style and construction standards.

F. The proposed means for assuring continuing existence, maintenance and operation of the various common elements and facilities. If a community association or similar governing structure is to be established, a copy of the covenants, conditions and restrictions (CC & R's) shall be made a part of the record. If the ~~Board of Supervisors~~ TOWN COUNCIL deems it necessary, upon advice of the ~~County~~ TOWN Attorney, the ~~County of Coconino~~ TOWN shall be a party to such CC & R's in order to ensure their continuance and enforceability.

G. Such other information as may be required by the ~~Director of Community Development~~ TOWN STAFF to permit complete analysis and appraisal of the planned development.

#### Section 13.2-8: Adoption of Development Plans and Maps--PRD Zone

The development plans and maps submitted with the application for a planned residential development shall be approved and adopted by the ~~Board of Supervisors~~ TOWN COUNCIL and included in the Ordinance establishing the PRD Zone.

#### Section 13.2-9: Amendments to the Development Plans--PRD Zone

All development within the PRD Zone shall comply substantially with the development plans as approved and adopted by the ~~Board of Supervisors~~ TOWN COUNCIL. Any amendments to the development plans shall be accomplished in the same manner as an amendment to the zoning regulations as prescribed in Section 20.4.

#### Section 13.2-10: Findings

As a condition necessary for the granting of a PRD Zone request, the following findings shall be made:

1. That the development at the location proposed is consistent with and conforms to the goals, objectives and policies of the ~~General~~ TUSAYAN AREA Plan or specific plan for the area.
2. That the development and proposed location is consistent with the objectives and standards of the PRD Zone and the Subdivision Ordinance.
3. That the development at the location proposed and the development standards to be followed or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
4. That the development will promote or preserve environmental qualities and conserve energy usage and energy resources including the protection of adequate sunlight for use of solar energy systems.

5. That the development will promote any design standards established by the Commission for the community AREA in which the project is to be established.

### Section 13.3: PC--Planned Community Zone

#### Section 13.3-1: Purposes

In addition to the objectives outlined in Section 1 (Purposes and Scope), the Planned Community Zone is designed to achieve the following purposes:

- A. To provide for the classification and development of parcels of land as coordinated, comprehensive projects so as to take advantage of the superior environment which can result from large-scale community planning.
- B. To allow diversification of land uses as they relate to each other in a physical and environmental arrangement, while ensuring substantial compliance with the provisions of this Ordinance.
- C. To provide for a zone encompassing various types of land uses, such as single OR TWO family residential developments, multiple housing developments, professional and administrative office areas, commercial centers, industrial parks or any public or semi-public use or combination of uses through the adoption of a development plan and text materials which set forth land use relationships and development standards.

#### Section 13.3-2: Uses Permitted--PC Zone

- A. Those uses designated on the development plan for the particular PC Zone as approved by the ~~Board of Supervisors~~. TOWN COUNCIL. MOBILE HOMES ARE NOT PERMITTED IN A PC ZONING DISTRICT.
- B. The continuation of all land uses which existed in the zone at the time of adoption of the development plan. Existing land uses shall either be incorporated as part of the development plan or shall be terminated in accordance with a specific abatement schedule submitted and approved as part of the development plan.
- C. Public utility installations.
- D. Accessory uses and structures incidental to permitted uses.
- E. Temporary uses as prescribed in Section 14.1.
- F. Wireless Telecommunications Facilities subject to the provisions of Section 14.5.
- G. Medical Marijuana Dispensaries subject to the provisions of Section 14.9
- H. Medical marijuana Off-Site Cultivation and Infusion Facilities subject to the provisions of

Section 14.9.

Section 13.3-3: General Requirements--PC Zone

The following requirements shall apply to all PC zoned areas:

- A. An application for a zone change to permit the establishment of a PC Zone shall include and be accompanied by a development plan for the entire property.
- B. An application for a zone change to establish a PC Zone must be for a parcel or parcels of land under control of the person or corporation proposing the development.
- C. The area contained within a proposed PC Zone shall not be less than 25 10 acres.
- D. A conditional use permit may be required for any land use designation on the development plan.
- E. If ambiguity exists as to the specific dimensions or extent of any designated area on the development plan, the specific boundaries shall be set by the filing of a legal description and map of the parcel in question in conjunction with the filing of a conditional use permit, tentative subdivision, or construction permits.

Section 13.3-4: Pre-Application Procedure--PC Zone

Prior to submitting an application for a PC Zone, the applicant should hold preliminary consultations with the ~~Department of Community Development~~ TOWN STAFF to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data. Such preliminary consultations should be relative to a preliminary development plan and other material which expresses the relationship between the various land uses and the development concepts to be employed.

Section 13.3-5: Development Plan--PC Zone

The development plan of a proposed PC Zone should consist of maps, plans, reports, schedules, development standards and schematic drawings and such other documents deemed necessary by the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE in accordance with the following requirements:

- A. The development plan shall be submitted in a form approved by the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE.
- B. The development of sections or areas within the PC Zone may be permitted subject to one of the following or any combination thereof:
  - 1. The uses and requirements of any zone classifications established by this Ordinance.

2. The uses and standards of development set forth in the development plan as approved by the ~~Board of Supervisors~~. TOWN COUNCIL.

3. Approval of a conditional use permit by the Planning Commission prior to development.

4. Approval of a tentative subdivision or parcel map.

C. The development plan and any amendment thereto shall include the following:

1. The type and design of buildings or structures and the number of dwelling units per gross acre proposed for each residential area.

2. A statement of the standards of population density for the various proposed residential land uses.

3. The general location of school sites, recreational areas, and other public and semi-public sites and the approximate area of each.

4. The general location of all major, primary, secondary and local collector streets ~~coordinated with the Circulation Element of the County General Plan~~.

D. The development plan and any amendment thereto shall be accompanied by the following:

1. A general land use map setting forth the proposed uses of all sections or areas within the subject property and the approximate acreage of each.

2. An accompanying text setting forth the land use regulations which constitute the standards of development designed to govern those sections or areas specified in the development plan. Such standards shall contain definitions and information concerning requirements for building site coverage, building heights, building setbacks, off-street parking, vehicular access, signing, lighting, storage, screening and landscaping, and any other information which the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE shall require to insure substantial compliance with the purpose of the PC Zone.

3. A topographic map and conceptual grading plan of the property.

4. A preliminary report and overall plan describing proposed provisions for storm drainage, sewage disposal, water supply and such other public improvements and utilities as the ~~County Engineer~~ TOWN MANAGER OR DESIGNEE may require.

5. A written statement of standards as they relate to the allocation of land within the development plan to all proposed types of land uses.

### Section 13.3-6: Adoption of Development Plan--PC Zone

The development plan and supporting statements and documents submitted with the application for a planned community shall be approved and adopted by the ~~Board of Supervisors~~ TOWN COUNCIL and included in the Ordinance establishing the PC Zone. All development within the PC Zone shall comply with the development plan as approved and adopted by the ~~Board of Supervisors~~ TOWN COUNCIL.

### Section 13.3-7: Amendments to the Development Plan--PC Zone

Any amendments to the development plans shall be accomplished in the same manner as an amendment to the Zoning Regulations as prescribed in Section 20.4.

### Section 13.3-8: Application for Conditional Use Permit Development--PC Zone

A conditional use permit required for the development of any portion or area of a PC Zone shall be filed in accordance with Section 20.3 (Conditional Uses) and shall include the following documents and materials:

- A. A map showing the location of the project in relation to the approved development plan.
- B. A boundary survey of the property; a tentative subdivision map may be substituted if the applicant proposes to subdivide the property.
- C. A topographic map of the property and the preliminary proposed finished grade shown in contour intervals of not to exceed two (2) feet.
- D. Location, grades, widths and types of improvements proposed for all streets and general plan of water, sewer and drainage systems.
- E. Preliminary concept or design drawings indicating proposed walkways, driveways or service areas.
- F. Location and number of residential units, if any, for each proposed structure.
- G. Location and design of automobile parking areas.
- H. Preliminary landscaping concept plan.
- I. Location of public or quasi-public buildings or areas, including, but not limited to, schools, recreation facilities, parking and service areas if any.
- J. Preliminary elevations of structures and a written description indicating architectural theme or type of development.

K. Irrevocable offers to dedicate those areas shown on the plan as public property.

L. The proposed means for assuring continuing existence, maintenance, and operation of the various common elements and facilities. If a community association or similar governing structure is to be established, a copy of the covenants, conditions and restrictions (CC & R's), shall be made a part of the record. If the ~~Board of Supervisors~~ TOWN COUNCIL deems it necessary, upon advice of the ~~County~~ TOWN Attorney, the ~~County of Coconino~~ TOWN shall be a party to such CC & R's in order to ensure their continuance and enforceability.

M. Such other information as may be required by the ~~Director of Community Development~~ TOWN STAFF to enable a complete analysis and appraisal of the planned development.

#### Section 13.3-9: Building Permits – PC Zone

A building permit, as required by the Building Code, shall be obtained prior to the construction, reconstruction, alteration or change in use of any building or other structure.

#### Section 13.4: PS--Public and Semi-Public Zone

##### Section 13.4-1: Purposes

In addition to the objectives prescribed in Section 1 (Purposes and Scope), the PS--Public and Semi-Public Zone is included in the Zoning Regulations to permit adequate identification of areas reserved and developed for public uses other than street rights-of-way, to provide for expansion of their operations or change in use and to identify and preserve areas of historic and community significance for the enjoyment of future generations.

##### Section 13.4-2: Permitted and Conditional Uses--PS Zone

The following uses shall be permitted where the symbol "P" appears and shall be conditional uses where the symbol "C" appears opposite the use.

##### A. Agricultural Uses

1. Farms or ranches for orchards, tree crops, field crops, truck gardening, berry and bush crops, flower gardening, and growing of nursery plants. The sale of products raised on the premises shall be permitted. P

2. Raising and grazing of horses, sheep, goats, or cattle; provided, that no animal shall be kept on a site of less than one acre. No more than two such animals may be kept for each acre of land. P

|   |    |
|---|----|
| 3. Keeping of animals except as prescribed in A.2 of this Section; dairies and feeding lots.                      | C  |
| B. Agricultural experimental facilities.  | P  |
| C. Animal shelters.   | C  |
| D. Cemeteries, crematoriums and columbariums and related facilities.  | C  |
| E. Maintenance yards operated by a public agency.   | C  |
| F. Flood control facilities.  | C  |
| G. Historical landmarks.  | P  |
| H. Horse race tracks.   | C  |
| I. Hospitals.   | C  |
| J. Public buildings and grounds.  | CP |
| K. Public or private non-profit schools and colleges.   | C  |
| L. Public or private parks, golf courses, golf driving ranges, zoos, swim clubs, and other recreation facilities. | C  |
| M. Public utility installations   | C  |
| N. Riding academies or commercial stables.  | C  |
| O. Fairgrounds and accessory uses and entertainment.  | C  |
| P. Accessory uses and structures incidental to permitted or conditional uses.                                     | P  |
| Q. Commercial uses incidental, accessory to or in conjunction with the above permitted or conditional uses.       | P  |
| R. Wireless Telecommunications Facilities subject to the provisions of Section 14.5                               | C  |

Section 13.4-3: Property Development Standards--PS Zone

The following regulations shall apply to the site of a permitted or conditional use; these requirements are minimums unless otherwise noted:

|             |          |
|-------------|----------|
| Site area:  | One acre |
| Site width: | 160 feet |

|                   |            |
|-------------------|------------|
| Site depth:       | 160 feet   |
| Front yard:       | 30 feet    |
| Side yard:        | 25 feet    |
| Rear yard:        | 25 feet    |
| Maximum coverage: | 40 percent |

Section 13.4-4: Screening and Landscaping--PS Zone

Screening and landscaping for a conditional use shall be specified in the use permit.

Section 13.4-5: Off-Street Parking--PS Zone

Off-street parking facilities shall be provided for each use as prescribed in Section 15 (Off-Street Parking) or as specified in a conditional use permit.

Section 13.4-6: Signs--PS Zone

No sign, or outdoor advertising structure, or display of any character shall be permitted except as prescribed in Section 16 (Signs) or as authorized in a conditional use permit.

Section 13.5 OS--Open Space and Conservation Zone

Section 13.5-1: Purposes

In addition to the objectives outlined in Section 1 (Purposes and Scope), the Open Space and Conservation Zone is intended primarily for those areas of ~~the County~~ TOWN where it is desirable and necessary to provide permanent open spaces when such are necessary to safeguard the public health, safety and general welfare and to provide for the location and preservation of scenic areas and recreation areas. This zone classification is intended to be applied primarily to lands held under public ownership.

Section 13.5-2: Permitted and Conditional Uses--OS Zone

The following uses shall be permitted where the symbol "P" appears and shall be conditional uses where the symbol "C" appears opposite the use.

A. Agricultural Uses

1. Farms or ranches for orchards, tree crops, field crops, berry and bush crops, truck gardening, flower gardening and the growing of nursery plants. P
2. The retail sale of products raised on the premises. C
3. Raising of horses, sheep, goats, or cattle; provided, that no animal shall be kept on a site of less than one acre. No more than two such animals may be kept for each acre of land. P

- |  |   |
|--|---|
| 4. Keeping of animals except as prescribed in A.2 of this Section.   | C |
| B. Agricultural experimental facilities.   | P |
| C. Cemeteries, crematories, columbariums and related facilities.   | C |
| D. Flood control facilities.   | C |
| E. Forestry products and the removal thereof; not including processing plants or lumber mills.                           | P |
| F. Historical landmarks.   | P |
| G. Public or private parks, golf courses, golf driving ranges, zoos, swim clubs and other outdoor recreation facilities. | C |
| H. Public utility installation and facilities.   | C |
| I. Public or private non-commercial campgrounds and picnic areas.  | P |
| J. Accessory uses and structures incidental to permitted or conditional uses.  | P |
| K. Wireless Telecommunications Facilities subject to the provisions of Section 14.5                                      | C |

Section 13.5-3: Screening and Landscaping--OS Zone

Screening and landscaping requirements for a conditional use shall be specified in the use permit.

Section 13.5-4: Off-Street Parking--OS Zone

Off-street parking facilities shall be provided for each use as prescribed in Section 15 (Off-Street Parking) or as specified in a conditional use permit.

Section 13.5-5: Signs--OS Zone

No sign, or outdoor advertising structure or display of any character shall be permitted except as prescribed in Section 16 (Signs) or as authorized in a conditional use permit.

## Section 13.6: FPM--Floodplain Management Overlay Zone

### Section 13.6-1: Statutory Authorization, Findings of Fact, Purpose and Methods

A. Statutory Authorization: The Legislature of the State of Arizona, has in ARS § 48-3601 through 48-3627, delegated the responsibility to each County Flood Control District to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Directors of the Flood Control District of Coconino County, Arizona, do ordain as follows:

#### B. Findings of Fact:

1. The flood hazard areas of Coconino County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

C. Statement of Purpose: It is the purpose of this Ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

6. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To insure that potential buyers are notified that property is in an area of special flood hazard;
8. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
9. To maintain eligibility for disaster relief.

D. Methods of Reducing Flood Losses: In order to accomplish its purposes, this Ordinance includes methods and provisions for:

1. Restricting and prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

#### Section 13.6-2: Definitions

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

ACCESSORY USE means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

ALLUVIAL FAN FLOODING means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and, unpredictable flow paths.

APEX means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPEAL means a request for a review of the Floodplain Administrator's interpretation of any provision of this Ordinance or a request for a variance.

AREA OF SHALLOW FLOODING means a designated AO, AH, or VO Zone on the Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. These areas are designated as Zone A, AO, AH, and A1-30 on the FIRM and other areas determined by the criteria adopted by the Director of Water Resources.

BACKFILL means the placement of fill material within a specified depression, hole or excavation pit below the surrounding adjacent ground level as a means of improving flood water conveyance or to restore the land to the natural contours existing prior to excavation.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

BASEMENT means any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building supporting foundation system.

COMMUNITY means any state or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization which has authority to adopt and enforce floodplain management regulations for the area within its jurisdiction.

CRITICAL FEATURE means an integral and readily identifiable part of a flood protection system without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of materials and equipment located within the area of special flood hazard.

ENCROACHMENT means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

EROSION means the process of the gradual wearing away of land masses. This peril is not per se covered under the program. (See FLOOD-RELATED EROSION.)

EXISTING MANUFACTURED HOME PARK or SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete slabs) is completed before the effective date of the floodplain management regulations adopted by the community.

FINANCIAL ASSISTANCE means any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect federal assistance, other than general or special revenue sharing or formula grants made to States.

FLOOD or FLOODING means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of flood waters, (2) the unusual and rapid accumulation or runoff of surface waters from any source, and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

FLOOD BOUNDARY and FLOODWAY MAP (FBFM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazard and the floodway.

FLOOD HAZARD BOUNDARY MAP (FHBM) means the official map on which the Federal Emergency Management Agency of Federal Insurance Administration has delineated the areas of flood hazards.

FLOOD INSURANCE RATE MAP (FIRM) means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

FLOODPLAIN or FLOOD-PRONE AREA means any land area susceptible to being inundated by water from any source (see definition of "flood").

FLOODPLAIN ADMINISTRATOR means the Director of Community Development who is hereby authorized by the Floodplain Board to administer and enforce the provisions of this Ordinance.

FLOODPLAIN BOARD means the Board of Directors of the Flood Control District of Coconino County at such times as they are engaged in the enforcement of this Ordinance.

FLOODPLAIN MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

FLOOD PLAIN MANAGEMENT REGULATIONS means this Ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications or police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOOD PROTECTION SYSTEM means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOOD PROOFING means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOD-RELATED EROSION means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

FLOOD-RELATED EROSION AREA MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including, but not limited to, emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway".

FLOODWAY FRINGE is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

FREEBOARD means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

GOVERNING BODY is the local governing unit, i.e. county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

HARDSHIP as related to Section 13.6-9, Variances, of this Ordinance means the exceptional hardship that would result from a failure to grant the requested variance. The governing body requires that the hardship be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either;
  1. By an approved state program as determined by the Secretary of the Interior; or
  2. Directly by the Secretary of the Interior in states without approved programs.

LEVEE means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

MARKET VALUE shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

MEAN SEA LEVEL means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MUDSLIDE (i.e., mudflow) describes a condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

MUDSLIDE (i.e., MUDFLOW) AREA MANAGEMENT means the operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including, but not limited to, emergency preparedness plans, mudslide control works, and floodplain management regulations.

MUDSLIDE (i.e., MUDFLOW) PRONE AREA means an area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

NEW CONSTRUCTION means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the Flood Control District and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK or SUBDIVISION means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

OBSTRUCTION includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across, or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

ONE HUNDRED YEAR FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year (see "BASE FLOOD").

PERSON means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

PROGRAM means the National Flood Insurance Program authorized by 42 U.S.C. 4001-4128.

PROGRAM DEFICIENCY means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the NFIP standards.

RECREATIONAL VEHICLE means a vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. designed to be self-propelled or permanently towable by a light duty truck; and
- d. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOOD ELEVATION means an elevation one foot above the base flood elevation for a watercourse for which the base flood elevation has been determined and shall be as determined by the criteria developed by the director of water resources for all other watercourses.

REGULATORY FLOODWAY means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

REMEDY A VIOLATION means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provision of this Ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

REPETITIVE LOSS STRUCTURE means a structure, covered by a contract for flood insurance issued pursuant to the National Flood Insurance Act, that has incurred flood-related damage on two occasions during any 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

RIVERINE means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SHEET FLOW AREA ( see “AREA OF SHALLOW FLOODING”).

SPECIAL FLOOD HAZARD AREA means an area having special flood or flood-related erosion hazards, and shown on a FHBM or FIRM as Zone A, AO, A1-30, AE, A99 or AH.

START OF CONSTRUCTION includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure”.

VARIANCE means a grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

VIOLATION means the failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

WATERCOURSE means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

WATERCOURSE MASTER PLAN means a hydraulic plan for a watercourse that examines the cumulative impacts of existing development and future encroachment in the floodplain and future development in the watershed on potential flood damages, and establishes technical criteria for subsequent development so as to minimize potential flood damages for all flood events up to and including the one hundred-year flood.

### Section 13.6-3: General Provisions--FPM Zone

A. Lands to Which This Ordinance Applies: This ordinance shall apply to all areas of special flood hazards within the boundaries of Coconino County except those incorporated cities and town which have adopted a resolution in accordance with ARS § 48-3610.

B. Basis for Establishing the Areas of Special Flood Hazard: The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Insurance Study for Coconino County, dated November 16, 1983" with accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFM), dated November 16, 1983 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this ordinance. This Flood Insurance Study (FIS) and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas which allow implementation of this Ordinance and which are recommended to the Floodplain Board by the Floodplain Administrator. The Board, within its area of jurisdiction shall delineate (or may by rule require developers of land to delineate) for areas where development is ongoing or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the Federal Emergency Management Agency and the Director of Water Resources. The FIS, FIRMs and FBFMs are on file at the Department of Community development, 2500 N. Fort Valley Road, Flagstaff.

C. Compliance: All development of land, construction of residential, commercial or industrial structures or future development, or uses of any kind conducted on land areas located within the Floodplain Management overlay zone shall be accomplished in complete conformance with the provisions of this Section and other applicable regulations. Proposed actions which may divert, retard or obstruct flood waters or in any way threaten public health, safety or the general welfare must first be reviewed and approved by the County Engineer and may be initiated only after a finding has been made that serious detrimental impacts will not occur.

D. Abrogation and Greater Restrictions: This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation: In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. Warning and Disclaimer of Liability: The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from

flooding or flood damages. This Ordinance shall not create liability on the part of Coconino County, any officer or employee thereof, the State of Arizona, the Federal Insurance

Administration, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

G. Statutory Exemptions:

1. In accordance with ARS § 48-3609.H, regulations herein adopted for the FPM Zone shall not affect:

a. Existing legal uses of property or the right to continuation of such legal uses. However, if a nonconforming use of land, building or structure is discontinued for 12 months or destroyed to the extent of 50 percent of its value, as determined by a competent appraiser, any further use shall comply with this Ordinance and regulations of Coconino County.

b. Reasonable repair or alteration of property for the purposes for which the property was legally used on May 6, 1987, or the effective date of any regulations affecting such property, except that any alteration, addition or repair to a nonconforming building or structure which would result in increasing its flood damage potential by fifty per cent or more shall be either floodproofed or elevated to or above the regulatory flood elevation.

c. Reasonable repair of structures constructed with the written authorization required by ARS §48-3613.

d. Facilities constructed or installed pursuant to a certificate of environmental compatibility issued pursuant to Title 40, Chapter 2, Article 6.2.

2. In accordance with ARS § 48-3613, written authorization shall not be required, nor shall the Floodplain Board prohibit:

a. The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting or crossing a watercourse.

b. The construction of storage dams for watering livestock or wildlife, structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse, or dams for the conservation of flood waters as permitted by ARS Title 45, Chapter 21.

c. Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This paragraph does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in any watercourse from complying with and acquiring authorization from the Board pursuant to regulations adopted by the Board under this Section.

d. Other construction if it is determined by the Board that written authorization is unnecessary.

e. Any flood control district, county, city, town, or other political subdivision, from exercising powers granted to it under Title 48, Chapter 21, Article 1.

f. The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision.

g. The construction and erection of poles, towers, foundations, support structures, guy wires, and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.

3. Before any construction authorized by subsection 13.6-3.G.2 of this Section may begin, the responsible person must submit plans for the construction to the Floodplain Board for review and comment.

4. In addition to other penalties or remedies otherwise provided by law, this State, a political subdivision or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this Section or regulations adopted pursuant to ARS Title 45, Chapter 10, Article 4. If a person is found to be in violation of this section, the court shall require the violator to either comply with this section if authorized by the board or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation including reasonable costs and attorney fees.

#### H. Declaration of Public Nuisance:

Every new structure, building, fill, excavation or development located or maintained within any area of special flood hazard after August 8, 1973 in violation of this Ordinance is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.

#### I. Abatement of Violations:

Within 30 days of discovery of a violation of this Ordinance, the Floodplain Administrator shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to said violation. Within 30 days of receipt of this report, the Floodplain Board shall either:

1. take any necessary action to effect the abatement of such violation; or

2. issue a variance to this Ordinance in accordance with the provisions of Section 13.6-8 herein; or

3. order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator within 30 days of such order, and he shall submit an amended report to the Floodplain Board within 20 days. At their next regularly scheduled public meeting, the Floodplain Board shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions herein established; or

4. submit to the Administrator of the Federal Insurance Administration a declaration for denial of insurance, stating that the property is in violation of a cited State or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

J. Unlawful Acts:

1. It is unlawful for any person to divert, retard or obstruct the flow of waters in any watercourse whenever it creates a hazard to life or property without securing the written authorization of the Floodplain Board. Where the watercourse is a delineated floodplain, it is unlawful to excavate or build any structure affecting the flow of waters without securing written authorization of the Floodplain Board.

2. Any person violating the provisions of this Section shall be guilty of a class 2 misdemeanor.

K. Severability:

This Floodplain Management Overlay Zone and the various parts thereof are hereby declared to be severable. Should any Section of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof other than the Section so declared to be unconstitutional or invalid.

Section 13.6-4: Permitted and Conditional Uses--FPM Zone

Within the floodplain overlay zone, the following uses shall be permitted where the symbol "P" appears and shall be permitted subject to the granting of a conditional use permit where the symbol "C" appears:

A. Agricultural Uses

1. Farms or ranches for orchards, field crops, tree crops, truck gardening, berry and bush crops, flower gardening and the growing of nursery plants.

2. Raising of horses, sheep, goats, or cattle; provided that no animal shall be kept on a site of less than one acre and no more than two such animals may be kept for each acre of land. P
3. Keeping of animals other than as prescribed in A.2 of this Section. C
4. Agricultural experimental facilities. P
5. Agricultural uses wherein a building or structure is proposed within a floodplain. C
6. Agricultural uses conducted for commercial purposes. C

#### B. Other Uses

1. Flood control facilities (subject to the conditions as outlined in Section 13.6-3.E). P
2. Dredging and filling subject to the approval of the County Engineer. on federal designated waterways, such operations also shall be subject to the approval of the Army Corps of Engineers. P
3. Parking lots. P
4. Parks and open recreational facilities. P
5. All other uses permitted in the underlying zone with which the FPM Zone is combined except that single family residences in the G, AR, RR and RS Zones shall be permitted subject to compliance with these regulations. C

#### Section 13.6-5: Administration

A. Establishment of Development Permit: A Development Permit shall be obtained before construction or development, including the placement of manufactured homes, begins within any area of special flood hazard established in Section 13.6-3. Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures provided by a Certified Professional Engineer or Registered Land Surveyor; in Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all structures;
2. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;

4. 3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 13.6-6.A.3.c; and

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Designation of the Floodplain Administrator: The Director of the Department of Community Development is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions.

C. Duties and Responsibilities of the Floodplain Administrator: Duties of the Floodplain Administrator shall include, but not be limited to:

1. Review all development permits to determine that:

a. The permit requirements of this Ordinance have been satisfied;

b. All other required state and federal permits have been obtained;

c. The site is reasonably safe from flooding;

d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this Ordinance, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood more than one foot at any point.

2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 13.6-3, for example in A Zones for which detailed studies have not been done, or areas subject to flooding which have not been designated by FEMA on FIRM's, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Section 13.6-6. The Floodplain Administrator may require that a hydrologic study which determines base flood elevation be prepared by a Professional Engineer and be submitted by the property owner prior to the submission of a development or building permit application. Any such information shall be consistent with the requirements of the Federal Emergency Management Agency and the Director of Water Resources and shall be submitted to the Floodplain Board for adoption.

3. Obtain and maintain for public inspection and make available as needed for Flood Insurance Policies or effecting Increased Cost of Construction Coverage for repetitive loss structures:

a. The certified elevation required in Section 13.6-6.A.3.a;

- b. The certification required in Section 13.6-6.A.3.b;
- c. The floodproofing certification required in Section 13.6-6.A.3.c; and
- d. The certified elevation required in Section 13.6-7.H.
- e. Permit records for repair of flood-related damage to structures on a cumulative basis over the life of the structure.

4. Whenever a watercourse is to be altered or relocated:

- a. Notify adjacent communities and the Arizona Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration through appropriate notification means;
- b. Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

Prior to the alteration of any watercourse the County Engineer shall review and revise as necessary all plans for proposed stream modifications.

5. Within one hundred twenty days after completion of construction of any flood control protective works which change the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of Water Resources.

6. Advise in writing and provide a copy of any development plan, to any city or town which has assumed jurisdiction over its floodplains in accordance with ARS § 48-3610, of any application for a floodplain use permit or variance to develop land in a floodplain or floodway within one mile of the corporate limits of such city or town. The District shall also advise such city or town in writing and provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways, or watercourses within such city's or town's area of jurisdiction. Written notice and a copy of the plan of development shall be sent to such city or town no later than three working days after having been received by the District.

7. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 13.6-9.

8. Take actions on violations of this Ordinance as required in Section 13.6-3.I herein.

9. Notify the Administrator and director of water resources of acquisition by means of annexation, incorporation, or otherwise, of additional areas of jurisdiction.

### Section 13.6-6: Provisions for Flood Hazard Reduction

A. Standards of Construction: In all areas of special flood hazards the following standards are required:

#### 1. Anchoring

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All manufactured homes shall meet the anchoring standards of Section 13.6-6.E below.

#### 2. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. All new construction, substantial improvement and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- d. Require within Zones AH or AO that adequate drainage paths around structures on slopes guide flood waters around and away from proposed or existing structures.

#### 3. Elevation and Floodproofing

- a. New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the regulatory flood elevation. Nonresidential structures may meet the standards of Section 3.c below. Upon the completion of the structure the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or registered land surveyor and provided to the Floodplain Administrator.
- b. New construction and substantial improvement of any structure in Zone AO shall have the lowest floor, including basement, higher than the highest adjacent grade at least one foot higher than the depth number on the FIRM, or at least two feet if no depth number is specified. Nonresidential structures may meet the

standards in Subsection 13.6-6.A.3.c below. Upon completion of the structure a registered professional engineer or registered land surveyor shall certify to the Floodplain Administrator that the elevation of the structure meets this standard.

c. Nonresidential construction shall either be elevated in conformance with Subsections a or b above or together with attendant utility and sanitary facilities:

- i. be floodproofed so that below the regulatory flood level the structure is watertight with walls substantially impermeable to the passage of water;
- ii. have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- iii. be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.

d. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by either a registered professional engineer or architect to meet or exceed the following minimum criteria:

- i. A minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii. The bottom of all openings shall be no higher than one foot above grade.
- iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

e. Manufactured homes shall meet the above standards and also the standards in Section 13.6-6.E.

#### B. Standards for Storage of Materials and Equipment:

1. The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.
2. Storage of other material or equipment may be allowed if not subject to major damage by floods, and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

#### C. Standards for Utilities:

1. All new or replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.
2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
3. All new and replacement sanitary sewage systems for development projects in identified floodplain areas shall meet all requirements of the State and/or County Health Departments and shall be designed to minimize or eliminate infiltration of flood waters. On-site effluent disposal systems shall not be installed wholly or partially within the designated regulatory floodway. On-site waste disposal systems shall be located so as to avoid their impairment during flood conditions as well as to preclude contamination from them during flooding. Waste disposal systems shall not be installed in a regulatory floodway.

D. Standards for Subdivisions:

1. All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.
2. All final subdivision plans will provide the elevation(s) of proposed structure(s) and pads. If the site is filled above the base flood, the final lowest floor and pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.
3. All subdivision proposals shall be consistent with the need to minimize flood damage.
4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
5. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

E. Standards for Manufactured Homes: All manufactured homes that are placed or substantially improved shall:

1. Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation; and
2. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and Local anchoring requirements for resisting wind forces.

F. Standards for Recreational Vehicles: All recreational vehicles placed on site will either:

1. Be on site for fewer than 180 consecutive days, and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
2. Meet the permit requirements of Section 13.6-5 of this ordinance and the elevation and anchoring requirements for manufactured homes in Section 13.6-6.E (or 13.6-6.A.3.e).

G. Floodways: Located within areas of special flood hazard established in Section 13.6-3 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Section 13.6-6.G.1 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 13.6-6.

H. Flood-related Erosion-prone Areas:

1. The Floodplain Administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas as known to the community.
2. Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.
3. If a proposed development is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvements shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.
4. Within Zone E on the Flood Insurance Rate Map, a setback is required for all new development from the lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic, and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

Section 13.6-7: Property Development Standards--FPM Zone

- A. All performance, development and maintenance standards, including screening and landscaping, off-street parking and sign regulations, shall be as set forth in the underlying zone with which the FPM Zone is combined.
- B. Such other performance, development and maintenance standards as may be specified in a Conditional Use Permit required for any use also shall be applicable.
- C. In a floodplain where no floodway is identified, all structures, except as authorized by Section 13.6-3.C, shall be set back five feet from the bank(s) of the watercourse as determined by the County Engineer.
- D. All development proposals for land areas greater than five acres, wherein at least a portion of the subject property is located in an identified floodplain area, shall clearly indicate the base flood elevation data as shown on the Flood Insurance Rate Maps (FIRMs).
- F.E. Flood retarding or protection structures such as walls or berms may be constructed in identified floodplain areas if, in the opinion of the County Engineer, such structures will ensure the protection of properties, buildings and public safety. Such structures shall be constructed in accordance with plans and specifications prepared by an engineer registered and licensed to practice in the State of Arizona and as approved by the County Engineer. Such structures shall not create any detrimental impact or increase flood hazards on upstream or downstream properties.

#### Section 13.6-8: Variance Procedure

##### a.A. Nature of Variances:

The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of Coconino County to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the regulatory flood elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this ordinance are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

Variations from the provisions of this Section shall be issued only upon consideration and review of technical documentation, prepared by a registered engineer and acceptable to the Floodplain Administrator showing that the objectives of flood hazard reduction would not be contradicted by the granting of a variance and that the variance is the minimum necessary, considering the flood hazard, to afford relief.

B. Appeal Board:

1. Application procedures for a variance shall be on a form prescribed by the Floodplain Administrator and shall be accompanied by a variance application fee as set by the Board of Supervisors.
2. The Floodplain Board of Coconino County shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
3. The Floodplain Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.
4. In passing upon such applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, and:
  - a. the danger that materials may be swept onto other lands to the injury of others;
  - b. the danger of life and property due to flooding or erosion damage;
  - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - d. the importance of services provided by the proposed facility to the community;
  - e. the necessity to the facility of a waterfront location, where applicable;
  - f. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. the compatibility of the proposed use with existing and anticipated development;
  - h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. the safety of access to the property in time of flood for ordinary and emergency vehicles;

j. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,

k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

5. Upon consideration of the factors of Section 16.6-8.B.4 and the purposes of this Ordinance, the Floodplain Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance

6. Any applicant to whom a variance is granted shall be given written notice over the signature of a County official that:

a. the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and

b. such construction below the base flood level increases risks to life and property.

Such notification shall be maintained with a record of all variance actions as required in Section 13.6-8.B.7 of this Ordinance. Such notice will also state that the land upon which the variance is granted shall be ineligible for exchange of land pursuant to any flood relocation and land exchange program. A copy of the notice shall be recorded by the Floodplain Board in the office of the Coconino County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

7. The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

#### C. Conditions for Variances:

1. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the procedures of Sections 13.6-5 and 13.6-6 of this Ordinance have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the repair, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

5. Variances shall only be issued upon:

a. A showing of good and sufficient cause;

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

c. a showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in Section 13.6-2 of this Ordinance in the definition of "Functionally Dependent Use"; and

d. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

## Section 13.7: RC-Resort Commercial Zone

### Section 13.7-1: Purposes

In addition to the objectives outlined in Section 1 (Purposes and Scope), the RC--Resort Commercial Zone is designed to achieve the following purposes:

- A. To provide for the exclusive development of resort facilities in a more creative and imaginative fashion than generally is possible under conventional zoning.
- B. To provide for a zone wherein various styles of residential uses designed for occupancy by guests of limited duration can be established in conjunction with service commercial and recreational uses in a coordinated, comprehensive and harmonious design.

### Section 13.7-2: Uses Permitted--RC Zone

A. Those uses designated on the development plan for the particular RC Zone as approved by the Board of Supervisors TOWN COUNCIL including residential units of various types, commercial uses designed to serve and provide for the convenience of resort guests, and recreational facilities designed primarily for and limited to use by guests of the resort. MOBILE HOMES ARE NOT A PERMITTED USE IN THE RC ZONING DISTRICT

B. The continuation of all land uses which existed in the zone at the time of adoption of the development plan. Existing land uses shall be either incorporated as part of the development plan or shall be terminated in accordance with a specific abatement schedule submitted and approved as part of the development plan.

C. Public utility installations.

D. Accessory uses and structures incidental to permitted uses.

E. Temporary uses as prescribed in Section 14.1.

F. Wireless Telecommunication Facilities subject to the provisions of Section 14.5.

### Section 13.7-3: General Requirements--RC Zone

The following requirements shall apply to all RC Zoned areas:

A. An application for a zone change to permit the establishment of an RC Zone shall include and be accompanied by a development plan for the entire property.

B. An application for a zone change to establish an RC Zone must be for a parcel or parcels of land under the control of the person or corporation proposing the development.

C. The area proposed to be contained within an RC Zone shall be not less than five (5) acres.

#### Section 13.7-4: Development Plan--RC Zone

The development plan of a proposed RC Zone should consist of maps, plans, reports, schedules, development standards and schematic drawings and such other documents deemed necessary by the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE in accordance with the following requirements:

- A. The development plan submitted in a form approved by the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE.
- B. Location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, the gross building and floor areas, approximate location of entrances and loading points thereof.
- C. All streets, curb cuts, driving lanes, parking areas, loading areas, public transportation points, and illumination facilities for the same.
- D. All pedestrian walks, malls and open areas.
- E. Location and height of all walls, fences and screen planting, including a plan for the landscaping of the development and the method by which such landscaping is to be accomplished.
- F. Types of surfacing, such as paving, turfing or gravel to be used at the various locations.
- G. The location and type of proposed recreational facilities and utility facilities.
- H. A preliminary report and plan describing proposed provisions for storm drainage, sewage disposal, water supply and such other improvements and utilities as the ~~County Engineer~~ TOWN MANAGER OR DESIGNEE may require.
- I. A topographic map and conceptual grading plan of the subject property.
- J. A plan of the proposed signing program.

#### Section 13.7-5: Adoption of Development Plan--RC Zone

The development plan and supporting statements and documents submitted with the application for a resort commercial use shall be approved and adopted by the ~~Board of Supervisors~~ TOWN COUNCIL and included in the Ordinance establishing the RC Zone. All development within the RC Zone shall comply substantially with the development plan as approved and adopted by the ~~Board of Supervisors~~ TOWN COUNCIL.

### Section 13.7-6: Amendments to the Development Plan--RC Zone

Any amendments to the adopted development plan shall be accomplished in the same manner as an amendment to the Zoning Regulations as prescribed in Section 20.4.

### Section 13.7-7: Building Permits – RC Zone

A building permit, as required by the Building Code, shall be obtained prior to the construction, reconstruction, alteration or change in use of any building or other structure.

## Section 13.8: P--Parking Zone

### Section 13.8-1: Purposes

In addition to the objectives outlined in Section 1 (Purposes and Scope), the P--Parking Zone is intended to provide and identify areas reserved and developed exclusively for public or private off-street parking areas and to accommodate the establishment of parking districts which provide an alternate means of meeting the off-street parking requirements for multiple businesses in a defined area.

### Section 13.8-2: Permitted and Conditional Uses--P Zone

- A. Public or private open parking lots including incidental control gates, pay boxes or guard sheds shall be permitted as a matter of right.
- B. Public or private garages or other parking structures including incidental appurtenances shall be permitted subject to the granting of a conditional use permit.
- C. Wireless Telecommunication Facilities subject to the provisions of Section 14.5. AND THE GRANTING OF A CONDITIONAL USE PERMIT.

### Section 13.8-3: Property Development and Performance Standards--P Zones

- A. A minimum 10 foot wide front and street side setback area shall be required in the P-Parking Zone. Said setback areas shall be landscaped except for necessary walks and drives.
- B. The design and configuration of the parking lot shall comply with the site development standards prescribed in Section 15.3.
- C. The design and configuration of the parking garage or structure shall comply with the site development standards prescribed in Section 15.3 or as specified in the conditional use permit.

D. Wherever off-street parking lots abut property in any general, agricultural residential, rural residential, or residential zone, a masonry wall six feet in height as measured from the highest adjacent grade and screen landscaping shall be erected and maintained between the parking lot and said zones.

E. Wherever off-street parking lots are situated across the street from property in any general, agricultural residential, rural residential, or residential zone, a masonry wall or berm three feet in height shall be erected and maintained between the parking lot and the required front yard setback area.

F. All required landscaping shall consist predominantly of plant materials and shall be permanently maintained in a neat and orderly condition.

G. A parking garage or structure shall maintain a minimum setback of five feet from any property in a general, agricultural residential, rural residential, or residential zone.

#### Section 13.8-4: Signs--P Zones

No sign, outdoor advertising structure or display of any character shall be permitted except as prescribed in Section 16 (Signs) or as authorized under a conditional use permit.

### Section 13.9: MR--Mineral Resource Zone

#### Section 13.9-1: Purposes

In addition to the objectives outlined in Section 1 (Purposes and Scope), the MR-Mineral Resource Zone is intended for application to those areas of the County TOWN where it is desirable and necessary to provide for the extraction of minerals and other natural resources.

#### Section 13.9-2: Permitted and Conditional Uses--MR Zone

The following uses shall be permitted where the symbol "P" appears and shall be permitted subject to the granting of a conditional use permit where the symbol "C" appears opposite the use.

##### A. Agricultural Uses

1. Farms or ranches for orchards, tree crops, field crops, truck gardening, berry and bush crops, flower gardening, and growing of nursery plants. The sale of products raised on the premises shall be permitted. P

2. Raising and grazing of horses, sheep, goats, or cattle; provided, that no animal shall be kept on a site of less than one acre. No more than two such animals may be kept for each one acre of land. P

- 3. Keeping of animals except as prescribed in A.2 of this Section; dairies, feeding lots and ranches. C
- 4. Agricultural experimental facilities. C
- B. Excavation, processing and stockpiling of minerals and the back-filling or resultant excavations with inert materials. C
- C. Concrete batching plants. C
- D. Flood control facilities. C
- E. Manufacture of block, brick, pipe, tile, cement or asphalt. C
- F. Public or private parks, golf courses, golf driving ranges, and other similar open recreational facilities. P
- G. Public utility installations. C
- H. Rock crushing plants, aggregate washing, screening and drying facilities and equipment. C
- I. Accessory Uses:
  - 1. Offices and maintenance buildings or structures. P
  - 2. Residences (~~including use of mobile homes~~) for caretakers or watchmen. P
  - 3. Retail or wholesale commercial operations incidental or accessory to or in conjunction with permitted or conditional uses. P
  - 4. Storage of materials or machinery used in conjunction with permitted or conditional uses. P
  - 5. Weigh stations. P
- J. Wireless Telecommunications Facilities subject to the provisions of Section 14.5 C

Section 13.9-3: Property Development Standards--MR Zone

A. When a MR Zone abuts or is situated across the street from property in any G, AR, RR, RS or RM Zone, a minimum building setback of 100 feet shall be required from such residential zone; provided, however, that the 20 feet of said setback nearest the street or zone boundary line shall be landscaped and the remainder may be used for off-street parking purposes as provided in Section 15. A three foot high wall, fence or berm shall be constructed in back of the landscaped area along street setbacks; along all other lot lines adjacent to G, AR, RR, RS or RM Zones, a six

foot high wall or fence as measured from the highest adjacent grade and screen landscaping shall be erected and maintained.

B. Additional property development standards such as, setbacks, lot coverage requirements, height restrictions, screening and landscape requirements may be imposed by the Commission or ~~Board~~-TOWN COUNCIL in their approval of a conditional use permit.

C. A building permit, as required by the Building Code, shall be obtained prior to the construction, reconstruction, alteration or change in use of any building or other structure.

#### Section 13.9-4: Performance Standards--MR Zone

A. Trash receptacles enclosed with solid masonry walls and with gates shall be provided for each industrial use. Said receptacles shall be set back a minimum of 20 feet from any G, AR, RR, RS or RM Zone boundary and shall be maintained in a neat and sanitary condition in order to safeguard the health, safety and general welfare of adjacent properties, subject to the approval of the ~~Director of Community Development~~. TOWN MANAGER OR DESIGNEE.

B. All mechanical equipment, including heating and air conditioning units, and trash receptacle areas shall be completely screened from surrounding properties by use of a wall or fence or shall be enclosed within a building.

C. Electrical Disturbance, Heat and Cold, Glare. No use except a temporary construction operation shall be permitted which creates changes in temperature or direct glare, detectable by the human senses without the aid of instruments, beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site.

D. Fire and Explosive Hazards. All storage of and activities involving inflammable and explosive materials shall be provided with adequate safety and fire fighting devices to the specifications of the ~~State Fire Marshal~~. TUSAYAN FIRE DISTRICT. All incineration is prohibited.

E. Odor. No use shall be permitted which creates annoying odor in such quantities as to be readily detectable beyond the boundaries of the site.

F. Vibration. No use except a temporary construction operation shall be permitted which generates inherent and recurrent ground vibration perceptible, without instruments, at the boundary of the lot in which the use is located.

G. Outdoor Storage Areas shall be entirely fenced with a material not less than six feet in height. Those areas visible from a public street shall be adequately screened by masonry walls or a substitute acceptable to the ~~Director of Community Development~~. TOWN MANAGER OR DESIGNEE.

H. Noise shall not be generated by any use to the point of disturbing the peace and comfort of neighboring residences.

I. Rehabilitation. Any pit resulting from depletion of the mineral resource, or from abandoned or terminated mineral extraction operations shall be filled to ground level and such pits or any depleted hillside areas shall be treated in accordance with the following standards:

1. Filling. On property where the mineral resource thereon is in fact depleted by reason of extraction operations, or on property where the production of any such resource is in fact abandoned or terminated, said property shall be filled and landscaped to conform with the surrounding properties. Said filling and landscaping treatment shall be commenced within one month from the date of depletion, abandonment or termination of mineral resource production on the property and diligently prosecuted to the completion thereof.

2. Grading. Slopes, overburden stockpiles, abandoned spoil piles and the general premises shall be graded and smoothed so as to control erosion, prevent the creation of potentially dangerous areas and present a neat and orderly appearance. No hillside shall remain with an average grade steeper than one foot horizontal to one foot vertical with a 10 foot wide terrace for not more than each 50 feet of vertical height, unless a permanent steeper slope, without terraces, is approved by the ~~County Engineer~~. TOWN STAFF.

3. Water-Filled Areas. Upon termination of operations, all excavations made to a level below the existing ground water table shall be filled with inert materials as approved by the ~~County Engineer~~ TOWN STAFF to a level above the existing ground water table. This requirement shall not apply, however, to any water-filled excavations scheduled to be in an integral part of future development of the property. All such water-filled areas remaining shall be treated with effective mosquito control measures, as required by the County Health Department.

J. Hazardous and Non-Hazardous Waste Materials. No hazardous material shall be disposed on the premises. All such materials shall be transported to a landfill site officially designated by the State of Arizona for hazardous materials disposal. Only non-hazardous materials produced on the premises may be disposed of on the premises, provided that such disposal be contained in a manner so as to prevent entry of such materials into the surface water system.

K. Conformance Testing. Whenever there is a question of conformance with the performance standards of this Section, the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE shall require the property owner or operator to engage the services of a certified testing firm. Copies of all such tests shall be furnished to the ~~Director~~. TOWN MANAGER.

L. Solid Waste Disposal. All solid waste which is not disposed on-site shall be transported to a ~~AN County~~ AUTHORIZED landfill site for proper disposition.

Section 13.9-5: Off-Street Parking--MR Zone

Off-street parking facilities shall be provided for each use as prescribed in Section 15 (Off-Street Parking) or as specified in a conditional use permit.

#### Section 13.9-6: Signs--MR Zone

No sign or outdoor advertising structure shall be permitted in a MR except as provided in Section 16 (Signs).

#### Section 13.10: Design Review Overlay Zone--DRO Zone

##### Section 13.10-1: Purposes

In order to protect and enhance the visual quality of certain areas of the County, ~~the Board of Supervisors, upon recommendation by the Planning and Zoning Commission, may~~ THE TOWN OF TUSAYAN, THE TOWN COUNCIL HAS, ~~in addition to an existing zone classification~~ as specified in this Ordinance, ~~apply~~ APPLIED the Design Review Overlay Zone REQUIRES THE APPROVAL OF A SITE PLAN FOR ALL DEVELOPMENT, EXCEPT SINGLE FAMILY DWELLINGS IN ~~to such~~ ALL area AREAS OF THE TOWN OF TUSAYAN to accomplish the following purposes:

- A. To ensure that the development, buildings or structures will conserve the values of adjacent properties and will not prove detrimental to the character of buildings or uses already established in the area.
- B. To ensure that the proposed development will be properly related to its site and to surrounding sites and structures, and to prevent the construction of structures that would be inharmonious with their surroundings.
- C. To ensure that sites, projects and structures subject to Design Review are developed with due regard for the environmental qualities of the natural terrain and landscape, and, that trees and shrubs are not indiscriminately destroyed.
- D. To ensure that the design and exterior architecture of proposed structures will not be so at variance with either the design or exterior architecture of the structures already constructed or being constructed in the immediate neighborhood as to cause a substantial depreciation of property values in the neighborhood.
- E. To ensure that open spaces, parking areas, and landscaping are designed to enhance the visual and physical use of the property and to screen deleterious uses.
- F. To ensure that the proposed development complies with all of the provisions of this Ordinance and the goals and objectives of the General TUSAYAN AREA Plan or any amendment or element thereof ~~or specific plan for the area.~~

##### Section 13.10-2: Special Provisions

A. The provisions of this Section shall be applicable only to ALL multiple-family developments, commercial or industrial establishments, and public or semi-public uses and all signing for such uses, EXCEPT SINGLE FAMILY DWELLINGS. THE SINGLE FAMILY DWELLING EXCEPTION DOES NOT APPLY TO NEW OR EXISTING MANUFACTURED HOME PARKS BUT DOES APPLY TO NEW OR EXISTING INDIVIDUAL MANUFACTURED HOMES OR OTHER PERMITTED TYPES OF SINGLE FAMILY DWELLINGS WITHIN MANUFACTURED HOME PARKS.

~~B. Upon application of the Design Review Overlay Zone to a specific area of the County, the Board of Supervisors, upon recommendation of the Planning and Zoning Commission, shall establish design guidelines for that area. Said guidelines may include exterior design, materials, textures, colors, and means of illumination.~~

~~C. B. All development or redevelopment described in Subsection A above, including buildings, structures, signs, landscaping, site layout and use relationships, to be located within the Design Review Overlay Zone shall be first approved under the provisions of this Section by the Planning and Zoning Commission prior to the letting of permits for and/or initiation of such development. Redevelopment shall include, but not be limited to, any remodeling or SUBSTANTIAL change in appearance of the exterior of any structure, or A SUBSTANTIAL CHANGE IN the appearance of any site. A SUBSTANTIAL CHANGE WOULD INCLUDE, WITHOUT LIMITATION, ANY OF THE FOLLOWING:~~

- ~~1. MORE THAN TWENTY FIVE (25) PERCENT CHANGE IN THE FACADE OF A BUILDING.~~
- ~~2. ANY CHANGE IN THE SIZE OF A BUILDING.~~
- ~~3. A CHANGE OF 250 SQUARE FEET OR MORE IN SITE LAYOUT.~~
- ~~4. A CHANGE IN THE COLOR OF A BUILDING ON MORE THAN FIVE PERCENT OF THE EXTERIOR.~~
- ~~5. ANY NEW SIGN OR CHANGE IN EXISTING SIGN SIZE OR LOCATION.~~
- ~~6. A CHANGE OF FIVE (5) PERCENT OR MORE IN THE NUMBER OF PARKING SPACES.~~
- ~~7. A CHANGE IN LANDSCAPING, OTHER THAN REPLACING DEAD/DYING PLANTS OR LANDSCAPE MAINTENANCE, EFFECTING 200 SQUARE FEET OR MORE.~~
- ~~8. ANY NEW FENCING/WALLS OVER THREE FEET IN HEIGHT OR CHANGE OF 25 PERCENT OR MORE TO EXISTING FENCING/WALLS.~~

~~ANY CHANGE IN THE APPEARANCE OF THE EXTERIOR OF ANY STRUCTURE OR CHANGE IN THE APPEARANCE OF ANY SITE THAT IS NOT A SUBSTANTIAL CHANGE SHALL BE SUBJECT TO THESE DESIGN STANDARDS AND REVIEW AND APPROVAL BY THE TOWN MANAGER OR DESIGNEE. A DECISION BY THE TOWN MANAGER OR DESIGNEE WITH REGARD TO A NON SUBSTANTIAL CHANGE MAY BE APPEALED TO THE PLANNING AND ZONING COMMISSION IN THE MANNER OF A SUBSTANTIAL CHANGE.~~

~~D. C. Approval of all A SITE PLAN FOR development to be located within the Design Review Overlay Zone shall be based upon a finding by the Commission that such development conforms~~

to the applicable design guidelines IN THIS SECTION AND OTHER PROVISIONS AND REQUIREMENTS OF THIS ORDINANCE.~~as required by Subsection A, above.~~

~~E. Within the Design Review Overlay Zone, all uses permitted in the underlying zone with which the DRO Zone is combined are permitted.~~

### SECTION 13.10-3: DESIGN STANDARDS AND GUIDELINES

THIS SECTION INCLUDES GUIDELINES FOR DEVELOPMENT AND STANDARDS OF DESIGN TO BE INCORPORATED INTO THE SITE PLAN. OTHER SECTIONS OF THIS ORDINANCE INCLUDE REQUIREMENTS SPECIFIC TO ZONING DISTRICTS THAT SHOULD ALSO BE SHOWN ON A SITE PLAN FOR DEVELOPMENT.

A. ARCHITECTURAL STYLES SHALL BE RESPECTFUL AND COMPATIBLE WITH THE UNIQUE LOCATION OF THIS COMMUNITY AS A GATEWAY TO THE SOUTH RIM OF THE GRAND CANYON. ARCHITECTURAL BUILDING FORMS SHOULD EXPRESS SENSITIVITY TO THIS UNIQUE ENVIRONMENTAL SETTING, WHILE RESPECTING THE INDIGENOUS CULTURES. THE GOAL IS FOR DESIGNS WHICH CONTRIBUTE TO THE CHARACTER AND QUALITY OF THE BUILT ENVIRONMENT WHILE IN HARMONY WITH THE NATURAL ENVIRONMENT.

EXAMPLES OF UNDESIRABLE DESIGNS INCLUDE WHIMSICAL ARCHITECTURE ~~SUCH AS THE DOMES~~, WHICH ~~HAS~~ HAVE NO RELATIONSHIP TO THE SURROUNDING NATURAL, CULTURAL, OR HISTORICAL ENVIRONMENT. MODERNIST ARCHITECTURE WHICH CLASHES WITH THE NATURAL ENVIRONMENT IS ALSO UNDESIRABLE.

B. SCALE AND MASS OF DEVELOPMENTS SHOULD BE COMPATIBLE WITH THE NATURAL ENVIRONMENT IN WHICH THE COMMUNITY IS LOCATED AND NOT DOMINATE OVER IT. ARCHITECTURAL FEATURES WHICH SERVE TO BREAK UP THE MASSIVE APPEARANCE OF A STRUCTURE SHOULD BE UTILIZED. THESE FEATURES CAN INCLUDE VARIATION IN ROOF FORMS, THE USE OF DORMERS, COVERED WALKWAYS, AND PATIOS. ALL FEATURES SHOULD BE IN PROPORTION TO THE BUILDING. ALL SIDES OF A STRUCTURE SHALL RECEIVE DESIGN CONSIDERATIONS. IN SOME CASES IT MAY BE DEEMED MORE APPROPRIATE AND DESIRABLE TO USE SMALLER BUILDINGS WHICH ARE CLUSTERED RATHER THAN A SINGLE MASSIVE STRUCTURE.

C. EXTERNAL BUILDING MATERIALS SHOULD BE PREDOMINANTLY THOSE THAT FIT THE NATURAL LANDSCAPE, SUCH AS NATIVE STONE, LOGS, WOOD, BROKEN FACED BLOCK, EXPOSED AGGREGATE CONCRETE, AND STUCCO. THE USE OF OTHER MATERIALS SUCH AS SYNTHETIC OR REPROCESSED STONE AND WOOD MAY BE CONSIDERED, BUT WILL REQUIRE THAT INFORMATION BE PROVIDED REGARDING MANUFACTURING SPECIFICATIONS, PRODUCT SAMPLES, AND EXAMPLES OF WHERE THE PRODUCT HAS PREVIOUSLY BEEN UTILIZED.

D. EARTHTONE COLORS THAT BLEND WITH LOCAL SOILS AND VEGETATION ARE HIGHLY DESIRABLE. VARIOUS SHADES OF BROWNS AND TANS, SUBTLE GREENS, AS WELL AS SANDSTONE AND LIMESTONE ARE ENCOURAGED. BRIGHT COLORS SUCH AS ORANGES, LIVES, AQUA BLUE, AND WHITE, WHICH CALL UNDUE ATTENTION TO THE BUILDINGS, ARE DISCOURAGED. COLOR SCHEMES SHOULD BE COORDINATED TO COMPLEMENT THE ARCHITECTURAL STYLE AND MASS OF THE BUILDINGS.

E. ROOFS MUST MEET THE COLOR REQUIREMENTS OF THE BUILDING. ALUMINUM, WHITE, OR REFLECTIVE ROOFS ARE NOT ACCEPTABLE. SCREENING OF MECHANICAL EQUIPMENT IS ENCOURAGED TO MAINTAIN DESIRABLE AESTHETIC QUALITY FROM STREET LEVEL OR FROM ADJACENT STRUCTURES.

F. THE USE OF MATERIALS AND COLORS TO ENHANCE THE BUILDING DESIGN AND BREAK UP THE MONOTONY OF MASSIVE STRUCTURES IS ENCOURAGED.

G. SUFFICIENT SETBACKS PROVIDING ACCESS TO LIGHT, AIR, LANDSCAPING, AND VIEWS SHALL BE INCORPORATED INTO SITE DESIGN. THE 50 FOOT RIGHT-OF-WAY FLANKING HIGHWAY 64 SHALL BE FULLY LANDSCAPED IN CONJUNCTION WITH ALL NEW DEVELOPMENT AND REDEVELOPMENT. IF THIS AREA IS ABANDONED BY ADOT IN THE FUTURE, IT SHALL REMAIN AS A LANDSCAPE BUFFER/TRANSITION ZONE BETWEEN THE HIGHWAY AND COMMERCIAL BUSINESSES. THE USE OF THIS TRANSITION ZONE FOR MEETING SOME PARKING REQUIREMENTS MAY BE APPROPRIATE, BUT PREFERABLY NOT WITHIN THE 30 FEET CLOSEST TO THE HIGHWAY.

H. VEHICLE AND PEDESTRIAN WAYS SHALL BE CLEARLY DELINEATED TO PREVENT CONGESTION AND CONFLICTS. SERVICE VEHICLE AND DELIVERY AREAS SHALL BE LOCATED SUCH THAT THEY ARE SCREENED FROM VIEW AND DON'T INTERRUPT THE FLOW OF TRAFFIC.

I. PARKING LOTS SHALL BE DESIGNED TO INCLUDE ADEQUATE LANDSCAPING WITHIN THE PERIPHERY AND INTERIOR TO BREAK UP THE IMPERMEABLE SURFACE COVERAGE. METHODS FOR ACHIEVING THIS INCLUDE THE USE OF LANDSCAPE ISLANDS WITHIN THE PARKING LOT, CLUSTERING PARKING SPACES INTO ISLANDS RATHER THAN LONG ROWS, AND UTILIZING A VARIETY OF LANDSCAPE MATERIALS, INCLUDING A MIX OF VEGETATION TYPES AND SIZES, AND DECORATIVE FENCING.

J. WHERE BUS AND RV TRAFFIC IS ANTICIPATED, SITE DESIGN SHOULD TAKE INTO CONSIDERATION THE MANEUVERABILITY CONSTRAINTS, PARKING, AND PASSENGER UNLOADING NEEDS ASSOCIATED WITH THESE VEHICLES.

K. ORIENTATION OF BUILDINGS ON THE SITE SHOULD BE "USER FRIENDLY." COMPONENTS WHICH WILL BE CONSIDERED FOR MEETING THIS STANDARD INCLUDE ENTRANCES WHICH ARE WELL MARKED AND LOCATED WITH A

LOGICAL RELATIONSHIP TO THE PARKING AREA, PEDESTRIAN WALKS FROM PARKING AREAS TO BUSINESSES, AND OUTDOOR AREAS FOR THE PUBLIC TO SIT AND REST.

L. SIGNS WITH HIGHLY REFLECTIVE SURFACES OR BRIGHT METAL SHALL NOT BE PERMITTED

M. THE USE OF LIGHTING AS AN ATTENTION-GETTING DEVICE WHICH IS NOT RELATED TO AN APPROVED SIGN OR FOR ARCHITECTURAL ILLUMINATION SHALL NOT BE PERMITTED.

N. SIGNS SHALL UTILIZE AND EMPHASIZE THE SAME MATERIALS SPECIFIED IN ~~THE DRD~~ THESE DESIGN STANDARDS AND GUIDELINES FOR BUILDINGS. SIGNS AND THE COLOR OF SIGNS SHALL BE COMPATIBLE AND CONSISTENT WITH THE ARCHITECTURAL STYLE OF THE BUILDING OR PORTION THEREOF TO WHICH IT RELATES.

O. OUTDOOR LIGHT POLES AND FIXTURES SHOULD BE COMPATIBLE TO THE ARCHITECTURAL STYLES OF THE DEVELOPMENT.

P. LIGHTING SHOULD BE DESIGNED TO FIT THE DEVELOPMENT; POLES SHOULD NOT BE HIGHER OR LIGHTING MORE EXTENSIVE THAN IS NECESSARY.

Q. PARKING LOT LIGHT STANDARDS SHOULD ONLY BE AS HIGH AS REQUIRED TO ACCOMPLISH THE NECESSARY ILLUMINATION WHILE BEING IN SCALE WITH THE SURROUNDING LANDSCAPE AND STRUCTURES. FOR EXAMPLE, LIGHT POLES ~~COULD~~ SHOULD BE 25-30 FEET IN AREAS WHERE EXISTING TREE STANDS EFFECTIVELY CAMOUFLAGE THE POLES; LOWER STANDARDS WOULD BE MORE APPROPRIATE IN OPEN AREAS.

R. LIGHT FIXTURES ILLUMINATING PEDESTRIAN WALKS OR PLAZAS SHOULD NOT EXCEED 12-15 FEET IN HEIGHT IN ORDER TO BE APPROPRIATELY SCALED TO THE PEDESTRIAN AND STILL OUT OF REACH OF VANDALS.

S. LOW LEVEL BOLLARD TYPE LIGHT FIXTURES SHOULD BE CONSIDERED WHERE THEY CAN BE EFFECTIVE WITHOUT BECOMING TOO DOMINANT IN THE LANDSCAPE.

T. THE USE OF THESE GUIDELINES IN DESIGNING DEVELOPMENT PLANS SHALL NOT BE INTERPRETED AS DISCOURAGING OR PROHIBITING DESIGNS WHICH ARE ENVIRONMENTALLY SENSITIVE. DEVELOPMENTS WHICH INCORPORATE ENERGY CONSERVATION MEASURES, WATER REUSE, AND MATERIAL RECYCLING ARE STRONGLY ENCOURAGED.

Section 13.10-4: Application Required

Any proponent, agent or sponsor of development or redevelopment ~~to be located in the Design Review Overlay Zone~~ shall first file a Design Review application for consideration by the Commission. Said application shall contain the following:

A. A site plan, drawn to scale, showing the proposed location of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking areas, landscaped areas, fences, and walls. The site plan shall indicate the locations of off-street parking areas including entrances and exits and the direction of traffic flow into and out of off-street parking areas.

B. A landscape plan, drawn to scale, showing the locations of existing trees proposed to be removed and proposed to be retained on the site, the location and design of landscaped areas and the varieties and sizes of plant materials to be planted therein, and other landscape features including sprinkler and irrigation systems.

C. Architectural drawings or sketches, drawn to scale, including floor plans in sufficient detail to permit computation of yard requirements and showing all elevations (ALL SIDES OF ALL BUILDINGS) of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified.

D. Accurate scale drawings of all signs indicating their size, HEIGHT, material, color, and illumination, if any.

E. Grading and drainage plans.

F. Such other data as may be required to permit the Planning and Zoning Commission to ensure that the purposes of this Section are satisfied.

#### Section 13.10-5: Action by the Planning and Zoning Commission

Within 45 days of the date the drawings are submitted, the Planning and Zoning Commission shall act on the proposal. Failure of the Commission to act within 45 days shall be deemed approval of the drawings unless the applicant shall consent to an extension of time.

#### Section 13.10-6: Effective Date of Design Review Decision

A decision of the Planning and Zoning Commission on a Design Review shall be effective immediately upon receipt by the ~~Department of Community Development~~ TOWN MANAGER of a signed agreement to the conditions of approval; provided, however, that the applicant may appeal said decision to the ~~Board of Supervisors~~ TOWN COUNCIL within fifteen (15) days from the date of such decision.

#### Section 13.10-7: Appeal to the ~~Board of Supervisors~~ TOWN COUNCIL

A decision of the Planning and Zoning Commission on a Design Review may be appealed to the Board of Supervisors TOWN COUNCIL by the applicant as prescribed in Section 20.6-1 (Appeal of Decision of Planning and Zoning Commission).

Section 13.10-8: Action by Board of Supervisors TOWN COUNCIL on Appeal

At its next regular meeting following the filing of an appeal from a decision of the Planning and Zoning Commission on a Design Review, the Board of Supervisors TOWN COUNCIL shall approve, conditionally approve, or disapprove the plans and drawings or shall request the applicant to revise the plans and drawings. Failure of the Board COUNCIL to act within the time period prescribed by this Section shall be deemed approval of the plans and drawings unless the applicant shall consent to an extension of time.

Section 13.10-9: Lapse of Design Review Approval

Design Review approval shall lapse and shall be void one year following the date upon which the plans and drawings were approved unless prior to the expiration of one year a building permit is issued and construction is commenced and diligently pursued toward completion.

Section 13.11: RMH -- Residential and Manufactured Home Zone

Section 13.11-1: Purposes

In addition to the objectives outlined in Section 1 (Purpose and Scope), the RMH-Residential and Manufactured Home Zone is intended to provide and identify residential areas and developments where either conventionally constructed single family residences or manufactured homes may be located within the same subdivision and thereby provide for opportunity for a greater range of housing styles for existing and future residents.

Section 13.11-2: Permitted and Conditional Uses -- RMH Zone

The following uses shall be permitted where the symbol "P" appears and shall be permitted uses subject to the granting of a conditional use permit where the symbol "C" appears. All uses not listed are prohibited. For uses similar to those listed, see Section 20.1.

A. Residential Uses

RMH Zone

- |   |                         |
|---|-------------------------|
| 1. Conventionally constructed single family dwellings | P                       |
| 2. Manufactured or modular homes                      | P                       |
| 3. Mobile homes                                       | See Section 13.11.3.A.4 |

B. Agricultural Related Uses

- |  |   |
|--|---|
| 1. All types of agriculture and horticulture | P |
| 2. Sale of products raised on the premises   | P |
| 3. Soil and water conservation projects      | C |

C. Public and Semi-Public Uses

- |   |    |
|---|----|
| 1. Pre-schools  | C  |
| 2. Hospitals  | C  |
| 3. Churches, convents, monasteries and other religious institutions   | C  |
| 4. Educational institutions, public or private  | C  |
| 5. Libraries and museums  | C  |
| 6. Public parks and recreational facilities   | CP |
| 7. Public utility and public service substations, reservoirs, pumping plants, and similar installations, not including public utility offices   | C  |
| 8. Recreational facilities such as rodeos, country clubs, tennis and swim clubs, golf courses, with incidental limited commercial uses which are commonly associated with and directly related to the primary use | C  |
| 9. Day Care Centers   | P  |

D. Home Occupations

- |  |   |
|--|---|
| Home occupations subject to the provisions of Section 14.2 | P |
|--|---|

E. Accessory Uses

RMH Zone

- |  |   |
|--|---|
| 1. Accessory uses and structures located on the same site as a permitted use   | P |
| 2. Accessory uses and structures located on the same site as a conditional use | C |

F. Temporary Uses

- |   |   |
|---|---|
| 1. Temporary uses as prescribed in Section 14.1 | P |
| 2. Model homes and subdivision sales offices    | C |

Section 13.11-3: Property Development Standards - RMH Zone

The following property development standards shall apply to all land and buildings, other than accessory buildings, except that any lot shown on an official subdivision map duly approved and recorded, or any lot for which a bona fide deed was duly recorded in conformance with the zoning in effect prior to the date of adoption of this Ordinance, may be used as a building site; excepting therefrom any lot having an area of less than 4,000 square feet. For access purposes each building site shall have a minimum 30 foot wide easement or right-of-way. A turnaround with a minimum radius of 25 feet shall be provided at the end of each easement over 150 feet in length. No fences or other obstructions shall be placed in the easement area except with written permission of all other property owners served by the easement. For any parcel of land created after January 3, 1995, an access road to the parcel must be provided prior to the delivery of any combustible building materials. Said access road must be constructed to the standards found in Ordinance Number 95-1, the Ordinance for Road Standards. AN ALL WEATHER STANDARD.

A. Special Requirements

1. In the RMH Zone, front yard setbacks in subdivision developments may be reduced by 25 percent provided the average of all such setbacks is not less than the minimum required for the zone.

2. In the RMH Zone, a building used for public or semi-public uses shall maintain a minimum setback of 50 feet from any single family uses.

3. In the RMH Zone, as a precaution against unauthorized use, swimming pools when located within 300 feet of a neighboring residence shall be enclosed by a wall or fence not less than 5 feet in height to the specifications of the Department of Community Development. IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN.

~~4. The establishment of a pre HUD mobile home may be permitted subject to the rehabilitation of that unit in accordance with the Arizona Office of Manufactured Housing administrative rules and subject to an insignia of approval having been placed by the state on the home. Mobile homes shall not be relocated and placed on-site prior to renovation and rehabilitation as provided for in this Ordinance.~~

5. A building permit, as required by the Building Code, shall be obtained prior to the construction, reconstruction, alteration or change in use of any building or other structure.

#### B. General Requirements

The following requirements are minimum unless otherwise noted:

|   |          |
|---|----------|
| 1. Density, maximum dwelling units per acre | 6.0      |
| 2. Building site, net area in square feet   | 6,000    |
| 3. Lot width                                | 50 feet  |
| 4. Lot depth                                | 100 feet |
| 5. Front yard                               | 15 feet  |
| 6. Side yard                                | 5 feet   |
| 7. Side yard, street side                   | 10 feet  |
| 8. Rear yard                                | 10 feet  |
| 9. Lot coverage, maximum                    | 40%      |
| 10. Building height                         | 35 feet  |
| 11. Off-street parking                      | 2 spaces |
| 12. Distance between buildings              | 10 feet  |

WHERE A PROPERTY IS ADJACENT TO THE NATIONAL FOREST, THE REQUIRED SIDE OR REAR YARD MINIMUM SETBACK SHALL BE 80% OF THE SETBACK SHOWN IN B ABOVE, EXCEPT THAT IN NO CASE SHALL THE SETBACK BE LESS THAN FIVE (5) FEET.

#### Section 13.11-4: Performance Standards - RMH Zone

A. Air conditioners, heating, cooling, ventilating equipment, swimming pool pumps and heaters and all other mechanical devices shall be screened from surrounding properties and streets and shall be so operated that they do not disturb the peace, quiet, and comfort of neighboring residents. Facilities for the operation of alternate energy systems shall be exempted from the screening requirements when such screening will clearly restrict the efficient operation of such systems.

B. Required front and street side yards shall be landscaped except for necessary walks, drives and fences. Said required front and street side yards shall not be used for the parking or storage of any motor vehicle or vehicle accessory such as camper shells, trailers, motor bikes, or other wheeled accessory or convenience, except that operable motor vehicles may be parked upon the driveway or access way to the garage or carport. One motor vehicle or travel trailer for sale may be parked on or adjacent to the driveway but not elsewhere in the front or street side setback areas.

C. All required landscaping shall be permanently maintained in a neat and orderly condition.

D. A maximum area of 200 square feet may be used on any one lot or parcel for the outdoor storage of any used or secondhand materials, including but not limited to lumber, auto parts, household appliances, pipe, drums, machinery or furniture, unlicensed travel trailers or utility trailers; provided, however, that such outdoor storage shall be located to the rear of the main dwelling and be screened from surrounding properties and streets by a wall, non-transparent fence, landscaping or structure. Any wall or fencing shall not exceed six (6) feet in height. Stored secondhand materials, vehicles, vehicle parts, etc., shall not be stacked so as to be visible above the required screening, or more than six (6) feet high. All permitted screened outdoor storage areas shall meet the minimum required building setbacks as prescribed by this Section. The provisions of this paragraph shall not be so construed as to restrict the storage of firewood maintained for fuel purposes and use by the occupant of the premises.

E. Where public or semi-public uses are established, a masonry wall six feet in height as measured from the highest adjacent grade and screen landscaping shall be erected and maintained between such uses and adjacent residential uses or properties.

F. Apparatus needed for the operation of active or passive solar energy systems or other alternative energy systems, including but not limited to, overhangs, movable insulating walls and roofs, attached or detached solar collectors, reflectors and piping shall be permitted for any use subject to the approval and specifications of the ~~Director of Community Development~~. TOWN MANAGER OR DESIGNEE.

#### Section 13.11-5: Signs -- RMH Zone

No sign or outdoor advertising structure shall be permitted in any RMH Zone except as provided in Section 16.

#### Section 13.11-6: Accessory Structures -- RMH Zone

A. Attached Structures An accessory structure that is attached to a main structure shall meet all of the requirements for location of the main structure except as provided in "C" of this Section.

B. Canopies Canopies, or roofs attached to the main building or connecting the main building with a detached accessory building, may extend into a required rear or interior side yard provided that portions of such structure extending into the yard:

1. Shall not exceed 15 feet in height nor project closer than five feet to an interior side or rear lot line;
2. Shall be entirely open on at least three sides except for necessary supporting columns; except that a roof connecting a main building and an accessory building shall be open on at least two sides.

C. Detached Structures

1. A detached structure shall meet the setback requirements of the main building for the front and street side yard areas.
2. Although not requiring a building permit, accessory structures that have a floor area of 120 square feet or less on parcels one-half acre or smaller shall meet the front and street side setbacks but may be within six feet of the main dwelling and three feet from any interior side or rear property line. Structures that are 64 square feet or less and eight feet or less in height measured to the highest peak may have a 0 foot separation from the main dwelling and a 0 foot interior side or rear setback as long as the roof does not drain onto an adjacent property. If there is more than one shed on a property, there must be at least a six foot separation between sheds.
3. A detached accessory structure which does not exceed 15 feet in height and 600 square feet in area may be located within an interior side yard or rear yard; provided, however, that such structure shall not be located closer than five feet to an interior side or rear lot line.
4. A detached accessory structure which exceeds 15 feet in height, or 600 square feet in area, shall maintain the same side and rear setbacks for the main dwelling.
5. A detached structure (over 120 square feet) shall maintain a minimum 10 foot separation from the main structure.
6. For the purpose of administering this Section, swimming pools shall be considered to be a detached structure.
7. The use of mobile homes, semi trailers, railroad cars, shipping containers, travel trailers, camper shells, or similar units as accessory structures is prohibited.

D. Other Structures

1. Steps, architectural features, such as eaves, awnings, chimneys, stairways, wing walls or bay windows, may project not more than six feet into any required front, street side or rear yard area, nor into any required side yard area more than one-half (½) of said required side yard. Greater projections may be permitted when it is demonstrated that such additional projections are needed for solar or alternate energy purposes, subject to the approval of the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE.
2. Balconies, porches or decks shall not encroach or project into any required setback area.
3. For the purpose of this Section, swimming pools shall be considered to be a detached structure. Swimming pools including all accessory or appurtenant structures and equipment shall maintain a minimum setback of five feet from all property lines and buildings. As a precaution against unauthorized use, swimming pools shall be enclosed by a wall or fence not less than 5 feet in height ~~to the specifications of the Department of Community Development~~. IN ACCORDANCE WITH THE REQUIREMENTS OF THE TOWN.

#### Section 13.11-7: Walls and Fences - RMH Zone

- A. In any required front or street side yard, an opaque or solid wall or fence shall not exceed three feet in height. Non-opaque fences, which are at least 50% transparent, may be established in any required front or street side yard area to a maximum height of six feet.
- B. A wall or fence not more than six feet in height, as measured from the highest adjacent grade, may be maintained along the interior side or rear lot lines; provided, that such wall or fence does not extend into a required front yard or street side yard. Extensions of walls or fences into required front or street side yards may not exceed three (3) feet in height. Stacking firewood along a property line shall be considered a wall or fence and must meet height limits.
- C. Walls or fences exceeding six feet in height may be permitted only through the variance procedure set forth in Section 20 and subject to the granting of a building permit.
- D. A wall or fence adjacent to a driveway providing vehicular access to an abutting lot shall not exceed three feet in height within fifteen feet of the intersection of said driveway and the street right-of-way so as not to obstruct visibility.
- E. The provisions of this Section shall not apply to a wall or fence required by any law or regulation of the State of Arizona or any agency thereof.
- F. Tires may not be used to construct walls, unless they are fully encapsulated so as to prevent the accumulation of water inside the tires, and subject to the granting of a building permit.

## SECTION 14: SPECIAL USES AND CONDITIONS

### Section 14.0: General

The provisions of this Section shall apply to the uses and conditions hereinafter enumerated. Where this Section prescribes regulations more restrictive than the zone in which a use or conditional use is permitted, the provisions of this Section shall apply.

### Section 14.1: Temporary Uses

All time requirements are consecutive days per calendar year unless specifically stated otherwise. Only one temporary use permit is to be issued for a parcel at any one time. Permits shall not have overlapping time frames.

A. Special events shall include such outdoor activities as:

1. Transient amusement activities (carnivals, circuses)
2. Tent revivals, seasonal festivals
3. Outdoor sales events (sidewalk, parking lot sales)
4. Outdoor art and craft shows, exhibits (art, craft, RV, boat)

Events shall be limited to a maximum of ~~three (3)~~ FIVE (5) times per calendar year not to exceed a maximum duration of five (5) days per event.

B. Christmas tree sales lots, subject to not more than 40 days of site occupation and operation per year.

C. Campaign offices subject to not more than 70 continuous days of site occupation and operation.

D. Religious, patriotic, historic, or similar displays or exhibits within yards, parking areas, or landscaped areas, subject to not more than 30 days of display in any one year period for each exhibit.

E. Contractor's office and storage yards on the site of an active construction project.

F. Manufactured home residences or trailers for security purposes on the site of an active construction site of major development projects but for not more than a total of ~~six months in any 12 month~~ MONTHS period.

G. Stands for the sale of jewelry, furs, rugs and similar home-type products subject to not more than 30 days per year.

H. Stands for the sale of produce subject to not more than 30 days per year. The provisions of this subsection do not apply to the sale of produce raised on the premises.

I. Temporary retail food sales subject to not more than 30 days per year. This shall include stands for sales at one (1) day special events.

J. Establishment of batch plants in conjunction with road construction projects subject to Planning and Zoning Commission approval.

K. Temporary occupancy of a recreational vehicle or a travel trailer in the G, AR, RR, or MHP Zone for a period not to exceed 100 consecutive days per calendar year, provided that the lot or parcel is not already occupied by a dwelling or other residential structure.

L. Upon the issuance of a building permit, temporary occupancy of a recreational vehicle or a travel trailer in the G, AR, or RR Zone for a period not to exceed six months, provided that the lot or parcel is not already occupied by a dwelling or other residential structure. The temporary use permit may be renewed only if the building permit is issued for a dwelling, and if the building permit remains active.

M. Metal storage containers, refer to Section 14.7.

N. TEMPORARY BANNER SIGNS NOT PERMITTED ELSEWHERE IN THIS ORDINANCE. THE MAXIMUM LENGTH OF TIME FOR ANY SUCH SIGN SHALL BE 60 DAYS. FOR GUIDANCE IN THE DETERMINATION OF SIZE, NUMBER OF SIGNS, HEIGHT, LOCATION AND OTHER CRITERIA, THE COMMISSION SHALL REFER TO THOSE PARTS OF SECTION 16 OF THIS ORDINANCE THAT DEAL WITH BANNER SIGNS.

N. O. Additional uses determined to be similar to the foregoing in the manner prescribed in Section 20.1 (Determination as to Uses Not Listed) may be granted permits by either the ~~Director of Community Development~~ TOWN MANAGER or Planning and Zoning Commission.

#### Section 14.1-1: Permits and Bonds

All temporary uses shall be subject to the issuance of a temporary use permit. Issuance may be through the action of the ~~Director of Community Development~~ TOWN MANGER or the Planning and Zoning Commission. Upon application for a temporary use permit written authorization of the property owner for the property on which the temporary use is proposed shall be provided. Said authorization shall include reference to the requested use and acknowledgement of proposed time frame for operation of said use.

Prior to the issuance of a temporary use permit a cash bond shall be deposited with the ~~County Finance Department~~ TOWN. This deposit shall be used to defray the costs of cleanup of the property by the ~~County~~ TOWN in the event the permittee fails to do same.

#### Section 14.1-2: Performance Standards

Approval of a temporary use permit application shall require compliance with the following performance standards and any further conditions deemed necessary by the ~~Director of~~

Community Development TOWN MANAGER, HIS/HER DESIGNEE or Planning and Zoning Commission in order to reduce possible detrimental effects to surrounding developments and to protect the public health, safety and welfare.

NOISE: Noise shall not be generated by any use to the point of disturbing the peace, quiet and comfort of neighboring residences or businesses. THE PERMIT APPLICATION SHALL CLEARLY IDENTIFY ALL OF THE POTENTIAL SOURCES OF EXCESSIVE NOISE AND THE MEASURES PROPOSED BY THE APPLICANT TO CONTROL EXCESSIVE NOISE. THE TOWN MAY REQUIRE ADDITIONAL MEASURES TO CONTROL EXCESSIVE NOISE INCLUDING A CURFEW.

PARKING: Adequate parking shall be provided. All parking shall be located on the same property as the temporary use; public rights-of-way shall not be used for parking.

LOCATION: No permit shall be issued for a use the location of which is deemed to be potentially hazardous to the public. This includes, but is not limited to, heavily congested and/or trafficked areas where the use may impede or inconvenience the public. No use shall be permitted in a public right-of-way.

SANITATION: All requirements of the County Health Department and/or other regulatory Health Authorities shall be met. Provisions for disposal of solid waste shall be required for all uses.

SIGNS: One (1) freestanding or wall mounted sign not exceeding six (6) square feet in area and six (6) feet in height is permitted. A diagram of the sign indicating size, text, location on site is required. Color and materials may SHALL be reviewed BY TOWN STAFF if site is within a ~~DRO Zone~~. No off site sign is permitted. Additional signing may be permitted at the discretion of the Planning and Zoning Commission.

LIGHTING: All lighting sources shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the light source. The operation of searchlights or similar lighting sources is prohibited.

OTHER PERMITS: Any required Health Department and Sheriff's Office permits or licenses shall be obtained.

#### Section 14.1-3: Appeal

If a permit is denied by the ~~Director~~, TOWN MANAGER, the applicant may appeal his decision within thirty (30) days to the Planning and Zoning Commission. The decision of the Commission shall be final fifteen (15) days from the date of the decision unless an appeal is filed. The Commission's decision may be appealed within fifteen (15) calendar days to the ~~Board of Supervisors~~ TOWN COUNCIL by the applicant or any other person as prescribed in Section 20.6 (Appeals: ~~Board~~ TOWN COUNCIL Review).

#### Section 14.1-4: Extension or Modification of Limitations

Upon written application, the ~~Director of Community Development~~ TOWN MANAGER may extend the time within which temporary uses may be operated (up to a period of 90 days), or may modify the limitations under which such uses may be conducted if the ~~Director~~ TOWN MANAGER determines that such extension or modification is in accord with the purposes of the zoning regulations.

#### Section 14.1-5: Condition of Site Following Temporary Uses

Each site occupied by a temporary use shall be left free of debris, litter, or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used only in accord with the provisions of the zoning regulations.

#### Section 14.2: Home Occupations

Home occupations, where permitted by the provisions of this Ordinance, shall be subject to the approval of the ~~Director of Community Development~~ TOWN MANAGER and shall comply with the following regulations:

- A. 1. A home occupation shall be conducted in a dwelling and shall be clearly incidental to the use of the structure as a dwelling.
2. In no way shall the appearance of the structure or the premises be so altered or the conduct of the occupation within the structure be such that the structure or premises may be reasonably recognized as serving a non-residential use (either by color, materials, or construction, lighting, signs, sounds or noises, vibrations, display of equipment, etc.).
3. No one other than a resident of the dwelling shall be employed in the conduct of a home occupation.
4. No motor or mechanical equipment shall be permitted other than normally incidental to the use.
5. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
6. No storage of materials and/or supplies, including vehicles or equipment used in the occupation, indoors or outdoors, shall be permitted which will be hazardous to surrounding neighbors or detrimental to the residential character of the neighborhood.
7. No building or space outside of the main building shall be used for home occupational purposes except approved agricultural/horticultural related activities.
8. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.

9. A home occupation shall not create any radio or television interference or noise audible beyond the boundaries of the site.

10. No smoke, odor, liquid, or solid waste shall be emitted.

11. There shall be no outdoor storage or display of materials or equipment maintained on the premises.

12. The conduct of the home occupation shall not interfere with the maintenance of the required off-street parking spaces on the property.

13. The application shall be subject to review each year by the ~~Director of Community Development~~ TOWN MANAGER. Violation of any criteria listed above shall result in cancellation of the home occupation permit.

B. A decision of the ~~Director of Community Development~~ TOWN MANAGER regarding the approval, disapproval, or conditions imposed may be appealed in writing to the Planning and Zoning Commission within fifteen (15) days of notice of the decision.

C. The Planning and Zoning Commission shall review newly issued home occupation permits on a regular basis.

#### Section 14.3: Cottage Industries

Cottage Industries may be permitted subject to the granting of a conditional use permit by the Planning and Zoning Commission, and if approved shall comply with the following restrictions:

- A. 1. The entrepreneur of the cottage industry shall reside on the property.
2. The number of persons employed in connection with the cottage industry and who are not residents of the dwelling shall not exceed three (3).
3. The cottage industry may be conducted either within the dwelling or an accessory structure, or both, provided that not more than 50% of the combined floor area shall be used in the conduct of the cottage industry.
4. One nonilluminated sign not exceeding six (6) square feet in area and six (6) feet in height shall be permitted. Colors of sign background, sign lettering, and support structure shall be earth tones complementary to the natural surroundings.
5. Adequate off-street parking shall be provided according to the provisions of Section 15. There shall be a maximum of five (5) parking spaces.

6. Any outdoor storage shall be as permitted in the underlying zone or as specified by the Commission. Outdoor storage shall be completely enclosed with a solid six (6) foot high fence or wall.
7. Parking of commercial vehicles shall be as permitted in the underlying zone.
8. Property for which a conditional use permit for a cottage industry is approved shall front on and have direct access on a road accepted for maintenance by the ~~County~~ TOWN or other governmental agency.
9. Outdoor lighting shall conform to Section 17.
10. Direct sales of products is allowed if such sales are specifically provided for in the use permit.
11. The business shall not generate any noise, vibration, smoke, dust, odor, heat, glare, or electrical interference with radio or television reception that would exceed that normally produced by a dwelling unit.
12. The Commission may grant a conditional use permit for up to three (3) years. If all requirements of this Section and of the use permit have been consistently met, and if no complaints have been filed with the ~~Department of Community Development~~, TOWN, the use permit may be renewed for up to five (5) years.

#### Section 14.4: Bed and Breakfast Establishments

Bed and Breakfast Establishments, where permitted by the provisions of this Ordinance through the issuance of a conditional use permit, shall be subject to the approval of the Planning and Zoning Commission and shall comply with the following regulations:

- A. 1. All provisions of Section 14.2.A pertaining to Home Occupations shall be met.
2. Applicants for a use permit shall be the property owners.
3. No more than two bedrooms shall be used at any one time.
4. No more than five boarders may be accommodated at any one time.
5. The maximum duration of stay of any one guest shall be ten days.
6. The boarders must enter through the main entrance of the dwelling to get to their rooms, with no separate entrances allowed.
7. All parking must be accommodated on site.

8. The conditional use permit shall have a time limit of two years, after which time the ~~Director~~ TOWN MANAGER and the Commission shall review compliance with the conditions listed above. Compliance shall result in automatic renewal for another two year period, while violation shall result in suspension and revocation according to Section 20.2-14 of this Ordinance.
9. For the use of two bedrooms, State and County Health Department approval and permits are required.
10. State Business and Sales Tax Licenses are also required.

#### Section 14.5: Wireless Telecommunication Facilities

A. The purpose of this section is to establish a process, rules and standards for the construction of wireless telecommunication facilities to:

1. To protect and promote the public health, safety and welfare.
2. To provide guidelines for the siting and design of wireless communication facilities.
3. To protect the ~~county's~~ TOWN'S environmental resources and to minimize adverse impacts on visual resources.
4. To ensure that wireless telecommunication facilities are compatible with adjacent land uses.
5. To minimize the number of towers by encouraging the joint use (co-location) of facilities and by maximizing the use of existing towers and structures.
6. To allow competition in telecommunications service.
7. To enhance the ability to provide wireless telecommunication services to ~~county~~ TOWN residents, businesses and visitors.

B. Definitions:

1. ANTENNA means any exterior device for transmitting and receiving wireless communication that is mounted on a tower, building or structure and that is used to send and receive signals for cellular telephone, personal communication service (PCS), mobile radio, paging, wireless Internet access, and similar communication services. Antennas may include panels, microwave dishes, satellite dishes, whip antennas or other devices that may be affixed to a tower, pole or other structure.
2. ANTENNA, ATTACHED means an antenna mounted on the exterior of an existing building, silo, smokestack, water tower, utility or power pole, existing wireless communication tower, or an alternative support structure.

3. **ANTENNA, CONCEALED (STEALTH)** means an antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view in a manner appropriate to the site's context and surrounding environment. Examples include manmade trees, flagpoles that do not exceed ten feet above the maximum allowable building height for the zone, utility poles, light poles, water tanks, steeples, and architectural and facade features.
4. **CO-LOCATION** means use by two or more wireless communication providers on the same tower or other alternative structure.
5. **HEIGHT** means the vertical distance from the preexisting grade at the base of the tower to the highest point of the tower including antennas.
6. **TOWER** means a self-supporting structure such as a lattice tower or monopole, a guyed tower, or a structure affixed to or mounted on an existing or newly constructed building or other permanent structure, together with associated equipment, designed to support one or more antenna.
7. **WIRELESS TELECOMMUNICATION FACILITIES** mean any combination of one or more antennas, towers and/or structures with equipment used for the transmission of wireless communication.

C. Where Allowed:

1. Wireless Telecommunication Facilities require the granting of a conditional use permit by the Planning and Zoning Commission except as specified in Section H below. Facilities are preferred in the industrial (M-1-10,000, M-2-6,000, and MP) and commercial (CG-10,000, CH-10,000, and CN-2/A) zones, but are also permitted with a conditional use permit in the AR, RR, G, PRD, PC, PS, OS, RC, P, and MR zones. Facilities are not permitted in the residential (RS-6,000, RS-10,000, etc., RM-10/A, RM-20/A, MHP and RMH) zones.

D. Preferred Facilities:

Site location and development of wireless telecommunication facilities shall preserve the existing character of the surrounding land uses and buildings and the aesthetic visual character of the area. If technically feasible, new facilities shall use the most preferred facility type. The order of preference for new facilities is as follows (from most preferred to least preferred):

1. Co-location on an existing tower
2. Antennas attached to existing structures such as buildings, light poles, utility poles
3. Concealed or camouflaged facilities
4. New sites on previously disturbed areas. such as cinder pits

5. New towers/facilities under 100' in commercial or industrial zones
6. New towers/facilities 100'-175' in commercial or industrial zones
7. New towers/facilities under 100' in G, AR, or RR zones
8. New towers/facilities 100'-199' in G zones
9. New towers/facilities 100'-150' in AR or RR zones
10. New tower in other zones as described in Section C above

New facilities shall use the most preferred facility type and location where technically feasible, even if it results in an increase in the number of facilities or a higher cost. A lesser-preferred facility type may be permitted only if the applicant presents substantial evidence to show that it will have a lesser visual impact or is more technically necessary than the use of more preferred facilities.

#### E. Disfavored Facilities

1. Any site that is within a state or federal designated scenic corridor such as ~~Highways 180, HIGHWAY 64, and 89A.~~
2. Any site within a visual corridor or scenic vista, for example ~~in the view of the San Francisco Peaks,~~ along a ridgeline exposed to view from highway travelers or to residential areas, along a public trail, in a park or recreation area, unless the facility blends with the surrounding natural and man made environment.
3. Sites adjacent to or very close to residential areas.
4. Sites adjacent to or very close to sacred sites.

#### F. Performance Standards and Design Requirements

1. Height. New facilities shall not exceed 199 feet in height.
2. Setbacks. The setback for towers is 105% of the tower height from all property lines so that in case of collapse or failure the tower would be contained on the property. Setbacks may be allowed to extend onto adjacent properties if there are dedicated fall zone easements. The setbacks may be reduced if a registered engineer can certify that in case of failure the tower would be contained on site. In commercial and industrial zones, the setbacks may be reduced to 30% of the tower height if a registered engineer can prove that in case of failure the tower would be contained on site. Guys and accessory buildings must meet the setbacks of the underlying zoning classification. Facilities that are located on new or replaced utility poles, street lights, or traffic signal poles are exempt from the setback requirements.

3. Color and Materials. Towers and attached antennas must be painted or coated in a color that blends with the surrounding environment. Muted colors, earthtones, and subdued hues, such as gray, shall be used. All associated structures such as equipment buildings, including the roofs, shall be painted with earthtone colors.
4. Fencing. New towers, other than flagpoles, utility poles, or other camouflaged facilities, shall be fenced to prevent trespass.
5. Lighting. Lighting on any new tower is prohibited unless required by the Federal Aviation Administration or by other applicable state or federal requirements. Motion detector security lighting may be approved if the lights are fully shielded. Any outdoor lighting requires a separate lighting permit.
6. Landscaping. Perimeter landscaping may be required as a condition of approval of the facility, depending on the location. Existing vegetation shall be preserved to the maximum extent possible.
7. Signs. No advertising is permitted anywhere upon or attached to the facility. Signage is limited to small non-illuminated warning and identification signs.
8. Permits. A building permit is required for the construction of any new tower and for accessory structures.
9. Storage. Long-term vehicle storage and other outdoor storage are prohibited.
10. Term of use permit. The Conditional Use Permit shall have a time limit of no more than five years. Prior to the end of the five-year period, the applicant and/or structure owner shall be responsible for submitting a new application for renewal. The applicant shall demonstrate that changes in technology have not eliminated the need for the facility as approved. Renewal of a conditional use permit shall be based on compliance with the conditions of approval.

#### G. Application Process

Prior to the submittal of a Conditional Use Permit application, the applicant shall schedule a pre-application conference with TOWN staff of the ~~Community Development Department~~. Staff will review the ordinance requirements and submittal requirements to ensure a complete application. In addition, for facilities located within one-half mile of a residential area, the applicant shall hold a neighborhood meeting prior to the submittal of an application. Staff will attend the meeting and utilize the comments of neighbors in the analysis presented to the Planning and Zoning Commission. The requirement for a neighborhood meeting may be waived by the ~~Director of Community Development~~. TOWN MANAGER. The application shall include all of the requirements for any conditional use permit, including 15 copies of a detailed site plan and elevations, landscape and fencing plans, etc., plus the following:

1. Site plan. The site plan shall show existing improvements on the property, adjacent roads and access roads, parking, fencing, lighting, existing trees that will be retained and those that will be removed, setbacks from all property lines, and all proposed improvements including those on the ground.
2. Elevation drawings. The drawings shall show the tower and proposed attached antenna(e), as well as proposed structures on the ground. Materials and colors shall be indicated and color samples shall be provided.
3. Photo images. Photo simulations of the proposed facility from each direction shall be provided showing the tower, all antennas, structures, and equipment facilities, demonstrating the true impact of the facility on the surrounding visual environment. The ~~Community Development Department~~ TOWN STAFF will assist in specifying recommended vantage points and the requested number of photo simulations at the pre-application conference.
4. Communication plan. Each applicant shall provide a plan of its facilities to the County TOWN prior to or in conjunction with any application for the installation of a wireless telecommunication facility. The plan shall cover the entire ~~county~~ TOWN extending five miles beyond the ~~County border~~. TOWN LIMITS. The plan shall include the following. These shall be in general terms and are not meant to require submittal of confidential or proprietary information.
  - a. All of the applicant's existing wireless facilities by size, type and coverage area
  - b. All presently anticipated future service areas, anticipated dates of development, and types and heights of facilities desired for each of the service areas.
  - c. The various types of wireless telecommunication facilities used by the applicant to furnish service and when they are used. This includes drawings providing the sizes and shapes of the antennas and other equipment as well as written materials describing their application.
  - d. The applicant's policy direction for the mitigation and/or reduction of existing and proposed towers to avoid the proliferation of such facilities.
  - e. The applicant's policy direction on the mitigation and/or reduction of the negative visual impacts created by new towers, including any proposals to conceal or disguise such facilities designed to be architecturally and/or environmentally compatible with their surroundings.
  - f. The applicant's policy direction on co-location of antennas on their own facilities, on facilities from other applicants or tower companies, or on other structures that provide the verticality required for the antennas.
  - g. Designation of an agent (contact person) of the applicant who is authorized to receive communications and notices pursuant to this section.
5. Written narrative. A written narrative shall be submitted with the application explaining why the proposed site has been chosen, why the proposed telecommunication facility is necessary, why the requested height was chosen, ability of the facility to accommodate other providers, and any other information requested at the pre-application conference.

6. Existing structures. Evidence shall be submitted demonstrating that no existing verticality can be utilized within the targeted search area, defined generally as a one mile radius, to meet the applicant's requirements.
7. Property owner list. A typewritten list of the names and addresses of all property owners, keyed to Assessor's Parcel Numbers, within 500 feet of the outside boundaries of the subject property for towers up to 99 feet, and within 1000 feet for towers from 100-199 feet.
8. For facilities within one quarter mile of residential areas, defined as neighborhoods or subdivisions, evidence of notification of property owners within one quarter mile, map indicating tower site and residential area, and evidence of neighborhood meeting including sign-in sheet and a description of how the design addresses the residents' concerns.

#### H. Exemptions

This ordinance does not apply to ham radio towers, which are regulated elsewhere in the Zoning Ordinance, or to satellite dishes for television reception at individual single family residences. In addition, a conditional use permit is not required to co-locate additional antennas on already approved towers unless it results in a substantial change in the approval, such as an increase in tower height. A conditional use permit is not required for attached antennas where the height of the structure the antenna is being attached to is not increased. Examples would be antennas on existing utility or light poles, water towers, or on the fascia of existing buildings. A conditional use permit is also not required for a stealth design that meets the height restriction of the zone in which the tower is proposed to be located. Co-locations are subject to the same conditions of approval as the original conditional use permit.

#### I. Abandonment

The provisions of Zoning Ordinance Section 19, Nonconforming Situations, shall apply to wireless telecommunications facilities. Pursuant to Section 19.11, a tower shall be considered abandoned and the use discontinued if it is not utilized, i.e. there are no providers/antennas on the tower, for a continuous period of 180 days.

#### J. Obsolescence and Removal

In addition to all other remedies available to ~~Cocoonino County~~, THE TOWN OF TUSAYAN, if a facility is abandoned pursuant to Section I above and Section 19 of the Zoning Ordinance, or if a facility becomes obsolete due to changing technology, it shall be the responsibility of the tower owner and/or property owner to remove the tower and to restore the site to its original condition within 60 days. If the tower is not removed within this 60-day period, ~~Cocoonino County~~ THE TOWN may notify the tower owner that it will contract for removal at the cost of the owner.

#### Section 14.6: Group Homes for the Handicapped

A. Purpose: The purpose of these regulations is to permit handicapped persons to reside in single family residential neighborhoods in compliance with the Fair Housing Act, while preserving the residential character of the neighborhood.

B. Zoning Confirmation: Prior to registration, a request for zoning confirmation may be submitted to the ~~Development Services division~~ TOWN MANAGER OR DESIGNEE to confirm that the proposed location of the group home is permitted under this section.

C. Standards: Group Homes for the Handicapped shall be located, developed, and operated in compliance with the following standards:

1. *Separation.* The minimum separation between group homes shall be 1,200 feet, as measured from the closest property lines. No separation is required when group homes are separated by a utility right-of-way of at least 300 feet in width, or by a freeway, arterial street, canal, or railroad.
2. *Occupancy.* The number of residents, excluding staff, shall not exceed 10.
3. *Exterior Appearance.* There shall be no sign or other exterior indication of a group home visible from a street.
4. *Compliance with all Applicable Building and Fire Safety Regulations.* If a group home has one or more non-ambulatory residents, building code requirements in addition to those applicable to group homes with no non-ambulatory residents, shall apply.
5. *Licensing.* Group homes shall comply with applicable licensing requirements.
6. *Parking.* Any parking for the group home shall be on site.
7. *Tenancy.* No group home shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

D. Additional Requirements of State Law: Notwithstanding the foregoing, if the State has adopted laws or rules for the regulation of a specific type of home, such as a group home for the developmentally disabled pursuant to ARS § 36-582 or an assisted living home pursuant to ARS Title 36, Chapter 4, then any such State law or rule shall apply in addition to the conditions listed herein and shall preempt any conflicting condition listed herein.

E. Request for Accommodation: If a group home owner believes any requirement of the Zoning Ordinance prevents the establishment of a group home in an economically viable manner, the owner shall submit a written request for accommodation and the reasons why the accommodation is required. The written request shall contain sufficient facts to allow an individualized determination of the group home's needs, to address safety and welfare concerns, and to assure compliance with this section. ~~Community Development Department~~ TOWN staff shall review the written request and determine:

1. Whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and
2. If so, the nature of the accommodation taking into consideration the requirements of the Fair Housing Act, public safety and welfare concerns, and the residential character of the neighborhood.

The accommodation shall be made only to the extent necessary to comply with the Fair Housing Act.

#### Section 14.7: Metal Storage Container Boxes

- A. The purpose of this section is to establish the criteria, process, rules and standards for the use of metal storage container boxes.
- B. Metal storage containers are defined as prefabricated, portable metal containers used for storage of personal property.
- C. Temporary Uses in the G, AR, RR and RS Zones
  1. Upon the issuance of a building permit, two 160 square foot metal storage containers may be established with a no-fee temporary use permit. A temporary use permit is required prior to the storage containers being located on site and may be issued for up to 18 months at a time. Temporary use permits may be renewed so long as building permit remains in active status.
  2. For non-permit projects (emergency situations related to fire or flood, or remodels), two 160 square foot metal storage containers may be established with temporary use permit for up to 9 months. Emergency related projects are subject to a no fee permit. Temporary use permits may be renewed for an additional 9 month period.
  3. Metal storage containers shall be located at least 10 feet from the front and street side property lines and shall meet side and rear setback requirements for the zoning district in which they are located. Exceptions may be granted by the ~~Director of Community Development~~ TOWN MANAGER in an emergency situation for a maximum of 90 days.
  4. There shall be no utilities installed within the metal storage container.
  5. Any deviations from these standards may be approved through the issuance of a conditional use permit.
- D. Temporary Uses in the CG, CH, M1 and M2 Zones

1. Upon the issuance of a building permit metal storage containers may be established with a temporary use permit. A no fee temporary use permit is required prior to the storage

container being located on site and may be issued for up to 18 months at a time. Temporary use permits may be renewed so long as building permit remains in active status.

2. For non-permit projects metal storage containers may be established with a temporary use permit for up to 6 months.
3. Metal storage containers are required to meet all development standards of the Zoning District in which they are located including setbacks, building separation and structure height. Exceptions may be granted by the ~~Director of Community Development~~ TOWN MANAGER in an emergency situation for a maximum of 90 days.
4. There shall be no utilities installed within the metal storage container.

#### E. Permanent Uses in the G, AR, RR and RS Zones

1. One 160 square foot metal storage container may be established with an approved building permit subject to the following standards.

- a. There shall be no signage on the metal storage container.
- b. The only utilities permitted shall be electricity for lights and outlets, i.e. there shall be no plumbing or mechanical. The addition of electricity requires an electric permit.
- c. All containers shall be painted and maintained either the primary structure color or a pre-approved earthtone color consistent with the surrounding terrain prior to placement.
- d. Metal storage containers are required to meet all development standards of the Zoning District in which they are located including setbacks, building separation and structure height.
- e. Use of the unit is for the storage of personal effects owned by the property owner or tenant. There shall be no commercial use of the unit, for example rental of the unit to people not residing on the property.
- f. The unit shall not be used for residential use or for the keeping of animals.
- g. Nothing shall be stored on top of the unit.

2. Any deviations from these standards may be approved through the issuance of a conditional use permit.
3. Metal storage containers existing prior to the adoption of this ordinance will have until January 1, 2009 to meet these requirements.

#### F. Permanent Uses in the CG and CH Zones

1. The equivalent of one 320 square foot metal storage container (for example two 8'x20' containers or one 8'x40' may be established with an approved building permit subject to the following standards.
  - a. There shall be no signage on the metal storage containers
  - b. Electric utility may be permitted as part of the building permit.

- c. All containers shall be painted and maintained either the primary structure color or a pre-approved earthtone color consistent with the surrounding terrain prior to placement.
- d. Metal storage containers are required to meet all development standards of the Zoning District in which they are located including setbacks.

2. Any deviations from these standards may be approved through the issuance of a conditional use permit.
3. Metal storage containers existing prior to the adoption of this ordinance will have until January 1, 2009 to meet these requirements.

#### G. Permanent Uses in the M1 and M2 Zones

1. Metal storage containers are permitted with an approved building permit subject to the following standards.
  - a. There shall be no signage on the metal storage containers
  - b. Electric utility may be permitted as part of the building permit.
  - c. All containers shall be painted and maintained either the primary structure color or a pre-approved earthtone color consistent with the surrounding terrain prior to placement.
  - d. Metal storage containers are required to meet all development standards of the Zoning District in which they are located including setbacks.
2. Any deviations from these standards may be approved through the issuance of a conditional use permit.
3. Metal storage containers existing prior to the adoption of this ordinance will have until January 1, 2009 to meet these requirements.

#### Section 14.8: Accessory Wind Energy Systems

A. The purpose of this section is to establish a process, rules and standards for the construction and operation of accessory wind energy systems used primarily for on-site power consumption.

#### B. Definitions:

1. Accessory Wind Energy System: A system designed as a secondary use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. The system consists of a wind turbine and associated controls and may include a tower.
2. Hub Height: The distance measured from ground level to the center of the turbine hub.
3. Total Height: The distance measured from ground level to the blade extended at its highest point.

4. Wind Turbine is a device which converts the kinetic energy of the wind into a useable form of electrical energy.

C. Where Allowed:

1. Accessory wind energy systems shall be considered a permitted use in the following zoned areas G, AR, RR, RS, RM, PC, PRD, PS, RC, CG, CH, MR, MP, M1 and M2 Zones that are a minimum of one acre in size. Roof mounted systems may be permitted in any of the above mentioned zoned areas that are a minimum of one-half acre in size.
2. Any deviation from the required standards of this ordinance may be approved through the issuance of a conditional use permit.

D. Performance Standards and Design Requirements.

1. The requirements of this ordinance shall apply to all accessory wind energy systems proposed after the effective date of this Ordinance.
2. All accessory wind energy systems shall conform to applicable industry standards, including those of the American National Standards institute.
3. Minimum parcel size of 1 acre is required for the installation of an accessory wind energy system.
4. No more than two systems are permitted per parcel.
5. Maximum height shall be that of the underlying zoning district measured from preexisting natural grade to the center of the turbine hub for horizontal and vertical systems.
6. Setback requirements shall be 100% of the total height of the accessory wind energy system from all property lines, access easements, residential structures, and public electric power or telephone lines. No part of the wind system structure, including guy wire anchors, may extend into the minimum setback area of the underlying zoning district or into any access or utility easements.
7. All portions of the energy system shall be a non-reflective, non-obtrusive color, subject to the approval of the ~~Community Development Director~~ TOWN MANAGER. The appearance of the turbines, towers and any other related components shall be maintained throughout the life of the wind energy facility pursuant to industry standards.
8. Systems shall not be used for displaying any advertising.
9. Systems shall not be illuminated unless required by a state or federal agency.
10. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of

interconnection to the electric grid. All grid connected systems shall have a completed contractual agreement with the local utility prior to the issuance of a building permit.

11. Accessory wind energy systems shall be designed, installed, and operated so that noise generated by the system shall not exceed fifty decibels (50 dBA), as measured from the nearest property line, except during short-term events including utility outages and severe wind storms.
12. Building permits shall be obtained for any accessory wind energy system prior to installation.

#### E. Obsolescence and Removal

If the accessory wind energy system remains nonfunctional or inoperative for a continuous period of 120 days, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at their expense after a demolition permit has been obtained. Removal includes the entire structure including foundations to below natural grade, and transmission equipment.

### SECTION 14.9: MEDICAL MARIJUANA DISPENSARIES AND OFF-SITE CULTIVATION AND INFUSION FACILITIES

A. The purpose of this section is to establish a process, rules, and standards for the construction, establishment, and operation of medical marijuana dispensaries, and off-site cultivation and infusion facilities, pursuant to ARS §36-2806.01.

#### B. Definitions:

1. Medical Marijuana: All parts of any plant of the genus cannabis whether growing or not, and the seeds of such plant that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.
2. Medical Marijuana Dispensary: A not-for-profit entity defined in ARS §36-2801(11) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells, or dispenses marijuana or related supplies and educational materials to qualifying patients or their designated caregivers.
3. Medical Marijuana Infusion Facility: A facility that incorporates medical marijuana by means of cooking, blending, or incorporation into consumable/edible goods.
4. Medical Marijuana Off-Site Cultivation Location: A building, structure, or premises associated with, but separate from a medical marijuana dispensary where cultivation, storage, infusion, and/or manufacture of medical marijuana products is accomplished.

#### C. Where Allowed:

1. Medical marijuana dispensaries shall be considered a permitted use in the CG-10,000 (Commercial General) and CH-10,000 (Commercial Heavy) Zones or in the PC (Planned Community) Zone in areas designated for development subject to CG-10,000 and CH-10,000 uses and development standards subject to the following performance standards and design requirements.
2. Medical marijuana off-site cultivation and infusion facilities shall be considered permitted uses in the M-1-10,000 (Light Industrial), and M-2-6,000 (Heavy Industrial) Zones or in the PC (Planned Community) Zone in areas designated for development subject to the M-1-10,000 and M-2-6,000 uses and development standards subject to the following performance standards and design requirements. Off-site cultivation and infusion facilities shall be considered conditional uses in the CH-10,000 (Commercial Heavy) Zone or in the PC (Planned Community) Zone in areas designated for development subject to CH-10,000 uses and development standards.

D. Performance Standards and Design Requirements:

1. Medical marijuana dispensaries shall be located in a permanent building, and may not locate in a trailer, cargo container, or motor vehicle.
2. Medical marijuana dispensaries shall have a single secure entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana pursuant to ARS §36-2806(C).
3. Medical marijuana dispensaries shall be a maximum of 2,500 gross square feet.
4. Medical marijuana dispensaries and cultivation/infusion facilities shall not be located within 500 feet of a public or private preschool, kindergarten, elementary, secondary, or high school, place of worship, or public park existing before the date of application for the medical marijuana dispensary or cultivation/infusion facility. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
5. Medical marijuana dispensaries and cultivation/infusion facilities shall not be located within 500 feet of another medical marijuana dispensary or cultivation or infusion facility. This distance shall be measured in a straight line between the exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted.
6. Any medical marijuana dispensaries and cultivation/infusion facilities lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public or private preschool, kindergarten, elementary, secondary, or high school, place of worship, or public park.

7. Retail sales and dispensing of medical marijuana and related products is prohibited at off-site medical marijuana cultivation and infusion facilities.
8. Operating hours of medical marijuana dispensaries are limited to 8:00 am to 8:00 pm.
9. Drive-through services are prohibited.
10. There shall be no emission of dust, fumes, vapors, odors, or hazardous waste into the environment from any facility where medical marijuana cultivation or infusion occurs.
11. Marijuana remnants and byproducts shall be secured and properly disposed of and shall not be placed within the facility's exterior refuse containers.
12. Medical marijuana cultivation and infusion may occur within a medical marijuana dispensary. Otherwise, a medical marijuana dispensary may have one additional location where cultivation, infusion, and production of medical marijuana products occurs pursuant to ARS §36-2804(B)(1)(b)(ii).

E. Permits Required:

1. Where medical marijuana dispensaries and cultivation/infusion facilities are classified as a permitted use, an administrative permit shall be obtained prior to establishment of the use. To obtain an administrative permit, an applicant must comply with paragraphs 3-10 of this section.
2. Where medical marijuana cultivation/infusion facilities are classified as a conditional use, a conditional use permit shall be obtained prior to establishment of the use. The standard conditional use permit application procedures and requirements shall be met along with additional requirements contained herein.
3. The applicant shall provide the name and location of the medical marijuana dispensary. For an off-site cultivation and/or infusion facility, the applicant shall provide the name and location of the dispensary with which it is associated.
4. If the applicant is not the property owner, the application shall include both the applicant's and property owner's signatures.
5. The applicant shall provide a copy of their dispensary registration certificate issued by ADHS pursuant to ARS §36-2804(B) and a copy of the operating procedures adopted pursuant to ARS §36-2804(B)(1)(c) along with a site plan, floor plan, and security plan.
6. If the dispensary and/or cultivation/infusion facility is proposed to be located in an existing building, the applicant shall obtain a building permit for change of occupancy with plans prepared by a professional architect registered in the State of Arizona.

7. A medical marijuana dispensary or infusion facility that incorporates medical marijuana by means of cooking, blending, or incorporation into consumable/edible goods shall obtain applicable food service permits from the County Health Department.
8. If the measured distance is within 25 feet of the required limits identified in Sections 14.9.D.4 & 5 above, a survey sealed by a registered land surveyor may be required, at the discretion of the ~~Director of Community Development~~ TOWN MANAGER and at the applicant's expense, to verify the required separation.
9. Permit fees shall be as stipulated in the fee schedule adopted by resolution of the ~~Board of Supervisors~~ TOWN COUNCIL in effect at the time of application.
10. Permits may be denied if the applicant, in the reasonable opinion of the ~~Director of Community Development~~, TOWN MANAGER is failing to comply with any applicable state or local law or regulation.

## SECTION 15: OFF-STREET PARKING

### Section 15.0: Purposes

In order to alleviate or to prevent traffic congestion and shortage of curb spaces, off-street parking facilities shall be provided incidental to new uses and major alterations and enlargements of existing uses. The number of parking spaces prescribed in this Section, shall be in proportion to the need for such facilities created by the particular type of use. Off-street parking is to be laid out in a manner that will ensure its usefulness, protect the public safety, and, where appropriate, insulate surrounding land uses from its impact.

### Section 15.1: Basic Requirements for Off-Street Parking

A. Off-street parking shall be provided for any new building constructed and for any new use established; for any addition or enlargement of an existing building or use; and for any change in the occupancy of any building or the manner in which any use is conducted that would result in additional parking spaces being required, subject to the provisions of this Article.

B. No existing use of land or structure shall be deemed to be nonconforming solely because of the lack of off-street parking facilities prescribed in this Section, provided that facilities being used for off-street parking on the effective date of this Ordinance shall not be reduced in capacity to less than the minimum standards prescribed in this Article.

C. For additions or enlargements of existing buildings or uses, or any change of occupancy or manner of operation that would increase the number of parking spaces required, the additional parking shall be required only for such addition, enlargement, or change and not for the entire building or use, provided that no additional parking shall be required where the total number of spaces prescribed for the addition, enlargement, or change is less than 10 percent of the number of spaces prescribed for the use as conducted prior to such addition, enlargement or change.

D. Parking required by this Section for any building or use shall not be considered as providing parking for any other building or use, except where a joint parking facility serves more than one building or use or where the Planning and Zoning Commission determines that overlapping parking requirements will not conflict with each other.

E. All off-street parking spaces and areas required by this Section shall be maintained for the duration of the use requiring such areas. Required parking spaces and areas shall not be used for the sale, display or repair of motor vehicles or other goods and services.

F. No use shall be required to provide more spaces than prescribed by this Section or prescribed by any conditional use permit.

## Section 15.2: Parking Spaces Required

### A. General

1. In the CN Zone, off-street parking for a shopping center shall be provided on the same site at a ratio of 5 spaces for each 1,000 square feet of gross floor area.
2. In all residential zones, for residential uses, off-street parking shall be provided in accordance with Section 10.2.B.
3. In all other zones and for all other uses, off-street parking shall be provided in accordance with the standards prescribed in Section 15.2.B. The requirement for any use not specifically listed shall be determined by the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE on the basis of the requirement for similar uses.
4. Where the application of the off-street parking requirements result in a fractional number of spaces, a fraction of one-half or greater shall be resolved to the next higher whole number.
5. All required off-street parking spaces shall be located on the same lot as the use to be served unless a joint parking facility or parking district is established and approved by the Planning and Zoning Commission.

### B. Schedule of Off-Street Parking Requirements

| <u>Use</u>   | <u>Minimum Off-Street Parking Required</u>  |
|--|---|
| Art gallery  | 1 space for each 250 square feet of gross floor area.                             |
| Automobile, boat, camper, or similar vehicle sales, display or rental uses | 1 space for each 500 square feet of gross floor area, but not less than 5 spaces. |
| Automobile car wash  | Spaces or reservoir parking equal to 5 times the capacity of the car wash.        |
| Bank, financial institution, public or private utility office              | 1 space for each 200 square feet of gross floor area.                             |
| Barber or beauty shop  | 1 space for each 200 square feet of gross floor area.                             |
| Bed and breakfast  | 1 space for each guest room plus 2 spaces for permanent residents.                |
| Boarding or rooming house  | 1 space for each guest room or guest dwelling.                                    |
| Bowling alleys   | 3 spaces for each alley   |

|  |  |
|--|--|
| Camp   | 1 space for each employee on largest shift plus one space for each camp vehicle normally parked on the premises plus 1 visitor space for each 10 campers.  |
| Church, chapel, or mortuary  | 1 space for each 3 seats in the main assembly room; or 1 space for each 20 square feet in the main assembly room.  |
| Cleaning or laundry use or similar personal service use  | 1 space for each 250 square feet of gross floor area.  |
| Clubs or lodges  | 1 space for each 3 seats in the main assembly room; or 1 space for each 20 square feet in the main assembly room.  |
| College, or university, including auditoriums, stadiums and housing facilities; vocational schools | .75 space for each full-time equivalent student, less the number of spaces provided for on-campus housing facilities according to this schedule.   |
| Commercial service uses, repair shops, garages, wholesale uses                                     | 1 space for each 200 square feet of gross floor area (including display).  |
| Community center   | 1 space for each 250 square feet of gross floor area or 1 space for each 4 patrons to the maximum capacity plus one space for each employee on the largest shift.                                  |
| Contractor's yard  | 2 spaces plus one space for each employee.   |
| Convalescent home  | 1 space for each 3 patient beds.   |
| Convenience markets  | 1 space for each 200 square feet of gross floor area.  |
| Country club, swim club or recreation use  | 1 space for each 3 persons based on the maximum anticipated capacity of all facilities capable of simultaneous use as determined by the <del>Director of Community Development</del> TOWN MANAGER. |
| Day nursery or nursery school  | 1 space for each staff member plus one space for each 10 students.   |
| Dormitories and other student housing  | 2 spaces for each three guest rooms.   |
| Drive-in restaurants   | 1 space for each 100 square feet of gross floor area, but not less than 10 spaces for each such establishment.   |

|   |   |
|---|---|
| Elementary or junior high school  | 2 spaces for each teaching station.   |
| Fire station  | 1 space for each 200 square feet of gross floor area.   |
| Food store, supermarket or similar use  | 1 space for each 150 square feet of gross floor area (including display).   |
| Furniture or appliance stores   | 1 space for each 750 square feet of sales display area.   |
| Government buildings  | 1 space for each 200 square feet in addition to the parking required for employees.                                       |
| High school, including auditoriums and stadiums on site   | 7 spaces for each teaching station.   |
| Horse stable  | 1 space for each employee plus 1 space for each 4 stalls.   |
| Hospital  | 1 space for each two patient beds.  |
| Hotels and motels   | 1 space for each guest room.  |
| Kennel  | 1 space for each employee plus one space for each 1,000 square feet but no less than 4 spaces.                            |
| Manufacturing or industrial uses, including office or other incidental operations on the site   | 2 parking spaces for each 3 employees, but in no event less than 2 spaces for each 1,000 square feet of gross floor area. |
| Medical or dental office  | 5 spaces for each doctor.   |
| Mineral extraction operations   | 1 space for each employee on the maximum shift.   |
| Other business, technical service, administrative or professional office or commercial building | 1 space for each 250 square feet of gross floor area.   |
| Plant nursery, garden shop  | 5 spaces plus additional space for each 1,000 square feet of sales or display area.                                       |
| Post office   | 1 space for each employee plus 1 space for each 500 square feet of gross floor area.                                      |
| Recycling center  | 1 space for each employee plus 1 space for each 500 square feet of gross floor area.                                      |

|   |   |
|---|---|
| Restaurant, cocktail lounge, or similar use for sale or consumption of food or beverage | 1 space for each 100 square feet of gross floor area, (INCLUDING OUTDOOR DINING AREAS) but not less than 10 spaces for each such establishment.   |
| Retail, general   | 1 space for each 200 square feet of gross floor area.   |
| Retail, outdoor   | 1 space for each 500 square feet of open sales and display area plus one space for each employee.   |
| Retail, showroom  | 1 space for each 500 square feet of showroom/display area plus 1 space for each employee; additional parking required for associated warehouse area.  |
| Self-service storage  | 2 spaces plus 1 space for each 100 units.   |
| Service station   | 5 spaces.   |
| Theater or auditorium not on a school site  | 1 space for each 3 seats in main assembly room; or 1 space for each 20 square feet in main assembly room.   |
| Skating rinks   | 1 space for each 3 seats; or 1 space for each 50 square feet of rink area.  |
| Warehouse and distribution industry   | 2 parking spaces for each 3 employees, but in no event less than 1 space for each 2,000 square feet for the first 20,000 square feet; 1 space for each 4,000 square feet of floor area of the remaining building area. If there is more than 1 shift, the number of employees on the largest shift may be used in determining parking requirements. |

C. TOUR BUS PARKING. FOR HOTELS AND MOTELS WITH MORE THAN 60 GUEST ROOMS, PARKING FOR UP TO TWO (2) TOUR BUSES WILL BE ALLOWED IN LIEU OF AUTOMOBILE PARKING SPACES AT A RATIO OF ONE (1) TOUR BUS SPACE FOR EVERY EIGHT (8) AUTOMOBILE PARKING SPACES. ADDITIONAL TOUR BUS PARKING SPACES MAY BE PROVIDED, BUT NO ADDITIONAL CREDIT WILL BE GIVEN.

Section 15.3: Site Development Standards for Off-Street Parking Areas

A. Each off-street parking space shall consist of a rectangular area not less than 9 feet wide by 18 feet long, together with drives, aisles, turning and maneuvering areas and having access at all times to a public street or alley. All parallel parking stalls shall be a minimum of 8 x 24 feet.

B. Each off-street parking area shall provide an area or areas landscaped equivalent to 10 square feet for each parking space. Such landscaping shall be provided along the periphery of the parking area and shall consist of trees and plant material; provided, however, that such landscaped area shall include at least one minimum 15 gallon tree for each 10 parking spaces. In addition, one minimum 15 gallon tree shall be provided in the interior portions of the parking area for each ~~2,000~~ 10,000 square feet of parking area. Required landscaped yard or setback areas shall not be construed as satisfying any portion of the landscaped area required by this Section unless authorized and accepted by the Planning and Zoning Commission.

C. Any unused space resulting from the design of the parking area shall be used for landscape purposes.

D. All required landscaped areas shall be provided with a permanent and adequate means of irrigation and shall be adequately maintained.

E. All off-street parking areas, except for single family dwellings AND TWO FAMILY DWELLINGS, shall be constructed and maintained to provide the following:

1. Grading, drainage, and a minimum of two inches of asphaltic concrete paving over a four inch aggregate base or other acceptable paving design prepared by a registered professional engineer to the specifications of the ~~County Engineer~~ TOWN STAFF unless a paving waiver is approved by the Planning and Zoning Commission or a variance is granted by the ~~Board of Adjustment~~. HEARING OFFICER.

2. Internal spacing, circulation, and dimensions as indicated on the sample parking lot plan (~~see page 15-9~~). AT THE END OF THIS SECTION.

3. Bumpers, wheel stops, stall markings and other vehicular controls to the specifications of the ~~Director of Community Development~~. TOWN MANAGER OR DESIGNEE.

4. Lighting may be required to the specifications of the ~~Director of Community Development~~. TOWN MANAGER OR DESIGNEE. In all cases, such lighting shall be arranged and shielded so that direct rays do not shine onto adjacent property and so that no light is projected above the horizontal.

5. Drainage shall be provided to the specifications of the ~~County Engineer~~. TOWN STAFF.

6. Parking lot turn-outs shall be a minimum of 100 feet from the nearest street intersection.

F. Parking area design dimensions shall be as follows: (See sample parking lot plan.)

In the event practical difficulties and hardships result from the strict enforcement of the following standards due to existing permanent buildings or an irregularly shaped parcel, an

administrative variance by the ~~Director of Community Development~~ TOWN MANAGER may be given for Standards Nos. 1 through 4 inclusive, not to exceed ten (10) percent.

Note: The number in the left-hand column of the following listing refers to the numbers on the attached sample parking lot plot plan.

|    |     |     |     |     |
|----|-----|-----|-----|-----|
| 1. | 30° | 45° | 60° | 90° |
| 2. | 16' | 17' | 18' | 18' |
| 3. | 14' | 16' | 19' | 24' |
| 4. | 46' | 50' | 55' | 60' |

5. 14' for one-way traffic; 24' for two-way traffic (two-way aisles shall be permitted only on 90 degree parking designs).

6. Islands shall have a maximum length of 180 feet.

7. Islands shall have a minimum width of 5 feet. The minimum average width of islands at the extremities of 90 degree parking islands shall be 5 feet.

8. Curbs shall be installed at a minimum of 5 feet from walls, fences, buildings or other structures. This requirement excepts driveways that are not a part of the maneuvering area for parking. A curb shall be installed a minimum of three feet (3') from the edge of driveways that are parallel to block walls or fences.

9. Curb radius shall be 3 foot minimum.

10. Driveway widths shall be 24 feet minimum and constructed to ~~County~~ TOWN standards.

11. First parking space shall be 10 feet minimum distance from front and street side property lines.

12. Walk openings four feet (4') wide shall be permitted in the island every 5 spaces.

13. Parking stall length may include allowance for vehicle overhang of a curb or planter area up to a maximum of 3 feet.

All parallel parking stalls shall be a minimum of 8 x 24 feet.

See Suggested Parking Lot Plot Plan ~~on next page.~~ FOUND AT THE END OF THIS SECTION.

G. Where off-street parking facilities are provided but not required by Section 15, such facilities shall comply with the development standards of this Section.

H. Loading spaces shall be provided to the specifications of the ~~Director of Community Development~~. TOWN MANAGER OR DESIGNEE.

I. Parking for the handicapped shall be provided in accordance with the requirements of A.R.S. Section 34-405-C.

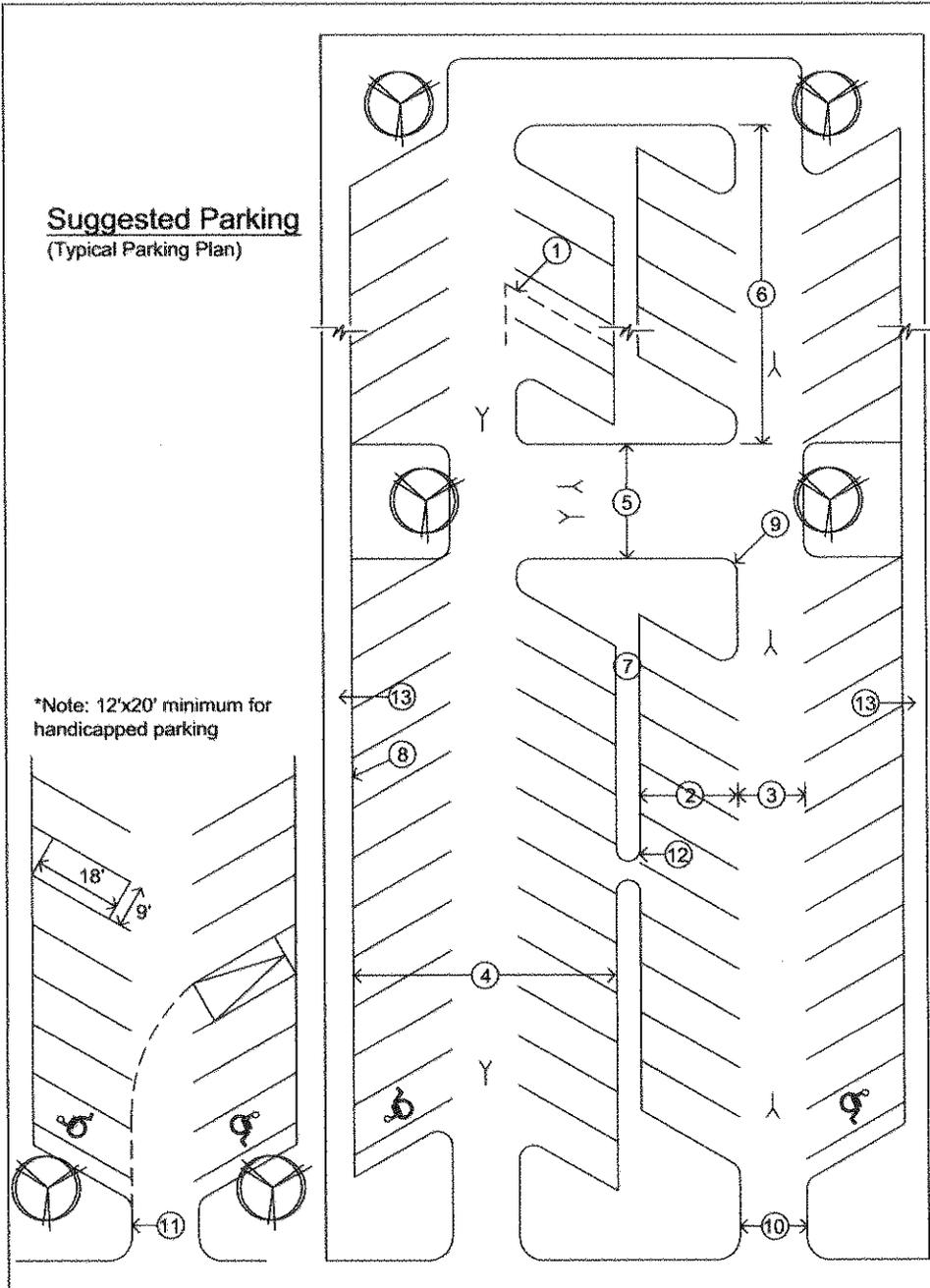
J. At the discretion of the ~~Planning and Zoning Commission~~ TOWN MANAGER OR DESIGNEE, designated bus parking may be required for uses subject to tour bus traffic. Where required, minimum dimensions for bus parking spaces shall be 12 x 42 feet for angle parking and 10 x 48 feet for parallel parking.

K. At the discretion of the ~~Planning and Zoning Commission~~ TOWN MANAGER OR DESIGNEE, off-street parking facilities providing more than forty (40) parking spaces may contain an on-site traffic circulation and parking plan to accommodate both full-size and compact car spaces. Said optional parking plans shall meet the following criteria:

1. Not more than 40% of the total number of parking spaces shall be designed for compact and subcompact vehicles.
2. Compact spaces must be designed for 90 degree parking and located opposite a 45 degree or 30 degree full-sized aisle and parking stall.
3. Compact car parking spaces shall measure at least 8 feet by 15 feet in size.

**Suggested Parking**  
(Typical Parking Plan)

\*Note: 12'x20' minimum for  
handicapped parking



## SECTION 16: SIGNS

### Section 16.0: Purpose

The location, height, size, and illumination of signs are regulated in order to maintain the attractiveness and environmental qualities of the County; TOWN to protect business sites from loss of prominence resulting from excessive signs on nearby sites; and, to protect the public safety and welfare.

### Section 16.1: Definitions

The following definitions are also found in Section 8, Definitions. They are repeated here for convenience and clarity.

ADVERTISING DEVICE shall mean any figure, symbol, design, model, or device, whether it contains a lettered advertising message or not, used to attract attention or convey a message and which is visible from any area outside a building. Advertising devices include, but are not limited to: vehicles, vehicle parts, wagons, trailers, railroad cars, shipping containers, and goods for sale.

BANNER SHALL MEAN A TEMPORARY SIGN MADE OF PLIABLE MATERIAL THAT MAY OR MAY NOT BE LOCATED IN A RIGID FRAME.

BILLBOARD shall mean any sign designated for use with changing advertising copy and which is normally used for the advertisement of goods produced or services rendered at locations other than the premises on which the sign is located.

DETACHED (FREESTANDING) SIGN shall mean a ground sign with no form of support other than its own structural members.

DOUBLE-FACED SIGN shall mean a sign with two faces only, with each face oriented 180 degrees from the other.

PROJECTING SIGN shall mean a sign attached to a building wall or structure that extends horizontally more than twelve (12) inches from the face of the wall.

ROOF SIGN shall mean a sign erected over or on, and wholly or partially dependent upon the roof of any building for support, or attached to the roof in any way. This definition shall also include any sign painted directly on a roof.

SIGN shall mean any notice, advertising device, or advertisement, pictorial or otherwise, used as an outdoor display or visible from outside a building for the purpose of advertising the property or the establishment or enterprise, including goods and services, upon which the sign is exhibited, or for use for off-site directional purposes. This definition shall not include official notices issued by any court or public body or officer or directional warning or information sign or structure required by or authorized by law.

TEMPORARY BUSINESS IDENTIFICATION SIGN SHALL MEAN A BANNER THAT IS INSTALLED ON THE WALL OF A NEW BUSINESS DURING THE PERIOD OF TIME THAT THE PERMANENT BUSINESS IDENTIFICATION SIGN IS IN THE TOWN'S SIGN APPROVAL PROCESS.

WINDOW SIGN shall mean a sign, which is displayed in a window so as to be visible beyond the boundaries of the parcel upon which such signs are displayed.

SIGN, OFF-PREMISE shall mean any notice, or advertising device, or advertisement which is erected on the ground or upon a building that does not pertain to the use of the property on which displayed.

#### Section 16.2: General Provisions

A. All sign illumination shall be from the interior or from top mounted, downward directed flood light projection. Signs may not be illuminated between the hours of 9:00 11:00 PM and sunrise, unless the use they advertise is open to the public during those hours. If illumination is provided, all lights must be installed and used in conformance with Section 17 (Lighting) of this Ordinance. A BANNER SIGN MAY ONLY BE ILLUMINATED IF IT IS INSTALLED OVER A LEGALLY LIGHTED SIGN.

B. No sign shall rotate or simulate movement by means of fluttering, spinning or reflective devices.

C. No sign may encroach upon or overhang any adjacent property or any public right-of-way. No sign shall be attached to any utility pole, light standard, tree or any other public facility. No sign may be placed in any public right-of-way.

D. Canopy signs shall not project above the canopy; signs attached to a building shall not project above the eave line except as approved by the Planning and Zoning Commission.

E. The square footage of a sign made up of letters, words, or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words, or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words, or symbols. Only those portions of the construction elements that are an integral part of the sign itself shall be considered in the allocation of square footage allowed.

F. All signs shall be structurally safe and shall be maintained in good condition in the opinion of the ~~Director of Community Development and the Chief Building Official~~. TOWN MANAGER OR DESIGNEE. Furthermore, it shall be the responsibility of the owner of the land and/or improvements to remove any sign or signs on premises where the use has been discontinued for a period of ~~ninety (90) days~~. SIX (6) MONTHS. THE TOWN MANAGER OR DESIGNEE MAY ALLOW THE OWNER OF THE LAND AND/OR IMPROVEMENTS TO REMOVE THE SIGN MESSAGE IN LIEU OF REMOVING THE STRUCTURE THAT CONTAINS THE SIGN MESSAGE.

G. All signs, together with all of their supports, braces, guys and anchors shall be kept in good condition. The display surfaces of all signs shall be kept neatly painted or posted at all times. Also, all weeds shall be removed periodically as necessary. The ~~Chief Building Official~~ TOWN MANAGER OR DESIGNEE may order the removal of any sign that is not maintained in accordance with the provisions of ~~Section S-305 of the Uniform Sign Code.~~ THE TOWN BUILDING CODE.

H. No cloth, paper, plastic or similar advertising signs, BANNERS or devices other than in rigid frames ~~as provided herein~~ shall be permitted EXCEPT AS PERMITTED HEREIN.

I. For retail commercial uses in any zone where such uses are listed as permitted or conditional uses, window signs may be permitted. Signage exceeding 25% of the window area is prohibited. Window signs above the ground floor shall be considered equivalent to a wall sign and shall be included in the overall signage calculation.

J. No roof signs shall be permitted. However, where no building setback is provided, roof signs may be permitted subject to the approval of the Planning and Zoning Commission.

K. Projecting signs shall not extend out more than thirty-two (32) inches from the wall to which they are attached, and shall not exceed ten (10) square feet in area. A minimum of eight (8) feet of clearance between the ground and the bottom edge of the sign shall be provided.

L. No person shall exhibit, post or display upon any sign or wall any statement, symbol or picture of an obscene nature.

M. No person, firm or corporation shall erect, construct, enlarge, modify or relocate any sign in the ~~County~~ TOWN without first obtaining a building permit, as applicable, for each such sign. Where said sign is electrical or illuminated by electricity, a separate electrical permit shall be obtained.

N. The following signs shall not require a sign permit: Real Estate For Sale, Rental and Open House signs (see Section 16.4.B.1), residential name plates (see Section 16.5.A or 16.6.A.1 as applicable) and residential construction signs (see Section 16.4.B.2). A sign permit shall be obtained for all other signs prior to their installation.

O. Signs shall not blink, flash, or be animated by lighting in any fashion.

P. The operation of searchlights or similar lighting sources for advertising, display or any other commercial purpose is prohibited.

Q. No sign shall be located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal, or device or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic. A clear sight triangle shall be maintained at all street intersections and driveway entrances. Such clear sight triangle shall be determined by measuring twenty-five (25) feet along each property line at street intersections, and along the property line and the

driveway for driveway entrances. Signs that are to be located in such clear sight triangle shall not exceed three feet in height.

R. Signs that are placed on gasoline pumps or on spanners above gasoline pumps that do not exceed one quarter (1/4) square foot in area shall not be counted toward the maximum number of wall signs allowed for each use. One such sign may be placed on each side of a gasoline pump or spanner. If such signs exceed one quarter (1/4) square foot in area they shall be considered wall signs and will be counted toward the maximum number of wall signs allowed for each use.

S. FLUORESCENT SIGNS OR SIGNS WITH FLUORESCENT LETTERING, ILLUSTRATIONS OR FEATURES ARE PROHIBITED.

T. THE BASE OF A FREESTANDING SIGN SHALL BE LOCATED IN A PLANTER BOX OR OTHER LANDSCAPED AREA.

### Section 16.3: Exempt Signs

The following signs shall be exempt from the provisions of this Section:

- A. Official notices authorized by a court, public body, or public safety official.
- B. Directional, warning or information signs authorized by federal, state, COUNTY or ~~municipal~~ TOWN authority.
- C. Memorial plaques and building cornerstones when cut or carved into a masonry surface or when made of incombustible material and made an integral part of the building or structure.
- D. Commemorative symbols, plaques and historical tablets.
- E. Political signs; provided, however, that such signs shall be displayed no more than sixty (60) calendar days prior to the election to which they refer, and shall be removed within three (3) calendar days following the date of the election to which they refer. Political signs shall not be placed in any public right-of-way.

### Section 16.4: Special Purpose Signs

The following special purpose signs shall be permitted:

- A. Directional Signs. In any zone, one parking directional sign not exceeding ten (10) square feet in area or six (6) feet in height at each parking area entrance or exit. Directional signs painted on paved parking areas shall be permitted. No advertising message of any kind shall be displayed on a parking directional sign.
- B. Real Estate and Development Signs

1. For sale or rental signs. In any zone, one on-site unlighted sign not exceeding six (6) square feet on each street frontage adjoining a site. Freestanding signs shall not exceed six (6) feet in height. Parcels of 40 acres or more shall be allowed one freestanding sign not exceeding twenty (20) square feet in area and eight (8) feet in height. All sale and rental signs shall be removed within thirty (30) days from the date of sale.
2. Open house signs. Open house signs shall be limited to four (4) square feet and shall not exceed three (3) feet in height. They shall be limited to no more than two days per week for any given property. One on-site and no more than three off-premise signs are permitted. The signs shall be placed no more than 30 minutes prior to the beginning of the open house and shall be removed within 30 minutes of the end of the open house. Off-premise signs placed in public rights-of-way shall be placed such that they do not obstruct traffic or visibility at the intersection. They shall not obstruct multi-purpose paths or sidewalks. When placed on private easements, they shall be placed with the property owner's permission.
3. Construction signs. On the site of a property actively under construction, one unlighted sign not exceeding twenty (20) square feet in area and six (6) feet in height in a residential zone or forty (40) square feet in area and eight (8) feet in height in a commercial or industrial zone to identify each contractor, architect or engineer engaged in the project. Said signs shall be removed within five (5) days after the issuance of a certificate of occupancy by the ~~Chief Building Inspector~~, TOWN.
4. Directional subdivision signs. In any zone, unlighted signs advertising subdivisions containing only the name of the subdivision, the name of the developer and/or agent, an identification emblem and directional message shall be permitted, provided:
  - a. There shall be no more than three such signs for each subdivision;
  - b. The total area of all signs shall not exceed thirty (30) square feet;
  - c. The total height of each sign shall not exceed eight (8) feet;
  - d. Directional subdivision signs may be displayed during the two years following the date of recordation of the final plat for the subdivision, or until one hundred percent (100%) of the lots have been sold, whichever occurs first.
  - e. Directional subdivision signs may be located outside the boundaries of the subdivision, but no further than the closest intersection of a public street.
5. Temporary on-site subdivision signs shall be permitted provided there shall be no more than one hundred (100) square feet of total sign area for each subdivision and a total of five (5) signs. Freestanding signs shall not exceed fifteen (15) feet in height in a commercial subdivision and eight (8) feet in height in a residential subdivision. Such on-site signs shall be permitted to remain for two (2) years from the date the required sign permit is issued. An extension beyond the two (2) year limitation may be granted for a one (1) year period subject to the approval of the Planning and Zoning Commission. However, if a conditional use permit is approved for a sales office, any temporary on-site subdivision signs may remain for the term of the conditional use permit.

6. Subdivision entrance signs. At the major street entrance(s) to a subdivision or development, not more than two (2) signs, each not exceeding twenty (20) square feet in area per sign, shall be permitted. Such signs shall be attached to and shall not extend above a wall or fence, and shall indicate only the name and/or the address of the subdivision or development. Design, color scheme and height of entrance signs are subject to the approval of the ~~Director of Community Development~~. TOWN MANAGER OR DESIGNEE. Such signs shall be constructed of materials and shall be affixed to the wall or fence in such a manner as to render them not readily susceptible to vandalism.

7. Office buildings and shopping centers and industrial subdivisions may display leasing and rental signs for a period of one year following final construction inspection. These signs shall be limited to one freestanding sign and two building-mounted signs not to exceed a total of one hundred fifty (150) square feet in area. Freestanding signs shall not exceed eight (8) feet in height.

### C. Special Sale Signs

For retail commercial uses in any zone where such uses are listed as permitted or conditional uses, special sale signs OR BANNERS may be permitted while a special sale of goods or services is being conducted. Signs SHALL BE PROFESSIONALLY MADE, attached to the A building WALL or to INSTALLED OVER an existing freestanding sign AND SHALL BE LIMITED TO ONE PER STREET FRONTAGE ~~shall be in rigid frames, and~~ The display of the signs shall be limited to fourteen (14) days per calendar quarter. The size of special sale signs shall not exceed ~~one hundred per cent (100%) of total square footage of any permanent on-premise signs that advertise the commercial use.~~ THIRTY TWO (32) SQUARE FEET EACH.

### D. Other Special Signs

1. Flags, emblems, insignias and posters of any nation, state, international organization, political subdivision or other governmental agency; unlighted non-verbal religious symbols attached to a place of religious worship; and, temporary displays of a patriotic, religious, charitable, or civic character shall be exempt from the provisions of this section; ~~however, if the height exceeds thirty (30) feet, such signs shall be subject to the approval of the Director of Community Development. TOWN MANAGER OR DESIGNEE. The preceding shall not be construed as to permit the use of such flags, insignias, etc. for the purpose of advertising or identifying a product or business.~~ EXCEPT AS FOLLOWS:

A. IF THE HEIGHT EXCEEDS THIRTY (30) FEET, SUCH SIGNS SHALL BE SUBJECT TO THE APPROVAL OF THE TOWN MANAGER OR DESIGNEE.

B. WITH THE EXCEPTION OF A PUBLIC SPACE SUCH AS A TRANSPORTATION CENTER, VISITOR CENTER OR ROADWAY

MEDIAN, A MAXIMUM OF ONE U.S. AND ONE ARIZONA FLAG SHALL BE ALLOWED PER PROPERTY.

C. FLAG POLES SHALL NOT EXCEED 40 FEET IN HEIGHT.

D. THE PRECEDING SHALL NOT BE CONSTRUED AS TO PERMIT THE USE OF SUCH FLAGS, INSIGNIAS, ETC. FOR THE PURPOSE OF ADVERTISING OR IDENTIFYING A PRODUCT OR BUSINESS.

2. TEMPORARY BUSINESS IDENTIFICATION SIGN FOR NEW BUSINESSES ONLY AND SUBJECT TO THE FOLLOWING:

A. A SIGN PERMIT FROM THE TOWN IS REQUIRED

B. IF DESIGN REVIEW IS REQUIRED, IT SHALL BE DONE BY THE TOWN STAFF AND APPROVED BY THE TOWN MANAGER.

C. A TEMPORARY BUSINESS IDENTIFICATION SIGN SHALL BE REMOVED WITHIN TWO WEEKS OF THE ISSUANCE OF A PERMIT(S) FOR THE PERMANENT BUSINESS SIGNAGE BUT NO LONGER THAN 60 DAYS FROM THE DATE OF THE ISSUANCE OF THE PERMIT FOR THE TEMPORARY BUSINESS IDENTIFICATION SIGN. ONE 30 DAY EXTENSION OF TIME MAY BE APPROVED BY TOWN STAFF. A SECOND 30 DAY EXTENSION MAY BE APPROVED BY THE TOWN MANAGER. NO FURTHER EXTENSIONS ARE AUTHORIZED.

AN EXTENSION OF TIME WILL ONLY BE APPROVED UPON A FINDING THAT THE BUSINESS OWNER HAS BEEN DILIGENT IN PURSUING APPROVAL OF PERMANENT SIGNAGE.

D. ONLY ONE SIGN MOUNTED ON A BUILDING WALL OR OVER AN EXISTING WALL SIGN IS PERMITTED.

E. IF THE TEMPORARY IDENTIFICATION SIGN IS INSTALLED OVER AN EXISTING SIGN, THE NEW BUSINESS OWNER MAY ALSO APPLY FOR A BANNER SIGN AS PROVIDED IN SECTION 16.7.A.6 OF THIS REGULATION.

F. SIGN MUST BE MAINTAINED IN GOOD CONDITION.

G. MAXIMUM SIZE SHALL BE 32 SQUARE FEET OR IF THE SIGN IS TO BE INSTALLED OVER AN EXISTING SIGN, IT MAY BE THE SAME SIZE AS THE EXISTING SIGN.

H. THE SIGN SHALL BE PROFESSIONALLY MADE.

E. HOUSE OF WORSHIP ANNOUNCEMENT BANNER SIGN

1. ONE BANNER SIGN MAY BE PLACED ON THE SITE OF THE FUTURE CONSTRUCTION/LOCATION OF A HOUSE OF WORSHIP. THE PURPOSE OF THE SIGN SHALL BE TO ANNOUNCE THE FUTURE LOCATION OF A HOUSE OF WORSHIP ON THE SITE. THE SIGN MAY BE FREE STANDING AND IF SO, SHALL BE VENTED TO WITHSTAND WIND. IT SHALL BE SETBACK FROM THE CLOSEST PROPERTY LINE AT LEAST 10 FEET. IT SHALL BE A MAXIMUM AREA OF 32 SQUARE FEET AND A MAXIMUM HEIGHT OF 8 FEET.

2. ONE BANNER SIGN MAY BE PLACED ON THE WALL OF A BUILDING ANNOUNCING AN EVENT, CLASSES OR OTHER TEMPORARY OCCURRENCE AT A HOUSE OF WORSHIP. THE BANNER SHALL BE A MAXIMUM AREA OF 32 SQUARE FEET AND BE PROFESSIONALLY MADE. IT SHALL REMAIN ON SITE FOR A MAXIMUM OF 14 DAYS.

The following special purpose signs shall be prohibited:

E. Billboards

1. Billboards and off-premise signs shall not be permitted in any zone. All existing billboards and off-premise signs are nonconforming uses subject to the provisions of Section 19 of this Ordinance.
2. If any billboard contains copy advertising a use, business or product no longer in existence, or is left blank, or is maintained without paid copy for a period of 180 days or more, such billboard shall be removed immediately unless a conditional use permit is approved for its reuse.

F. Portable Signs

1. Portable and sandwich board signs are prohibited. Temporary real estate "open house" signs shall be exempt.

G. Vehicle Signs

1. Signs painted on or attached to vehicles parked on public or private premises that are displayed in view of vehicular or pedestrian traffic for a period in excess of twenty-four (24) hours shall be prohibited.

Section 16.5: Signs in General, Agricultural Residential, and Rural Residential Zones

Except as prescribed in Section 16.4 (Special Purpose Signs), only the following signs shall be permitted in a General, Agricultural Residential, or Rural Residential Zone:

A. Residential Uses

One name plate not exceeding one square foot in area indicating the name of the occupant.

B. Agricultural Uses

1. One unlighted sign not exceeding six (6) square feet in area or six (6) feet in height pertaining to the sale of products raised on the premises.

2. One unlighted identification sign not exceeding ten (10) square feet in area or six (6) feet in height identifying an agricultural or related use conducted on the premises.
3. Only one sign pertaining to the agricultural or related use of the premises shall be permitted.

C. Public and Semi-Public Uses

One freestanding sign not to exceed fifteen (15) square feet in area and six (6) feet in height, and one unlighted wall sign not to exceed six (6) square feet in area.

D. Other Uses

One sign not to exceed fifteen (15) square feet in area. Freestanding signs shall not exceed six (6) feet in height.

E. Special Uses

Signs identifying special uses shall be as authorized by the conditional use permit required for the establishment of special uses within the G, AR, and RR Zones.

Section 16.6: Signs in Residential Zones

Except as prescribed in Section 16.4 (Special Purpose Signs), only the following signs shall be permitted in a Residential Zone:

A. Residential Uses

1. Single-family dwelling units AND TWO FAMILY DWELLING UNITS: one name plate PER DWELLING not exceeding one square foot in area indicating the name of the occupant. On a site with more than one dwelling unit, name plates shall not be combined.
2. Multi-family dwellings, apartment developments, boarding or rooming houses, dormitories: one unlighted identification sign not exceeding fifteen (15) square feet in area. Freestanding signs shall not exceed six (6) feet in height.

B. Agricultural Uses

One unlighted sign not exceeding six (6) square feet in area or six (6) feet in height pertaining to the sale of products raised on the premises.

C. Public and Semi-Public Uses

One freestanding sign not to exceed fifteen (15) square feet in area and six (6) feet in height, and one unlighted wall sign not exceeding six (6) square feet in area. Lighting requirements for signs shall be as specified in the required conditional use permit.

#### Section 16.7: Signs in Commercial Zones

Except as prescribed in Section 16.4 (Special Purpose Signs), only the following signs shall be permitted in a Commercial Zone:

##### A. Commercial Uses in the CN-2/A and CG-10,000 Zones

1. One freestanding identification sign may be placed on each lot or parcel of land. Freestanding signs shall not exceed fifteen (15) feet in height. The maximum area of freestanding signs shall be as follows:

- a. In the CN-2/A Zone freestanding signs shall not exceed seventy-five (75) square feet in area.
- b. In the CG-10,000 Zone freestanding signs shall not exceed seventy-five (75) square feet in area; provided, however, that for each lineal foot of property frontage in excess of seventy five (75) feet, an additional one square foot of sign area shall be permitted to a maximum of one hundred (100) square feet. Where more than one business is being conducted on a single lot or parcel of land, the permitted sign area for each business may be combined into one freestanding sign up to a maximum combined area of one hundred and twenty-five (125) square feet, HOWEVER, FOR EACH LINEAL FOOT OF PROPERTY FRONTAGE IN EXCESS OF ONE HUNDRED TWENTY FIVE FEET, AN ADDITIONAL ONE SQUARE FOOT OF SIGN AREA SHALL BE PERMITTED TO A MAXIMUM OF ONE HUNDRED SEVENTY FIVE (175) SQUARE FEET.

2. Wall signs shall be allowed as follows:

- a. The total area of all wall signs shall not exceed one square foot of area for each lineal foot of property frontage up to a maximum of ~~one hundred fifty (150)~~ THREE HUNDRED (300) square feet;
- b. The maximum size of any one sign shall be ~~seventy-five (75) square feet~~ ONE HUNDRED FIFTY (150) SQUARE FEET.
- c. A maximum of two (2) wall signs may be placed on any side of a building;
- d. The total area of signs displayed on any side of a building shall not exceed ~~seventy-five (75)~~ ONE HUNDRED FIFTY (150) square feet.
- e. A maximum of six (6) wall signs may be displayed for each use;
- f. Should a portion of a parcel be leased for development the dimensions and orientation of the leased portion shall be used to determine frontage and total sign face square footage.
- G. PROPERTY WITH FRONTAGE ON MORE THAN ONE STREET SHALL GET CREDIT FOR THE TOTAL AMOUNT OF STREET FRONTAGE.

3. Wall signs on multiple tenant commercial buildings shall be allowed as follows:

- a. One tenant directory wall sign may be displayed. The maximum size of the directory sign shall be seventy-five (75) square feet. The directory sign may be located on any wall of the building.
- b. One wall sign may be displayed for each tenant. The maximum size of the wall sign shall be forty (40) square feet. Each wall sign shall be located on a wall of the space occupied by the tenant that is advertised.
- c. One projecting sign may be displayed for each tenant. The maximum size of each projecting sign shall be as prescribed in Section 16.2.K. Each projecting sign shall be attached to a wall of the space occupied by the tenant that is advertised.
- D. PROPERTY WITH FRONTAGE ON MORE THAN ONE STREET SHALL GET CREDIT FOR THE TOTAL AMOUNT OF STREET FRONTAGE.

4. Signs on canopies above gasoline pump islands shall be allowed as follows:

- a. The total area of signs placed on such canopies shall be deducted from the total area allowed by subsection 2.a above;
- b. A maximum of two signs may be placed on such canopies. The number of signs placed on such canopies shall be deducted from the total number of signs allowed by subsection 2.e above;
- c. A maximum of two signs that do not exceed six (6) square feet in area (i.e. franchise logos) may be placed on such a canopy. No more than one such sign may be placed on any one side of a canopy. Such signs shall not be counted toward the maximum total area allowed or the maximum number of signs allowed.

5. BANNER SIGNS FOR THE FOLLOWING BUSINESS PURPOSES: GRAND OPENING, CHANGE OF BUSINESS NAME OR CHANGE OF BUSINESS MANAGEMENT SUBJECT TO THE FOLLOWING REQUIREMENTS:

- A. THIRTY TWO (32) SQUARE FEET MAXIMUM SIZE
- B. FOURTEEN (14) DAYS MAXIMUM LENGTH OF TIME
- C. MUST BE MAINTAINED IN GOOD CONDITION
- D. MUST BE LOCATED ON A BUILDING WALL, BELOW THE ROOF LINE
- E. MUST BE PROFESSIONALLY MADE
- F. ONLY ONE BANNER PERMITTED PER STREET FRONTAGE AT ANY ONE TIME FOR A BUSINESS PURPOSE
- G. A SIGN PERMIT ISSUED BY THE TOWN IS REQUIRED
- H. BANNER WILL BE ALLOWED FOR UP TO TWO BUSINESS PURPOSES PER YEAR. A BANNER FOR A THIRD BUSINESS PURPOSE IN ONE YEAR WILL REQUIRE APPROVAL OF A TEMPORARY USE PERMIT.

## B. Commercial Uses in the CH-10,000 Zone

1. Signs identifying commercial uses in the CH-10,000 Zone shall be permitted to the same extent as in the CG-10,000 Zone; provided, however, additional signing may be approved under design review when applicable.

## C. Public and Semi-Public Uses: Commercial Zones

One sign not exceeding thirty (30) square feet in area. Freestanding signs shall not exceed six (6) feet in height. Lighting requirements for signs shall be as specified in the required conditional use permit.

## Section 16.8: Signs in Industrial Zones

Except as prescribed in Section 16.4 (Special Purpose Signs), only the following signs shall be permitted in an Industrial Zone:

### A. Industrial Uses in the MP-20,000 Zone

1. One single-faced wall or canopy sign per use, not exceeding one square foot of area for each lineal foot of building or portion thereof, may be placed on the side of the building facing the major street frontage up to a maximum of one hundred (100) square feet.
2. One monument-type sign per use may be permitted providing the maximum area shall not exceed twenty (20) square feet and the maximum height shall not exceed six (6) feet.

### B. Industrial Uses in the M-1-10,000 Zone

1. One single-faced wall or canopy sign per use, not exceeding one (1) square foot of area for each lineal foot of building or portion thereof, may be placed on the side of the building facing the major street frontage up to a maximum of one hundred (100) square feet.
2. One freestanding sign not exceeding one hundred (100) square feet in area provided, however, that there be no more than one (1) such sign per lot or parcel of land. Where more than one (1) use is being conducted on a single lot or parcel of land, the permitted sign area for each business may be combined into one (1) freestanding sign up to a maximum of one hundred twenty-five (125) square feet. Freestanding signs shall not exceed fifteen (15) feet in height.

### C. Industrial Uses in the M-2-6,000 Zone

Signs identifying industrial uses in the M-2-6,000 Zone shall be permitted to the same extent as in the M-1-10,000 Zone.

#### D. Public and Semi-Public Uses: Industrial Zones

One sign not exceeding thirty (30) square feet in area. Freestanding signs shall not exceed six (6) feet in height.

E. Should a portion of a parcel be leased for development the dimensions and orientation of the leased portion shall be used to determine frontage and total sign face square footage.

#### Section 16.9: Signs in Special Purpose Zones

Except as prescribed in Section 16.4 (Special Purpose Signs), only the following signs shall be permitted in the following Special Purpose Zones:

##### Section 16.9-1: Signs in the MHP Zone

At the major street entrance(s) to the manufactured home park or manufactured home subdivision, not more than two (2) lighted signs, each not exceeding twenty (20) square feet in area, attached to and not extending above a wall or fence, indicating only the name and/or the address of the manufactured home park or subdivision.

##### Section 16.9-2: Signs in the PRD Zone

At the major street entrance(s) to the planned residential development, not more than two signs, each not exceeding twenty (20) square feet in area, attached to and not extending above a wall or fence, identifying only the name and/or the address of the planned residential development.

##### Section 16.9-3: Signs in the PC Zone

Signs in the PC Zone shall be as specified in the text which constitutes the standards of development as approved by the ~~Board of Supervisors~~. TOWN COUNCIL.

##### Section 16.9-4: Signs in the PS Zone

Except as prescribed in Section 16.4 (Special Purpose Signs), only the following signs shall be permitted in the PS Zone:

A. Agricultural Uses. One unlighted sign not exceeding six (6) square feet in area or six (6) feet in height pertaining to the products raised on the premises.

B. All Other Uses. Signs shall be as specified in the conditional use permit required for all uses except agricultural uses.

##### Section 16.9-5: Signs in the OS Zone

A. Permitted Uses. One unlighted sign not exceeding ten (10) square feet in area or six (6) feet in height.

B. Conditional Uses. Signs identifying uses permitted subject to the granting of a conditional use permit shall be as specified in the approved use permit.

Section 16.9-6: Signs in the FPM Zone

Signs in the FPM Zone shall be in accordance with the regulations applicable to the underlying zone in which the FPM Zone is combined or as authorized under a conditional use permit required for specified uses.

Section 16.9-7: Signs in the RC Zone

Signs in the RC Zone shall be as specified on the development plan as approved by the ~~Board of Supervisors~~ TOWN COUNCIL.

Section 16.9-8: Signs in the P Zone

Only those signs as specified in Section 16.4.A (Directional Signs) shall be permitted in the P Zone except that additional signing may be permitted as authorized under a conditional use permit required for specified uses.

Section 16.9-9: Signs in the MR Zone

A. Permitted Uses. One unlighted sign not exceeding ten (10) square feet in area or six (6) feet in height.

B. Conditional Uses. Signs identifying uses permitted subject to the granting of a conditional use permit shall be as specified in the approved use permit.

Section 16.10-1: Cash Deposit on Certain Signs

A. Directional Subdivision Signs. Applications for permits for directional subdivision signs shall be accompanied by a cash deposit of \$250.00 for each sign which shall be posted with the ~~Finance Department~~ TOWN. Such \$250.00 cash deposit shall be used to defray the costs of sign removal by the ~~County~~ TOWN in the event the permit holder defaults upon the agreement to remove same. Before any permit for any such sign is issued, the applicant and the record owner(s) of the property shall furnish the ~~Department of Community Development~~ TOWN MANAGER OR DESIGNEE written authority granting the ~~County~~ TOWN permission to enter upon the premises to remove such sign.

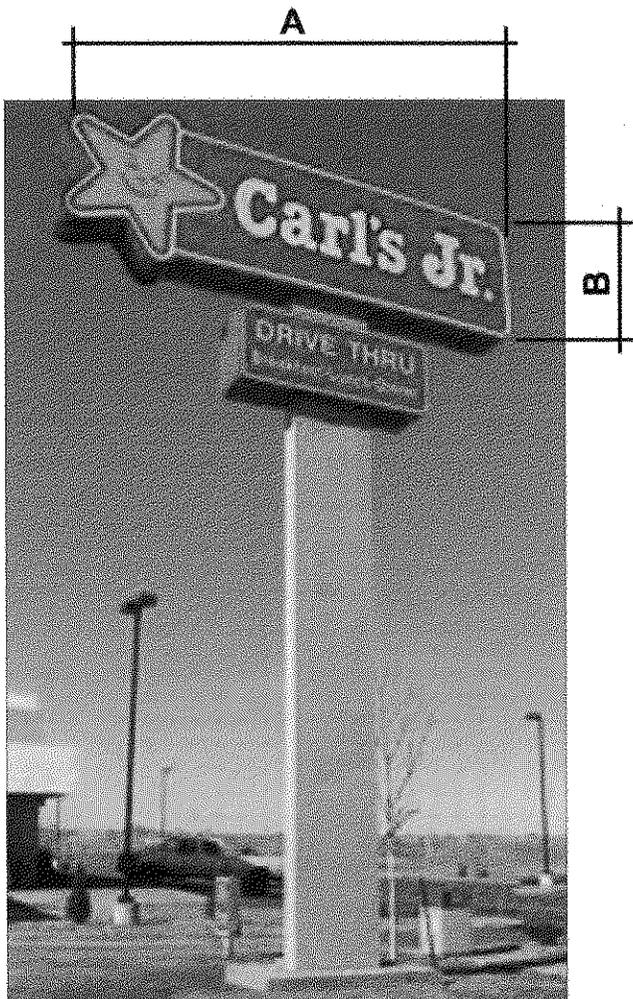
Section 16.10-2: Elimination of Nonconforming Signs

The elimination of nonconforming signs shall be as prescribed in Section 19.5 (Nonconforming Signs).

Section 16.11: Sign Permit Requirements

The following information shall be submitted when applying for a sign permit:

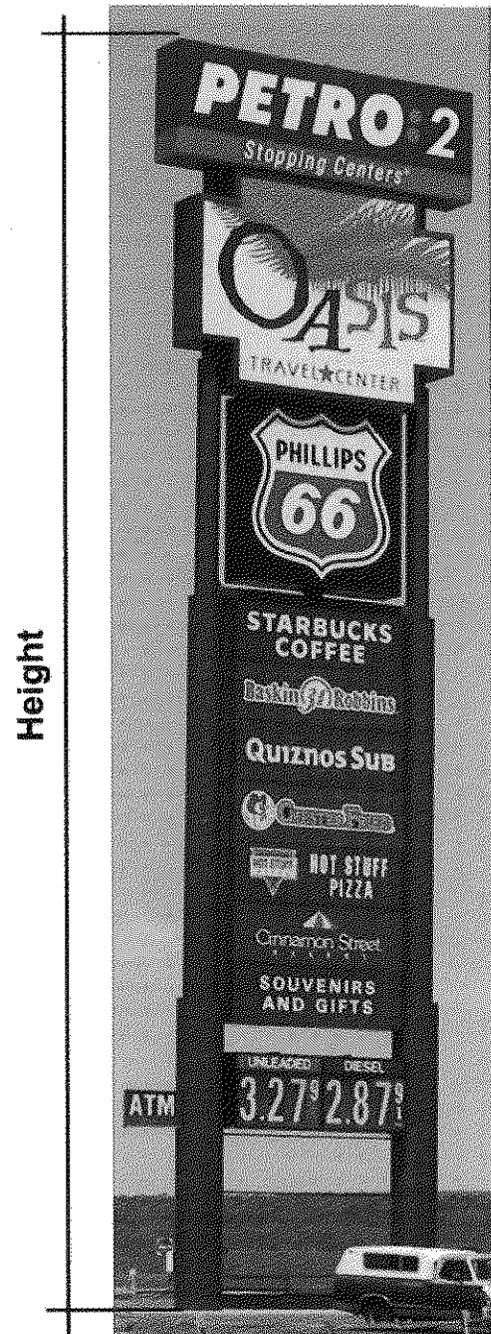
1. Plot plan showing improvements, accurate dimensions, landscaped areas, ingress/egress, traffic flow and parking area(s).
2. Indicate proposed and/or existing location of each sign of any type, as per allowances indicated in the Section for the applicable zoning district.
3. Provide specific signage information (sketch or photographs) indicating color scheme, lettering or graphic style, lighting and material. Each proposed or existing sign shall have a sketch provided.



**Square Footage of Signs  
(AxB)**



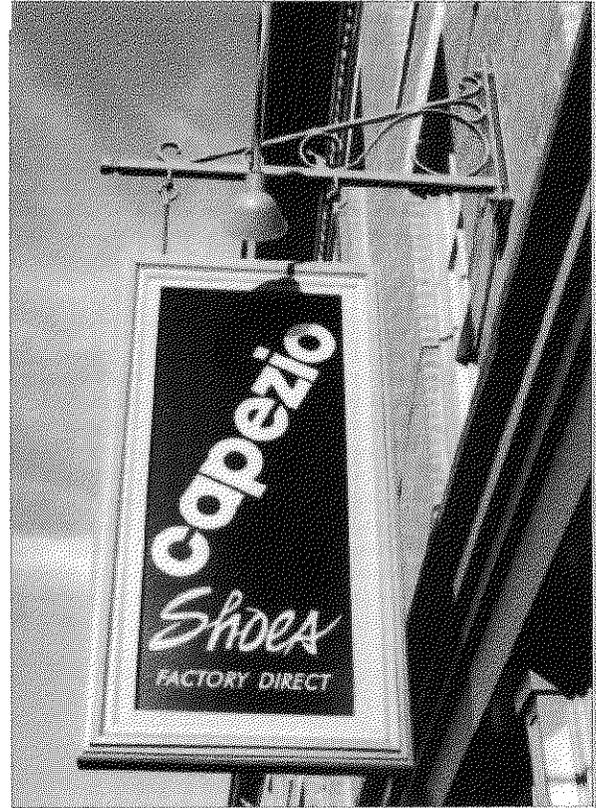
**Roof Signs**



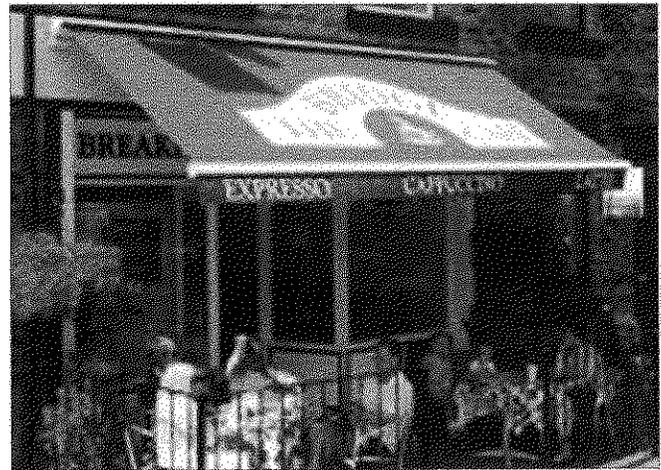
**Sign Height**



**Projecting Signs**



**Canopy Signs**



## SECTION 17: LIGHTING

### Section 17.0: Purpose and Intent

#### Legislative Intent

- A. It is hereby found that the topography and atmospheric conditions of ~~Cocconino County~~ THE TOWN OF TUSAYAN, Arizona, AND THE SURROUNDING AREA are uniquely suited for astronomical observation, ~~that a substantial investment has been made in observatories in the County, and that the use of certain types of outdoor lights and certain outdoor lighting practices have an adverse impact on astronomical observation.~~ It is further recognized that naturally dark landscapes and star-filled skies are valued by many RESIDENTS AND VISITORS, and that poor lighting practices in outdoor lighting NOT ONLY UNNECESSARILY IMPEDE VIEWS OF THE STARRY NIGHT SKY BUT ALSO waste energy, hamper the reasonable use and enjoyment of property and can endanger the public welfare by producing unnecessary glare.
- B. Accordingly, it is the intent of this Ordinance to encourage lighting practices and systems which will minimize light pollution, light trespass, and conserve energy while maintaining night-time safety, utility, security and productivity. ~~Since not all areas in the County are near established observatories, four Lighting Zones are established, allowing increased flexibility in the uses of outdoor lighting further from the observatories.~~ TO CONSERVE ENERGY, THE TUSAYAN TOWN COUNCIL ENCOURAGES THE USERS OF OUTDOOR LIGHTING TO TRANSITION FROM HIGH ENERGY CONSUMPTIVE LIGHTING TO MORE ENERGY EFFICIENT, LOW WATTAGE LIGHTING.
- ~~C. There may be other areas that are worthy of designation where protection of the night sky is deemed to be highly important, and where the establishment of more restrictive Lighting Zones is desired.~~

### Section 17.1: Conflicting Regulations

- A. In the event of conflict between the regulations set forth in this Ordinance and any other regulations applicable to the same area, the more stringent limitation and requirement shall govern.

### Section 17.2: Approved Materials and Methods of Construction or Installation/Operation

- A. The provisions of this Ordinance are not intended to prevent the use of any design, material or method of installation or operation not specifically prescribed by this code, provided any such alternate has been approved by the ~~Community Development Director.~~ TOWN MANAGER. The ~~Community Development Director~~ TOWN MANAGER may approve any such proposed alternate provided he/she finds that it:
1. Provides at least approximate equivalence to the applicable specific requirements of this Ordinance; and
  2. Is otherwise satisfactory and complies with the intent of this Ordinance.

### Section 17.3: Definitions

As used in this Ordinance, unless the context clearly indicates otherwise, certain words and phrases shall mean the following:

ACREAGE, NET MEANS THE REMAINING GROUND AREA IN ACRES AFTER DELETING ALL PORTIONS FOR PROPOSED AND EXISTING PUBLIC STREETS AND ROADWAYS WITHIN A DEVELOPMENT PROJECT OR SUBDIVISION.

ABANDONMENT means the discontinuation of use for a period of ~~six~~ TWELVE (12) months.

AIRPORT NAVIGATION LIGHTING SYSTEMS MEANS THE AIRPORT TOWER BEACON, RUNWAY LIGHTS, GUIDANCE LIGHTS FOR LANDINGS, TAXIWAY LIGHTING AND ANY OTHER LIGHTING ON AIRPORT PROPERTY REQUIRED BY THE STATE OF ARIZONA OR THE FEDERAL AVIATION ADMINISTRATION.

CORRELATED COLOR TEMPERATURE (CCT) MEANS A MEASURE, EXPRESSED IN KELVINS (ABBREVIATED AS K) OF THE APPARENT HUE OF WHITE LIGHT SOURCES SUCH AS METAL HALIDE, FLUORESCENT, AND WHITE LED. HIGHER CCT SOURCES APPEAR BLUER OR COOLER; LOWER CCT SOURCES APPEAR YELLOWER OR WARMER.

CLASS 1 LIGHTING means all outdoor lighting used for but not limited to outdoor sales or eating areas, PRINCIPAL PUBLIC ENTRYWAYS, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the effectiveness of the activity.

CLASS 2 LIGHTING means all outdoor lighting used for but not limited to illumination for walkways, roadways, equipment yards, parking lots, EMERGENCY EXITS and outdoor security where general illumination of the grounds is the primary concern.

CLASS 3 LIGHTING means any outdoor lighting used for decorative effects, including but not limited to architectural illumination, flag and monument lighting, and illumination of trees, bushes, landscape features, etc.

COMMUNITY DEVELOPMENT DIRECTOR means the Director of Community Development for Coconino County.

DEVELOPMENT PROJECT means any residential, commercial, industrial or mixed use subdivision plan or development plan which is submitted to the County TOWN for approval.

DIRECT ILLUMINATION means illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

FULLY SHIELDED FIXTURE means a light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.

A practical working way to determine if a fixture or tube is fully shielded: if the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

Note for luminous (neon) tubes: when such lighting is installed under or behind a roof overhang, if the roof-line or eave is not horizontal the tubing may be visible from above when viewed from the side and therefore be unshielded.

(NOTE: ILLUSTRATION SHOWING EXAMPLES OF FIXTURES WITH NOTES CAN BE FOUND AT THE END OF THE CHAPTER)

HIGH-PRESSURE SODIUM (HPS) is a type of lamp using sodium and mercury vapor at high pressure to produce A YELLOW OR GOLDEN-HUED light.

HPS = high pressure sodium.

INSTALLED means attached, or fixed in place, whether or not connected to a power source.

LED MEANS A LIGHT EMITTING DIODE.

LIGHT POLLUTION is any adverse effect of manmade lighting; light where it is not needed or wanted; OR wasted light.

LOW-PRESSURE SODIUM (LPS) is a type of lamp using sodium vapor at low pressure to produce A YELLOW OR AMBER HUED light.

LPS = low pressure sodium.

LUMEN is the unit used to measure the actual amount of visible light that is produced by a lamp.

LUMINAIRE means the complete lighting assembly, including the lamp, housing, shields, lenses and associated electronics, less the support assembly. HARDWARE OR BRACKETS. A light fixture.

LUMINOUS TUBE means a glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gasses), usually of small diameter (10-15 millimeter), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs. A "neon" tube. A LUMINOUS TUBE Does not include common fluorescent tubes.

METAL HALIDE (MH) is a type of lamp using mercury and metal halide(s) to produce light.

MH = metal halide.

NARROW-SPECTRUM AMBER LED MEANS AN LED LIGHT SOURCE THAT EMITS ONLY YELLOW LIGHT AT AND NEAR A WAVELENGTH OF 590 NANOMETERS (NM); THE INTENSITY AT 580 AND 600 NM MUST BE NO HIGHER THAN 50 PERCENT OF THE PEAK INTENSITY.

NEON TUBE (see Luminous Tube)

OUTDOOR LIGHT FIXTURE means an outdoor electrically powered illuminating device, ~~outdoor-lighting or reflective surface~~, lamp, luminous tube or and similar devices, either permanently installed or portable, which is used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot and flood lights for:

- (a) buildings and structures
- (b) recreational areas
- (c) parking lot lighting
- (d) landscape and architectural lighting
- (e) billboards and other signs (advertising or other)

- (f) street lighting
- (g) product display area lighting
- (h) building overhangs and open canopies
- (i) pedestrian walkways or areas
- (j) building or landscape decoration

OUTDOOR RECREATION FACILITY means an area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

PERSON means any individual, lessee, owner, or any commercial entity including but not limited to firm, business, partnership, joint venture, or corporation.

TEMPORARY LIGHTING means lighting which does not conform to the provisions of this Ordinance and which will not be used for more than one thirty (30) day period within a calendar year. Temporary lighting is intended for uses which by their nature are of limited duration; e.g. civic events, or construction projects.

TOTAL OUTDOOR LIGHT OUTPUT means the maximum total amount of light, measured in lumens, from all outdoor light fixtures on a project site. LIGHTING INSTALLED ON A DEVELOPMENT PROJECT. Includes all lights and luminous tubing used for Class 1, Class 2, Class 3 lighting, and lights used for external illumination of signs, but does not include lights used to illuminate internally illuminated signs or luminous tubing used in neon signs. For lamp types that vary in their output as they age (such as high pressure sodium, metal halide, and fluorescent), the initial output, as defined by the manufacturer, is the value to be considered. For luminous tubes, output is calculated per linear foot of tubing rather than per lamp. FOR DETERMINING COMPLIANCE WITH SECTION 17.5.C OF THIS ORDINANCE, THE LIGHT EMITTED FROM OUTDOOR LIGHT FIXTURES IS TO BE INCLUDED IN THE TOTAL OUTPUT AS FOLLOWS:

A. OUTDOOR LIGHT FIXTURES INSTALLED IN THE OPEN SUCH AS ON POLES OR ON THE SIDES OF BUILDINGS OR OTHER STRUCTURES, WHEN NOT SHIELDED FROM ABOVE BY THE STRUCTURE ITSELF AS DEFINED IN PARAGRAPHS 2 AND 3 BELOW, ARE TO BE INCLUDED IN THE TOTAL OUTDOOR LIGHT OUTPUT BY SIMPLY ADDING THE LUMEN OUTPUTS OF THE LAMPS USED;

B. OUTDOOR LIGHT FIXTURES INSTALLED UNDER CANOPIES, BUILDING OVERHANGS, OR ROOF EAVES WHERE THE CENTER OF THE LAMP OR LUMINAIRE IS LOCATED AT LEAST FIVE (5) FEET BUT LESS THAN TEN (10) FEET FROM THE NEAREST EDGE OF THE CANOPY OR OVERHANG ARE TO BE INCLUDED IN THE TOTAL OUTDOOR LIGHT OUTPUT AS THOUGH THEY PRODUCED ONLY ONE-QUARTER (1/4) OF THE LAMP'S RATED LUMEN OUTPUT;

C. OUTDOOR LIGHT FIXTURES UNDER THE CANOPY AND TEN (10) OR MORE FEET FROM THE NEAREST EDGE OF A CANOPY, BUILDING OVERHANG, OR EAVE ARE TO BE INCLUDED IN THE TOTAL OUTDOOR LIGHT OUTPUT AS THOUGH THEY PRODUCED ONLY ONE-TENTH (1/10) OF THE LAMP'S RATED LUMEN OUTPUT.

~~A. Lighting Zones: Different areas, with different developed and natural conditions, and different distances from astronomical observatories, have differing levels of appropriate light usage, and different sensitivities to the various obtrusive aspects of outdoor light usage. Because of this, three Lighting Zones are hereby defined and established. These Zones are shown on the Lighting Zone Maps that are attached hereto as Map 1a and Map 1b and by this reference made a part hereof. In general, these Zones are described as follows:~~

~~1. Zone I: all area within Coconino County located within two point five (2.5) miles of the following locations:~~

- ~~a. The Hall telescope at Lowell Observatory on Anderson Mesa~~
- ~~b. The Kaj Strand telescope at the U.S. Naval Observatory~~
- ~~c. Roden Crater~~

~~2. Zone II: all areas within Coconino County more than two point five miles yet less than seven (7) miles from the locations listed in part 17.4.A.1 above.~~

~~3. Zone III: all other areas within Coconino County.~~

~~B. Split Parcels: A parcel located in more than one of the described Lighting Zones shall be considered to be only in the more restrictive Lighting Zone.~~

#### Section 17.5: Preferred Source and Zone I Use Preference

~~A. Preferred Source: Low pressure Sodium (LPS) lamps are the preferred illumination source throughout the County; their use is to be encouraged, when not required, for outdoor illumination whenever its use would not be detrimental to the use of the property.~~

~~B. Day/Night Uses: Uses which can turn off their outdoor lighting during night hours are to be encouraged in Lighting Zone I; those which require all night illumination are to be discouraged.~~

#### SECTION 17.4: PREFERRED SOURCES

DUE TO THEIR REDUCED DARK SKY IMPACTS, LOW-PRESSURE SODIUM (LPS) LAMPS AND NARROW SPECTRUM AMBER LED ARE THE PREFERRED LIGHTING SOURCES; THEIR USE IS TO BE ENCOURAGED, WHEN NOT REQUIRED, FOR OUTDOOR ILLUMINATION WHENEVER THEIR USE WOULD NOT BE DETRIMENTAL TO THE USE OF THE PROPERTY.

#### Section 17.6: 17.5 General Requirements, all Zones

- A. Upward-directed Floodlighting: Outdoor floodlighting by flood light projection above the horizontal plane is prohibited.
- B. The requirements for lamp source and shielding of light emissions for outdoor light fixtures are as follows:

Use Code:

A = allowed

F = allowed, fully shielded

X = prohibited

Table 17.6.B  
Lamp Type and Shielding Standards

| LAMP TYPE                                  | ZONE I | ZONE II | ZONE III |
|--|--------|---------|----------|
| <b>Class 1 Lighting:</b>                   |        |         |          |
| Low-pressure Sodium                        | F      | F       | F        |
| Others above 2500 lumens (1)               | X      | F       | F        |
| Others below 2500 lumens (1)               | F      | F       | A(2,3)   |
| <b>Class 2 Lighting:</b>                   |        |         |          |
| Low-pressure Sodium                        | F      | F       | F        |
| Others above 2500 lumens (1)               | X      | X       | X        |
| Others below 2500 lumens (1)               | F      | F       | A(2,3)   |
| <b>Class 3 Lighting:</b>                   |        |         |          |
| Low-pressure Sodium                        | F      | F       | F        |
| Others above 2500 lumens (1)               | X      | X       | F        |
| Others below 2500 lumens (1)               | F      | A(2,3)  | A(2,3)   |
| <b>Residential Lighting (all classes):</b> |        |         |          |
| All types over 1000 lumens (1)             | F      | F       | F        |
| All types below 1000 lumens (1)            | F      | A(2,4)  | A(2,4)   |

**CLASS 1 LIGHTING:**

|                           |                          |
|---------------------------|--------------------------|
| LOW-PRESSURE SODIUM       | ALLOWED, FULLY SHIELDED  |
| NARROW-SPECTRUM AMBER LED | ALLOWED, FULLY SHIELDED  |
| OTHERS ABOVE 2000 LUMENS  | ALLOWED, FULLY SHIELDED* |
| OTHERS BELOW 2000 LUMENS  | ALLOWED, FULLY SHIELDED  |

**CLASS 2 LIGHTING:**

|                           |                         |
|---------------------------|-------------------------|
| LOW-PRESSURE SODIUM       | ALLOWED, FULLY SHIELDED |
| NARROW-SPECTRUM AMBER LED | ALLOWED, FULLY SHIELDED |
| OTHERS ABOVE 2000 LUMENS  | PROHIBITED              |
| OTHERS BELOW 2000 LUMENS  | PROHIBITED              |

**CLASS 3 LIGHTING:**

|                           |                         |
|---------------------------|-------------------------|
| LOW-PRESSURE SODIUM       | ALLOWED, FULLY SHIELDED |
| NARROW-SPECTRUM AMBER LED | ALLOWED, FULLY SHIELDED |
| OTHERS ABOVE 2000 LUMENS  | PROHIBITED              |
| OTHERS BELOW 2000 LUMENS  | ALLOW, FULLY SHELDED    |

**RESIDENTIAL LIGHTING (ALL CLASSES):**

|           |                         |
|-----------|-------------------------|
| ALL TYPES | ALLOWED, FULLY SHIELDED |
|-----------|-------------------------|

Note 1: Examples of lamp types of 2000 (1000) lumens and below (The acceptability of a particular light is decided by its lumen output, not wattage; values listed are approximate; check manufacturer's specifications):

- (a) 100 (60) Watt Standard incandescent and less
- (b) 100 (60) Watt Tungsten-Halogen (quartz) and less
- (c) No available High-pressure Sodium or Metal Halide
- (d) 25 (15) Watt Fluorescent and less
- (e) 26 (13) Watt Compact Fluorescent and less

Note 2. Lights shall be shielded whenever feasible to minimize light spilled into the night sky or adjacent properties.

Note 3. Unshielded lighting is limited to a total of 3000 lumens per acre on non-residential and multi-family residential land uses; 2000 lumens per residence on single-family residential properties.

Note 4. For single-family residential uses, unshielded fixtures up to 2000 lumens output per lamp and a total of 8000 lumens per residence are permitted if used in functioning motion-sensing fixtures that remain on for short periods only.

\*Metal Halide, fluorescent, LED or other white light sources must have CCT of 3200K or less

C. Total Outdoor Light Output: Total Outdoor Light Output, excluding streetlights used to illuminate public rights-of-way, shall not exceed the following limits averaged over the entire project (values listed are total initial lamp lumens per acre and per residence):

Table 17.6.C  
Maximum Total Outdoor Light Output Standards  
(values listed are lumens per acre and lumens per residence)

| Land Use   | Lighting Zone |        |         |
|--|---------------|--------|---------|
|  | I             | II     | III     |
| Commercial, Industrial, and Multifamily<br>(lumens per acre) |               |        |         |
| total (shielded + unshielded)                                | 25,000        | 50,000 | 100,000 |
| unshielded only  | 0             | 3,000  | 3,000   |
| Non-LPS  | 2,500         | 50,000 | 100,000 |
| Single-family Residential (lumens per<br>residence)          |               |        |         |
| total (shielded + unshielded)                                | 10,000        | 30,000 | 30,000  |
| unshielded only  | 0             | 30,000 | 30,000  |

Note 1. Fixtures installed such that all parts of the fixture are located underneath and at least five feet from the nearest edge of a building overhang, roof eave, or balcony are to be included in the total outdoor light output as though they produced only one-quarter of the lamp's rated lumen output.

|  |        |
|--|--------|
| COMMERCIAL, INDUSTRIAL AND MULTI-FAMILY LAND USE (LUMENS PER NET ACRE) |        |
| TOTAL  | 50,000 |
| UNSHIELDED   | 0      |

NON-LPS/NARROW-SPECTRUM AMBER LED 5,000

SINGLE-FAMILY RESIDENTIAL (LUMENS PER RESIDENCE)  
TOTAL 10,000  
UNSHIELDED 0

- D. Effective Shielding: All light fixtures WHICH ARE REQUIRED TO BE SHIELDED shall be installed in such a manner that the shielding is effective as defined in Section 17.3 under Fully Shielded Fixture AND PARTIALLY SHIELDED FIXTURE.
- E. Direct Lighting on Site: All light fixtures, except streetlamps, shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the source as much as is feasible.
- F. Direct Lighting off Roadways: All light fixtures, except streetlamps, shall be installed in such a manner that the direct illumination does not fall onto any public or private street or road as much as is feasible.
- G. Curfews: ~~Class 1 and Class 3 lighting must be extinguished at the curfew times listed in Table 17.6.G, or no later than 30 minutes after the business closes, whichever is later (for holiday decoration exemption see 17.9.B):~~

~~Table 17.6.G  
Lighting Curfews  
(Sports, Class 1, Class 3, Signs)~~

| Lighting Zone |         |         |
|---------------|---------|---------|
| I             | II      | III     |
| 9:00pm        | 10:00pm | 11:00pm |

G. CURFEW:

1. CLASS 1 AND CLASS 3 LIGHTING AND LIGHTED SIGNS MUST BE EXTINGUISHED AT 11:00 PM, OR NO LATER THAN 30 MINUTES AFTER THE BUSINESS CLOSSES, WHICHEVER IS LATER (FOR HOLIDAY DECORATION EXEMPTION SEE 17.8.B).

2. CLASS 2 LIGHTING LOCATED 75 FEET OR MORE FROM A BUILDING OR OUTDOOR SALES OR MERCHANDISE STORAGE AREA MUST BE EXTINGUISHED AT 11:00 PM, OR NO LATER THAN 30 MINUTES AFTER THE BUSINESS CLOSSES, WHICHEVER IS LATER.

- H. High-Intensity Lights: Search lights, laser source lights, or any similar high-intensity light shall not be permitted, except in emergencies by police and fire personnel or at their direction.
- I. Mercury Vapor Sales: The installation, sale, offering for sale, lease or purchase of any mercury vapor light fixture or lamp for use as outdoor lighting is prohibited, ~~except that until 1 January 2006, the provisions of this subsection shall not apply to any replacement lamp.~~

J. ORNAMENTAL LUMINARIES WITH EXPOSED LIGHT SOURCES ARE NOT PERMITTED.

Section 17.7: 17.6 Special Requirements, Outdoor Advertising Signs

A. Externally Illuminated Sign Standards: External illumination for signs shall BE LIMITED TO SIGNS CONSTRUCTED OF NATURAL MATERIALS AND SHALL conform to all provisions of this Code. In particular, such lighting shall be treated as Class 1 lighting and shall conform to the lamp source, shielding restrictions and lumen caps of Section ~~17.6.~~ 17.5. All upward-directed sign lighting is prohibited.

B. Internally Illuminated Sign and Neon Sign Standards:

~~1. Illumination of Copy and Background; Colors: Outdoor internally illuminated advertising signs must be constructed as follows:~~ THE SIGN FACE OF AN OUTDOOR INTERNALLY-ILLUMINATED ADVERTISING SIGN MUST BE COMPOSED OF ILLUMINATED TEXT AND SYMBOLS AGAINST AN OPAQUE (NOT ILLUMINATED) BACKGROUND. THE COLORS OF THESE ELEMENTS ARE NOT RESTRICTED.

~~a. In Lighting Zone I: the sign face(s) must be composed of illuminated text and symbols against an opaque (unilluminated) background. The colors of these elements are not restricted.~~

~~b. In Lighting Zones II and III: the sign face(s) must be either composed of illuminated text and symbols against an opaque background or with generally LIGHTER text and symbols against a colored (not white, off white, light gray, cream or yellow) background.~~

2. Exclusion of Lamp Outputs: Lamps used for internal illumination of signs shall not be counted toward the lumen caps in Section ~~17.6.C.~~ 17.5.C.

3. Neon Signs: Neon signs shall be treated as internally illuminated signs for the purposes of this Code, and shall not have their luminous outputs counted toward the lumen caps in Section ~~17.6.C.~~ 17.5.C. Neon lighting extending beyond the area considered to be the sign area (as defined in the Sign Code of this jurisdiction) shall conform to all provisions of this Code. In particular, such lighting shall be treated as Class 3 (decorative) lighting and shall conform to the lumen caps and shielding standards of Section ~~17.6.~~ 17.5.

4. Non-Sign Lighting: Other internally-illuminated panels or decorations not considered to be signage according to the sign code of this jurisdiction (such as illuminated canopy margins or building faces), shall be considered decorative (Class 3) lighting, and shall be subject to the standards applicable for such lighting, including but not limited to the lamp source, shielding standards and lumens per acre caps of Section ~~17.6.~~ 17.5.

C. Curfews: Illumination for all advertising signs, both externally and internally illuminated, shall be turned off no later than the curfew times listed in ~~Table 17.6.G~~ SECTION 17.5.G. ~~or when the business closes, whichever is later.~~ Signs subject to curfews are required to have functioning and properly adjusted automatic shut-off timers.

D. Curfews for Pre-Existing Signs: Light background (white, off-white, light gray, cream or yellow) internally illuminated signs, installed legally before enactment of this code [~~December 18, 2001~~], may continue to be used and illuminated but must conform to the curfews of Section ~~17.6.G.~~ 17.5.G.

Section 17.8: Special Requirements, Special Uses

A. Service Station Canopies:

1. Lighting Class: Lighting for service station canopies shall be considered Class 1 lighting.
2. Shielding: All luminaires mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize flat lenses.
3. Total Under-Canopy Output: IN ADDITION TO THE STANDARDS FOR TOTAL OUTDOOR LIGHT OUTPUT IN SECTION 17.5.C, THE total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed ~~sixty (60)~~ FORTY (40) lumens per square foot of canopy in Lighting Zone II and III, and shall not exceed twenty (20) lumens per square foot in Lighting Zone I (note: these values are not footcandle illuminances). All lighting mounted under the canopy, including but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full ~~initial~~ lumen output.

a. FIXTURES INSTALLED SUCH THAT ALL PARTS OF THE FIXTURE ARE LOCATED AT LEAST FIVE FEET BUT LESS THAN TEN FEET FROM THE NEAREST EDGE OF THE CANOPY ARE TO BE INCLUDED IN THE TOTAL outdoor light output as though they produced only one-quarter of the lamp's rated lumen output;

b. fixtures installed such that all parts of the fixture are located ten or more feet from the nearest edge of a canopy are to be included in the total outdoor light output as though they produced only one-tenth of the lamp's rated lumen output.

- ~~4. Inclusion Toward Total Outdoor Light Output: The lumen output of lamps mounted on or within the lower surface of a canopy is also included toward the lumen caps in Section 17.6.C as follows:~~

~~a. fixtures installed such that any part of the fixture is five feet or less from the nearest edge of the canopy are to be included in the total outdoor light output by simply adding the lumen outputs of the lamps used;~~

~~b. fixtures installed such that all parts of the fixture are located at least five feet but less than 10 feet from the nearest edge of the canopy are to be included in the total outdoor light output as though they produced only one-quarter of the lamp's rated lumen output;~~

~~c. fixtures installed such that all parts of the fixture are located ten or more feet from the nearest edge of a canopy are to be included in the total outdoor light output as though they produced only one-tenth of the lamp's rated lumen output.~~

B. Outdoor Recreational Facilities:

1. Lighting Class: Lighting for field/track/arena areas only shall be considered Class 1.
2. Lumen Cap Exemption: Lighting for field/track/arena areas only is not subject to the lumens per acre limit set in subsection ~~17.6.C~~. 17.5.C.
3. Shielding: Fixtures used for field/track/arena areas must be fully shielded.

4. Curfew: No such facility shall be illuminated after the curfew times listed here except to conclude a scheduled recreational or sporting event in progress prior to the curfew, and prevented from concluding before the curfew by unforeseeable circumstances.

Section ~~17.9~~: 17.8: EXEMPTIONS:

- A. Airports: Airport navigation lighting systems AND OTHER AIRPORT LIGHTING REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION AND/OR THE STATE OF ARIZONA are exempt from the provisions of this Ordinance. All other lighting at airports, including that used for loading areas, hangars, terminal aprons, parking areas, etc., shall conform to all applicable standards of this Ordinance.
- B. Holiday Decorations: Low-wattage holiday decorations are exempt from the provisions of this Ordinance from ~~15 November through 15 January~~. NOVEMBER 11 THROUGH FEBRUARY 8 AND FOR A PERIOD OF TWO (2) WEEKS BEFORE AND AFTER ANY NATIONAL HOLIDAY. Such lighting and all associated wiring used outdoors must be certified for outdoor use by Underwriters Laboratories.
- C. STREETLAMPS: STREETLAMPS INSTALLED IN THE PUBLIC RIGHT-OF-WAY AND WITH THE APPROVAL OF THE TOWN COUNCIL ARE EXEMPT FROM LUMENS PER NET ACRE STANDARDS OF SECTION 17.5.C, BUT MUST ADHERE TO ALL OTHER STANDARDS INCLUDING BUT NOT LIMITED TO THE LAMP TYPE AND SHIELDING STANDARDS OF SECTION 17.5.B.

Section ~~17.10~~: 17.9 Temporary Lighting Permits

- A. Findings: The ~~Community Development Director~~ TOWN MANAGER may grant a permit for temporary lighting if he/she finds the following:
  1. The purpose for which the lighting is proposed is not intended to extend beyond thirty (30) days; and
  2. The proposed lighting is designed in such a manner as to minimize light pollution as much as is feasible; and
  3. The proposed lighting will comply with the general intent of this Ordinance; and
  4. The permit will be in the public interest.
- B. Application Contents: The application for the Temporary Lighting Permit shall include the following information:
  1. Name and address of applicant and property owner;
  2. Location of proposed fixtures;
  3. Type, wattage and lumen output of lamp(s);
  4. Type, shielding and use of proposed fixtures;

5. Intended use of the lighting;
  6. Duration of time for requested exemption;
  7. The nature of the exemption;
  8. Such other information as the ~~Community Development Director~~ TOWN MANAGER may request.
- C. The ~~Community Development Director~~ TOWN MANAGER shall endeavor to rule on the application within five (5) business days from the date of submission of the request and notify the applicant in writing of his/her decision. The ~~Community Development Director~~ TOWN MANAGER may grant one (1) renewal of the permit for an additional thirty (30) days if he/she finds that, because of an unanticipated change in circumstances, a renewal would be in the public interest. The ~~Community Development Director~~ TOWN MANAGER is not authorized to grant more than one temporary permit and one renewal for the same property within one calendar year. A denial by the ~~Director~~ TOWN MANAGER may be appealed to the Planning and Zoning Commission within 30 days.

#### Section ~~17-11~~: 17.10 Nonconforming Uses

- A. Mercury Vapor: Mercury vapor lamps ARE NOT ALLOWED in use for outdoor lighting ~~OR~~ AFTER the effective date of this Ordinance. ~~shall not be so used after 1 May 2006.~~
- B. Bottom-mounted Sign Lighting: Bottom-mounted outdoor advertising sign lighting shall not be used ~~in Zones I, II and III after 1 May 1996.~~ AFTER THE EFFECTIVE DATE OF THIS ORDINANCE.
- C. Pre-existing Non-conforming Lighting: No outdoor lighting fixture which was lawfully installed prior to the enactment of this Ordinance shall be required to be removed or modified except as expressly provided herein; however, no modification or replacement shall be made to a nonconforming fixture unless the fixture thereafter conforms to the provisions of this Ordinance.
- D. Conformance after Abandonment/Damage: In the event that an outdoor lighting fixture is abandoned or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this Ordinance.

#### Section ~~17-12~~: 17.11 Variances

Any person desiring to install an outdoor lighting fixture in violation of this Ordinance may apply to the ~~Board of Adjustment~~ HEARING OFFICER for a variance from the regulation in question. Such variances shall be allowed DUE TO SPECIAL CIRCUMSTANCES APPLICABLE TO THE SUBJECT PROPERTY AND where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this Ordinance. Provided, that any variance may be allowed subject to any reasonable conditions that the ~~Board~~ HEARING OFFICER may deem necessary to effectuate the purpose of this Chapter.

#### Section ~~17-13~~: 17.12 Permits and Development Plan Reviews

- A. Non-Single OR TWO Family Residential Lighting:
  1. Permit Required: Whenever a person plans to install outdoor lighting, an outdoor lighting permit

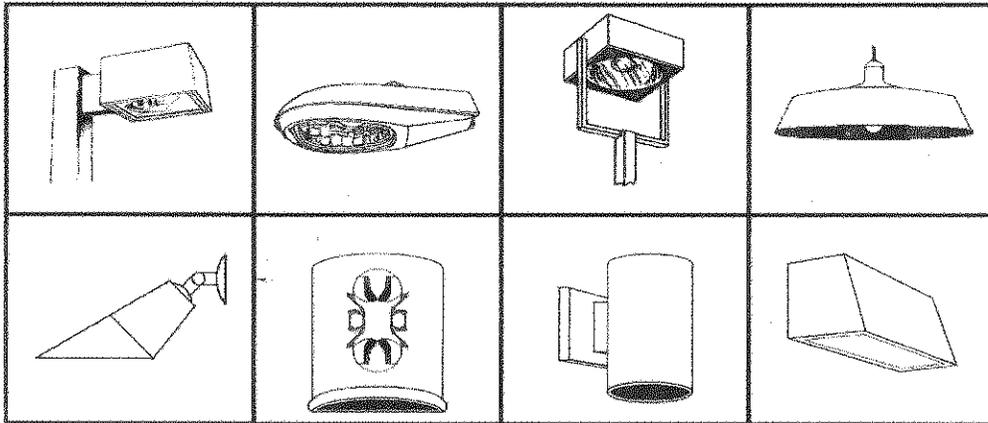
must be applied for and granted. The applicant shall, as a part of said application, submit sufficient information to enable ~~the Community Development Director to determine~~ A DETERMINATION AS TO whether the proposed lighting will comply with this Ordinance.

2. Application Contents: The application shall include the following:
  - a. A site plan indicating any existing lighting fixtures and the proposed location of all new outdoor lighting fixtures, indicating which of the existing fixtures, if any, are to be retained and which, if any, removed;
  - b. A description of each illuminating device, fixture, lamp, support and shield. This description may include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required), lamp types and lumen outputs. For existing lighting, photographs of the fixtures will be accepted if original manufacturer's information is not available;
  - c. Such other information as ~~the Community Development Director~~ may BE NECESSARY TO determine ~~is necessary to ensure~~ compliance with this Ordinance.
  
3. Permit Issuance: If the ~~Community Development Director~~ TOWN MANAGER OR REPRESENTATIVE OF THE TOWN MANAGER ACTING ON BEHALF OF THE TOWN determines that the proposed lighting does not comply with this Ordinance, the permit shall not be issued or the plan approved.

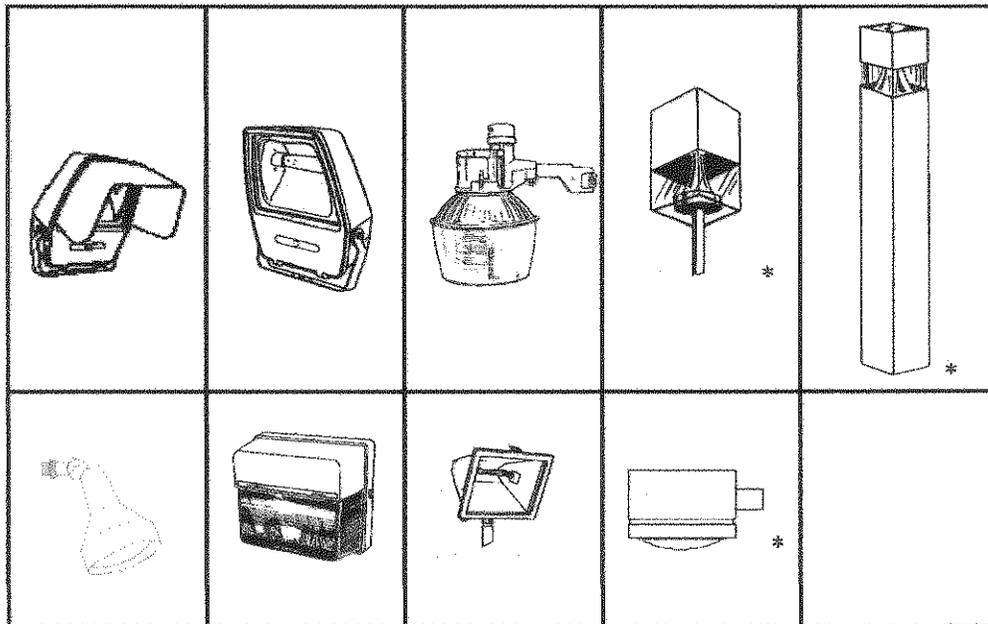
B. Single AND TWO Family Residential Lighting:

1. Lighting Reviewed: Lighting on single family AND TWO FAMILY residential sites will be reviewed on-site, and compliance with this Code verified before issuance of the Certificate of Occupancy. A lighting permit separate from the building permit is not required.

Examples of fixtures that are Fully Shielded (Note: to be fully shielded these fixtures must be closed on top and mounted such that the bottom opening is horizontal):



Examples of fixtures that are NOT Fully Shielded:



\* Note: even though the lamp in these fixtures is shielded from direct view when viewed from the side or above, reflective surfaces and/or lens covers *are* directly visible from the side.

## SECTION 18: LANDSCAPING

### Section 18.1: Purpose and Scope

The purpose of this Section is to establish landscaping standards and guidelines in order to maintain and enhance the environmental qualities of the ~~County~~ TOWN; to mitigate the impacts of adjacent uses; and to enhance the quality and appearance of new or existing development in the ~~County~~ TOWN. By requiring adequate and environmentally compatible landscaping, the visual quality of the environment will be enhanced, and other environmental qualities will be improved by promoting conservation of water used for landscaping, addressing wildfire safety concerns, providing erosion and storm water runoff control, providing control of noxious weeds and invasive plants, requiring native ~~and/or drought-tolerant~~ plants, and encouraging the preservation of existing trees and vegetation.

### Section 18.2 Conflicting Regulations

A. In the event of conflict between the regulations set forth in this Section and any other regulations applicable to the same area, the more stringent requirement shall govern.

### Section 18.3 Definitions

As used in this Ordinance, unless the context clearly indicates otherwise, certain words and phrases shall mean the following:

CALIPER shall mean the diameter of a tree trunk measured four and one-half (4 ½) feet above the ground. Also known as Diameter at Breast Height (DBH).

CONIFER shall mean a plant that produces cones such as a plant belonging to the family Coniferae, such as Pines, Cypresses, Junipers and Cedars.

DECIDUOUS shall mean a plant that loses its leaves annually at the end of the growing season.

DEFENSIBLE SPACE shall mean that area between a structure and a potential oncoming wildfire where the vegetation has been modified to reduce the wildfire threat and which provides an opportunity to effectively defend the structure. This is also known as Survivable Space.

DRIP LINE shall mean an area around the tree trunk that generally includes the spread of the tree branches. It also may refer to that area around a structure that is beneath the roof overhang.

DROUGHT TOLERANT shall mean non-native species that can survive extended periods of time with little or no water, ~~and that are appropriate for a particular site without posing a threat of invasiveness or possessing characteristics of invasive species or noxious weeds.~~

EVERGREEN shall mean a plant that retains its needles or leaves all year long, although losing some of the older leaves regularly throughout the year.

GROUND COVER shall mean low growing plant materials intended to spread over the ground, and which typically grow to a height of 2 ½' or less. Also, organic or inorganic materials such as bark, crushed rock, cinders, or other similar materials typically use in landscaped areas between plantings.

INVASIVE SPECIES shall mean an alien (non-native) species whose introduction does or is likely to cause economic or environmental harm or harm to human health and which tend to disrupt natural ecosystems by displacing native species.

LANDSCAPE AREA shall mean that part of the property exclusively set aside for living plant materials and associated non-living ornamental materials such as mulch, fencing, walls or decorative rock.

NATIVE PLANTS shall mean plant species occurring naturally and native to a given ecosystem or plant community.

NOXIOUS WEEDS shall mean plant species designated as such by the Secretary of Agriculture, Secretary of the Interior, or by State law or regulation. Generally, noxious weeds will possess one or more of the characteristics of being aggressive and difficult to manage, parasitic, a carrier or host of serious insects or disease, and being non-native or new to or not common to the United States or parts thereof. Noxious weed species have extensive and costly impacts on human health, safety, commerce, recreation, and general well-being. Noxious weeds can adversely affect food production, wilderness values, wildlife habitat, visual quality, forage production, reforestation, recreational opportunities, natural wildfire regimes, and land values.

PLANT UNIT shall mean a method of identifying landscaping requirements. Alternative plant units are set forth in Section 18.7.

#### Section 18.4 General Provisions

A. All landscaped areas shall be permanently maintained in a neat and orderly manner and all plants shall be maintained in a healthy, living condition. Dead plants, weeds, and non-plant materials must be removed and replaced as necessary.

B. All landscaped areas shall be provided with a permanent means of irrigation pursuant to Section 18.5.A.5.

C. In all areas of the County TOWN the preferred REQUIRED landscaping materials are native plants as defined by the Native Plants for Northern Arizona Landscapes compiled by The Arboretum at Flagstaff. The use of specifically identified invasive species and noxious weeds is prohibited. ~~Some non-native species, which meet the definition of drought tolerant, may be used.~~

D. All portions of a site where existing vegetative cover is damaged or removed, or consists primarily of weeds, and are not otherwise covered with new improvements, must be successfully revegetated with a substantial mix of native and/or drought tolerant grasses and ground covers.

The density of the reestablished vegetation must be adequate to prevent soil erosion and invasion of weeds after one growing season.

E. All required landscaping must be located on the property it serves. Elements such as plants, walls, fences, buffering and screening located on adjacent properties or public rights-of-way shall not count toward the landscaping requirements.

F. Additional landscaping may be established in public rights-of-way with the approval of the appropriate jurisdiction (i.e. ADOT or ~~County Public Works~~ THE TOWN).

G. Retention of existing native vegetation and natural features is encouraged. Special consideration may be given to developments which retain existing trees, vegetation, and natural features of the site where possible and which are replaced and enhanced when necessary.

H. All landscape design shall take into consideration the need for defensible space.

I. Lighting used in the landscape plan must comply with the provisions of Section 17 of this Ordinance.

#### Section 18.5 Landscape Plan Requirements

A. Landscape Plan required: An approved landscape plan is required prior to any site clearing for any use other than single family AND TWO FAMILY residential. A landscape plan designed in accordance with this Section shall be provided for all new development and redevelopment, except for single family AND TWO FAMILY residential. The landscape plan shall be prepared by a landscape architect, a professional landscape designer, or a plant nursery, unless a waiver is approved by the ~~Director of Community Development~~ TOWN MANAGER. Additions to an existing building, or substantial improvements comprising 25% of the value of the building prior to the improvements, as determined by the ~~Chief Building Official~~, TOWN MANAGER OR DESIGNEE, shall prompt compliance with these requirements for that portion of the site affected by the improvements. Additions to an existing building, or substantial improvements comprising over 50% of the value of the building prior to the improvements, as determined by the ~~Chief Building Official~~, TOWN MANAGER OR DESIGNEE, shall prompt compliance with these requirements for the entire site. IN CALCULATING THE AMOUNT OF LANDSCAPING REQUIRED, CREDIT WILL BE GIVEN FOR EXISTING LANDSCAPING THAT MEETS THE REQUIREMENTS OF THIS SECTION.

The plan shall include the following:

1. A site plan providing sufficient detail to evaluate the features of landscaping and irrigation required by this Section. The site plan shall show the location of property lines, proposed contours, drainage structures, existing and proposed development including all buildings, parking, pedestrian, and circulation areas. If phased development is proposed, the phasing plan shall be identified. The plan shall show the location of all proposed

## SECTION 18.5 LANDSCAPE PLAN REQUIREMENTS (CONTINUED)

landscaped areas, and the dimensions and total area (in square feet) for each interior parking lot landscaped area.

2. The location, design and materials of all landscape areas including planting strips along all streets, earth berms, retaining walls, fences, water features, retention areas, trash enclosures, lighting, and paved areas. Where fencing is used for required screening, a scaled elevation drawing of the fence must be included.

3. The location, size, and type of all proposed plant and non-plant materials, including any existing vegetation to be retained and existing trees over 6" caliper proposed to be removed.

4. A chart comparing the landscaping requirements to the proposed materials and area covered, including, but not limited to, the following information:

- a. Total parking lot and circulation areas, including interior drives and driveways (in square feet);
- b. Total number of parking stalls required and total provided;
- c. Total parking lot landscaped area required and total provided (in square feet);
- d. Total buffer and screen landscaped area required and total provided (in square feet);
- e. Total site landscaped area required and total provided (in square feet);
- f. Total quantity and size of plant material required and the total provided;
- g. Size, type, and quantity of non-plant material to be provided;
- h. Any other information as the ~~Community Development Director~~ TOWN STAFF may determine is necessary to ensure compliance with this Ordinance.

5. All landscape plans must provide an irrigation plan. Irrigation systems shall be designed to maximize efficient water use and minimize the waste of water. An automatic irrigation system designed to provide efficient irrigation coverage is required.

- a. The irrigation system should be designed to correlate to the organization of plants into zones with similar watering requirements.
- b. The use of treated effluent **IS REQUIRED**, a collection system to capture runoff, and other alternatives for irrigation purposes are encouraged.
- c. A waiver from the automatic irrigation system requirement **AND/OR THE REQUIREMENT TO USE TREATED EFFLUENT** may be approved by the ~~Director of Community Development~~ TOWN MANAGER, WHO SHALL CONSULT WITH THE SANITARY DISTRICT IN MAKING HIS DECISION. If an alternative means of watering is proposed a specific plan must be provided.

## B. Preferred Materials

1. All landscape plans must use native ~~and/or drought tolerant~~ plant materials appropriate for their location. Invasive plants and noxious weeds are prohibited. Preferred **REQUIRED** landscaping materials are native plants as defined by the Native Plants for Northern Arizona Landscapes compiled by The Arboretum at Flagstaff. A detailed plant list shall be included with all plans. The list shall include both the botanical and common names.
2. If turf areas are included, they must use a sod or seed mix specifically cultivated to thrive in the conditions present at the particular site. The use of non-native and/or high water consumptive turf such as Kentucky Blue Grass is ~~discouraged.~~ **PROHIBITED**. The applicant must provide information regarding the composition of a sod or seed mix as part of the detailed plant list as required.
3. Rock material used in landscaping shall be subordinate to and not a substitute for plant material. When used, rock material must be compatible and appropriate.
4. The use of artificial trees, shrubs, turf, or plants shall not be permitted as landscaping.

## C. Design

1. Plants should be grouped in strategic areas and not spread thinly around the site.
2. Trees must be planted to allow for maximum growth in height and shape without the need for pruning in excess of that required to maintain the health of the plant.
3. New vegetation shall be selected, planted, and maintained so that at maturity it will not interfere with utility lines, snow storage areas, vehicular parking, pedestrian circulation, traffic sight visibility at driveways and street intersections, and will not cause damage and upheaval of sidewalks and pavement.
4. All landscape designs shall take into consideration the need for defensible space.
5. All landscaped areas shall incorporate a ground cover to tie the landscaping together and to discourage weed growth.
6. A mix of deciduous and evergreen plant materials shall be used to provide a year-round effect.
7. A clear sight triangle shall be maintained at all street intersections and driveway entrances. Such clear sight triangle shall be determined by measuring 25' along each property line at street intersections, and along the property line and the driveway for driveway entrances. Landscape materials in this area shall have a clear trunk height of six (6) feet from grade level; mature shrubs, groundcover, or other materials shall not exceed three (3) feet in height from grade level.

D. If the ~~Community Development Director~~ TOWN MANAGER OR DESIGNEE determines that the proposed landscaping does not comply with this Ordinance, the plan will not be approved.

Section 18.6 Preservation of Existing Vegetation

A. The preservation of healthy existing trees and shrubs shall be provided wherever possible. These trees and shrubs must be shown on the landscape plan and labeled as “existing.” They must also be listed on the plant list with their current size shown.

B. All landscape plans must identify methods for protecting existing vegetation that will remain. Construction materials and debris may not be stockpiled within 1 ½ times the drip line perimeter outside the drip line of all trees and shrubs being retained. This protection area must be clearly marked with temporary fencing or similar material.

Section 18.7 Standard Plant Units

A. All landscaping requirements are stated in terms of the number of standard plant units required. This Section defines 3 alternative plant units. All landscaping shall conform to one or more of the plant unit alternatives of this Section.

B. The following table specifies plant unit alternatives. In general, the three alternative plant mixes are interchangeable. In some instances, the Director of Community Development may require the use of a specific plant unit to achieve a particular result.

| Plant Unit Alternatives | Quantity Required | Type and Size at Time of Installation           |
|-------------------------|-------------------|---|
| Alternative A           | 3                 | 8' high evergreen trees                         |
|                         | 10                | 2' high shrubs (or 5 gal min.)                  |
| Alternative B           | 2                 | 6' high evergreen trees                         |
|                         | 1                 | 3" caliper deciduous tree (min 10-12' height)*  |
|                         | 4                 | 2' high shrubs (or 5 gal min.)                  |
| Alternative C           | 1                 | 3" caliper deciduous tree (min 8-10' height)    |
|                         | 2                 | 1 ½" caliper deciduous trees (min 6'-8' height) |
|                         | 14                | 2' high shrubs (or 5 gallon minimum)            |

\* Clump or cluster planting which will achieve a total diameter of 4" may be considered in lieu of a 3" caliper tree.

When applied through the Ordinance, and where the resulting number of required plant units is expressed in a fraction, the required number of plant units shall be rounded off to the nearest whole number (rounding is done at the end of calculations).

Section 18.8 Parking Lot Landscaping

A. Landscaping shall be proportionally distributed throughout parking and driveway areas, including the perimeter and interior of the parking area. Where islands are required or provided, they shall be landscaped.

B. Parking lot landscaping shall be provided according to the following table.

| 1. Parking Spaces | Minimum Landscaped Area Required | Min. Plant Units     |
|-------------------|----------------------------------|----------------------|
| 0-5               | none                             | none                 |
| 6-20              | 324 sq. ft.                      | 1 unit               |
| 21-32             | 27 sq. ft./space                 | 2 units              |
| 33-44             | 27 sq. ft./space                 | 3 units              |
| 45+               | 40 sq. ft./space                 | 3+units <sup>1</sup> |

Note 1-The number of plant units required shall be pro-rated for parking lots over 44 spaces at the rate of one plant unit per 324 square feet of landscaped area.

2. Where parking lots are adjacent to side or rear property lines, a minimum 5' wide perimeter strip of landscaping shall be provided.

3. All landscaped areas adjacent to vehicular parking and access shall be protected by 6" vertical concrete curbing, 6" bumper stops, or similar materials in order to control storm water flows and minimize damage by vehicular traffic.

4. The curb or barrier around landscaped areas may be utilized as a wheel stop provided the area of vehicle overhang does not exceed 2 ½ feet and does not damage or interfere with the landscaping. A minimum five (5) foot wide planter is required for a single vehicle overhang and an 8 foot wide planter for a double vehicle overhang.

5. Parking, buildings, and display or storage of equipment of vehicles is not permitted in required landscaped areas.

6. To ensure that landscape materials do not constitute a driving hazard, trees used to landscape parking islands shall have a clear trunk height of six (6) feet from grade level; mature shrubs, groundcover, or other landscaping material shall not exceed three (3) feet in height from grade level.

### Section 18.9 Buffer and Screen Landscaping

A. All required front and street side landscape areas shall be fully landscaped in accordance with a minimum of 1 plant unit for every 100 lineal feet of frontage. In areas where greater buffer or screening is desirable additional plant units may be required by the Planning and Zoning Commission.

B. Where detention basins and/or drainageways are constructed partially or entirely within setback areas or other high-visibility areas on sites, they must be adequately landscaped. A minimum of two (2) plant units shall be required for every 100 feet of the perimeter of the basin, measured at the top of the basin. All detention basin surfaces shall be treated with a native groundcover seed mix or lawn mix as required. river rock or similar non-plant alternative may be allowed subject to the approval of the ~~Director of Community Development.~~ TOWN STAFF.

#### C. Screening

1. Where landscape screening is required by the Ordinance or through Commission or ~~Board~~ TOWN COUNCIL action, such landscaping shall be in addition to the general landscaping requirements.

2. Required fences and walls adjacent to ~~County roads or State Highways~~ PUBLIC ROADS AND HIGHWAYS shall have a unifying theme and provide variation by using changes in height, different material combinations, offset angles, articulation, and/or plant materials.

### Section 18.10 Site Landscaping

A. In addition to the required buffer and screen landscaping, and parking lot landscaping, the building site shall include landscaping designed to visually integrate the structure(s) with the site.

1. The site landscaping shall include one plant unit for every 100 lineal feet of perimeter of the building foot print, and located within 50 feet of, and adjacent to, the perimeter of the building. In situations where the use or building design makes planting within 50 feet impractical, such as mini storage warehousing, it may be permitted to place some or all of their on-site building landscaping beyond the 50 foot limit, subject to the approval of the ~~Director of Community Development.~~ TOWN STAFF.

2. If phasing is proposed, or if only a portion of the parcel is being developed, the undeveloped area shall be maintained in existing native plants. If the area has been disturbed or the existing vegetation consists primarily of weeds, the area must be successfully revegetated with a substantial mix of native ~~and/or drought-tolerant~~ grasses and ground covers. The density of the re-established vegetation must be adequate to prevent soil erosion and invasion of weeds after one growing season.

B. For Manufactured Home Parks or Multi Family Developments, one plant unit per single residential unit or lot is required.

### Section 18.11 Installation and Maintenance

A. Landscaping and irrigation devices shall be installed in accordance with the approved landscape plan prior to issuance of a Certificate of Occupancy or commencement of the use. If approved landscaping and irrigation cannot be installed prior to occupancy or commencement of the use, a temporary Certificate of Occupancy may be issued upon posting of an approved financial assurance based on a contractor's estimate for completing the work, plus 10% contingency. The work shall be completed prior to the end of the next planting season.

B. It is the responsibility of the property and/or business owner to maintain the site as approved and provide for replacement of plant materials that have died or otherwise been damaged or removed, and maintenance of all landscape materials including, but not limited to fencing, paving, rocks, and retaining walls.

### Section 18.12 Modification to Landscaping Standards

A. ~~The Director of Community Development~~ TOWN MANAGER may grant minor modifications to the standards set forth in this Section if it is determined that:

1. The strict application of these standards is not possible due to existing physical conditions; and
2. The modification is consistent with the purpose of this Section; and
3. The modification is the minimum modification that would afford relief and would be the least modification of the applicable provisions of this Section.

## SECTION 19: NONCONFORMING SITUATIONS

### Section 19.0: Purposes

This section is intended to limit the number and extent of nonconforming situations by prohibiting or limiting their enlargement, their reestablishment after abandonment, and the alteration or restoration after destruction. The overall purpose is the gradual elimination of nonconforming uses or conversion to conforming uses in order to further the goals of the ~~Cochise County General~~ TUSAYAN AREA Plan, ~~special area plans~~, and this Ordinance.

### Section 19.1: Definitions

NONCONFORMING SITUATION shall mean a situation that occurs when, on the effective date of adoption of this Ordinance or a previous ordinance or on the effective date of a Zoning Ordinance text amendment or a zoning map change, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. A nonconforming situation may be any of the following.

NONCONFORMING USE shall mean a use or activity which was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance or zoning map, but which is unlawful by the use regulations applicable to the district in which the property is located.

NONCONFORMING LOT shall mean a lot, the area or dimensions of which was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance or zoning map, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

NONCONFORMING SIGN shall mean any sign lawfully existing on the effective date of the Zoning Ordinance or any amendment thereto which fails by reason of such adoption or amendment to conform to all standards and regulations of the Ordinance.

NONCONFORMING STRUCTURE OR BUILDING shall mean a structure or building the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the Zoning Ordinance but which fails by reason of such adoption, revision, or amendment to conform to the present regulations applicable to the zone in which the property is located.

NONCONFORMING PROJECT shall mean any structure, development, or undertaking that is incomplete on the effective date of this Ordinance or any amendment thereto or of any zoning map change and which would be inconsistent with any regulation applicable to the zone in which it is located if completed as proposed or planned.

### Section 19.2: Continuation of Nonconforming Situations

Nonconforming situations that were lawful when created or established may be continued.

### Section 19.3: Completion of Nonconforming Projects

A. Nonconforming projects which have been approved or permitted before the effective date of this Ordinance or any amendment thereto or of any zoning map change may be completed in accordance with the terms of their permits, so long as these approvals or permits were validly issued and remain unrevoked and unexpired.

B. Nonconforming projects approved by conditional use permit shall be allowed to be completed so long as the use is commenced or a building permit is obtained within one (1) year of approval as per Section 19.2-11.

C. Applicable zoning regulations for a nonconforming project are those in place at the time of a building permit application or at the time of application for a zone change or conditional use permit.

D. For projects designed to be completed in stages, construction may be completed according to regulations in effect on the date of approval pursuant to schedules of development approved by the Planning and Zoning Commission or ~~Board of Supervisors~~. TOWN COUNCIL.

### Section 19.4: Nonconforming Lots

A. Lots that were legally established and in conformance with the Zoning Ordinance when created shall be considered usable.

B. When the use proposed for a nonconforming lot is one that conforms in all other respects but the applicable setback requirements cannot be reasonably complied with, the ~~Board of Adjustment~~ HEARING OFFICER may grant variances from the applicable setback requirements if it finds that:

1. The property cannot reasonably be developed for the use proposed without such variance,
2. The variance is necessitated by the size and shape of the nonconforming lot, and
3. The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

C. For the purpose of Section B above, compliance with applicable building setback requirements is not ~~reasonable~~ REASONABLY possible if a building that serves the minimal needs of the use proposed for the nonconforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

D. This section only applies to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures on it. A change in use of a developed nonconforming lot may be accomplished in accordance with Section 19.9 below.

### Section 19.5: Nonconforming Signs

- A. Subject to the remainder of this Section, nonconforming signs that were lawful when established may be continued.
- B. No nonconforming sign may be enlarged or altered in such a manner as to increase the extent of the nonconformity nor may illumination be added to any nonconforming sign.
- C. A nonconforming sign may not be moved or replaced except to bring the sign into complete conformity with this Ordinance.
- D. Restoration of a damaged sign may be accomplished in accordance with Section 19.8 below.
- E. The message of a nonconforming sign may be changed so long as this does not create any new nonconformities (for example, by creating an off-premise sign where such sign would not be allowed).
- F. Routine maintenance and repairs may be done so long as the cost of such work does not exceed 50 percent of the value of such sign within any 12 month period.
- G. If a nonconforming sign advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that has not been offered or conducted for a period of ~~180 days~~ SIX (6) MONTHS, that sign shall be considered abandoned and shall be removed within 30 days after such abandonment. If the business is resumed following the abandonment, all signs shall conform to this Ordinance.
- H. If a nonconforming billboard remains blank for a continuous period of 180 days, that billboard shall be deemed abandoned and shall be removed within 30 days after such abandonment. For the purpose of this Section, a sign is blank if:
  - 1. It advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or
  - 2. The advertising message it displays becomes illegible in whole or substantial part; or
  - 3. The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

### Section 19.6: Nonconforming Mobile Homes and Mobile Home Parks

- A. Within nonconforming mobile home parks, mobile homes may be replaced subject to the following:
  - 1. The total number of spaces in the mobile home park shall not be increased over the number existing at the time the park became nonconforming;
  - 2. There shall be a minimum 10' front setback; and
  - 3. There shall be a minimum 10' spacing between mobile homes.

4. Setbacks around the perimeter of the park shall not be reduced from those existing at the time the park became nonconforming.

~~B. THERE SHALL BE NO Expansions~~ EXPANSION of A nonconforming mobile home parks. PARK may only be accomplished through rezoning to the Mobile Home Park Zone for the proposed expansion area.

C. Individual nonconforming mobile homes on discrete parcels may ~~only~~ NOT be replaced with the granting of a conditional use permit as described in Section 19.9 below. Minor additions or improvements, such as decks, porches, and cabanas with a cost up to 25 percent of the appraised value of the nonconforming mobile home, are permitted.

#### Section 19.7: Extension or Enlargement of Nonconforming Situations

A. Except as otherwise specifically allowed in this Section, no increase in the extent of nonconformity of a nonconforming situation is permitted. In particular, no nonconforming use shall be enlarged or extended in such a way as to occupy any part of the structure or site or another structure or site which it did not occupy at the time it became a nonconforming use, or in such a way as to displace any conforming use occupying a structure or site, except as permitted in this Section.

B. No nonconforming use or structure shall be enlarged or extended so as to increase the nonconformity with respect to setbacks, height, density or number of units, distance between structures, parking or other requirements such as performance standards.

C. Extension of hours or seasons of use, addition of new uses, and changes in character of the nonconforming use are considered to be extensions and are not permitted.

~~D. Pursuant to Arizona Revised Statutes § 11-830, within any zoning district, subject to the granting of a conditional use permit, a nonconforming business use may expand if such expansion does not exceed one hundred percent of the area of the original business. Such expansions shall be limited to uses of the same basic nature and character. Expansion shall be limited to the original parcel on which the use was located at the time it became nonconforming. For uses within a structure, the expansion shall be measured by floor area. For business uses not involving a structure, for example junk yards, truck yards, or contractors' yards, area shall be strictly construed to mean the square footage or acreage of the use at the time it became nonconforming.~~

#### Section 19.8: Repair, Maintenance, and Reconstruction

A. Minor repairs and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, i.e. work estimated to cost more than 25% of the appraised value of the structure to be renovated, may only be done with the granting of a conditional use permit. Cost shall mean the fair market value of the materials and services necessary to accomplish the repair or maintenance.

B. If a structure located on a parcel where a nonconforming situation exists is damaged to an extent of 50% or less of the appraised value of the damaged structure, then it may be repaired and replaced and the nonconforming use may be resumed, provided that restoration is started within one year and diligently pursued to completion. For damaged nonconforming signs, restoration must be initiated within three (3) months and completed within six (6) months. If the damage exceeds 50% or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the zone in which it is located, and the nonconforming use shall not be resumed. Structure as used in this paragraph includes on-premise signs and billboards. Nonconforming structures used for single family OR TWO FAMILY residential purposes, if damaged to an extent exceeding 50% may be reconstructed and restored subject to the granting of a conditional use permit.

C. For the purpose of paragraph B above, the extent of damage shall be based on the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage. Estimates for this purpose shall be reviewed and approved by the ~~Director of Community Development or the Chief Building Official~~ TOWN MANAGER OR DESIGNEE and shall be based on the minimum cost of construction in compliance with adopted building codes.

#### Section 19.9: Change in Use of Property Where a Nonconforming Situation Exists

A. A change in use of property where a nonconforming situation exists to a principal use that is permissible in the zone in which the property is located shall be accomplished in the same manner as establishing the use on a vacant lot. Once conformity with this Ordinance is achieved, the property may not revert to its nonconforming status.

B. If the change is to a permissible use, but all requirements of this Ordinance, for example property development and performance standards, cannot be met then the change may be allowed subject to the ~~Board of Adjustment~~ HEARING OFFICER granting a variance for the waivers. In addition to other findings required for a variance, the ~~Board~~ HEARING OFFICER must find that:

1. The change will not result in a violation of Section 19.7; and
2. All of the requirements that can reasonably be met will be met. Compliance is not reasonably possible if compliance cannot be achieved without the addition of land or without moving a substantial structure that is on a permanent foundation. Mere financial hardship related to such requirements as paving a parking lot may not constitute grounds for granting a variance.

~~C. A change from one nonconforming use to another principal use that is also nonconforming may be permissible with the granting of a conditional use permit. The permit may be granted if the findings in Section B above are met and if the proposed development will have less of an impact on the area and will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for. Applications for a change shall be restricted to the property, i.e. the specific parcel, on which the nonconforming use is located.~~

Section 19.10: Nonconforming Uses Authorized by Conditional Use Permits

A. Uses approved by conditional use permit which have become nonconforming because of a Zoning Ordinance text amendment or a zoning map change may continue until the expiration date of the permit. At that time the Planning and Zoning Commission may grant a use permit for renewal if all of the original conditions of approval have been met, even if the use is no longer a permitted or conditional use in the zoning district in which the property is located. The Commission may impose reasonable improvements to bring the property into closer conformity or to mitigate the use.

Section 19.11: Abandonment and Discontinuance of Nonconforming Situations

A. Whenever a nonconforming use has been discontinued, or changed to a conforming use, for a consecutive period of 180 days, use of the structure or site thereafter shall be in conformity with the regulations for the zone in which the property is located.

## SECTION 20: ADMINISTRATION

### Section 20.1: Determination As To Uses Not Listed

#### Section 20.1-1: Purpose and Initiation

In order to ensure that the zoning regulations will permit all similar uses in each zone, the Planning and Zoning Commission, upon its own initiative or upon written request shall determine whether a use not specifically listed as a permitted or conditional use in any zone shall be deemed a permitted use or a conditional use in any one or more zones on the basis of similarity to uses specifically listed. The procedures of this Section shall not be substituted for the amendment procedure as a means of adding new uses to the list of permitted or conditional uses.

#### Section 20.1-2: Application

Application for determination of similar uses shall be made in writing to the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE and shall include a detailed description of the proposed use and such other information as may be required by the ~~Director~~ TOWN MANAGER OR DESIGNEE to facilitate the determination.

#### Section 20.1-3: Investigation and Report

The ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE shall make such investigations of the application as necessary to compare the nature and characteristics of the proposed use with those uses specifically listed and shall make a report of his findings to the Planning and Zoning Commission.

#### Section 20.1-4: Determination

The determination of the Planning and Zoning Commission shall be final fifteen (15) days from the date of the decision unless an appeal is filed.

#### Section 20.1-5: Appeal to Board of Supervisors TOWN COUNCIL

A decision of the Planning and Zoning Commission may be appealed within fifteen (15) days to the ~~Board of Supervisors~~ TOWN COUNCIL by the applicant or any other person, as prescribed in Section 20.6 (Appeals: ~~Board~~ TOWN COUNCIL Review), or by any member of the ~~Board of Supervisors~~ TOWN COUNCIL without fee.

#### Section 20.1-6: Determination by Board of Supervisors TOWN COUNCIL

The ~~Board of Supervisors~~ TOWN COUNCIL shall make a determination as prescribed in Section 20.6-3 (~~Board~~ TOWN COUNCIL Action on Appeal) if an appeal has been filed within the prescribed fifteen (15) day appeal period. The decision of the ~~Board~~ TOWN COUNCIL shall be final.

## Section 20.2: Citizen Participation

### Section 20.2-1: Purposes

In order to maximize the opportunity for citizen involvement in the rezoning and conditional use permit process that is described in the following sections, and to resolve any neighborhood issues at an early stage in the process, the following requirements shall be included in the public hearing process.

### Section 20.2-2: Citizen Participation Plan

A. Every zone change and conditional use permit application shall include a citizen participation plan that must be implemented prior to the first public hearing.

B. The purpose of the citizen participation plan is to achieve the following:

1. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community or on the neighborhood;
2. Ensure that the citizens and property owners of ~~Cochise County~~ TUSAYAN have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
3. Facilitate ongoing communication between the applicant, interested citizens and property owners, ~~County~~ TOWN staff, and elected officials throughout the application review process.

C. The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

D. At a minimum, the citizen participation plan shall include the following:

1. Which residents, property owners, interested parties and public and private agencies may be affected by the application;
2. How those interested in and potentially affected by an application will be notified that an application has been made;
3. How those interested and potentially affected parties will be informed of the substance of the zone change, amendment, or development proposed by the application;

4. How those interested and affected parties will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing;

5. The applicant's schedule for completion of the citizen participation plan; and

6. How the applicant will keep the ~~County Community Development Department~~ TOWN STAFF informed on the status of citizen participation efforts.

E. Applicants must conduct a neighborhood community meeting prior to submitting an application for a zone change or a conditional use permit.

1. The meeting must be conducted in the general vicinity of the property involved in the application. The meeting serves as a forum for information exchange between applicants and affected members of the public.

2. An applicant may make a written request and receive a written determination whether, due solely to impractical circumstances, the requirement for a community meeting should be waived by the ~~Department of Community Development~~ TOWN MANAGER. At a minimum the request must explain why the applicant's citizen participation plan provides other adequate, alternative opportunities for citizens to express any concerns, problems or issues they may have with the proposal in advance of the public hearing. The ~~Community Development Department~~ TOWN MANAGER shall make their HIS/HER determination a part of the written record in the case.

F. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The target area for notification will be determined by the applicant after consultation with ~~Department of Community Development~~ TOWN staff. At a minimum, the target area shall include the following:

1. Property owners within the public hearing notice area required by other sections of this ordinance;

2. The head of any property owners' association within the notice area required by other sections of this ordinance; and

3. Other potentially affected property owners outside of the legal notice area as determined by ~~Community Development Department~~ TOWN staff; and

4. Other interested parties who have requested that they be placed on a list of interested parties maintained by the ~~Community Development Department~~ TOWN STAFF.

G. These requirements apply in addition to any notice provisions required elsewhere in this ordinance.

H. The applicant may submit a citizen participation plan and begin implementation prior to formal application at their discretion. This shall not occur until after a pre-application meeting and consultation with ~~Community Development Department~~ TOWN staff.

### Section 20.2-3: Citizen Participation Report

A. This section applies only when a citizen participation plan is required by this ordinance.

B. The applicant shall provide a written report on the results of their citizen participation effort prior to the notice of public hearing. This report shall be attached to the staff report submitted to the Planning and Zoning Commission.

C. At a minimum, the citizen participation report shall include the following information:

1. Details of the techniques the applicant used to involve the public, including:

- a. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
- b. Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications;
- c. Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located; and
- d. The number of people that participated in the process.
- e. The percentage of those notified that participated in the process.

2. A summary of concerns, issues, and problems expressed during the process, including:

- a. The substance of the concerns, issues, and problems;
- b. How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
- c. Concerns, issues and problems the applicant is unwilling or unable to address and why.

### Section 20.3: Conditional Uses

#### Section 20.3-1: Purposes

In order to give the use regulations the flexibility necessary to achieve the objectives of this Section, in certain zones conditional uses are permitted, subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning regulations and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning and Zoning Commission is empowered to grant and to deny applications for use permits for such conditional uses in such zones as are prescribed in the zone regulations and to impose reasonable conditions upon the granting of conditional use permits, subject to the right of appeal to the ~~Board of Supervisors~~. TOWN COUNCIL.

### Section 20.3-2: Application: Data and Maps to be Furnished

Application for a conditional use permit shall be filed with the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE on a form prescribed by the ~~Director~~ TOWN and shall include the following data and maps:

- A. Name and address of the applicant.
- B. Statement that the applicant is the plaintiff in any action in eminent domain to acquire the property or the owner or the authorized agent of the property on which the use is proposed to be located. This provision shall not apply to a proposed public utility right-of-way.
- C. Address and legal description of the property.
- D. Statement indicating the precise manner of compliance with each of the applicable provisions of this Section, together with any other data pertinent to the findings prerequisite to the granting of a use permit, prescribed in Section 20.3-7.
- E. A list of all owners of property located within three hundred feet (300') of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.
- F. Plot plans and elevations, fully dimensioned, indicating the type and location of all buildings and structures, parking and landscape areas and signs. Elevation plans shall be of sufficient detail to indicate the type and color of materials to be employed and methods of illumination for signs. Screening, landscape and irrigation plans shall be included in the plans.
- G. Plans and/or a preliminary report describing the proposed provisions for storm drainage, sewage disposal and such other public improvements and utilities as the ~~Director~~ TOWN MANAGER OR DESIGNEE may require in order to give a full evaluation of the project.

### Section 20.3-3: Fee

The application shall be accompanied by a fee established by resolution of the ~~Board of Supervisors~~ TOWN COUNCIL to cover to cost of handling the application as prescribed in this Section.

### Section 20.3-4: Public Hearing

The Planning and Zoning Commission shall hold at least one public hearing on each application for a conditional use permit. The hearing shall be set and notice given as prescribed in Section 20.5 (Public Hearing Time and Notice). At the public hearing, the Commission shall review the application and drawings submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings prescribed in Section 20.3-7.

### Section 20.3-5: Investigation and Report

The ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning and Zoning Commission and made available to the applicant prior to the public hearing.

### Section 20.3-6: Action of the Planning and Zoning Commission

Within twenty-one (21) days following the closing of the public hearing on a conditional use permit application, the Planning and Zoning Commission shall act on the application. The Commission may grant, by resolution, a conditional use permit as the permit was applied for or in modified form, or the application may be denied. A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Commission may prescribe. Conditions may include, but shall not be limited to, drainage, sewage, water and other utility requirements, requiring special yards, open spaces, buffers, fences and walls; requiring installation and maintenance of landscaping; requiring street dedications and improvements; regulation of points of vehicular ingress and egress; regulation of traffic circulation; regulation of signs; regulation of hours of operation and methods of operating; control of potential nuisances; prescribing standards for maintenance of buildings and grounds; prescription of development schedules and development standards; and such other conditions as the Commission may deem necessary to insure compatibility of the use with surrounding developments and uses and to preserve the public health, safety and welfare. The Commission may grant waivers from the Zoning Ordinance in conjunction with the approval of a conditional use permit for such property development standards and performance standards as: fences, walls, screening and landscaping; site area; width and depth; front, rear and side setbacks; lot coverage; height of structures; distance between structures; usable open space; signs; off-street parking facilities or parking lot standards; or frontage on a public street.

### Section 20.3-7: Findings

The Planning and Zoning Commission shall make the following findings before granting a conditional use permit:

- A. That the proposed location of the conditional use is in accord with the objectives of this Ordinance and the purpose of the zone in which the site is located.
- B. That the proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
- C. That the proposed conditional use will comply with each of the applicable provisions of this Ordinance, except for approved variances.

D. That the proposed conditional use is consistent with and conforms to the goals, objectives and policies of the ~~General Plan or Specific Plan for the area.~~ TUSAYAN AREA PLAN.

Section 20.3-8: Effective Date of the Use Permit

The decision of the Planning and Zoning Commission shall be final fifteen (15) days from the date of the decision and upon receipt by the ~~Department of Community Development~~ TOWN MANAGER OR DESIGNEE of a signed agreement to the conditions of approval, unless prior to the expiration of said fifteen (15) day period an appeal has been filed with the ~~Board of Supervisors.~~ TOWN COUNCIL.

Section 20.3-9: Appeal to ~~Board of Supervisors~~ TOWN COUNCIL

A decision of the Planning and Zoning Commission may be appealed within fifteen (15) days to the ~~Board of Supervisors~~ TOWN COUNCIL by the applicant or any other person as prescribed in Section 20.6 (~~Appeals: Board~~ TOWN COUNCIL Review); or by appeal of an individual member of the ~~Board~~ TOWN COUNCIL without fee.

Section 20.3-10: Determination by the ~~Board of Supervisors~~ TOWN COUNCIL

The ~~Board of Supervisors~~ TOWN COUNCIL shall hold a public hearing on a conditional use permit as prescribed in Section 20.6-3 if an appeal has been filed within the prescribed fifteen (15) day appeal period. The decision of the ~~Board~~ TOWN COUNCIL shall be final.

Section 20.3-11: Lapse of Conditional Use Permit

A. A conditional use permit shall lapse and shall become void one year following the date on which the use permit became effective, unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a Certificate of Occupancy is issued for the structure which was the subject of the use permit application, or the site is occupied if no building permit or Certificate of Occupancy is required, provided that a use permit for a public utility installation may be valid for a longer period if specified by the Planning and Zoning Commission.

B. A conditional use permit subject to lapse may be renewed, provided that prior to the expiration date, an application for renewal of the use permit is filed with the Commission.

C. The Planning and Zoning Commission may grant or deny an application for renewal of a conditional use permit subject to the modification of existing conditions of approval and/or the addition of new conditions of approval.

D. A conditional use permit shall also lapse if the use for which the permit is approved is terminated for a period of two years. Recommencement of the use after the two year period of inactivity shall require filing a new application following the requirements and processes specified in Sections 20.3-2 through 20.3-10.

### Section 20.3-12: Pre-Existing Conditional Uses

A. A conditional use legally established prior to the effective date of this Ordinance or prior to the effective date of subsequent amendments to the regulations or zone boundaries, shall be permitted to continue, provided that it is operated and maintained in accord with the conditions prescribed at the time of its establishment, if any.

B. Alteration or expansion of a pre-existing conditional use shall be permitted only upon the granting of a use permit as prescribed in this Section, provided that alterations not exceeding in value 25% of the valuation of the existing use or building as determined by the ~~Chief Building Inspector~~ TOWN STAFF shall be permitted without the granting of a conditional use permit.

C. A conditional use permit shall be required for the reconstruction of a structure housing a pre-existing conditional use if the structure is destroyed by fire or other calamity, by act of God, or by the public enemy to a greater extent than fifty percent (50%). The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the ~~County Engineer and Chief Building Inspector~~ TOWN STAFF and shall be based on the minimum cost of construction in compliance with the Building Code.

### Section 20.3-13: Modification of Conditional Use

Sections 20.3-2 through 20.3-11 shall apply to an application for modification, expansion, or other change in a conditional use, provided that minor revisions or modifications may be approved by the ~~Director of Community Development~~ TOWN MANAGER if he determines that the changes would not affect the findings prescribed in Section 20.3-7 (Findings).

### Section 20.3-14: Suspension and Revocation

Upon violation of any applicable provision of this Ordinance, or, if granted subject to conditions, upon failure to comply with conditions, a conditional use permit shall be suspended automatically. The Planning and Zoning Commission shall hold a public hearing within sixty (60) days, in accordance with the procedure prescribed in Section 20.2-4 (Public Hearing), and if not satisfied that the regulation, general provisions, or conditions are being complied with, may revoke the conditional use permit or take such action as may be necessary to ensure compliance with the regulation, general provisions, or condition. The decision shall become final thirty (30) days following the date on which the use permit was revoked unless an appeal has been filed within the prescribed fifteen (15) day appeal period, in which case Section 20.6-3 (~~Board~~ TOWN COUNCIL Action on Appeal) shall apply.

### Section 20.3-15: New Applications

Following the denial of a use permit application or the revocation of a use permit, no application for a use permit for the same or substantially the same use on the site shall be filed within one year from the date of denial or revocation of the use permit.

#### Section 20.3-16: Use Permit To Run With The Land

A use permit granted pursuant to the provisions of this Section shall run with the land and shall continue to be valid upon a change in ownership of the site or structure which was the subject of the use permit application.

#### Section 20.3-17: Use Permit and Change of Zone Filed Concurrently

Application for a conditional use permit may be made at the same time as an application for a change in zone boundaries including the same property, in which case the Planning and Zoning Commission shall hold the public hearing on the zoning reclassification and the use permit at the same meeting and may combine the two hearings. For the purposes of this Section, the date of the Commission decision on the use permit application shall be deemed to be the same as the date of enactment by the ~~Board of Supervisors~~ TOWN COUNCIL of an ordinance changing the zone boundaries, provided that if the ~~Board~~ TOWN COUNCIL modifies a recommendation of the Commission on a zoning reclassification, the use permit application shall be reconsidered by the Commission in the same manner as a new application.

### Section 20.4: Amendments

#### Section 20.4-1: Purpose

The zoning map and zoning regulations may be amended by changing the boundaries of any zone or by changing any zone regulation or any other provision of this Ordinance in accord with the procedure prescribed in this Section.

#### Section 20.4-2: Initiation

A. A change in the boundaries of any zone may be initiated by a property owner or authorized agent of a property owner by filing an application for a change in zone boundaries as prescribed in this Section.

B. A change in the boundaries of any zone or change in the regulations may be initiated by the Planning and Zoning Commission or the ~~Board of Supervisors~~. TOWN COUNCIL.

#### Section 20.4-3: Conformity with ~~General Plan~~ TUSAYAN AREA PLAN

An application for a change in zone classification which ~~does not conform to~~ IS NOT CONSISTENT WITH the land use ~~designation~~ GOALS AND POLICIES as identified in the ~~General Plan~~ TUSAYAN AREA PLAN shall not be processed until an amendment to the ~~General Plan~~ TUSAYAN AREA PLAN has been filed, as prescribed in Section 20-21 (Amendments to ~~General Plan~~ TUSAYAN AREA PLAN).

#### Section 20.4-4: Application: Data and Maps to be Furnished

A property owner desiring to propose a change in the boundaries of the zone in which his property is located, or his authorized agent, may file with the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE an application for a change in zone boundaries on the form prescribed by the ~~Director~~ TOWN and shall include the following data:

- A. Name and address of the applicant.
- B. Signature of the property owners.
- C. Address and legal description of the property.
- D. An accurate scale drawing of the site and the surrounding area showing existing streets and property lines for a distance determined by the ~~Director of Community Development~~ TOWN STAFF to be necessary to illustrate the relationship to and impact on the surrounding area.
- E. The ~~Director of Community Development~~ TOWN STAFF may require additional information or maps if they are necessary to enable the Commission to determine whether the change is consistent with the objectives of this Ordinance. The ~~Director~~ TOWN MANAGER OR DESIGNEE may authorize omission of the map required by this Section if it is not necessary.
- F. A list of all owners of properties located within 300 feet of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.

#### Section 20.4-5: Fee

The application shall be accompanied by a fee established by resolution of the ~~Board of Supervisors~~ TOWN COUNCIL to cover the cost of processing the application as prescribed in this Section.

#### Section 20.4-6: Public Hearing

The Planning and Zoning Commission shall hold at least one public hearing on each application for a change in zone boundaries or for a change of the zoning regulations. The hearing shall be set and notice given as prescribed in Section 20.5 (Public Hearing Time and Notice).

#### Section 20.4-7: Investigation and Report

The ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE shall make an investigation of the application or proposal and shall prepare a report thereon which shall be submitted to the Planning and Zoning Commission and to the applicant prior to the public hearing.

#### Section 20.4-8: Public Hearing Procedure

At the public hearing, the Planning and Zoning Commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is consistent with the objectives of this Ordinance, the ~~General Plan~~ TUSAYAN AREA PLAN and the development policies of the ~~County~~ TOWN.

Section 20.4-9: Action by the Planning and Zoning Commission

Within 21 days following the closing of the public hearing, the Planning and Zoning Commission shall make a decision based on the following findings:

1. That the change is consistent with the goals, objectives and policies of the ~~General Plan~~ TUSAYAN AREA PLAN and this Ordinance.
2. That the change is in the interest of or will further the public health, safety, comfort, convenience and welfare.
3. That the change will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties.

Based on these findings, the Commission shall recommend that the application be approved, approved in modified form, or denied. Said recommendation shall be transmitted to the ~~Board of Supervisors~~ TOWN COUNCIL for final hearing and disposition.

Section 20.4-10: Alternate Classification in Lieu of Proposed Classification

When the Planning and Zoning Commission determines, following a public hearing on a change in the boundaries of any zone, that a change to a zone classification other than the proposed classification specified in the hearing notice is desirable, the Commission may recommend alternate classifications to a proposed classification in accord with the following schedule:

| <u>Proposed Zone Described<br/>in Public Hearing Notice</u> | <u>Alternate Zones That<br/>May be Considered</u> |
|---|---|
| G   | None  |
| AR  | Any AR or RR requiring equal or larger lot sizes  |
| RS-6,000  | Any other single family zone                      |
| RS-10,000   | Any single family zone requiring larger lot sizes |
| RS-18,000   | Any single family zone requiring larger lot sizes |
| RS-36,000   | Any single family zone requiring larger lot sizes |
| RM-10/A   | Any single family zone                            |
| RM-20/A   | Any other residential zone                        |
| CN-2/A  | None  |
| CG-10,000   | CN-2/A  |
| CH-10,000   | CG-10,000, CN-2/A                                 |

MP-20,000  
M-1-10,000  
M-2-6,000  
Special Purpose Zones

None  
MP-20,000  
MP-20,000, M-1-10,000  
None

Section 20.4-11: Action by the Board of Supervisors TOWN COUNCIL

The Board of Supervisors TOWN COUNCIL shall hold at least one public hearing on an application or a proposal within 40 days after receipt of the resolution or report of the Planning and Zoning Commission. The hearing shall be set and notice given as prescribed in Section 20.5 (Public Hearing Time and Notice). Within 21 days following the closing of a public hearing, the Board TOWN COUNCIL shall make a decision based on the findings required by Section 20.4-9.

A. If the Board TOWN COUNCIL finds that the change is consistent with the findings required by Section 20.4-9, it shall approve an ordinance amending the zoning map or zoning regulations, whichever is appropriate.

B. The Board TOWN COUNCIL may modify a decision of the Planning and Zoning Commission recommending the granting of an application or adoption of a proposal. However, prior to making a final decision on the amendment or proposal, the Board TOWN COUNCIL may, but shall not be required to, submit any or all modifications to the Commission for reconsideration at a public meeting. The Commission may, but is not required to, provide supplemental comments on the modifications to the Board TOWN COUNCIL. The Board TOWN COUNCIL may consider any supplemental comments from the Commission before making the findings required by Section 20.4-9 and rendering a final decision. Failure of the Commission to report within 30 days after receipt of the Board TOWN COUNCIL request shall be deemed concurrency.

C. If the Board TOWN COUNCIL finds that the change is not consistent with the findings required by Section 20.4-9, it shall deny the application or reject the proposal. In accordance with ARS § 11-829, 9-462 if twenty percent (20%) of the owners of property by area and number within the zoning area (for the purpose of this Section "zoning area" means the area within three hundred feet of the proposed amendment or change) file a protest to the proposed change, the change shall not be made except by a three-fourths vote of all members of the Board. If any members of the Board are unable to vote on the question because of a conflict of interest, the required number of votes for the passage of the question is three-fourths of the remaining membership of the Board, except that the required number of votes in no event shall be less than a majority of the full membership of the Board. In calculating the owners by area, only that portion of a lot or parcel of record situated within three hundred feet of the property to be rezoned shall be included. OR MORE EITHER OF THE AREA OF THE LOTS INCLUDED IN A PROPOSED CHANGE, OR OF THOSE IMMEDIATELY ADJACENT IN THE REAR OR ANY SIDE THEREOF EXTENDING ONE HUNDRED FIFTY (150) FEET THEREFROM, OR OF THOSE DIRECTLY OPPOSITE THERETO EXTENDING ONE HUNDRED FIFTY (150) FEET FROM THE STREET FRONTAGE OF THE OPPOSITE LOTS, FILE A PROTEST IN WRITING AGAINST A PROPOSED AMENDMENT, IT

SHALL NOT BECOME EFFECTIVE EXCEPT BY THE FAVORABLE VOTE OF THREE-FOURTHS OF ALL MEMBERS OF THE TOWN COUNCIL. IF ANY MEMBERS OF THE TOWN COUNCIL ARE UNABLE TO VOTE ON SUCH A QUESTION BECAUSE OF A CONFLICT OF INTEREST, THEN THE REQUIRED NUMBER OF VOTES FOR PASSAGE OF THE QUESTION SHALL BE THREE-FOURTHS OF THE REMAINING MEMBERSHIP OF THE TOWN COUNCIL, PROVIDED THAT SUCH REQUIRED NUMBER OF VOTES SHALL IN NO EVENT BE LESS THAN A MAJORITY OF THE FULL MEMBERSHIP OF THE TOWN COUNCIL. In calculating the owners by number or area, County TOWN property and public rights-of-way shall not be included.

#### Section 20.4-12: New Application

Following the denial of an application for change in zone boundaries or a change in the zoning regulations, an application or request for the same or substantially the same change on the same or substantially same property shall not be filed within one year of the date of denial.

#### Section 20.4-13: Conditional Zoning

The Board TOWN COUNCIL may approve a change of zone conditioned on a schedule for development of the specific use or uses for which the rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the Board TOWN COUNCIL after notification by registered mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to grant an extension, determine compliance with the schedule for development, or cause the property to revert to its former zoning classification.

#### Section 20.4-14: Change of Zone Accompanied by a Subdivision Plat

When a zone change request is accompanied by a preliminary subdivision plat, the change of zoning shall not vest or become effective until recordation of a final plat.

#### Section 20.5: Public Hearing Time and Notice

A. The ~~Director of Community Development~~ TOWN MANAGER shall set the time and place of public hearings required by this Ordinance to be held by the Planning and Zoning Commission or ~~Board of Adjustment~~, HEARING OFFICER, provided that the Commission or ~~Board~~ HEARING OFFICER may change the time or place of a hearing. However, the Planning and Zoning Commission or ~~Board of Adjustment~~ HEARING OFFICER shall hold a public hearing within seventy-five (75) days after the appropriate application has been filed.

B. The TOWN Clerk of the ~~Board~~ shall set the time and place of public hearings required by this Ordinance to be held by the ~~Board of Supervisors~~ TOWN COUNCIL, provided that the ~~Board~~ TOWN COUNCIL may change the time or place of a hearing. The ~~Board of Supervisors~~ TOWN COUNCIL shall hold a public hearing on a rezoning request, or an amendment approved by the Commission not less than sixty (60) days after notice of such decision or appeal has been filed with the TOWN Clerk of the ~~Board~~ unless the applicant or appellant shall consent to an

extension of time. Notice of a public hearing shall be given not less than 15 days nor more than 30 days prior to the date of the hearing by publication in a newspaper of general circulation. When the hearing concerns a matter other than an amendment to the text of this Ordinance, the property shall be posted at least 15 days prior to the hearing. Notices of public hearings before the Planning and Zoning Commission, ~~Board of Adjustment~~ HEARING OFFICER, or ~~Board of Supervisors~~ TOWN COUNCIL shall be mailed to all persons whose names appear on the latest adopted tax roll of Coconino County as owning property within 300 feet of the exterior boundaries of the property that is the subject of the hearing.

C. IN PROCEEDINGS INVOLVING ONE OR MORE OF THE FOLLOWING PROPOSED CHANGES OR RELATED SERIES OF CHANGES IN THE STANDARDS GOVERNING LAND USES, NOTICE SHALL BE PROVIDED IN THE MANNER PRESCRIBED BY SECTION 20.5.D.

1. A TEN PERCENT OR MORE INCREASE OR DECREASE IN THE NUMBER OF SQUARE FEET OR UNITS THAT MAY BE DEVELOPED.
2. A TEN PERCENT OR MORE INCREASE OR REDUCTION IN THE ALLOWABLE HEIGHT OF BUILDINGS.
3. AN INCREASE OR REDUCTION IN THE ALLOWABLE NUMBER OF STORIES OF BUILDINGS.
4. A TEN PERCENT OR MORE INCREASE OR DECREASE IN THE SETBACK OR OPEN SPACE REQUIREMENTS.
5. AN INCREASE OR REDUCTION IN PERMITTED USES.

D. IN PROCEEDINGS GOVERNED BY SECTION 20.5.C, THE TOWN SHALL PROVIDE NOTICE TO REAL PROPERTY OWNERS PURSUANT TO AT LEAST ONE OF THE FOLLOWING NOTIFICATION PROCEDURES:

1. NOTICE SHALL BE SENT BY FIRST CLASS MAIL TO EACH REAL PROPERTY OWNER, AS SHOWN ON THE LAST ASSESSMENT, WHOSE REAL PROPERTY IS DIRECTLY GOVERNED BY THE CHANGES.
2. IF THE TOWN ISSUES UTILITY BILLS OR OTHER MASS MAILINGS THAT PERIODICALLY INCLUDE NOTICES OR OTHER INFORMATIONAL OR ADVERTISING MATERIALS, THE TOWN SHALL INCLUDE NOTICE OF SUCH CHANGES IN SUCH UTILITY BILLS OR OTHER MAILINGS.
3. THE TOWN SHALL PUBLISH SUCH CHANGES PRIOR TO THE FIRST HEARING ON SUCH CHANGES IN A NEWSPAPER OF GENERAL CIRCULATION IN THE TOWN. THE CHANGES SHALL BE PUBLISHED IN A "DISPLAY AD" COVERING NOT LESS THAN ONE-EIGHTH OF A FULL PAGE.

E. IF NOTICE IS PROVIDED PURSUANT TO SECTION 20.5.D.2 OR SECTION 20.5.D.3, THE TOWN SHALL ALSO SEND NOTICE BY FIRST CLASS MAIL TO PERSONS WHO REGISTER THEIR NAMES AND ADDRESSES WITH THE TOWN AS BEING INTERESTED IN RECEIVING SUCH NOTICE. THE TOWN MAY CHARGE A FEE NOT TO EXCEED FIVE (5) DOLLARS PER YEAR FOR PROVIDING THIS SERVICE.

F. NOT WITHSTANDING THE NOTICE REQUIREMENTS SET FORTH IN SECTION 20.5.C, FAILURE OF ANY PERSON OR ENTITY TO RECEIVE NOTICE SHALL NOT CONSTITUTE GROUNDS FOR ANY COURT TO INVALIDATE THE ACTIONS OF THE TOWN FOR WHICH NOTICE WAS GIVEN.

#### Section 20.6: Appeals: ~~Board~~ TOWN COUNCIL Review

##### Section 20.6-1: Appeal of Decision of Planning and Zoning Commission

Where this Ordinance provides for appeal to the ~~Board of Supervisors~~ TOWN COUNCIL of a decision of the Planning and Zoning Commission, the appeal shall be made within fifteen (15) days of the date of the decision by filing a letter of appeal with the ~~Director of Community Development~~. TOWN MANAGER. The appeal shall state in writing the reasons for the appeal.

##### Section 20.6-2: Fee

An appeal shall be accompanied by a fee established by resolution of the ~~Board of Supervisors~~ TOWN COUNCIL to cover the cost of processing the appeal.

##### Section 20.6-3: ~~Board~~ TOWN COUNCIL Action on Appeal

The ~~Board of Supervisors~~ TOWN COUNCIL shall hold at least one public hearing on a decision of the Planning and Zoning Commission which has been appealed. The hearing shall be held within sixty (60) days from the filing of the appeal; the time and place of the hearing shall be set by notice given as prescribed in Section 20.5. The ~~Board~~ TOWN COUNCIL shall render a decision on an appeal within twenty-one (21) days following the closing of the public hearing on the appeal. Failure of the ~~Board~~ TOWN COUNCIL to act within the time period prescribed by this Section shall be deemed approval of the Planning and Zoning Commission action. The ~~Board~~ TOWN COUNCIL may affirm, reverse or modify a decision of the Planning and Zoning Commission. The decision of the ~~Board of Supervisors~~ TOWN COUNCIL shall be final.

#### Section 20.7: Variances AND APPEALS

##### Section 20.7-1: Purposes and Authorization

A. Variances from the terms of the Zoning Ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized

shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

B. The power to grant variances does not extend to use regulations. Flexibility to the zoning regulations is provided in the conditional use provisions of this Ordinance.

C. ~~The Board of Adjustment~~ HEARING OFFICER may grant variances to the regulations prescribed by this Section, in accord with the procedure prescribed in this Section, with respect to fences, walls, hedges, screening, and landscaping; site area, width, and depth; front, rear, and side yards; coverage, height of structures; distances between structures; usable open space; signs, off-street parking facilities, or frontage on a public street.

D. THE HEARING OFFICER SHALL HEAR AND DECIDE APPEALS IN WHICH IT IS ALLEGED THAT THERE IS AN ERROR IN AN ORDER, REQUIREMENT OR DECISION MADE BY THE ZONING ADMINISTRATOR IN THE ADMINISTRATION OF THIS ORDINANCE.

#### Section 20.7-2: Application: Data and Maps to be Furnished

A. Application for a variance shall be filed with the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE on a form prescribed by the ~~Director~~ TOWN and shall include the following data and maps:

- A1. Name and address of the applicant(s).
- ~~B.~~ 2. Statement that the applicant(s) is the plaintiff in any action in eminent domain to acquire the property or the owner or the authorized agent of the owner of the property on which the variance is being requested.
- ~~C.~~ 3. Address and legal description of the property.
- ~~D.~~ 4. Statement indicating the precise nature of the variance requested and the practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning regulations that would result from a strict or literal interpretation and enforcement of the specified regulations, together with any other data pertinent to the findings prerequisite to the granting of a variance, prescribed in Section 20.7-7 (Findings).
- ~~E.~~ 5. An accurate scale drawing of the site and any adjacent property affected, showing, when pertinent, the contours at intervals of not more than two feet (2'), and all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking facilities, and landscaped areas.
- ~~F.~~ 6. A list of all owners of property located within three hundred feet (300') of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.

G. 7. The ~~Director of Community Development~~ TOWN STAFF may require additional information or plans, if they are necessary to enable a determination as to whether the circumstances prescribed for the granting of a variance exist. The ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE may authorize omission of any or all of the plans and drawings required by this Section if they are not necessary.

B. AN APPEAL FROM A DECISION OF THE ZONING ADMINISTRATOR SHALL BE FILED WITH THE TOWN HEARING OFFICER AND SHOULD CITE THE SPECIFIC DECISION OR ACTION BEING APPEALED AS WELL AS THE REASONS AND JUSTIFICATION FOR THE APPEAL

#### Section 20.7-3: Fees

The AN application FOR A VARIANCE OR AN APPEAL OF A DECISION OF THE ZONING ADMINISTRATOR shall be accompanied by a fee established by resolution of the ~~Board of Supervisors~~ TOWN COUNCIL to cover the cost of handling the VARIANCE application as prescribed in this Section OR RESPONDING TO AN APPEAL. A single application FOR A VARIANCE may include requests for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent sites with similar characteristics.

#### Section 20.7-4: Public Hearing

A. The ~~Board of Adjustment~~ HEARING OFFICER shall hold a public hearing on an application for a variance OR AN APPEAL OF A DECISION MADE BY THE ZONING ADMINISTRATOR. The hearing shall be set and notice given as prescribed in Section 20.5 (Public Hearing Time and Notice).

B. At a public hearing FOR A VARIANCE, the ~~Board~~ HEARING OFFICER shall review the application, statements, and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in Section 20.7-7 (Findings).

C. AT A PUBLIC HEARING ON AN APPEAL FROM A DECISION OF THE ZONING ADMINISTRATOR, THE HEARING OFFICER SHALL REVIEW THE WRITTEN APPEAL AND STATEMENTS AND EVIDENCE IN SUPPORT OF THE APPEAL.

#### Section 20.7-5: Investigation and Report

The ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE shall make an investigation of each application that is the subject of a public hearing and shall prepare a report thereon which shall be submitted to the ~~Board of Adjustment~~ HEARING OFFICER and made available to the applicant prior to the public hearing.

#### Section 20.7-6: Action by the ~~Board of Adjustment~~ HEARING OFFICER

A. Within twenty-one (21) days following the close of the public hearing on a variance application, the ~~Board of Adjustment~~ HEARING OFFICER shall act on the application. The ~~Board~~ HEARING OFFICER may grant, by resolution, a variance as the variance was applied for or in modified form, or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the ~~Board~~ HEARING OFFICER may prescribe. ~~Upon failure to act within the prescribed twenty-one (21) day period, the Board may lose jurisdiction and an appeal may be taken to the Superior Court as prescribed in ARS 11-807.~~

B. WITHIN TWENTY-ONE (21) DAYS FOLLOWING THE CLOSE OF THE PUBLIC HEARING ON AN APPEAL FROM A DECISION OF THE ZONING ADMINISTRATOR, THE HEARING OFFICER SHALL REVERSE, AFFIRM OR MODIFY, WHOLLY OR PARTLY, ANY ORDER, REQUIREMENT OR DECISION OF THE ZONING ADMINISTRATOR PROPERLY APPEALED TO THE HEARING OFFICER, AND MAKE SUCH ORDER, REQUIREMENT, DECISION OR DETERMINATION AS IS NECESSARY.

#### Section 20.7-7: Findings

The ~~Board of Adjustment~~ HEARING OFFICER may grant a variance to a regulation prescribed by this Ordinance with respect to fences, walls, hedges, screening, or landscaping; site area, width, or depth; front, rear, or side yards; coverage, height of structures, distances between structures, usable open space, or frontage on a public street, as the variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the ~~Board of Adjustment~~ HEARING OFFICER makes findings of fact that establish that the circumstances prescribed in paragraphs A, B, or C and in paragraphs D and E do apply.

A. That the strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Ordinance.

B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the same zone.

C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.

D. That the granting of the variance as conditioned will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the same zone.

E. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

#### Section 20.7-8: Signs: Additional Findings

The ~~Board of Adjustment~~ HEARING OFFICER may grant a variance to a regulation prescribed in this Ordinance with respect to signs as the variance was applied for or in modified form, if, on

the basis of the application and the evidence submitted, the ~~Board of Adjustment~~ HEARING OFFICER makes findings of fact that establish that the circumstances prescribed in Section 20.7-7 (Findings) apply and the following circumstances also apply.

A. That the granting of the variance will not detract from the attractiveness or orderliness of the surrounding neighborhood or infringe on the similar rights of others.

B. That the granting of the variance will not create a hazard to public safety.

#### Section 20.7-9: Parking: Additional Findings

The ~~Board of Adjustment~~ HEARING OFFICER may grant a variance to a regulation prescribed by this Ordinance with respect to off-street parking facilities as the variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the ~~Board of Adjustment~~ HEARING OFFICER makes findings of fact that establish that the circumstances prescribed in Section 20.7-7 apply and the following circumstances apply.

A. That neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.

B. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

C. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance.

#### Section 20.7-10: Appeals to ~~Superior Court~~ OF DECISIONS BY HEARING OFFICER

B. A decision of the ~~Board of Adjustment~~ HEARING OFFICER on a variance OR AN APPEAL OF A DECISION MADE BY THE ZONING ADMINISTRATOR may be appealed within thirty (30) days to the ~~Superior Court~~ BOARD OF ADJUSTMENT by the applicant or any other aggrieved person, as prescribed in ARS 11-807.

#### Section 20.7-11: Effective Date of Variance

A decision of the ~~Board of Adjustment~~ HEARING OFFICER on a variance shall be final thirty (30) days after the date of the decision and upon receipt by the ~~Department of Community Development~~ TOWN MANAGER of a signed agreement to the conditions of approval, unless an appeal has been filed.

#### Section 20.7-12: Lapse of Variance

A. A variance shall lapse and shall become void one year following the date on which the variance became effective unless prior to the expiration of one year, a building permit is issued

and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a permit is issued authorizing occupancy of the site or structure which was the subject of the variance application, or the site is occupied if no building permit or Certificate of Occupancy is required.

B. A variance may be renewed for an additional period of one year provided that prior to the expiration of one year from the date when the variance or the renewal became effective, an application for renewal of the variance is filed with the ~~Director of Community Development~~.  
TOWN MANAGER OR DESIGNEE.

C. The ~~Board of Adjustment~~ HEARING OFFICER may grant or deny an application for renewal of a variance subject to the modification of existing conditions and/or the addition of new conditions of approval.

D. A variance shall also lapse if the use for which the variance is approved is terminated for a period of one year. Recommencement of the use after the one year period of inactivity shall require filing a new variance application according to the process and requirements listed in Sections 20.7-1 through 20.7-15.

#### Section 20.7-13: Revocation

A variance granted by the ~~Board of Adjustment~~ HEARING OFFICER subject to conditions shall be revoked by the ~~Board~~ HEARING OFFICER if the applicant has not complied with the conditions. The decision of the ~~Board~~ HEARING OFFICER revoking a variance shall become effective fifteen (15) days following the date on which it was revoked unless an appeal has been filed.

#### Section 20.7-14: New Application

Following the denial or revocation of a variance application, no application for the same or substantially the same variance on the site or substantially the same site shall be filed within one year from the date of denial or revocation of the variance.

#### Section 20.7-15: Variance Related to Plans Submitted

Unless otherwise specified at the time a variance is granted, it shall apply only to the plans and drawings submitted as part of the application.

### SECTION 20.8 BOARD OF ADJUSTMENT

#### SECTION 20.8-1: PURPOSE AND AUTHORITY

PURSUANT TO ARS 9-462.06, THE TOWN OF TUSAYAN SHALL HAVE A BOARD OF ADJUSTMENT WHICH SHALL BE APPOINTED BY THE TOWN COUNCIL. IN LIEU OF APPOINTING A SEPARATE BOARD OF ADJUSTMENT, THE MAYOR, WITH THE

CONSENT OF THE TOWN COUNCIL, MAY ESTABLISH THE TOWN COUNCIL AS THE BOARD OF ADJUSTMENT .

SECTION 20.8-2: MEMBERSHIP

THE BOARD SHALL CONSIST OF FIVE (5) MEMBERS WHO SHALL BE RESIDENTS OF THE TOWN OF TUSAYAN. THE MEMBERS OF THE BOARD SHALL BE APPOINTED BY THE MAYOR, SUBJECT TO THE APPROVAL OF THE TOWN COUNCIL. THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT COMPENSATION.

SECTION 20.8-3: TERM OF OFFICE

WHENEVER THE TOWN COUNCIL IS NOT SERVING AS THE BOARD, THE TERM OF OFFICE OF THE MEMBERS OF THE BOARD SHALL BE TWO (2) YEARS, WITH THE TERMS OF MEMBERS SO STAGGERED THAT THE TERMS OF NO MORE THAN FOUR (4) MEMBERS SHALL EXPIRE IN ANY ONE YEAR. IN THE EVENT OF A DEATH, RESIGNATION OR REMOVAL FROM THE BOARD, THE VACANCY SHALL BE FILLED BY THE COUNCIL FOR THE UNEXPIRED TERM. THREE (3) UNEXCUSED ABSENCES DURING A CALENDAR YEAR FROM ANY REGULAR OR SPECIAL MEETING MAY BE CONSIDERED INEFFICIENCY OR NEGLECT OF DUTY AND MAY BE GROUNDS FOR TERMINATION AT THE WILL AND PLEASURE OF THE TOWN COUNCIL.

SECTION 20.8-4: ORGANIZATION OF THE BOARD OF ADJUSTMENT

A. WHENEVER THE TOWN COUNCIL IS SERVING AS THE BOARD, THE MAYOR AND VICE MAYOR SHALL SERVE AS THE CHAIRPERSON AND VICE CHAIRPERSON RESPECTIVELY. OTHERWISE, THE BOARD SHALL ELECT A CHAIRPERSON AND VICE CHAIRPERSON FROM THE MEMBERS OF THE BOARD AT THE FIRST MEETING HELD IN EACH CALENDAR YEAR. THE CHAIRPERSON SHALL PRESIDE AT ALL MEETINGS. THE VICE CHAIRPERSON SHALL PERFORM THE DUTIES OF THE CHAIRPERSON IN THE LATTER'S ABSENCE OR DISABILITY.

B. MEETINGS OF THE BOARD SHALL BE OPEN TO THE PUBLIC AND NOTICE TO THE PUBLIC OF ITEMS ON THE AGENDA SHALL BE PROVIDED AS REQUIRED BY STATE LAW AND BY SECTION 20.5 OF THIS ORDINANCE. THE MINUTES OF THE PROCEEDINGS SHOWING THE VOTES OF EACH MEMBER AND RECORDS OF ITS EXAMINATIONS AND OTHER OFFICIAL ACTIONS SHALL BE KEPT AND FILED IN THE OFFICE OF THE TOWN CLERK AS A PUBLIC RECORD.

C. THREE (3) MEMBERS OF THE BOARD SHALL CONSTITUTE A QUORUM FOR THE PURPOSE OF TRANSACTING BUSINESS. THE AFFIRMATIVE VOTE OF A MAJORITY OF THE BOARD SHALL BE REQUIRED TO PASS A MOTION. A MEMBER MAY ABSTAIN FROM VOTING ONLY UPON A DECLARATION THAT HE/SHE HAS A CONFLICT OF INTEREST, IN WHICH CASE SUCH MEMBER SHALL TAKE NO PART IN THE DELIBERATION ON THE MATTER IN QUESTION.

#### SECTION 20.8-5: GRANT OF AUTHORITY

PURSUANT TO ARS 9-462.06 THE TUSAYAN BOARD OF ADJUSTMENT HEREBY GRANTS AUTHORITY FOR HEARING AND DECIDING VARIANCE REQUESTS AND APPEALS OF DECISIONS MADE BY THE ZONING ADMINISTRATOR TO THE TUSAYAN HEARING OFFICER. THE BOARD OF ADJUSTMENT WILL HEAR AND DECIDE APPEALS FROM THE DECISIONS OF THE HEARING OFFICER ON THESE MATTERS.

#### SECTION 20.8-6: APPEALS OF BOARD OF ADJUSTMENT DECISION

A PERSON AGGRIEVED BY A DECISION OF THE BOARD OF ADJUSTMENT MAY AT ANY TIME WITHIN THIRTY (30) DAYS AFTER THE BOARD HAS RENDERED ITS DECISION, FILE A COMPLAINT FOR SPECIAL ACTION IN SUPERIOR COURT TO REVIEW THE BOARD OR TOWN COUNCIL DECISION.

#### SECTION 20.9 ZONING ADMINISTRATOR

##### SECTION 20.9-1 ESTABLISHMENT AND PURPOSE

A. THE STAFF POSITION OF ZONING ADMINISTRATOR IS HEREBY CREATED FOR THE ADMINISTRATION OF THIS ORDINANCE. THE ZONING ADMINISTRATOR SHALL POSSESS ALL POWERS OF A ZONING ADMINISTRATOR UNDER THIS ORDINANCE AND ARIZONA LAW AND SHALL PERFORM SUCH DUTIES AS ARE SET FORTH UNDER THIS ORDINANCE. THE TOWN MANAGER OR HIS/HER DESIGNEE SHALL SERVE AS THE ZONING ADMINISTRATOR. THE ZONING ADMINISTRATOR SHALL NOT BE THE TOWN HEARING OFFICER.

B. THE ZONING ADMINISTRATOR SHALL HAVE THE FOLLOWING DUTIES:

1. ESTABLISH RULES, PROCEDURES AND FORMS TO PROVIDE FOR THE PROCESSING OF APPLICATIONS OR REQUESTS FOR ACTION UNDER THE PROVISIONS OF THIS ORDINANCE.
2. ACCOMPLISH ALL ADMINISTRATIVE ACTIONS REQUIRED BY THIS ORDINANCE, INCLUDING THE GIVING OF NOTICE, PREPARATION OF REPORTS, RECEIVING AND PROCESSING APPEALS, AND THE ACCEPTANCE AND ACCOUNTING OF FEES.
3. PROVIDE ADVICE AND RECOMMENDATIONS TO THE TOWN PLANNING AND ZONING COMMISSION, BOARD OF ADJUSTMENT, HEARING OFFICER AND TOWN COUNCIL WITH RESPECT TO APPLICATIONS AND REQUESTS FOR APPROVALS AS REQUIRED BY THIS ORDINANCE.
4. INTERPRET THE ZONING ORDINANCE TO THE PUBLIC, SUBJECT TO POLICIES ESTABLISHED BY THE TOWN COUNCIL.

5. DETERMINE THE LOCATION OF ANY ZONING DISTRICT BOUNDARY SHOWN ON THE ZONING MAP ADOPTED AS PART OF THIS ORDINANCE WHEN SUCH LOCATION IS IN DISPUTE.

6. ENFORCE THE PROVISIONS OF THE ZONING ORDINANCE AS SET FORTH IN SECTION 7 OF THIS ORDINANCE

7. THE ZONING ADMINISTRATOR SHALL NOT MAKE ANY CHANGES IN THE USES PERMITTED IN ANY ZONING CLASSIFICATION OR MAKE ANY CHANGES IN THE TERMS OF THE ZONING ORDINANCE

### Section 20.810. Adjustments

#### Section 20.810-1: Purpose and Authority

The purpose of this Section is to grant authority to the ~~Director of Community Development~~ TOWN MANAGER to take action on requests for minor modifications or adjustments to certain requirements of this Ordinance when such requests constitute a reasonable use of property not permissible under a strict literal interpretation of the regulations.

For the purpose of administering this Section, an adjustment is any variance to the terms or requirements of this Ordinance, which, if granted, would allow the following:

- A. A decrease of not more than 10% of the required building site area, width or depth.
- B. A decrease of not more than 20% of the required width of a side yard or the yard between buildings.
- C. A decrease of not more than 20% of the required front or rear yard.
- D. An increase of not more than 20% in the permitted height of a fence or wall.
- E. An increase of not more than 10% of the permitted projection of steps, stairways, landings, eaves, overhangs, masonry chimneys, and fireplaces into any required front, rear, side or yard between buildings.
- F. An increase of not more than 10% of the permitted height or areas of signs.
- G. A decrease in the number of required parking spaces of not more than 10%.
- H. An increase of not more than 10% in the maximum allowable lot coverage.
- I. An increase of not more than 10% in the permitted height of buildings.

### Section 20.810-2: Application: Data and Maps to be Furnished

Application for an adjustment shall be filed with the ~~Director of Community Development~~ TOWN MANAGER OR DESIGNEE on a form prescribed by the ~~Director~~ TOWN and shall include the following data and maps:

- A. Name and address of the applicant.
- B. Statement that the applicant is the plaintiff in any action in eminent domain to acquire the property or the owner or the authorized agent of the owner of the property on which the adjustment is being requested.
- C. Address and legal description of the property.
- D. Statement of the precise nature of the adjustment.
- E. An accurate scale drawing of the site and any adjacent property affected, showing all existing and proposed property lines, locations of structures, parking areas, driveways, other improvements or facilities and landscaped areas.
- F. Other plans, drawings, or information which the ~~Director~~ STAFF deems necessary to enable proper consideration of the application.
- G. If the request is for a setback reduction, a letter approving the adjustment from the affected adjacent property owner.

### Section 20.810-3: Fees

The application shall be accompanied by a fee established by resolution of the ~~Board of Supervisors~~ TOWN COUNCIL to cover the cost of handling the application as prescribed in this Section. A single application may include requests for adjustments from more than one regulation applicable to the same site, or for similar adjustments on two or more adjacent sites having the same characteristics.

### Section 20.810-4: Findings

In granting an adjustment, the ~~Director of Community Development~~ TOWN MANAGER shall make findings of fact that establish that the circumstances necessary for granting a variance by the ~~Board of Adjustment~~ HEARING OFFICER, as prescribed in Section 20.7-7 (Findings) do apply.

### Section 20.810-5: Site Area: Additional Findings

In order to grant approval of an administrative adjustment allowing a reduction in minimum site area the ~~Director~~ TOWN MANAGER must make the following additional finding:

A. That the property cannot otherwise meet the minimum site area requirement of its current zoning classification.

Section 20.810-6: Decision of ~~Director~~ TOWN MANAGER

If the ~~Director of Community Development~~ TOWN MANAGER denies an application for an adjustment, or, if the applicant disagrees with the conditions imposed on the granting of an adjustment, if any, the applicant may file for a variance in accordance with Section 20.7 (Variances).

Section 20.911: Animal Husbandry Activities or Projects

FFA, 4-H or any agricultural or recognized animal husbandry activity or project conducted primarily for educational purposes or school credits, may be permitted in any zone.

The following criteria shall be met:

A. Active membership, including enrollment in the specific livestock project, must be maintained, the project must be operated in compliance with all requirements of the organization having jurisdiction over the project, and verification of such shall be required.

B. The keeping of all animals shall be subject to The Rules and Regulations of the Coconino County Health Department, Sections 11-1 (General), 11-2 (Piggeries) and 11-3 (Sanitary Requirements), as applicable.

C. Under this exemption the setback and number of animals per acre do not apply for animals utilized in animal husbandry projects. However, the setback exemption shall not apply to any piggery, which is required by The Rules and Regulations of the Coconino County Department of Public Health to be located at least three hundred (300) feet from an inhabited house on an adjoining property.

D. An application for the animal husbandry exemption must be approved by the ~~Department of Community Development~~ TOWN MANAGER before more animals than the number permitted in the zoning district are brought to the property, or before any required setbacks are waived.

E. The setback exemption and/or the number of animals per acre exemption may be revoked by the ~~Director of Community Development~~ TOWN MANAGER if the animal husbandry activity or project is found to be out of compliance with any rules or regulations of the organization having jurisdiction over the project (i.e. The University of Arizona Cooperative Extension, etc.). The finding of said lack of compliance must be made by the organization with jurisdiction.

F. The setback exemption and/or the number of animals per acre exemption may be revoked by the ~~Director of Community Development~~ TOWN MANAGER if a violation of Section 11-1, Section 11-2, or Section 11-3 of The Rules and Regulations of the Coconino County Department

of Public Health is found to exist on the property. The finding of a violation must be made by the Coconino County Hearing Officer for Environmental Services.

G. The setback exemption and/or the number of animals per acre exemption may also be revoked by the ~~Director of Community Development~~ TOWN MANAGER if a violation of ~~Coconino County Ordinance Number 96-01 (Cruelty to Animals)~~, or a violation of ARS § 13-2910 (Cruelty to Animals) is found to exist on the property. The finding of a violation must be made by a Justice of the Peace.

H. A revocation of an exemption may be appealed to the Planning and Zoning Commission. A written appeal must be filed within thirty (30) days of the revocation.

I. A decision by the Planning and Zoning Commission may be appealed to the ~~Board of Supervisors~~. TOWN COUNCIL. A written appeal must be filed within fifteen (15) days of the Commission's decision.

## SECTION 21: GENERAL PLAN TUSAYAN AREA PLAN

### Section 21.1: Applicability of State Law

Except as otherwise specifically provided herein, the provisions of the Arizona Revised Statutes - Title 41 9 relating to the adoption, amendment, effect and all other aspects of general plans shall apply to ~~Coconino County~~. THE TOWN OF TUSAYAN.

### Section 21.2: Amendments to General Plans or Specific Plans TUSAYAN AREA PLAN

A. ~~The General Plan of Coconino County~~ TUSAYAN AREA PLAN or any part or element thereof ~~or any Specific Plan for individual communities~~ may be amended as frequently in any calendar year as may be determined by ~~the Board of Supervisors~~ TOWN COUNCIL to be in the public interest.

B. An amendment to the ~~General Plan~~ TUSAYAN AREA PLAN or any part or element thereof ~~or any Specific Plan~~ may be initiated by:

1. ~~The Board of Supervisors~~ TOWN COUNCIL;
2. The Planning and Zoning Commission;
3. The owner of the property in question.

However, any amendment initiated by the property owner shall be made by application filed with the ~~Department of Community Development~~ TOWN on a form prescribed by the ~~Director~~ TOWN MANAGER. Such application shall be accompanied by a fee as prescribed by resolution of the ~~Board of Supervisors~~. TOWN COUNCIL.

C. Any hearing held in conjunction with an amendment to the Zoning Ordinance for the purpose of bringing zoning into consistency with the ~~General Plan or a Specific Plan~~ TUSAYAN AREA PLAN may be held at any time after the date on which an amendment to the ~~General Plan~~ TUSAYAN AREA PLAN or any part or element thereof ~~or any Specific Plan~~ has been recommended for adoption by the Planning and Zoning Commission; provided, however, that no such amendment to the Zoning Ordinance shall be adopted by the ~~Board of Supervisors~~ TOWN COUNCIL until the ~~Board~~ COUNCIL has first adopted the appropriate amendment to the ~~General Plan~~ TUSAYAN AREA PLAN ~~or applicable Specific Plan~~.

ITEM NO. 5A

and

7B

**TOWN OF TUSAYAN, ARIZONA  
ORDINANCE 2012-04**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN,  
COCONINO COUNTY, ARIZONA, ADOPTING BY REFERENCE THE ESTABLISHMENT OF  
THE PLANNING AND ZONING ORDINANCE OF THE TOWN OF TUSAYAN, REPEALING  
ORDINANCE 2010-06-09-01 AND ALL AMENDMENTS THERETO, AND PROSCRIBING  
PENALTIES FOR VIOLATIONS THEREOF**

**WHEREAS**, the Council adopted the Planning and Zoning Ordinance of Coconino County at the time of incorporation on June 9, 2010 in Ordinance 2010-06-09-01, and

**WHEREAS**, the Council now desires to amend the 2010 Planning and Zoning Ordinance to conform to the requirements and needs of municipal government, and

**WHEREAS**, the proposed Planning and Zoning Ordinance of the Town of Tusayan shall serve as the first comprehensive rewrite of the Town zoning regulations,

**NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Tusayan Arizona, as follows:**

1. Adoption by Reference. Pursuant to A.R.S. Section 9-802 the Town hereby adopts for application and enforcement the Planning and Zoning Ordinance of Tusayan, dated November 7, 2012 ("**Tusayan Zoning Code**") that is declared a public record pursuant to **Resolution 2012-14** and attached thereto.
2. Effective Date. The effective date of the Tusayan Zoning Code shall be December 5, 2012, or upon completion of publication and posting as penal ordinance as provided by law, whichever date is later.
3. Repeal. Upon adoption of this ordinance, any part of the 2010 Planning and Zoning Ordinance as originally adopted via Ordinance 2010-06-09-01 and amendments thereto shall be deemed repealed, with the exception that applications, plans and properties already having hearings or approvals pending shall continue to be governed by the prior regulations.
4. Copies of the Planning and Zoning Ordinance. At least three (3) copies of the Planning and Zoning Ordinance of the Town of Tusayan, dated November 7, 2012, and any future amendments or revisions, shall be kept on file in the office of the Town Clerk for public access. Additional copies may be purchased by the public at nominal cost for material and reproduction. Copies placed for public access shall be readily available for public inspection during normal working hours.
5. Penalty. Any person who fails to comply with any provision of the Planning and Zoning Ordinance, dated November 7, 2012 (as may be amended), or uses property in violation of any provision of said ordinance, or a permit issued therein, shall be guilty of a Class 2 misdemeanor, punishable as provided by law, with each day the property or activity is in violation constituting a separate offense. "Person" includes the property owner, occupant, agent, or any person having control over the use of the property. Enforcement of the Ordinance may also be through injunction or abatement as set forth in A.R.S. Section 9-462.05, as amended from time to time.

**PASSED, ADOPTED AND APPROVED** by the Mayor and Council of the Town of Tusayan, Coconino County, Arizona, this 7<sup>th</sup> day of November, 2012.

APPROVED:

\_\_\_\_\_  
Greg Bryan, Mayor

Date: \_\_\_\_\_

ATTESTED:

Approved as to form:

\_\_\_\_\_  
Melissa Malone, Town Clerk

\_\_\_\_\_  
William J. Sims III, Town Attorney

ITEM NO. 5B

and

7C

**TOWN OF TUSAYAN, ARIZONA  
ORDINANCE 2012-05**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF TUSAYAN,  
COCONINO COUNTY, ARIZONA, DELETING THE DESIGN REVIEW OVERLAY AND  
INCLUDING THE PROVISIONS OF THE DESIGN REVIEW OVERLAY IN THE REVISED  
PLANNING AND ZONING ORDINANCE OF THE TOWN OF TUSAYAN**

**WHEREAS**, the Council adopted the Design Review Overlay at the time of incorporation on June 9, 2010 in Ordinance 2010-06-09-01, and

**WHEREAS**, the Council now desires to delete the Design Review Overlay and include its provisions in the revised Zoning Ordinance for the Town of Tusayan dated November 7, 2012, and

**WHEREAS**, the revised Planning and Zoning Ordinance of the Town of Tusayan will include the provisions of the Design Review Overlay in a Design Review Section and other Sections of the Zoning Ordinance,

**NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Town of Tusayan Arizona, as follows:**

1. The Design Review Overlay is hereby deleted from Ordinance 2010-06-09-01.
2. The provisions of the Design Review Overlay shall be included in the Planning and Zoning Ordinance of Tusayan dated November 7, 2012 ("Tusayan Zoning Code").

**PASSED, ADOPTED AND APPROVED** by the Mayor and Council of the Town of Tusayan, Coconino County, Arizona, this 7<sup>th</sup> day of November, 2012.

APPROVED:

\_\_\_\_\_  
Greg Bryan, Mayor

Date: \_\_\_\_\_

ATTESTED:

Approved as to form:

\_\_\_\_\_  
Melissa Malone, Town Clerk

\_\_\_\_\_  
William J. Sims III, Town Attorney

ITEM NO. 7A

RESOLUTION NUMBER 2012-14

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL  
OF THE TOWN OF TUSAYAN, COCONINO COUNTY, ARIZONA,  
DECLARING THE PLANNING AND ZONING ORDINANCE OF THE TOWN OF TUSAYAN,  
DATED NOVEMBER 7, 2012, TO BE A PUBLIC RECORD AND ESTABLISHING A  
PLANNING AND ZONING ORDINANCE OF THE TOWN OF TUSAYAN

**Whereas**, ARS Section 9-802 permits the enactment and publication by reference of a code or public record, including statute, rule or regulation of the municipality, in the interest of economy, and

**Whereas**, the document entitled **Planning and Zoning Ordinance of the Town of Tusayan**, dated November 7, 2012, is a lengthy ordinance to be adopted by **Ordinance 2012-04**, and which would qualify for enactment by reference by law.

**NOW THEREFORE**, THE MAYOR AND THE COMMON COUNCIL OF THE TOWN OF TUSAYAN HEREBY DECLARE THE PLANNING AND ZONING ORDINANCE OF THE TOWN OF TUSAYAN, ATTACHED HERETO AND INCORPORATED HEREIN, TO BE PUBLIC RECORD PURSUANT TO ARS SECTION 9-802, TO BE ENACTED BY ORDINANCE 2012-04, AND ORDER THAT THREE (3) COPIES OF THE ORDINANCE, TOGETHER WITH ANY FUTURE AMENDMENTS OR ADDITIONS WHICH ARE ADOPTED, BE PERMANENTLY FILED IN THE OFFICE OF THE TOWN CLERK AND AVAILABLE FOR PUBLIC INSPECTION.

**PASSED AND APPROVED** by the Mayor and Common Council at their Regular Session on November 7, 2012.

\_\_\_\_\_  
Greg Bryan, Mayor

Attest:

Approved as to form:

\_\_\_\_\_  
Melissa Malone, Town Clerk

\_\_\_\_\_  
William J. Sims III, Town Attorney

ITEM NO. 7D

## AGREEMENT FOR PROFESSIONAL SERVICES

THIS AGREEMENT, made and entered into this \_\_\_ day of \_\_\_\_\_, 2012, by and between WILLDAN ENGINEERING ("CONSULTANT"), a corporation, and the Town of Tusayan ("TOWN").

WHEREAS, TOWN desires to employ CONSULTANT to furnish professional services in connection with developing the Tusayan General Plan ("Project").

NOW, THEREFORE, in consideration of the mutual premises, covenants, and conditions herein contained, the parties agree as follows:

1. Services. CONSULTANT shall provide to TOWN the services described in detail in Exhibit "A", Scope of Work, attached hereto and incorporated herein by this reference.
2. Compensation. CONSULTANT shall be compensated for services rendered under Section 1, in accordance with the terms and conditions indicated in Exhibit "B," Compensation. Services will be billed on a lump sum basis at the completion of a task item. It is intended that payments to CONSULTANT will be made by TOWN within 15 business days of invoice.
3. Indemnification. Each party hereto agrees to save, keep, and hold harmless the other party hereto from all damages, costs, or expenses in law and equity including costs of suit to the extent resulting from its own negligent acts, errors, omissions, recklessness or willful misconduct. Neither party shall be required to defend the other party from any such claims, it being the intent of the parties that they shall each be responsible for its own defense.
4. Insurance. Without in any way limiting CONSULTANT's liability pursuant to the indemnification described above, CONSULTANT shall maintain, during the term of this contract, the following insurance:

| <u>Coverage</u>  | <u>Minimum Limits</u>   |
|--|---|
| <u>Commercial General Liability, including:</u><br>Premises and Operations<br>Contractual Liability<br>Personal-Injury Liability<br>Independent Contractors<br>Liability (if applicable) | \$1,000,000 Combined Single Limit, per occurrence and \$2,000,000 general aggregate |
| <u>Comprehensive Automobile Liability</u><br>(including, owned, non-owned and hired autos)   | \$1,000,000 Combined Single Limit, per Occurrence                                   |
| <u>Workers' Compensation and Employer's Liability</u>  | Statutory, \$1,000,000  |
| <u>Professional Liability</u>  | \$1,000,000 per claim and \$2,000,000 annual aggregate                              |

Except Workers Compensation and Professional Liability Insurance coverage, such insurance shall include additional endorsements naming TOWN and its directors, officers, employees and agents as additional insured with respect to liabilities arising out of the performance of services hereunder. CONSULTANT shall provide TOWN with certificates of insurance documenting that CONSULTANT has obtained the above coverages. Such certificates shall include the required provisions and endorsements required by this agreement. Such Certificates shall include a statement that insurance may not be cancelled without 30 days prior written notice to TOWN by first class mail, postage prepaid, 10 days notice in the event that cancellation is due to nonpayment of premium.

5. Independent Contractor Status. CONSULTANT shall be an independent contractor and shall have responsibility for and control over the details and means of providing the services under this Agreement.
6. Suspension of Work. TOWN may, at any time, by fifteen (15) days written notice, suspend further performance by CONSULTANT. All suspensions shall extend the time schedule for performance in a

mutually satisfactory manner and CONSULTANT shall be paid for all services performed and reimbursable expenses incurred prior to the suspensions date.

7. Termination. Either party may terminate this Agreement at any time by giving fifteen (15) days written notice to the other party of such termination. If this Agreement is terminated as provided herein, CONSULTANT will be paid an amount which bears the same ratio to the total compensation as the services actually performed bears to the total services of CONSULTANT covered by this Agreement, less payments of compensation previously made.

8. Compliance with Law. Each party hereto will use reasonable care to comply with applicable laws in effect at the time the services are performed hereunder which to the best of their knowledge, information and belief apply to their respective obligations under this Agreement.

9. Successors and Assigns. This Agreement shall be binding on the successors and assigns of the parties, but it shall not be assigned by either party without written consent of the other party.

10. Attorneys' Fees. In the event that any judgment is entered in any action upon this Agreement, the party hereto against whom such judgment is rendered agrees to pay the amount equal to the reasonable attorneys' fees of the prevailing party in such action and that such amount may be added to and made a part of such judgment.

11. Alternative Dispute Resolution. If a dispute arises between the parties relating to this Agreement, the parties agree to use the following procedure prior to either party pursuing other available remedies:

A. A meeting shall be held promptly between the parties, attended by individuals with decision-making authority regarding the dispute, to attempt in good faith to negotiate a resolution of the dispute.

B. If, within 30 days after such meeting, the parties have not succeeded in negotiating a resolution of the dispute, they will jointly appoint a mutually acceptable neutral person not affiliated with either of the parties (the "neutral"), seeking assistance in such regard if they have been unable to agree upon such appointment within 40 days from the initial meeting. The fees of the neutral shall be shared equally by the parties.

C. In consultation with the neutral, the parties will select or devise an alternative dispute resolution procedure ("ADR") by which they will attempt to resolve the dispute, and a time and place for the ADR to be held, with the neutral making the decision as to the procedure, and/or place and time (but unless circumstances require otherwise, not later than 60 days after selection of the neutral) if the parties have been unable to agree on any of such matters within 20 days after initial consultation with the neutral.

D. The parties agree to participate in good faith in the ADR to its conclusion as designated by the neutral. If the parties are not successful in resolving the dispute through the ADR, then the parties may agree to submit the matter to binding arbitration or a private adjudicator, or either party may seek an adjudicated resolution through the appropriate court.

12. Records. Records of CONSULTANT's direct labor costs, payroll costs, and reimbursable expenses pertaining to the project covered by this Agreement will be kept on a generally recognized accounting basis and made available during normal business hours upon reasonable notice. CONSULTANT's records will be available for examination and audit if and as required.

13. Immigration Law Compliance.

A. Under the provisions of A.R.S. § 41-4401, each party hereby warrants to the other that the each party and all of its subcontractors (if any) will comply with, and are contractually obligated to comply with, all Federal Immigration laws and regulation that relate to their employees and A.R.S. § 23-214 (A) (hereinafter "Contractor Immigration Warranty").

B. Breach of the Contractor Immigration Warranty shall constitute a material breach of this Agreement and shall subject the breaching party to penalties up to and including termination of this Agreement at the sole discretion of the non-breaching party.

C. Each party retains the legal right to inspect the papers of any contractor or subcontractor employee of the other party who works on this Agreement to ensure that the contractor or subcontractor

is complying with the Contractor Immigration Warranty. Each party agrees to assist the other party in regard to any such inspections.

D. Each party may, at its sole discretion, conduct random verification of the employment records of the other party and any of its subcontractors to ensure compliance with Contractor's Immigration Warranty. Each party agrees to assist the other party in regard to any random verifications performed.

E. A party will not be considered in material breach of this Agreement or the Contractor Immigration Warranty if the party establishes that it has complied with the employment verification provision prescribed by sections 274A and 274B of the Federal Immigration and Nationality Act and the E-Verify requirements prescribed by A.R.S. § 23-214, Subsection A.

F. The foregoing provisions of subparagraphs A-E of this article must be included in any contract that a party enters into with any and all its subcontractors who provide service under this Agreement or any subcontract.

G. Pursuant to A.R.S. §§ 35-391.06 and 35-393.06, each party certifies that it does not have a scrutinized business operation as defined in A.R.S. §§ 35-391 and 35-393 in either Sudan or Iran.

14. Miscellaneous Provisions. This Agreement is subject to the following special provisions:

A. The titles used in this Agreement are for general reference only and are not a part of the Agreement.

B. This Agreement shall be interpreted as though prepared by both parties.

C. Any provision of this Agreement held to violate any law shall be deemed void, and all remaining provisions shall continue in full force and effect.

D. This Agreement shall be interpreted under the laws of the State where the Project is located.

E. This Agreement comprises a final and complete repository of the understandings between the parties and supersedes all prior or contemporary communications, representations or agreements, whether oral or written, relating to the subject matter of this Agreement.

F. Any notices given pursuant to this agreement shall be effective on the third business day after posting by first class mail, postage prepaid, to the address appearing immediately after the signatures below.

G. CONSULTANT's waiver of any term, condition, or covenant, or breach of any term, condition, or covenant, shall not constitute the waiver of any subsequent breach of any other term, condition or covenant.

IN WITNESS WHEREOF, the parties hereto have accepted, made and executed this Agreement upon the terms, conditions and provisions above stated to be effective on the day and year first above written.

Willdan Engineering

Town of Tusayan

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

## EXHIBIT A

### GENERAL PLAN – SCOPE OF WORK

The Town of Tusayan is the newest incorporated community in Arizona. Its location near one of the world's most popular tourist destinations makes the Town unique. Developing and implementing a General Plan for Tusayan will have a long-term, positive effect on the Town's overall character. The following work tasks are identified as major components of this project.

#### OVERALL APPROACH

##### **Task 1 Public Participation Plan**

Arizona Revised Statutes require the adoption of a Public Participation Plan (PPP) as an initial step in the General Plan process. A draft of the PPP proposed for this project is attached to this document. The proposed PPP encompasses all of the key features required by state law. The PPP must be approved by the Town Council at the beginning of the planning process. One key aspect of the PPP is the creation of a web page for the General Plan. The web page will allow residents to view the schedule for upcoming plan meetings, see plan drafts, and provide comment.

##### **Task 2 General Plan Review Committee**

The General Plan Review Committee (GPRC) would be a panel of residents appointed by the Town Council to assist in the review of the draft components of the plan. Input and comments provided by the GPRC will improve the credibility of the effort and help to ensure that a broad perspective on issues is included in the process. One member of the Planning and Zoning Commission may serve on this committee. All meetings of the committee would be subject to the requirements of the open meeting law. Staff will present the GPRC with draft work product and request feedback.

##### **Task 3 Research**

The consultant is already familiar with the Tusayan Area Plan. Much of what is in this Plan may still be relevant to the new plan. Additional research of other approved planning documents will need to be conducted. This effort would include any plans approved by the National Park Service for the Grand Canyon that would be considered "current."

##### **Task 4 Initial Issue Identification**

It is important that the consultant spend time getting to know the issues being faced by the Town. It is necessary to develop a clear understanding of the local and regional issues affecting the community. This task will be addressed by collecting existing information, conducting stakeholder interviews, holding a public open house meeting, and/or other methods approved by the Project Manager. Draft issue statements will be refined by the GPRC.

##### **Task 5 Drafting of Plan Elements**

Within each of the Plan Elements will be goal, objective and policy statements. Five elements are proposed for the Tusayan General Plan. The statute lists a total of 17 possible elements. Due to the size of the Town of Tusayan, only two, land use and circulation, are mandated. The rest are optional. Some of the proposed elements include aspects of other optional elements. Charges within this task are for plan formatting and final preparation (final QA/QC review) which would occur after the Plan has been approved. These charges are not for drafting of any of the Plan elements. Those changes are outlined in the following sections.

##### **Task 5.1 Land Use Element (mandated)**

Preferred locations for future housing, businesses, recreation facilities, educational facilities, public buildings/grounds, and other land uses that would be appropriate in Tusayan will be identified and mapped. If relevant, residential densities will be specified. Policies promoting compact development may be included. Air quality and access to incident solar energy for all categories of land use will be included as required by statute. Other energy related policies will also be considered.

A generalized land use inventory will be conducted. The consultant will inventory, analyze and compare existing land use and current zoning patterns to determine potential opportunities and constraints for future growth. The inventory will analyze the types and acreage of existing and recommended general plan land uses and vacant land by existing zoning designations to determine projected community build-out and the development capacity of the Town.

Sources of currently identified aggregates in the community must also be identified as well as related policies should any be present. Consultant will also provide an assessment of the Town's current and proposed balance and mixture of land uses in order to ensure that the General Plan encourages a sustainable long-term balance.

**Task 5.2 Transportation and Circulation Element (mandated)**

Consultant will inventory and analyze the existing transportation system. The inventory will include all streets as well as any bicycle routes, the existing shuttle system and other means of transportation. Consultant will identify and map all existing and approved components of the system.

**Task 5.3 Trails, Open Space and Recreation Element**

Consultant will work with the Town and others to evaluate fully the open space and recreational facilities that are available. As required by statute, the consultant will identify access points to open space areas and resources. Needs will be forecasted and goals, objectives and policies to meet these needs will be developed. Policies for managing and protecting and acquiring open space areas will be considered. If applicable, policies regarding integration with regional open space systems will also be created.

A key issue in this element includes connectivity within and around the Town and connectivity to the Grand Canyon National Park and Kaibab National Forest via a trails system. Goals, objectives and policies providing for an effective trail system will be developed.

Planning for trails will begin with a visit to Tusayan and a hike of major areas of importance. Key observations and evaluations will be made on existing trails and connections as well as way-finding signage. Consultant will compile all available engineering, jurisdictional, mapped and local vicinity land use/roadway information to create both in-house digital project files and base maps for all subsequent design efforts. Consultant will prepare three (3) colored alternative concepts that link Tusayan activity centers to Grand Canyon National Park. Plans will include distance, difficulty, focal points, and enlargements of popular areas. Consultant will investigate the potential for joint use of flood control/drainage facilities. Consultant will also identify any missing linkages in the trails system. The consultant will also prepare standards for way finding signage.

Based on Town participation and input, the consultant will prepare a final Trails Master Plan. This plan will identify all existing and future trails for hikers, bikers and other users linking Tusayan residential and commercial areas to the Grand Canyon Park and Kaibab National Forest. The Master Plan will be completely digital to ensure accuracy.

**Task 5.4 Public Services and Facilities Element**

Consultant will review community services and facilities and identify service areas within the community. Information related to existing potable water, sewer, electrical, public safety, recreational systems and schools would be collected.

**Task 5.5 Housing Element**

Consultant will review the housing needs all of segments of the community. Relevant information from any existing studies will be included. Input from any community organizations, such as a Tusayan Housing Authority, formed to address this issue will be requested for the Plan.

**Task 6 History**

The consultant will prepare a brief history of the development of Tusayan for inclusion in the General Plan. Based on secondary information that can be found in the Tusayan Area Plan and other sources, the background and history will include significant events in the development of the Town.

**Task 7 Plan Implementation and Amendment**

The consultant is experienced in preparing General Plan implementation programs and strategies. Short, mid and long-range targets will be set for implementation of the Plan's actionable objectives. This part of the General Plan will also address suggestions for future major updates to the plan.

The administration section of the General Plan will include a description of the process to be used to consider future major and minor amendments to the plan. The criteria for Major and Minor General Plan Amendments will be included.

**Task 8 Base Mapping**

Consultant will create maps to show the following:

- Town location/regional context to include school, fire, and sanitary district boundaries
- Planning area boundary
- Recent Town annexations
- Town topography, geology and hydrology (if information readily available)
- Existing, generalized land use
- Proposed land use map
- Existing public and private land ownership
- Public and semi-public facilities, utilities and services
- Current and planned transportation routes/corridors, including trails
- Current zoning

**Town of Tusayan General Plan, Work Plan**

| <b>Month ONE</b>                            | <b>Responsible Party</b>                          | <b>Details</b>  |
|---|---|---|
| 1. Approve Public Participation Plan        | Staff, consultant, Council                        | Prepare staff report  |
| 2. Appoint General Plan Review Committee    | Staff, Council                                    | Vet applicants, staff report                                    |
| 3. Research planning documents, site visits | Consultant  | Review TAP, NPS plans, other plans                              |
| 4. Stakeholder interview questions          | Consultant, staff                                 | Prepare list of questions                                       |
| 5. Brief P&Z Commission                     | Consultant, staff, Planning and Zoning Commission | Prepare staff report  |
| 6. Design and post web page                 | Staff, consultant                                 | Set up web page for General Plan activities/drafts and comments |
| 7. Meet w/ GPRC                             | Staff, consultant, GPRC                           | Review stakeholders list and interview questions                |
| 8. Begin stakeholder interviews             | Consultant  | Conduct interviews  |

| <b>Month TWO</b>                                 | <b>Responsible Party</b> | <b>Details</b>  |
|--|--------------------------|---|
| 1. Finish stakeholder interviews                 | Consultant               | Complete interviews   |
| 2. Open house meeting                            | Staff, consultant, GPRC  | Schedule and notice meeting, boards, comment cards                |
| 3. Meet with GPRC                                | Staff, consultant, GPRC  | Define Tusayan planning issues                                    |
| 4. Begin drafting Plan, including trail concepts | Consultant               | Prepare text and maps, for two mandatory elements                 |
| 5. Begin drafting goals, objectives and policies | Consultant               | Prepare goals, objectives and policies for two mandatory elements |

| <b>Month THREE</b>   | <b>Responsible Party</b> | <b>Details</b>                                      |
|----------------------|--------------------------|---|
| 1. Finish Plan draft | Consultant               | Prepare text and maps for all elements and sections |
| 2. Meet w/ GPRC      | Staff, consultant, GPRC  | Review of staff work                                |

| <b>Month FOUR</b>                    | <b>Responsible Party</b>         | <b>Details</b>                                     |
|--------------------------------------|----------------------------------|--|
| 1. Open house meeting                | Staff, consultant, GPRC          | Schedule and notice meeting, boards, comment cards |
| 2. Transmit Plan for required review | Consultant                       | Send to agencies, P&Z and Council per state law    |
| 3. P&Z Commission workshop           | Staff, consultant and Commission | Review draft Plan                                  |
| 4. Revise Draft Plan                 | Consultant                       | Update Plan based on feedback                      |
| 5. Town Council workshop             | Staff, consultant and Council    | Review draft Plan                                  |
| 6. Revise Draft Plan                 | Consultant                       | Update Plan based on feedback                      |

| <b>Month FIVE</b>                | <b>Responsible Party</b>                          | <b>Details</b>  |
|----------------------------------|---|---|
| 1. Notice for P&Z Hearing        | Consultant  | Provide notice to paper 60 days after earlier transmittal of Plan |
| 2. P&Z Commission Public Hearing | Staff, consultant, Planning and Zoning Commission | Prepare staff report and P&Z recommendation                       |

| <b>Month SIX</b>                           | <b>Responsible Party</b>    | <b>Details</b>  |
|--|-----------------------------|---|
| 1. Notice for Council Hearing              | Consultant                  | Provide notice of hearing to paper  |
| 2. Town Council Public Hearing             | Staff, consultant, Council; | Prepare staff report and Council decision                                     |
| 3. Final Format and Review of General Plan | Consultant                  | Prepare General Plan in final, finished format and perform final QA/QC review |

Meetings at key points in the process are anticipated with the GPRC, the Planning and Zoning Commission and the Town Council. These meetings are in addition to the required public hearings that will take place at the end of the process. The earlier meetings will generally involve the review of staff generated work product and will be in a workshop format.

## **TUSAYAN GENERAL PLAN – PUBLIC PARTICIPATION PLAN**

### **Statutory Requirements: (ARS 9-461)**

1. Adoption by Town Council of written procedures for effective, early and continuous public participation.
2. Broad dissemination of proposals and alternatives.
3. Opportunity for written comments.
4. Public hearings after effective notice.
5. Open discussions, communications programs and information services.
6. Consideration of public comments.

### **Measures to Address Statutory Requirements: (each item below corresponds to a numbered item above)**

1. Once approved by the Town Manager, present written public participation plan to the Town Council for discussion and approval at a public meeting.
2. Create a web page for the General Plan that is linked to Town's web page. Put scheduled meetings and proposals on the site as well as any background documents. Include membership of the General Plan Review Committee.

Hold a public open house early in the process to gather input (provide comment cards for written remarks) on issues identified in stakeholder interviews.

General Plan Committee meetings will be open to the public and satisfy all open meeting law requirements.

The process will also include workshops by both the Planning and Zoning Commission and Town Council.

Required public hearings will be held by both the Planning and Zoning Commission and the Town Council. Notice will be provided by legal ad, an article in the local newspaper and on the Town's web page.

3. Written comments will be encouraged in public notices and on the Town's web page. Comment cards will be available at the open house.

4. All necessary public hearings (minimum of one each by the Planning and Zoning Commission and Town Council) will be duly noticed as required by statute. In addition, an article in the local newspaper will provide more effective notice of the public hearings.

5. The web site will communicate General Plan progress, proposals and meetings. The format of an open house meeting will allow for discussion of issues. The General Plan Committee could have a regular agenda item that would allow for public testimony on any general plan issue at each meeting. Workshops will provide for open discussion between Commissioners, elected officials and staff.

6. Staff would be responsible for collecting all of the public comment and presenting it to the Committee, the Commission and the Council prior to the appropriate meetings. This would be in addition to the testimony offered by the public in various meeting forums.

**Public Participation Plan Steps:**

1. Approval of the written Public Participation Plan.

2. Appointment of General Plan Committee by the Mayor at a public meeting. Committee would be charged with analyzing General Plan issues and reviewing the work produced by the staff in public meetings.

3. A General Plan web page would be created that would announce scheduled meetings, provide the approved Public Participation Plan, the membership of the Committee, background documents and, as things progress, drafts of various plan elements.

4. With the assistance of the Committee, a list of stakeholders to be interviewed by the staff will be created. Interview questions will be reviewed by the Committee. This will help to identify and distill the issues to be dealt with in the Plan.

5. An open house meeting will be held at the Town Hall. Those attending will be able to ask questions and offer comments on the various issues that have been identified to date. They will be able to offer written and verbal feedback.

6. Once a preliminary draft of the General Plan has been created, it should be put on the web and distributed to various agencies, organizations and individuals for review and comment. These include (from the statute): public officials and agencies, the County, the local school district, the association of governments, public land management agencies, other appropriate governmental jurisdictions, public utilities, civic, educational, professional and other organizations, property owners and citizens. There is also a statutory review by various public entities that is required 60 days before the Plan is noticed for hearing.

7. Following appropriate revisions based on the input received to date, the draft plan will be approved by the Committee and forwarded for review by the Planning and Zoning Commission at a public workshop meeting. A workshop for the benefit of the town council is also planned.

8. The required public hearings by the Planning and Zoning Commission and the Town Council will occur toward the end of the process. Notification of each hearing will be provided in the Williams newspaper that is also circulated in Tusayan. In addition, the newspaper should be asked to provide an article providing information about the upcoming hearings. Information about the hearings will also be provided on the Town' web page.

Exhibit B  
Compensation

**Fee Proposal  
Town of Tusayan  
General Plan Development**

| TASK DESCRIPTION   | Supervising Engineer<br>\$150 | Planner<br>\$125 | Trails Planner<br>\$125 | Drafting CADD<br>\$100 | Total Hours | Expenses     | Total Fee        |
|--|-------------------------------|------------------|-------------------------|------------------------|-------------|--------------|------------------|
| Task 1 - Public Participation Plan                         | 1                             | 12               |                         |                        | 13          | 400          | \$2,050          |
| Task 2 - General Plan Review Committee                     | 1                             | 10               |                         |                        | 11          | 400          | \$1,800          |
| Task 3 - Research  | 2                             | 28               | 10                      | 8                      | 48          | 400          | \$6,250          |
| Task 4 - Initial Issue Identification                      | 6                             | 60               | 12                      | 8                      | 86          | 2200         | \$12,900         |
| Task 5 Drafting of Plan Elements                           | 8                             | 12               | 4                       | 8                      | 32          |              | \$4,000          |
| Task 5.1 Land Use Element (Mandated)                       | 6                             | 40               | 8                       | 16                     | 70          | 1200         | \$9,700          |
| Task 5.2 Transportation and Circulation Element (Mandated) | 8                             | 20               | 6                       | 8                      | 42          | 1200         | \$6,450          |
| Task 5.3 Open Space and Recreational Element               | 6                             | 32               | 40                      | 12                     | 90          | 800          | \$11,900         |
| Task 5.4 Public Services and Facilities Element            | 8                             | 28               |                         | 4                      | 40          | 400          | \$5,500          |
| Task 5.5 Housing Element                                   | 4                             | 16               |                         |                        | 20          |              | \$2,600          |
| Task 6 History   |                               |                  |                         |                        |             |              |                  |
| Task 7 Plan Implementation and Amendment                   | 4                             | 16               |                         |                        | 20          |              | \$2,600          |
| Task 8 Base Mapping*                                       | 4                             | 16               | 2                       |                        | 22          | 400          | \$3,250          |
|  | 4                             | 8                | 2                       | 24                     | 38          |              | \$4,250          |
| <b>TOTAL OF ALL OPTIONAL TASKS</b>                         | <b>62</b>                     | <b>298</b>       | <b>84</b>               | <b>88</b>              | <b>532</b>  | <b>7,400</b> | <b>\$ 73,250</b> |

\*The condition of existing base maps and their availability in a useable, electronic format (unknown at the time of proposal) has a significant impact on project costs. This proposal assumes existing base maps are useable and editable.

ITEM NO. 7E

**RESOLUTION NUMBER 2012-12**

**A RESOLUTION OF THE TUSAYAN TOWN COUNCIL URGING THE ARIZONA  
LEGISLATURE TO RENEW ITS SUPPORT OF THE ARIZONA STATE PARKS  
SYSTEM**

**WHEREAS**, Arizona's state parks contain unique and irreplaceable ecosystems, wildlife, and historic and natural resources, and constitute an essential part of what makes Arizona the extraordinary place it is, both for its residents and for visitors from around the country and around the world; and

**WHEREAS**, while the Arizona parks system requires approximately \$30 to \$34 million per year to operate, it generates more than \$266 million in annual economic activity and supports more than 3,000 jobs, primarily in Arizona's rural communities; and

**WHEREAS**, the Arizona Legislature provides no General Fund support for the state park system, and has in recent years diverted more than \$15 million in park revenues away from the system; and

**WHEREAS**, the gate/admission fees at Arizona State Parks are already among the highest in the United States; and

**WHEREAS**, the Arizona state park system is now in immediate peril due to a lack of sufficient funding for park operations, as well as deferred maintenance and capital improvement projects totaling approximately \$200 million; and

**WHEREAS**, nineteen of the State's 31 state parks and natural areas are open to the public only because other public and private individuals, groups and entities have stepped forward to provide short-term, temporary support for park operations on seasonal and shortened schedules; and

**WHEREAS**, the State has an obligation to ensure that current and future generations of Arizonans are able to enjoy the natural splendor, historic heritage and outdoor recreational opportunities offered at Arizona's state parks and recreational areas;

**NOW, THEREFORE, BE IT RESOLVED** by the Tusayan Town Council, as follows:

That the Arizona State Legislature is urged to renew and restore its previous support for the Arizona state park system - including but not limited to the immediate and permanent termination of funding "sweeps"; a modest amount of General Fund support; restoration of the Heritage Grant program; and the institution of an optional, opt-out state park fee as part of the vehicle registration process - so that the parks of this state can remain open, properly maintained and safe, so as to preserve the recreational, cultural, historical and economic opportunities they provide to the state, its people, and its rural communities on this 7<sup>th</sup> day of November, 2012.

\_\_\_\_\_  
Greg Bryan, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Melissa Malone, Town Clerk

\_\_\_\_\_  
William J. Sims, Town Attorney

ITEM NO. 7F

**RESOLUTION NUMBER 2012-13**

**A RESOLUTION OF THE TUSAYAN TOWN COUNCIL SUPPORTING  
THE REPEAL OF ARIZONA HOUSE BILL 2826**

**WHEREAS**, Arizona cities and towns with populations of fewer than one hundred and seventy-five thousand persons are currently authorized to hold regular elections, including local candidate elections on any of the four consolidated election dates set forth in Arizona Revised Statutes Section 16-204.B; and

**WHEREAS**, House Bill 2826 requires that, beginning in 2014, all regular elections, including local candidate elections may be held only in the Fall election cycle of even-numbered years; and

**WHEREAS**, many cities and towns with populations of fewer than one hundred and seventy-five thousand persons have established election cycles that provide for the election of local candidates during a Spring election cycle, or in the Fall of odd-numbered years; and

**WHEREAS**, House Bill 2826 will significantly disrupt the current election cycles in those cities and towns with populations of fewer than one hundred and seventy-five thousand persons where candidates are elected during a Spring election cycle, or in the Fall of odd-numbered years, and cause the terms of many incumbent elected officials to be artificially extended for as long as eighteen months or more beyond the terms for which they were duly elected; and

**WHEREAS**, many cities and towns operate under alternative expenditure limitations that are approved by the voters of those cities and towns every four years on the same ballot as local candidate elections, in accordance with Article 9, Section 20 of the Arizona Constitution; and

**WHEREAS**, HB 2826 will prevent the cities and towns whose candidate elections are currently held at times other than the Fall election cycle of even-numbered years from timely renewing their alternative expenditure limitations, which could result in a substantial diminution and disruption of essential public services; and

**WHEREAS**, the election of local candidates and the timing and continuity of alternative expenditure limitation elections are matters of local concern; and

**WHEREAS**, House Bill 2826 is inimical to the concept of local control over matters of local concern;

**NOW, THEREFORE, BE IT RESOLVED** by the Tusayan Town Council, as follows:

1. That the Town of Tusayan, Arizona expressly disapproves of House Bill 2826 and its usurpation of local control over the timing of local candidate elections as well as the timing and continuity of alternative expenditure limitation elections.
2. That the Town of Tusayan, Arizona supports and urges the repeal of House Bill 2826.

**ON** this 7<sup>th</sup> day of November, 2012.

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Greg Bryan, Mayor

ATTEST:

APPROVED AS TO FORM:

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Melissa Malone, Town Clerk

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William J. Sims, Town Attorney