

## **AGENDA**

### **TUSAYAN PLANNING AND ZONING COMMISSION PUBLIC HEARING AND REGULAR MEETING**

PURSUANT TO A.R.S. § 38-431.02 & §38-431.03  
Tuesday, August 28, 2012 at 6:00 P.M.  
TUSAYAN TOWN HALL BUILDING  
845 Mustang Drive, Tusayan Arizona 86023

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tusayan Planning and Zoning Commission and to the general public that the Commission will hold a meeting open to the public on Tuesday, August 28, 2012 at the Tusayan Town Hall Building. If authorized by a majority vote of the Tusayan Planning and Zoning Commission, an executive session may be held immediately after the vote and will not be open to the public. The Commission 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 Commission 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.

#### **PLANNING AND ZONING PUBLIC HEARING**

##### **1. ROLL CALL**

**CHAIR GOSSARD  
VICE CHAIR HEARNE**

**COMMISSIONER ANGAT  
COMMISSIONER COOK  
COMMISSIONER SANDERSON**

##### **2. OPEN THE PUBLIC HEARING**

**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).**

##### **3. MOTION TO ADJOURN THE PUBLIC HEARING**

#### **PLANNING AND ZONING COMMISSION REGULAR MEETING**

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

##### **2. ROLL CALL**

**CHAIR GOSSARD  
VICE CHAIR HEARNE**

**COMMISSIONER ANGAT  
COMMISSIONER COOK  
COMMISSIONER SANDERSON**

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

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

**4. CONSENT AGENDA**

**A. Consideration and possible approval of minutes of June 26, 2012.**

**5. ACTION ITEMS**

**A. Consideration and possible action on comprehensive revisions to the Town of Tusayan Zoning Ordinance. Case No. ZOA2012-01 (Ordinance No. 2012-04).**

**B. Consideration and possible action on deleting Design Review Overlay Zoning. Case No. ZOA2012-02 (Ordinance No. 2012-05)**

**6. PLANNING AND ZONING OVERVIEW PRESENTATION**

**7. FUTURE AGENDA ITEMS**

**8. 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 \_\_\_\_\_ day of August, 2012 at \_\_\_\_\_ p.m. in accordance with the statement filed by the Tusayan Town Council.

DATED this \_\_\_\_\_ day of August, 2012

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

PUBLIC HEARING  
MATERIALS



# TOWN OF TUSAYAN STAFF REPORT

**Date:** August 28, 2012  
**To:** Town of Tusayan Planning and Zoning Commission  
**From:** Richard Turner, AICP, Town Planner  
**Subject:** Comprehensive Revisions to the Town of Tusayan Zoning Ordinance (Case No. ZOA2012-01) and Deletion of Design Review Overlay Zoning (Case No. ZOA2012-02)

**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 more 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 be 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. In the time that has followed, 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.

This is the required public hearing by the Planning and Zoning Commission on the changes to the Zoning Ordinance. Prior to this meeting, a total of eight workshops were held on this topic either by the Town Council, the Council with the Planning and Zoning Commission (joint workshops) or by the Planning and Zoning Commission alone. Previous 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.

## **DISCUSSION AND ANALYSIS:**

This staff report will provide an overview of changes proposed to the Zoning Ordinance. Included with the staff report is a version of the Zoning Ordinance that 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

The following definitions are proposed to be changed:

Campground: Changed to include long term use and use by tents, travel trailers and park models.

Manufactured Home: Changed to clarify that a park model is not a manufactured home.

Manufactured Home Park: Changed to include park models and delete reference to mobile homes.

Manufactured Home Space: Changed to include manufactured home park.

Mobile Home: Changed to clarify that a park model is not a mobile home.

Structure: Changed to include manufactured homes.

Travel Park or Court: Changed to include park models.

Wholesale: Changed to clarify distinction between retail and wholesale businesses.

Zoning Administrator: This definition has been 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).

## 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).

## SECTION 11: COMMERCIAL ZONES

Many changes are proposed to the “Permitted and Conditional Uses” Section (11.1). 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 proposed changes take many uses from a CUP classification to a permitted use classification.

There are other changes to this section including the following: Auction house is now 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. Self service laundries will be 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 be permitted in the CG and CH zones and will require a CUP in the CN zone. Other added uses include apartments above the first floor and kennels with indoor and outdoor runs.

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 is proposed to be changed to 40 feet (12.2.B). This is a transfer to the Zoning Ordinance of one of the guidelines in the DRO.

## 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 will be given 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).

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 can 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 the design standards and guidelines from the Design Review Overlay Zoning document. The DRO guidelines that will not be located in this part of the Ordinance will be found in other parts of the Ordinance. The sections of the DRO that are being transferred to other sections of the Zoning Ordinance are shown on an attachment to the staff report.

The design review section has also been changed to only require approval of development that constitutes a substantial change in the appearance of a site or building (13.10-2.B). Presently, any change requires the approval of a site plan.

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).

#### 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 definition for a visitor information sign has been added (16.1). A visitor information sign will be allowed in commercial zones (16.7.A.5).

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).

Fluorescent signs will be prohibited (16.2.S).

The base of a freestanding sign will have to be landscaped (16.2.T).

Additional provisions from the Design Review Overlay Zone have been added regarding flags and the height of flag poles (16.4.D).

Language has been added to clarify that signs 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).

## 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 will be 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 (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 will be 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, will be dropped from the Ordinance (19.6.C).

The section allowing 100 percent expansion of a nonconforming business use is based on a County statute and will be 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

In sections that refer to the required notification of surrounding property owners, the distance has been changed from 300 feet to 150 feet, which is consistent with the distance in the legal protest provisions (20.3-2, 20.4-4, 20.5.B and 20.7-2).

The section that provides for a protest by adjacent property owners to a zoning 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).

Sections and subsections will be added and modified 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 will be added (20.8).

A section will be added outlining the duties of the Zoning Administrator (20.9).

## 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 that will include most of the actionable design guidelines from the DRO. Other parts 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 Ordinance.

## BANNERS

At the last Planning and Zoning Commission workshop the discussion focused on amendments that would regulate the use of banner signs. Staff has attempted to incorporate the feedback offered by the Commission into its proposed revisions of Sections 14 and 16, the sections that would be changed. Copies of each of these sections are attached to this report. Since the attached sections also show other proposed changes, below are the specific provisions being changed with regard to banners.

Section 14.1.N Temporary Use Permit for banners - those not otherwise allowed by the sign regulations

Section 16.1 Definition of banner and definition of "Temporary Business Identification Sign"

Section 16.2.A Lighted banner

Section 16.2.H Clarification of use of banners

Section 16.4.C Special Sale Signs - use of banners

Section 16.4.D.2 Temporary Business Identification Signs

Section 16.4.E House of worship banners

Section 16.7.A.6 Banners in commercial zoning

Please note that the banner changes have not yet been included with the other changes to the regulations. If the Commission wishes to include the banner changes, action to that effect would be required following this public hearing.

**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 and public hearings. 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 have been held on updating the Town's Zoning Ordinance and deleting the Design Review Overlay Zone. The proposed draft reflects the input staff received from the Town Council and the Planning and Zoning Commission. The Planning and Zoning Commission will want to consider input received at this public hearing before forwarding the draft ordinance to the Council for consideration.

It is recommended that the proposed update of the Tusayan Zoning Ordinance, including the most recent changes regarding banner signs, Case No. ZOA2012-01, be approved. By separate action, it is also recommended that Case No. ZOA2012-02, deletion of Design Review Overlay Zoning be approved.

**Attachments:**

Draft of Zoning Ordinance, legislative format

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

Sections 14 and 16 (legislative format including banner changes)



SECTION 14  
SPECIAL USES AND CONDITIONS



## 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 MANAGER** 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 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 einder 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 ~~Coeconino 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, ~~Coeconino 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 16  
SIGNS



## 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.

SIGN, VISITOR INFORMATION SHALL MEAN A PERMANENT, FREE STANDING SIGN INFORMING THE GENERAL PUBLIC OF THE AVAILABILITY OF INFORMATION ABOUT THE LOCAL AREA AND ATTRACTIONS.

#### 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 BUSISNESS OWNER HAS BEEN DILIGENT IN PURSUING APPROVAL OF PERMANENT SIGNAGE.

D. ONLY ONE SIGN MOUNTED ON A BUILDING WALL OR OVER AN EXTISTING WALL SIGN IS PERMITTED.

E. IF THE TEMPORARY IDENTIFICATION SIGN IS INSTALLED OVER AN EXISTING SIGN, THE NEW BUISNESS 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: one name plate 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.**
- C. PROPERTY WITH FRONTAGE ON MORE THAN ONE STREET SHALL GET CREDIT FOR THE TOTAL AMOUNT OF STREET FRONTAGE.**

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.

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.

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. ONE VISITOR INFORMATION SIGN PER LOT OR PARCEL, A MAXIMUM OF SIX (6) SQUARE FEET IN AREA AND A MAXIMUM OF THREE (3) FEET IN HEIGHT. THE AREA OF THIS SIGN SHALL NOT BE ASSESSED AS BUSINESS IDENTIFICATION SIGN AREA.

6. 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.



DRO AMENDMENTS TO THE  
ZONING ORDINANCE



## **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.

## ITEM 4A



## **TUSAYAN PLANNING AND ZONING COMMISSION**

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

Tuesday, June 26, 2012 @ 6:00 P.M.

TUSAYAN TOWN HALL

845 Mustang Drive, Tusayan, Arizona

### **PLANNING AND ZONING COMMISSION SUMMARIZED MINUTES**

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

Chair Gossard called the meeting to order at 6:00 p.m. and the Pledge of Allegiance was recited.

#### **2. ROLL CALL**

On roll call, the following were present:

**CHAIR GOSSARD  
COMMISSIONER ANGAT  
COMMISSIONER COOK**

**COMMISSIONER HEARNE  
COUNCILMEMBER SANDERSON**

Also present were:

Tami Ryall, Interim Town Manager  
Richard Turner, Professional Planner  
Laura Matthews, Interim Town Clerk

#### **3. SWEARING IN OF NEW COMMISSIONERS**

Mayor Bryan presided over the swearing in of Commissioners Cook, Gossard, and Hearne. Each Commissioner signed their Oath of Office. Commissioner Angat arrived at 6:03 p.m., was sworn in and signed her Oath of Office.

#### **4. SELECTION OF A VICE CHAIR**

Chair Gossard moved to appoint Commissioner Hearne as Vice Chair. Commissioner Herne, being the nominee, recused herself from discussion and voting on the matter. The motion was seconded by Commissioner Cook and passed on unanimous vote. Vice Chair Hearne returned to the meeting.

#### **5. CALL TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA**

Councilmember Fitzgerald asked the Commission to always consider the applicant's information and background when considering conditional use permits. Ask questions of the applicant such as, 1) have they applied in the past; and 2) have they followed up with all the conditions that applied to their past permits, etc.

Robert Petzoldt, South Grand Canyon Sanitary District, informed the Commission that he currently has to obtain a new conditional use permit for every aspect of his projects. He believes that a more streamlined policy or procedure should be adopted.

## 6. ACTION ITEMS

### **A. Consideration and possible action on an application by Robert Petzoldt of the South Grand Canyon Sanitary District for approval of a shed in the Design Review Overlay Zone, DRO 2012-03, Assessor's Parcel No. 502-17-020B.**

Richard Turner, Professional Planner, highlighted the important aspects of the application for the Commission. He informed the Commission that Staff is recommending approval of the application.

Vice Chair Hearne moved to approve the application with any conditions outlined in the Staff Summary. The motion was seconded by Commissioner Cook and passed on unanimous vote.

### **B. Consideration and possible action on an application by Clayann Cook of Wild West Restaurants, LLC for approval of a sign in the Design Review Overlay Zone, DRO 2012-02; Assessor's Parcel No. 502-17-028.**

Chair Gossard recused himself and did not discuss or vote on the matter as he is employed by the applicant. Likewise, Commissioner Cook, being the applicant, recused herself. Vice Chair Hearne stepped in for the Chair.

Richard Turner, Professional Planner, reported that the proposed sign will face Highway 64 and be mounted above the main entrance below the roof. The applicant is allowed a 75 square foot wall sign; the proposed sign is 73 square feet and is permitted. Staff is recommending approval of the application.

Clarinda Vail, citizen participant, said she supports the approval of this application. However, there is an illegal banner in Town that needs to come down.

Councilmember Fitzgerald asked if the Town has the ability to enforce lights on signs to be kept in good order. Mr. Turner noted that this would be covered in a general provision for maintenance in the Sign Code.

Commissioner Sanderson moved to approve the application for Wild West Restaurants, LLC with any conditions stated in the Staff Summary. The motion was seconded by Commissioner Angat and passed on unanimous vote.

Chair Gossard and Commissioner Cook returned to the meeting.

### **C. Consideration and possible action regarding a request by RobbCo Construction for a determination of eligibility for banners to be allowed with a Temporary Use Permit in the CG-10,000 Zoning District.**

### **D. Consideration and possible action on application by RobbCo Construction for a Temporary Use Permit for banner signs in the CG-10,000 Zoning District, TUP 2012-03, Assessor's Parcel No. 502-17-012E.**

Being related, Items 6C and 6D were reviewed and discussed at the same time. Mr. Turner explained that Item 6C is to determine whether a banner sign can be allowed as a temporary use by means of a temporary use permit. The Commission was asked to consider; 1) is a banner sign similar to other temporary uses, and,

therefore, could be allowed by a temporary use permit in CG-10,000 Zoning; and 2) should Staff or the Planning and Zoning Commission issue the temporary use permits for banner signs.

If the Commission determines that banner signs are eligible for approval as a temporary use, and determines that the Commission will be the body that issues the temporary use permits for banner signs, then Item 6D is a request to permit two temporary banner signs in the CG-10,000 Zoning District at National Geographic Visitors Center.

Mr. Turner remarked that the Town would apply the square foot requirements from the sign code regulations to the size of banners.

Rob Baldosky, the applicant, specified the purpose of the temporary signs is to test visibility and readability through the end of this tourist season, which he said will be the end of October, 2012. The signs are vinyl wrapped around a rigid frame.

Clarinda Vail, citizen speaker, commented that Tusayan, having the main corridor to the Grand Canyon National Park, should not be a largely banner sign town. More banners will add to the visual clutter. She asked the Commission not to approve a sign that is twice the size of all the other allowable signs in town. It puts all the other businesses in town at a competitive disadvantage.

Mr. Turner said that the current Zoning Ordinance does not have provisions for short-term temporary banners to advertise, for instance, "Grand Opening", or "Under New Management", etc. The use of Temporary Use Permits for banner signs will be ongoing until it is superseded by an update to the Zoning Ordinance. (The Zoning Code updates should be enacted sometime in October, 2012.)

Staff is recommending that banner signs be allowed as a temporary use by means of a temporary use permit, and that the specific application by RobbCo be approved subject to the conditions set forth in the Staff Summary.

Commissioner Cook expressed concern that by allowing banner signs by means of a temporary use permit, lots of temporary banner signs could be put up without ever being replaced with permanent signs.

Chair Gossard moved to approve Item 6C, with the Commission maintaining control over the issuance of Temporary Use Permits for banner signs. Vice Chair Hearne seconded the motion, which passed on unanimous vote.

A discussion ensued regarding the request for specific banner signs at the National Geographic Visitors Center, Item 6D. Mr. Turner affirmed that the first banner under consideration will cover the existing sign and meets the guidelines of the Zoning Code. The second banner sign on the south side of the building is proposed at 150 square feet; too large under the existing Code. While the Commission is considering changing the allowable size of a sign from a total of 75 square feet to a total of 150 square feet, it has not yet been adopted, and the current Zoning Code (Chapter 16) still applies.

Due to the 15-day appeal period, the effective date of the permit, if approved at this meeting, would be July 11, 2012, and expire on October 31, 2012.

Robb Baldosky, responding to questions, said they would comply with the all the guidelines in the current Zoning Code, including the size restrictions.

Janet Rosener, General Manager of the National Geographic Visitor's Center, spoke in favor of the application, and clarified the overall plan for the signage and their intention to stimulate public interest for the center's movie.

Commissioner Cook moved to approve the application by RobbCo Construction for a Temporary Use Permit for banner signs with the following conditions: 1) the property owner shall demonstrate the total square feet of signage on the property; 2) the permit shall expire in 45 days; and 3) the applicant shall comply with the current sign code and any conditions stated in the staff summary. The motion was seconded by Vice Chair Hearne.

Commissioner Sanderson moved to amend the motion to extend the expiration of the permit to 90 days, seconded by Commissioner Angat.

Commissioner Cook expressed concern that allowing 90 days for this permit could set an unwanted precedent with businesses who don't have the expertise and resources that this applicant has.

The Commission was reminded that they will be reviewing each application at least until the Zoning Code is updated, and can set different restrictions for each unique scenario.

The motion to amend passed on unanimous vote.

The motion to approve the action as amended passed unanimously.

## **7. FUTURE AGENDA ITEMS**

Interim Manager Ryall announced that she will be giving an Open Meeting Law Training to the Commissioners at their next meeting.

## **8. MOTION TO ADJOURN**

Vice Chair Hearn moved to adjourn. The motion was seconded by Commissioner Sanderson and passed on unanimous vote. Chair Gossard called for a 15 minute break.

## **9. RECONVENE INTO WORKSHOP ON PROPOSED UPDATE TO THE TUSAYAN ZONING CODE**

Chair Gossard called the workshop to order at 7:47 p.m. He stated his goal is to end each Planning and Zoning meeting at 9:00 p.m. and to hold over any additional business to the next meeting.

Due to internet/server capacity issues, several of the Commissioners did not receive the latest revisions to the Zoning Code that were e-mailed to them. Copies of the proposed Zoning Code were placed on disks for the Commissioners.

Richard Turner reviewed section-by-section each proposed revision to the Zoning Code as detailed in the Staff Report provided. It was expected that a "clean version" of the proposed updates would be available on the Town's web page the following day.

Mr. Turner explained that when the Commission adopts the Zoning Code, the Design Review Overlay will go away. It is recommended that Staff move the standards and requirements from the Design Review Overlay and fold them into the updated Zoning Code. Those standards and requirements can be amended once they are a part of the Zoning Code.

Chair Gossard requested that the proposed plan move on to the next step. Interim Manager Ryall stated she would map out the public hearing process.

Councilmember Fitzgerald added he would like to see standards regarding noise, particularly music noise, tightened up in the Zoning Code. He also suggested that the Commission review some of the approval rights that currently reside with the Town Manager and return them to the Planning and Zoning Commission, now that there is an active Commission.

Interim Manager Ryall asked the Commission to consider addressing music noise with the adoption of a Municipal Code under a section dealing with nuisance noise. These restrictions would be easier to enforce.

Chair Gossard requested that Staff schedule one more workshop and bring back recommendations regarding the use of banners; when they are appropriate, different uses, how long they can be displayed, etc. Also, Commissioners would like to review signs in general, lighting, parking and landscaping.

Commissioner Cook and Chair Gossard asked to move the next workshop forward from July 24, 2012 to July 10, 2012. Interim Manager Ryall said Mr. Turner will need to research the notice requirements for the public hearing process. She noted she would provide an update to the Commission by Tuesday, July 3, 2012 with proposed dates for the final workshop and the public hearings.

The workshop adjourned at 8:35 p.m.

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**CHAIR ROBERT GOSSARD**

**ATTEST:**

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**INTERIM TOWN CLERK**

CERTIFICATION

State of Arizona        )  
                                  ) ss.  
Coconino County        )

I, Laura Matthews, do hereby certify that I am the Interim Town Clerk of the Town of Tusayan, County of Coconino, State of Arizona, and that the above minutes are a true and correct summary of the meeting of the Planning and Zoning Commission of the Town of Tusayan held on June 26, 2012. I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 30th day of July, 2012.

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INTERIM TOWN CLERK