

## AGENDA

### TUSAYAN TOWN COUNCIL and PLANNING & ZONING COMMISSION WORKSHOP ON SUBDIVISION REGULATIONS

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

Wednesday, November 4, 2015 at 5:00pm

TUSAYAN TOWN HALL BUILDING

845 Mustang Drive, Tusayan Arizona

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Tusayan Town Council, Planning & Zoning Commission, and to the general public that the Tusayan Town Council will hold a Workshop open to the public on Wednesday, November 4, 2015 at the Tusayan Town Hall Building. If authorized by a majority vote of the Tusayan Town Council, an executive session may be held immediately after the vote and will not be open to the public. The Council may vote to go into executive session pursuant to A.R.S. § 38-431.03.A.3 for legal advice concerning any matter on the agenda, including those items set forth in the consent and regular agenda sections. The Town Council may change, in its discussion, the order in which any agenda items are discussed during the course of the meeting.

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

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

### TOWN COUNCIL WORKSHOP

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
2. ROLL CALL

MAYOR GREG BRYAN  
VICE MAYOR CRAIG SANDERSON

COUNCILMEMBER AL MONTOYA  
COUNCILMEMBER JOHN RUETER  
COUNCILMEMBER JOHN SCHOPPMANN

*\* One or two Councilmembers may attend by telephone*

3. DISCUSSION OF THE REVISED TUSAYAN ZONING CODE
4. 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 October, 2015, at \_\_\_\_\_ p.m. in accordance with the statement filed by the Tusayan Town Council

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

**Date:** November 4, 2015  
**To:** Town Council/Planning and Zoning Commission Joint Workshop  
**From:** Zoning Administrator  
**Subject:** Revision to Zoning Ordinance (Ordinance No.2-12-04)

The draft zoning ordinance before the Town Council/Planning and Zoning Commission joint workshop represents a comprehensive rewrite of the existing zoning ordinance that was adopted by the Town Council on December 5, 2012. The proposed ordinance represents a major change in organization of the document, addition of new elements that provide legal compliance while implementing the Code, addition of provisions that permit a greater flexibility in administering the Code relative to development projects, elimination of certain zone districts while adding some new ones, and a grouping of common items so that reference work within the Code becomes a relatively simple task. To reflect these changes in land use designations, the official Zoning Map must also be amended.

Once adopted, the Zoning Ordinance will be a comprehensive law establishing how development may occur in the Town. This Ordinance affects every property in the Town by establishing not only the procedures to be followed to obtain various types of permits, but also what and how improvements can be placed on various properties.

The Town's overall economic development strategy and goals are intimately impacted by the Zoning Ordinance. If development standards placed on businesses are too restrictive and not cost competitive, the Town's ability to create new opportunities could be hampered, if not eliminated. On the other hand, if development standards are inadequate, the Town's overall financial health, environment, and quality of life could be jeopardized. The objective here is to adopt an ordinance that considers the cost and benefit of standards placed on the development industry, and to establish standards and requirements while meeting the Town's overall goals and objectives. Staff's recommendation that the Town Council adopt these changes to the current Ordinance is based, in part, on careful consideration of these factors.

The following is a summary of the highlights of some of the more significant changes incorporated into the proposed zoning revisions.

#### **Chapter 1 – Administration**

This chapter sets forth the purpose and intent of the Zoning Ordinance and defines the following sections; effects of zoning, repeal of conflicting ordinances, applicability, legal procedures, enforcement, general penalty, conflicting regulations, clarification of ambiguities, determination of similar uses, zone districts, duties of the zoning administrator, Town to be held harmless, severability, and definitions of terms. There is no longer a Hearing Officer. Depending on the violation, the enforcement officer may be

the Town Manager, Town Attorney, District Attorney, Building Official, Town Engineer, or Zoning Administrator. Under Zone Districts (§1.110) the following zone districts are created:

1. Rural Residential Zone Districts
  - a. Rural Residential (RR) Zone District
  - b. Residential Single Family (RS-20) Zone District
  
2. Urban Residential Zones
  - a. Residential Single Family (RS-5) Zone District
  - b. Residential Single Family (RS-10) Zone District
  - c. Residential Multiple Family (RM-14) Zone District
  - d. Residential Multiple Family (RM-30) Zone District
  
3. Commercial Zones
  - a. Commercial Neighborhood (CN) Zone District
  - b. Commercial General (CG) Zone district
  - c. Commercial Heavy (CH) Zone District
  
4. Industrial Zones
  - a. Industrial Park (IP) Zone District
  - b. Light Industrial (LI) Zone District
  
5. Special Use and Combining Zones
  - a. Planned Development (PD)
  - b. Community Facilities (CF) Zone District
  - c. Floodplain Management (FPM) Overlay Zone District
  - d. Open Space and Conservation (OS) Zone District

Zone districts which have been eliminated are as follows:

1. General, Agricultural, and Rural Residential Zones
  - a. G, General Zone
  - b. AR, Agricultural Residential Zone
  
2. Residential Zones
  - a. RS-6000, Residential Single-Family Zone
  - b. RS-10000, Residential Single-Family Zone
  - c. RS-18000, Residential Single-Family Zone
  - d. RS-36000, Residential Single-Family Zone
  - e. RM-10/A, Residential Multiple Family Zone
  - f. RM-20/A, Residential Multiple Family Zone
  
3. Commercial Zones
  - a. CN-2/A, Commercial Neighborhood Zone
  - b. CG-10000, Commercial General Zone
  - c. CH-10000, Commercial Heavy Zone

4. Industrial Zones
  - a. MP-20000, Industrial Park Zone
  - b. M-1-10000, Light Industrial Zone
  - c. M-2-6000, Heavy Industrial Zone
  
5. Special Use and Combining Zones
  - a. MHP, Manufactured Home Park Zone
  - b. PRD, Planned Residential Development
  - c. PC Planned Community Zone
  - d. PS, Public and Semi-Public Zone
  - e. RC, Resort Commercial Zone
  - f. P, Parking Zone
  - g. MR, Mineral Resource Zone
  - h. RMH Residential and Manufactured Home Zone

## **Chapter 2 – Permits and Approvals**

This chapter describes the workings of the land use and development review process including procedures and standards for the following; development review process, general plan amendments, zoning code amendments, conditional use permits, variances, design review, temporary land use/occupancy permits, special event permits, tenant improvements, non-conforming uses and structures, application filing, public hearing and notification procedures, approval to extend with land, effective date of decision, lapse of approvals and extension of time, appeals, revocation of permits, and public participation.

Under Section 2.70 (Design Review) for all projects excepting single family houses and duplexes is reviewed by the body with authority to approve a project. For example, if the Planning and Zoning Commission approves a project then it acts as the Design Review Committee.

Under Section 2.70.F (Residential Subdivision Land Use Design Criteria), Table 2.A (Residential Floor Plan and Elevation Guidelines) different elevations and building footprints are required when exceeding a number of adjacent non-custom housing in proposed subdivisions.

Section 2.80 Temporary Land Use/Occupancy Permit where occupancy permits are approved by the Zoning Administrator and temporary land use permits are approved by the Planning and Zoning Commission through a conditional use permit procedure.

Section 2.90 (Special Event Permits) are approved by the Town Council with types of events, zones where permitted, maximum number of days per calendar year, and maximum number of occurrences during a calendar year are identified in Table 2.B (Special Event Criteria).

Section 2.170 (Appeals) Appeals are no longer acted upon by the Town Council but by the Board of Adjustment. This section also indicates filing of appeals, appeal hearings, and effective date of appealed actions.

Section 2.190 sets forth requirements for public participation regarding general plan and zoning amendments.

### **Chapter 3 – Rural Residential Zone Districts**

This chapter is designed to comply with the Town's General Plan which outlines goals objectives and policies regarding the character of residential land uses and development. It includes rural residential development districts, a matrix that identifies permitted and conditionally permitted uses, property development standards, performance standards, signs, and accessory structures. The G (General) and AR (Agricultural Residential) zones have been eliminated. The RR zone (1 acre) has been retained and the RS-20 zone (20,000 sq. ft.) has been added to this Chapter.

Revisions to Table 3.B. are as follows: In the RR zone the front yard was increased from 25 feet to 30 feet, off-street parking has been increased from 1 space to 2 spaces, the rear yard has been increased from 20 feet to 30 feet, the side yard (interior) has been increased from 15 feet to 20 feet, the side yard (street side) was increased from 15 feet to 25 feet, maximum building height was increased from 35 feet to 45 feet, a minimum house size of 600 sq. ft. was added. In the RS-20 zone lot coverage was increased from 25% to 35%.

In the matrix for the RR zone district, a one acre rural residential designation, proposed changes to permitted and conditional uses are as follows; cattle and sheep ranch operations, commercial agriculture, commercial fertilizer operations, dairy farms, feed stores, sanitary landfill operations, borrow pits, firewood storage and sales yards, lumber mills, and mineral extraction operations have been removed. The section on walls and fences has been moved to Chapter 8 (General Development Standards).

### **Chapter 4 – Residential Zone Districts**

This chapter provides regulations for smaller residential lots that are more urban in nature. The four zones (RS-5, RS-10, RM-14 AND RM-30) range from 6 dwelling units per acre (RS-5) up to 30 dwelling units per acre (RM-30). These zone districts identify permitted, conditionally permitted, and prohibited uses; property development standards; and performance standards. Table 4.B. (Residential Site Development Standards) are reflective of typical requirements for a more densely populated area.

### **Chapter 5 – Commercial Zone Districts**

The three commercial zones (CN, CG, and CH) in this Chapter identify permitted, conditional and prohibited uses, property development standards, and performance standards.

In the matrix identifying permitted and conditionally permitted uses the following changes in the General Commercial Uses category are proposed: Adult oriented businesses are permitted in the CH zones subject to the newly proposed Section 9.30 thru 9.13.d; apartments above the first floor in the CN are permitted uses; auto lubrication and oil change from prohibited in the CN and from a CUP in the CG and CH to permitted uses; auto sales, service and rentals from conditional to permitted uses in the CG and CH zones; auto repair and service stations from a CUP to permitted uses in the CG and CH

zones; wholesale bakeries from prohibited in the CN and CG zones and from a CUP to permitted uses in the CH zone; boat and camper sales and services from a CUP to permitted uses in the CG and CH zones; car washes from a CUP to permitted uses in the CG and CH zones; ceramic studio with outdoor kiln from a CUP to permitted uses in the CH zone; cocktail lounges and bars from prohibited in the CN zone and requiring a CUP in the CG and CH zone to permitted uses in CN, CG, and CH zones; dry cleaners from prohibited to permitted uses in the CN zone; farm implement and machine sales, rental and repairs from CUP to permitted uses in the CG and CH zones; feed stores from a CUP to permitted uses in the CG and CH zones; motorcycle, ATV sales, service and rental from a CUP to permitted uses in the CG and CH zones; nurseries and garden supply stores from a CUP to permitted uses in CN, CG, and CH zones; public storage (mini-storages) from a CUP to permitted uses in CG and CH zones; Recreational vehicle sales and service from a CUP to permitted uses in CG and CH zones; restaurants with alcoholic beverages from a CUP to permitted uses in CN zones; restaurants with outdoor dining from a CUP to permitted uses in CN, CG, and CH zones; stone and monuments yards from a CUP to permitted uses in CG and CH zones; theaters from a CUP to permitted uses in CG, and CH zones; tire sales and service from prohibited to a CUP in the CN zones; and from a CUP to permitted uses in the CG and CH zones; truck and trailer rental, sales and service from a CUP to permitted uses in the CG and CH zones; veterinarian office and animal hospitals from a CUP to permitted uses in the CG zones; wireless telecommunication from a CUP to permitted use in the GN, CG, and CH zones.

In the Public and Semi-Public Uses category the following changes are proposed; clubs and lodges from a CUP to permitted uses in the CN and CG zones; convalescent homes and hospitals from a CUP to permitted uses in the CG and CH zones; day care centers from a CUP in the CG and from prohibited to permitted uses in the CH zones, educational institution from prohibited to permitted uses in the CN zones and from a CUP to permitted uses in the CG and CH zones; libraries and museums from a CUP to permitted uses in the CN zones; utility installations from a CUP to permitted in the CN, CG, and CH zones.

In the Accessory Uses category the following change is proposed: A residence as part of commercial business from a CUP to a permitted use in CN zones.

Table 5.B proposed changes include the following; building site in the CN zones from 2 acres to 10,000 sq. ft., lot coverage from 35% to 45% in the CN zones, 65% in the CG zones, and 80% in the CH zones, lot depth in the CN from 150 feet to 100 feet, lot width in the CN zones from 200 feet to 60 feet.

#### **Chapter 6 – Industrial Zone Districts**

These two industrial zones, the Industrial Park (IP) and the Light Industrial (LI) define permitted, conditional, and prohibited uses, property development standards, and performance standards. In the matrix identifying permitted and conditionally permitted uses, the following changes in the Industrial category are proposed; adult-oriented businesses are permitted in the LI zone subject to the provisions of sections 9.3 and 9.13.d; cemented products manufacturing is eliminated; machine shop from a CUP to permitted uses in the IP and LI zones; manufacture of fireworks or other explosive-type

items is eliminated; oil pumping, distributing or storage facility is prohibited in the IP zone; packing houses from a CUP to permitted uses in the LI zones; refining or rendering of oils or fats is eliminated; stone quarries, gravel pits, mines and stone mills are eliminated.

Under the category of Services the following changes are proposed; animal shelter or hospital from a CUP in the IP zone to permitted uses; automobile wrecking yards is eliminated; automobile sales and services, including rental agencies from a CUP in the IP zone to permitted uses; blacksmith operations is eliminated; boat, camper and RV sales and service from a CUP in the IP to permitted uses; commercial sales dealing principally with industrial customers such as heavy construction and earth-moving equipment, machines, presses, forges, material sales and related uses from prohibited in the IP to a CUP and from a CUP in the LI zone to permitted uses; contractor's yards from a CUP to permitted uses in the LI zones; equipment rental yards from prohibited to a CUP in the IP zone and from a CUP to permitted uses in the LI zones; food locker facilities from prohibited in the IP zone to permitted uses; lumber and building material yards from prohibited in the IP zone to a CUP and from a CUP in the LI zone to permitted uses; plumbing shops from prohibited in the IP zone to permitted uses; restaurants from a CUP in the IP and LI zones to permitted uses; service stations from a CUP in the IP and LI zones to permitted uses; trucking yards and truck stops from a CUP in the LI zones to permitted uses; wireless telecommunication facilities from a CUP to permitted uses; post offices and postal terminals from a CUP in the IP and LI zones to permitted uses; public utility services yards from a CUP in the LI zones to permitted uses; sanitary landfill operations is eliminated; domestic animal ranch or farming operations from permitted uses to prohibited in the IP zones and a CUP in the LI zones; medical marijuana; temporary uses in the IP and LI zones from permitted uses to a CUP. The only change in Table 6.B. is to reduce the minimum lot size from 20,000 sq. ft. to 10,000 sq. ft. in the IP zones.

#### **Chapter 7 – Special Use and Combining Zone Districts**

This chapter eliminates eight special use and combining zones districts and replaces them with two that are re-named resulting in the PD, CF, FPM, and OS zone districts and overlay zone districts. The PD zone district is generally established for large-scale, multi-phased residential, commercial, or industrial mixed-use developments. The CF zone district, which replaces the PS zone district, establishes permitted and conditionally permitted land uses and property development standards. The FPM zone district basically refers authority over the floodplain areas to the Board of Directors of the Flood Control District of Coconino County. However, once the floodplain designation is removed on any particular parcel, the Town's underlying zone district dictates what uses are permitted or conditionally permitted. The OS zone district designates permitted or conditionally permitted uses.

In the CF zone the proposed changes are as follows; add airports, subject to approval by FAA; adult-oriented businesses subject to provisions of Sections 9.30 thru 9.13.d of this Code; maintenance yards operated by a public agency from a CUP to permitted uses; flood control facilities from a CUP to permitted uses; hospitals from a CUP to permitted uses; on-profit schools and colleges from a CUP to permitted uses; parks, golf courses,

golf driving ranges, zoos, swim clubs, and other recreational facilities from a CUP to permitted uses; public utility installations from a CUP to permitted uses; add residential uses subject to a CUP; add accessory uses basically if a CUP is required for the primary use then an accessory use would require a CUP. If the primary use is permitted, then the accessory use would also be permitted.

### **Chapter 8 – General Development Standards**

This chapter adds a wide range of specific standards for various types of development that includes accessory structures; circulation, transportation and trails facilities; condominiums and condominium conversions; conversion of residential structures to non-residential uses; dedication requirements; development density; fences and walls; grading; height limitations; improvement standards and plans; lighting; manufactured housing; mobile home/manufactured home parks; noise hazards; off-site improvements; park and recreation facilities; parking requirements; permitted outdoor uses; public access to open space and recreational areas; reservation of lands for public facilities; reflective material; relocated structures; scenic resources; screening requirements; setback requirements; signs; soil reports; solar energy design; storage; street lighting and tree planting; underground utilities; and water efficient landscape requirements.

### **Chapter 9 – Specific Use Development Standards**

This chapter adds a wide range of specific standards for various uses such as adult oriented businesses; keeping of animals; alcoholic beverage outlets; kennels (commercial and non-commercial); exotic animals; antennas and satellite dishes; antennas and wireless telecommunication facilities; arcades and video machines; automobile dealerships; automobile rental agencies; bed and breakfast facilities; day care facilities; dependent housing; group housing for the handicapped; drive-in, drive-through, fast food, an take-out restaurants; fireworks stands; home occupations; therapeutic massage; outdoor recreational facilities (public); recycling facilities; second dwelling units; self storage warehouses; service stations; sidewalk cafes; surface parking lots; swimming pools and recreation courts (private); vehicle repair facilities; metal storage containers; accessory wind energy systems; and medical marijuana.

### **Chapter 10 – Parking Regulations**

This chapter outlines the standards and design requirements for required off-street parking facilities for residential, commercial, industrial, and public facilities developed within the Town. Standards are included that apply to building additions or changes in uses within existing buildings. This chapter also addresses general regulations, off-street parking space requirements, off-street parking requirements, adjustments to off-street parking requirements, shared parking, off-site parking facilities, design standards, and loading area requirements.

### **Chapter 11 – Sign Regulations**

This chapter recognizes identification and advertising signs as an important element to Town-wide design, and sets forth specific objectives and standards for the placement and size of on-site signs. Off-site advertising including billboards is prohibited. A schedule for the amortization and removal of non-conforming signs is established. The ordinance allows for the Town Council review of signage as a part of the review of developments

that require Town Council approval. Otherwise, signs may be approved by the Zoning Administrator or, upon referral, to the Planning and Zoning Commission. Procedures for variances from sign standards, appeals from staff determinations, and approval for sign programs for large scale commercial developments are included. The sign regulation sections sets forth specific standards for temporary advertising signs for new subdivision projects is included, and includes a program allowing for the establishment of coordinated off-site kiosks for identification and directions to new residential developments within the Town.

Under Section 11.20.I.1 (Prohibited Signs and Sign Structures). Signs or sign structures having any animated, moving or rotating parts, except for (a) sign or sign structures which have historical marketing significance unique to a profession, rather than an individual business, such as barber poles, and (b) signs that have alternating messages that change no more than once every eight (8) seconds." Notwithstanding the above, time and temperature displays may be permitted in commercial and industrial zoned districts.

Under section 11.30.C.2 (Sign Standards) it states "Sign colors should harmonize with the building it serves and with adjacent landscaping and buildings."

Section 11.110 (Non-Conforming Signs) under subsection "B" (Amortization of non-conforming signs) there is a table that lists fair market value on effective date (date when the sign become non-conforming) and a removal period. For example, if a sign cost less than \$500.00 it must be removed within 1 year. If a sign cost over \$12,500.00 it must be removed within 10 years.

**ATTACHMENT:**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN  
OF TUSAYAN AMENDING TITLE 20 OF THE TUSAYAN  
MUNICIPAL CODE BY APPROVING ZONE CHANGE NO. \_\_\_\_\_**

**WHEREAS**, the Town Council of the Town of Tusayan has, at its regular meeting held on \_\_\_\_\_, 2016, studied and considered Ordinance No. \_\_\_\_\_ (Zone Change No. \_\_\_\_\_), an Ordinance approving a comprehensive revision to Title 20 (Zoning Ordinance) of the Municipal Code of the Town of Tusayan; and

**WHEREAS**, the Town Council has determined that it is in the best interest of the Town to enact this amendment to the Town's Zoning Ordinance in order to enhance the quality of life and to protect the health, safety, and welfare of its citizens; and

**WHEREAS**, a timely and properly noticed public hearing upon Zone Change No. \_\_\_\_\_ (Ordinance No. \_\_\_\_\_), was held by the Town Council during its regularly

scheduled meeting on \_\_\_\_\_, 2016, at which hearing evidence, oral and documentary, was admitted on behalf of said zone change; and

**WHEREAS**, the Planning and Zoning Commission of the Town of Tusayan, in a regular session assembled on the XX day of \_\_\_\_\_, 2016, approved Resolution No. \_\_\_\_ (Zone Change \_\_\_\_\_), a Resolution of the Planning and Zoning Commission recommending that the Town Council amend Title 20 of the Tusayan Municipal Code.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF TUSAYAN DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION I:** That the Town Council amend Title 20 (Zoning Ordinance) of the Town's Municipal Code as set forth in the self-contained and bound document referenced in this Ordinance as Exhibit "A" attached hereto and incorporated herein by this reference as its official Zoning Regulations which shall be known as the Zoning Ordinance of the Town of Tusayan, and which may be amended from time to time.

**SECTION 2.** The Town Council adopts, as part of its official Zoning Regulations referred to in this Ordinance as Exhibit "A," the Official Zoning Map, as set forth in Exhibit "B," attached hereto and incorporated herein by this reference, which may be amended from time to time.

**SECTION 3.** The Town Council authorizes the Town's Zoning Administrator to make the following types of changes to Title 20, as set forth in this Ordinance. Any changes in format; grammatical errors, including but not limited to spelling, sentence structure, and re-numbering of sections or subsections; and any other changes that are non-substantive in nature and which only reflect correctness in form and format.

**SECTION 4. Severability:** If any section, subsection, subdivision, sentence, phrase or portion of this Ordinance or the application to any person or place is held to be unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause or phrase of this Ordinance in spite of the fact that any one or more of the same be declared unconstitutional or invalid.

**PASSED AND ADOPTED THIS \_\_\_ DAY OF \_\_\_\_\_, 2016**

**TOWN OF TUSAYAN:**

**ATTESTED TO:**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Town Clerk

**REVIEWED BY:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Town Manager

\_\_\_\_\_  
Town Attorney

**CERTIFICATION**

I, Melisa M. Drake, hereby certify that the foregoing Ordinance No. \_\_\_\_\_ was passed and adopted by the Town Council of the Town of Tusayan at a regularly scheduled meeting on the \_\_\_ day of \_\_\_\_\_, 2016, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTENTIONS:**

\_\_\_\_\_  
Melissa M. Drake  
Town Clerk

**CHAPTER 1  
ADMINISTRATION**

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## CHAPTER 1 ADMINISTRATION

### §1.10 Purpose and Intent

For the purpose of implementing the goals objectives, and policies of the General Plan, to promote and protect the public health, safety and welfare of the people of Tusayan, and to provide for the social, physical and economic advantages resulting from a comprehensive and orderly planned use of land resources; a zoning ordinance establishing classification of zones, and regulations within those zones, the Zoning Code is hereby established and adopted by the Town Council to enable the Planning Agency to carry out municipal planning, as set forth in A.R.S. §9-461.01.

### §1.20 Effects of Zoning

- A. The provisions of this Code governing the use of land, buildings and structures, the size of yards abutting buildings and structures, the height and bulk of buildings, the density of population, the number of dwelling units per acre, standards of performance and other provisions are hereby declared to be in effect upon all land included within the boundaries of each and every zone established by this Code.
- B. Any building or structure for which a building permit has been issued and which is still valid under the provisions of earlier ordinances of the Town which are in conflict with this Ordinance may be continued and completed in accordance with the plans and specifications upon which the permit was issued.
- C. Adoption of Zone Maps: All zones and boundaries of said zones and each of them hereby are established and adopted as shown, delineated and designated on the Official Zoning Maps of the Town, which maps, together with all notations references, data, zone boundaries, and other information are a part of this Ordinance as though fully set forth herein and adopted concurrently herewith.
- D. Private Agreements: The provisions of this Code are not intended to abrogate any easements, covenants or other existing agreements which are more restrictive than the provisions of this Code.

### §1.30 Repeal of Conflicting Ordinances

Whenever the provisions of this Code impose more restrictive regulations upon buildings or structures, and the use of them or the use of lands or premises, and require larger open space or yards or setbacks than were imposed or required by other Town ordinances or the previous Zoning Code, the provisions of the rules and regulations of this Code shall govern.

### §1.40 Applicability

All land, buildings and structures within the corporate areas of the Town shall be used only as hereinafter provided. No use of land for projects and construction, maintenance, operation, reconstruction or enlargement of any building or structure shall be allowed unless permitted under the express provisions of this Code or by other applicable ordinances of the Town.

**A. Private Projects**

1. No land, building, or structure shall be used, constructed, altered or maintained except in conformance with the provisions of this Code.
2. No use that requires a permit or approval under the provisions of this Code shall be established or operated until the permit or approval is finally granted and all conditions of the permit or approval, if any, have been complied with.
3. No use that requires a permit or approval under the provisions of this Code shall be established or operated in violation of, or contrary to, any terms and conditions of the granted permit or approval.
4. No building, structure, or any part of an existing building or structure, may be constructed or altered in such a way as to cross a property line.

**B. Public Projects**

Unless otherwise exempted, Federal, State, County, Town, and any other governmental projects shall be subject to the provisions of this Code, including projects operated by any combination of these agencies or by a private person for the benefit of any such governmental agency.

**§1.50 Legal Procedures**

Any building or structure erected or maintained, or any use of property contrary to the provisions of this Code, is hereby declared to be unlawful and a public nuisance. The Town Attorney, Town Manager, or his/her designee, District Attorney or other authorized official may immediately commence action or actions, proceeding or proceedings for the abatement, removal, and enjoinder thereof, in the manner provided by law, and may take such steps, and may apply to such court or courts as may have jurisdiction to grant such relief to abate or remove such building structure, or use and restrain and enjoin any person from setting up, erecting or maintaining such building or structure, or use of any property contrary to the provision of this Code.

**§1.60 Enforcement**

- A. The Town Manager, Town Attorney, District Attorney, Building Official, Town Engineer, or the Zoning Administrator may be a duly authorized law enforcement officer. Any Town official charged with the issuance of licenses and permits shall enforce the provisions of this Code.
- B. All officials and employees of the Town, vested with the authority or duty to issue permits, shall conform to the provisions of this Code and shall not issue a permit, certificate, or license for uses, purposes, buildings, or structures in conflict with the provisions of this Code. Any such permit, certificate or license issued in conflict with the provision of this Code shall be deemed null and void.
- C. Whenever an authorized Town official finds that a violation of this Code exists on any property located within the Town, the authorized official shall notify the property owner on which the violation is located and direct that the violation be abated in a manner consistent with this Code.

- D. **Remedies:** All remedies provided for herein shall be cumulative and not exclusive. Conviction and punishment of any person, hereunder, shall not relieve such person from the responsibility of correcting the prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof.
- E. **Continuing Violations:** A continuing violation of this Code is deemed a separate violation for each and every day such violation exists.
- F. **Procedures for Enforcement:** Enforcement of the Zoning Code, as adopted by the Town Council, sets forth the responsibilities of the Zoning Enforcement Officer, and Zoning Administrator for procedures to follow, administrative review before the Planning and Zoning Commission and/or Town Council, and recall of a case for review and determination.

### **§1.70 General Penalty**

Any person found to be in violation of any provision of this Code shall be responsible for a zoning violation that is punishable by a civil sanction not to exceed the equivalent of a maximum fine of a Class 2 misdemeanor for each violation pursuant to A.T.S. §9-240.

### **§1.80 Conflicting Regulations**

The provisions of this Code are not intended to interfere with or void any easements or legally established covenants or other existing agreements that are more restrictive than the provisions of this Code. Except where the express provision of this Code, or the context hereof, amends any existing ordinance, nothing in this Code shall be deemed to repeal any other ordinances relating to the properties and areas affected hereby.

### **§1.90 Clarification of Ambiguities**

If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this Code, or if ambiguity exists with respect to matters of height, yard requirements, area requirements, or district boundaries as set forth herein, it shall be the duty of the Town Manager, or his/her designee, to ascertain all pertinent facts and issue an interpretation. The Town Manager's, or his/her designee's, interpretation is subject to the appeal process as defined by Section 2.170 of this Code.

### **§1.100 Determination of Similar Use**

- A. **Application:** When a proposed use of property is not expressly authorized as a permitted use, or as a conditional use by the regulations of the applicable zone district, an application may be submitted to the Town Manager, or his/her designee, for a land use interpretation to determine whether or not the proposed use is similar to those uses permitted or conditionally permitted in the applicable zone district.
- B. **Basis for Determination of Similar Use:** The Town Manager shall make an investigation to compare the nature and characteristic of the proposed use with those specifically listed and shall report his/her determination to the Planning and Zoning Commission. The Commission's determination of similar use shall be final fifteen (15) days form the date of decision unless an appeal to the Board of Adjustment is filed. An investigation by the Board of Adjustment shall be based on the following criteria:

1. The use resembles or is of the same basic nature as a use or uses expressly authorized in the applicable zone district in terms of the effects of the use on the surrounding area, such as traffic impacts, noise, dust, odors, vibrations, and appearance.
2. The use is consistent with the stated purpose of the applicable district.

### **§1.110 Zone Districts**

A. **Districts Created:** In order to provide a uniform basis for regulating the use of land, buildings, and structures, and to establish minimum site development regulations and performance standards applicable to a site within the Town, the Town is hereby divided into the following zone districts:

1. **Rural Residential Zone Districts**
  - a. Rural Residential (RR) Zone District
  - b. Residential Single Family (RS-20) Zone district
2. **Urban Residential Zones**
  - a. Residential Single Family (RS-5) Zone District
  - b. Residential Single Family (RS-10) Zone District
  - c. Residential Multiple Family (RM-14) Zone District
  - d. Residential Multiple Family (RM-30) Zone District
3. **Commercial Zones**
  - a. Commercial Neighborhood (CN) Zone District
  - b. Commercial General (CG) Zone district
  - c. Commercial Heavy (CH) Zone District
4. **Industrial Zones**
  - a. Industrial Park (IP) Zone District
  - b. Light Industrial (LI) Zone District
5. **Special Use and Combining Zones**
  - a. Planned Development (PD)
  - b. Community Facilities (CF) Zone District
  - c. Floodplain Management (FPM) Overlay Zone District
  - d. Open Space and Conservation (OS) Zone District

### **§1.120 Planning and Zoning Commission (Reserved)**

### **§1.130 Zoning Administrator**

- A. The positions of Zoning Administrator is hereby created for the administration of this Code. The Zoning Administrator shall possess all powers of a Zoning Administrator under this Code and State Law and shall perform such duties as set forth under this Code. The Town Manager or his/her designee shall serve as the Zoning Administrator.
- B. The Zoning Administrator shall have the following duties:
1. Establish rules, procedures and forms to provide the processing of applications or requires for action under the provisions of this Code.

2. Accomplish all administrative actions required by this Code, including the giving of notice, preparation of reports, receiving and processing appeals, and the acceptance and accounting of fees:
3. Provide advice and recommendations to the Planning and Zoning Commission and Town Council with respect to applications and requests for approvals as required by this Code.
4. Interpret this Code to the public, subject to policies established by the Town Council.
5. Determine the location of any zone district boundary shown on the Official Zoning Map adopted as part of this Code when such location is in dispute.
7. Certify planning applications when they are deemed complete.

#### **§1.140 Town to be held Harmless**

Any person, organization, or entity who obtains or files an application to obtain a permit or approval pursuant to this Code shall hold the Town harmless from any liability, including any claims of the applicant arising out of the issuance of the permit or approval, or the denial thereof, or arising out of any action by any person seeking to have a granted permit or approval held void by a court of law.

#### **§1.150 Severability**

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

#### **§1.160 Definitions**

For the purpose of this Code, certain words, phrases and terms used herein shall have the meaning assigned to them by this Section. When not inconsistent with the context, words used in the present tense include the future; words in the singular number include the plural; and those in the plural number include the singular. The word "shall" is mandatory; the word "may" is permissive.

**Abutting, Adjoining, Adjacent:** Having district boundaries or lot lines in common, however, where properties would have had lot lines in common, except for the existence of an alley, the lot lines of those properties are considered to be abutting, adjoining, or adjacent.

**Access, Access Way, Access Corridor:** The means of ingress and egress connecting a site to a public roadway system.

**Access Rights:** Any rights including claims and titles that grant access to a public road or corridor for pedestrians and vehicles.

**Access Road:** A road, with such improvements and of such width as required by Town Codes which provides access from a division of land to an existing maintained street or highway.

**Accessory Structure:** Any structure or portions of the main structure, the use of which is incidental to that of the main structure on the same lot or premises, and which is used exclusively by the occupants of the main structure. An accessory structure may be erected only after the principal structure is established.

**Accessory Use:** Any use customarily incidental to, related and clearly subordinate to a principal use established on the same lot or premises. An accessory use may be established only after the principal use is established.

**Acreage (Gross):** Gross acreage includes the total fee ownership of a parcel or land area including any easements, but excluding any existing offers of dedication, dedications, or rights-of-way.

**Acreage (Net):** Net acreage is the land area which remains after dedication of ultimate rights-of-way for (1) exterior boundary streets, (2) flood control rights-of-way, (3) public parks developed to meet minimum standards, and (4) major utility easements. Areas devoted to park land or active recreational uses may be counted as adjusted net acreage only if such public facilities are proposed over and above the Town's minimum park land requirements.

**Advertising Device:** Any figure, symbol, design, model or device, whether it contains a lettered advertising message or not, used to attract attention or convey a message which is visible from any area outside a building. Advertising devices include, but are not limited to vehicles, wagons, trailers, railroad cars, shipping containers, and goods for sale.

**Agriculture:** The tilling of the soil, raising of crops, horticulture, viticulture, silviculture, small livestock farming, and/or pasture and range livestock production, including all uses customarily incidental thereto, but not including slaughterhouses, fertilizer yards or plants for the reduction of animal matter, stockyards, bone yards, packing houses, dairies, feed lots, or any other commercial/industrial use which is similarly objectionable because of noise, odor, smoke, dust or fumes.

**Airport:** Any area which is used or is intended to be used for the takeoff and landing of aircraft, including helicopters, and appurtenant areas which are used or are intended to be used for airport buildings or facilities, including open spaces, taxiways and tie-down areas.

**Alley:** Any dedicated way, intended for vehicular service to the rear or side of property served by a street. An alley is not intended for general traffic circulation.

**Alter:** To make a change in the supporting members of a structure, such as bearing walls, columns, beams or girders, to prolong the life of a structure or to change an exterior or interior dimension of a structure. In case of a sign, "alter" means a change of all or a portion of the copy, message, sign legend, or face except on signs designed to advertise changing messages.

**Alteration:** Any change or modification to the character-defining or significant physical features of properties affected by this Code. Such changes may include modification of structures, architectural details, visual characteristics, grading, surface paving, addition of new structures, cutting or removal of mature trees, major landscaping, alteration of natural features, disturbances of archeological sites or areas, and placement or removal of a significant object such as signs plaques, light fixtures, street furniture, walls, fences, steps, plantings, and landscape accessories affecting the property.

**Animal Hospital:** A place where animals are given medical or surgical treatment and are cared for during the time of such treatment. Uses as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use.

**Apartment:** A building, or portion thereof, which is designed, built and rented or leased for occupancy by one or more families living independently and doing their own cooking in the same building.

**Apartment Building:** A multi-family dwelling consisting of three or more attached dwelling units, each of which is for rent or lease.

**Arcades:** A place of business where five (5) or more electronic or coin operated games are operated for compensation.

**Authorized Agent:** A person bearing written authority from a property owner to act as said owner's representative.

**Automobile/Automotive/Vehicle:** Motor vehicles, including cars, light duty vans, pick-up trucks, sport utility vehicles and motorcycles.

**Automotive and Light Truck Repair (Minor):** Activities including, but not necessarily limited to automotive repair, the retail sale of goods and services for automobiles (less than 6,000 lbs.), lubrication, oil changes, brake, muffler and tire shops, and drive-through car washes. Heavier automobile repair such as transmission, engine repair, paint shops, and auto body shops shall not be included in this type of land use.

**Automotive and Light Truck Repair (Major):** Activities typically including, but not necessarily limited to, heavy and light automotive repair, such as transmission and engine repair, automotive painting and body work, and the installation of major accessories.

**Automobile Service Station:** A retail place of business engaged in supplying goods and services essential to the normal operation of automobiles, whose primary use is the dispensing of automotive fuel and motor oil. Automotive and light truck repair (major) shall not be permitted. Incidental overnight parking may be permitted.

**Barrier Strip:** A strip of land one (1) foot or more in width dedicated to the Town for street purposes and access control at the end of a dead end street or along the side of a part-width dedicated street or other public rights-of-way.

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

**Bed and Breakfast Establishment:** An accessory use to an owner occupied single-family dwelling where a limited or specified number of guest rooms are made available to transient guests to provide overnight sleeping accommodation and breakfast for compensation.

**Board of Adjustment:** The Town Council of the Town of Tusayan

**Board of Supervisors:** The Board of Supervisors of Coconino County, Arizona

**Borrow Pit:** Any place or premises where dirt, soil, sand, gravel or other earthy material is removed by excavation for any purpose other than that necessary and incidental to grading or to building construction or operation on the premises.

**Building:** A structure having a roof supported by columns or walls.

**Building, Accessory:** A subordinate building, including shelters or swimming pools, the use of which is incidental to that of the main building on the same lot and/or building site.

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

**Building, Height:** The vertical distance from the average line of the highest point and lowest points of the pre-existing natural grade of that portion of the lot covered by the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the highest point of the highest gable of a pitch or hip roof.

**Building Permit:** A permit required for the erection, construction, replacement, repair, use and occupancy, demolition, modification, addition to or moving of any building, structure or any appurtenances connected or attached to such building or structure pursuant to Building Codes adopted by the Town Council.

**Building Site:** A legally created parcel or contiguous parcels of land in single or joint ownership providing the area and open space required by this Code, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner(s) thereof. Private easements providing access to four or less parcels shall not be deducted from the building site area.

**Cabana:** Any portable or permanent room enclosure or other structure erected, constructed or placed on a mobile home space and used in conjunction with a mobile home and not used for sleeping purposes.

**Campground:** A plot of ground for overnight or limited camping up to a maximum of thirty (30) consecutive days. A campground may be occupied by tents, recreational vehicles, or travel trailers.

**Carport:** A permanent roofed structure, or a portion of a main structure with not more than two enclosed sides, used or intended to be used for automobile parking for the occupants of the premises.

**Cemetery:** Land used, or intended to be used, for burial of the dead and dedicated for such purposes including columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises

**Club:** an association of persons, whether incorporated or not, for a common purpose, but not including groups organized solely or primarily to render a service as a business for profit.

**Commercial Machine:** Any piece of machinery designed for construction, demolition, excavation, logging, shipping, warehousing, freight hauling and the like including, but not limited to backhoes, bulldozers, equipment trailers, forklifts, front-end loaders and the like.

**Commercial Vehicle:** Any bus, truck, truck tractor, or trailer having a gross vehicle weight over 26,000 pounds; trailer or semi-trailer, aggregate hauling trailer, logging trailer and the like, not including water hauling tank truck or tank trailer for the purpose of transporting water for personal use.

**Commission:** The Planning and Zoning Commission of the Town of Tusayan, Arizona.

**Communication Tower:** A freestanding structure including appurtenances that are greater than thirty-four (34) feet in height, used for the following commercial communication purposes (1) VHF and UHF television, (2) AM and FM radio, (3) two-way radio, (4) Common carriers, (5) Cellular telephone, and (6) Microwave. Amateur (HAM) towers for the personal use of the property owner are exempted from this definition unless the tower is in excess of one-hundred (100) feet in height.

**Community Service Agency:** An organization such as the YMCA, YWCA, Boy Scouts, Girl Scouts, Campfire or any similar non-profit organization or supported in whole or in part by public subscription and primarily established to serve the social or welfare needs of the community or any part thereof, and not organized for the personal profit of an individual, group of individuals, or corporation.

**Condominium:** An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential complex located on such real property. A condominium may include a separate interest in other portions of such real property.

**Construction, New:** Structures for which the "start of construction" commenced on or after the effective date of this Code.

**Construction, Start of, Substantial:** The placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as a principal use as defined by the zoned district within which the property is located.

**Contractor's Yard:** The use of any lot or parcel of land for the commercial or non-commercial parking, storage, maintenance of commercial vehicles, and/or more than one piece of commercial machinery and/or outdoor storage of building materials, aggregates, lumber, piping, vehicle parts, tires and the like.

**Convalescent Home:** A facility licensed by the Department of Health Services or Coconino County which provides bed and ambulatory care for patients with post-operative convalescents, chronically ill, dietary problems, and aged or infirm persons unable to care for themselves.

**Convenience Store:** a retail store that is intended to attract stop-and-go traffic, with or without gasoline sales, and primarily sell food, beverages and other household supplies.

**Council:** The Town Council of the Town of Tusayan, Arizona.

**County:** The County of Coconino, State of Arizona.

**County Assessor:** The County Assessor of the County of Coconino.

**County Recorder:** The County Recorder of the County of Coconino.

**Day Care Facility:** A facility which provides nonmedical care to children under eighteen (18) years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four (24) hour basis. A day care facility includes family day care homes, infant centers, preschools, and extended day care facilities.

**Density:** The number of dwelling units per unit of land.

**Domestic Farm-Type Animals:** Horses, cattle, sheep, goats, swing and other cleft-hoof domestic animals.

**Dormitory:** A building intended or used primarily for sleeping accommodations where such building is related to an education or religious institution, or for employee housing associated with a commercial enterprise. For purposes of calculating density, three (3) dorm rooms shall be equivalent to one (1) dwelling unit.

**Drive-In Theater:** An outdoor structure designed for theatrical performances, displays, or show where the performance is viewed by all or part of the audience from a vehicle.

**Drive-Through Facility:** A facility, including a restaurant which, by its design, allows people to receive goods and/or services while remaining in their automobiles.

**Drive-Through Restaurant:** A place of business that sells food products or beverages which:

1. Delivers food or beverages to customers outside of the building in which they are prepared by means of a service window, counter, or similar method or device, or
2. Delivers food products or beverages to customers within a building that is designed so that a majority of customers will remove the food or beverages from the building.

**Dwelling:** A building or a portion thereof designed and used exclusively for residential occupancy, excluding hotels, motels, boarding houses and trailers, that are in conformance with the Building Codes adopted by the Town Council.

**Dwelling, Multifamily:** A building designed exclusively for occupancy by three (3) or more families living independently of each other.

**Dwelling, Single-Family:** A detached dwelling unit designed for the use of one (1) family.

**Dwelling, Two-family:** A residential structure on a single lot containing two (2) dwelling units; also known as a duplex.

**Dwelling Unit:** One or more rooms and a single kitchen or cooking accommodation, and a bathroom in a single-family dwelling, two-family dwelling, apartment house, multi-family dwelling designed as a unit for occupancy by one family for living and sleeping purposes.

**Easement:** A space on a lot or parcel of land reserved or used for the location of and/or access to utility, drainage, pedestrian, vehicular, or other physical uses of the parcel.

**Educational Institutions:** Public and other institutions conducting regular academic instruction at kindergarten, elementary, secondary, or collegiate levels, and including graduate schools, universities research institution and religious institutions. Such institution must offer either general academic instruction equivalent to the standards prescribed by the State Board of Education, confer degrees as college or university of undergraduate or graduate standing, conduct academic or scientific research, or give religious instruction. This definition does not include commercial or trade schools.

**Family:** Any number of individuals related by blood, marriage or legal adoption, or a group of not more than five (5) unrelated persons living together as a single housekeeping unit in a single dwelling unit sharing common cooking facilities. This does not include a fraternity, sorority, club, or other group of persons occupying a hotel, motel, lodging house, or institution of any kind.

**Farm-Related Business:** a business operated on a farm related to or supportive of agricultural activities, such as cold storage, sheds, maintenance shops, farm implement repair, and/or roadside sale of agricultural products.

**Fast Food Restaurant:** Any retail establishment intended primarily to provide short-order food services for on-site dining and/or take-out, including self-serve restaurants, excluding cafeterias where food is consumed on the premises, drive-through restaurants, and formula restaurants required to offer standardized menus, ingredients, and fast food preparation.

**Flood Boundary and Floodway Map:** The official map on which the Federal Insurance Administration (FEMA) has delineated both the areas of flood hazard and the floodway.

**Flood Insurance Rate Map, Flood Boundary, and Floodway Map:** The official maps on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the Town.

**Floodplain:** The land area adjacent to a watercourse, and/or other land areas susceptible to being inundated by water from any source.

**Floor Area, Gross:** The total enclosed area of all floors of a building measured to the inside face of the exterior walls including halls, stairways, elevator shafts at each floor level, service and mechanical equipment rooms, and basement or attic areas having a height of more than seven (7) feet, but excluding area used exclusively for vehicle parking or loading.

**Floor Area, Net:** The total building floor area excluding garages, hallways, lobbies, elevators and other common spaces.

**Garage:** A permanently roofed structure with three (3) enclosed sides and a garage door which is used for automobile shelter and storage.

**Garage, Private:** A detached accessory building or a portion of a main building on the same lot for the parking and temporary storage of vehicles of the occupants of the premises.

**Garage, Public:** Any garage other than a private garage.

**General Plan:** The General Plan, as adopted by the Town Council and subsequently amended.

**Grade:** The average level of the finished ground surfaces surrounding a building.

**Grazing:** The feeding area of domestic livestock on an open range or fenced pasture for commercial purposes and uses customarily incidental thereto, exclusive of slaughter houses, stockyards, packing houses, bone yards, dairies, or plants for the reduction of animal matter.

**Group Home for the Handicapped and/or Addiction Recovery Persons:** A facility licensed or authorized by a governmental authority having jurisdiction over operation for ten (10) or fewer handicapped and/or addiction recovery persons who reside together as a single housekeeping unit and who receive care, supervision, or counseling from one or more staff persons. This use includes assisted living homes, homes for the mentally ill, group care agencies and similar residential living arrangement for handicapped person, and addiction recovery persons but shall not include boarding houses, nursing homes, or other group homes not for the handicapped or addiction recovery persons.

**Guest Quarters:** Living quarters located on the same remises with the primary dwelling unit or attached to the main portion of the primary dwelling unit for the sole use of persons employed on the premises, members of the family living in the primary dwelling unit, or for temporary use by guests of the family living on the premises. Such quarters shall not be rented or leased or otherwise used as a separate dwelling.

**Harmful Material:** Displaying, selling, or renting pornography or other sexually explicit material to a minor or permitting a minor to view age inappropriate material that contains sexual content.

**Height:** A vertical dimension measured from existing grade unless otherwise specified.

**Heliport:** A place designed or designated for the landing and taking off of helicopters.

**Historic Landmark:** Any object designated as an historic landmark by Town Council action.

**Home Occupation:** Any occupation customarily conducted entirely within a dwelling by its inhabitants, the purpose being incidental to the use of the dwelling for dwelling purposes.

**Hospital:** An institution for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.

**Hotel/ Motel:** A structure or portion thereof or a group of attached or detached structures containing completely furnished individual guest rooms or suites occupied for less thirty (30) by any one individual or group of individuals for compensation.

**Housing, Dependent:** Residential occupancy of a temporary accessory living unit located on the same parcel as the principal unit, which is occupied by one or two adults who (1) have reached the age of 60, (2) are dependents of the residents of the principal unit, or (3) are court appointed conservatees of a resident of the principal unit. For the purposes of this Code, "dependent" means a related individual who is dependent upon the resident of the principal unit for financial support or health care. An individual will be determined to be a dependent for health care reasons if he or she is considered blind or disabled as defined in Section 1614(a) of Part A of Title XVI of the Social Security Act.

**Housing, Secondary:** Residential occupancy of a living unit located on the same parcel as the principal unit. In a commercial land use district, secondary housing, upon obtaining an approved conditional use permit in conjunction with a commercial land use, may be located either above the first floor or, if on the ground floor, not on the street frontage.

**Illumination, Direct:** Illumination by means of light that travels directly from its source to the viewer's eye.

**Illumination, Indirect:** Illumination by means only of light cast upon an opaque surface from a concealed source.

**Industry:** the excavation, transporting, manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such a manner as to change the form, character or appearance thereof, and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar type of enterprises.

**Inoperable Vehicle:** Any whole dismantled, partially dismantled or obsolete vehicle which cannot be started and driven under its own power.

**Junk Yard:** The use of any lot or parcel of land regardless of zone classification for the outdoor storage of any used or second hand materials, including, but not limited to, lumber, auto parts, household appliances, pipe, fencing, drums, machinery, furniture, or vehicles.

**Kennel, Commercial:** any kennel maintained for the purpose of boarding, marketing, breeding, raising or training dogs and/or cats over the age of four (4) months for a fee or for sale.

**Kennel, Non-Commercial:** Any property where five or more dogs and/or cats over the age of four (4) months are kept or maintained for the use and enjoyment of the occupant for non-commercial purposes.

**Kiosk:** Any off-site subdivision or business Direction sign or structure, of four (4) sides or less, typically constructed of four (4) inch by six (6) inch posts upon which business directional or subdivision signs may be mounted.

**Kitchen:** A room, or any portion of a room, used for cooking and/or preparation of foods.

**Landscaping:** The planting of trees, shrubs, vines, ground covers, flowers, and lawns. In addition, the combination of design may include natural features such as rock and stone and structural features, including but not limited to fountains, reflecting pools, art work, screens, walls, fences, and benches. Organic materials, such as trees shrubs, etc. are referred to as "soft" landscape. Inorganic materials such as stone, masonry products, etc. are referred to as "hard" landscape.

**Logo:** A trademark or symbol of an organization or business.

**Lot:** A site or parcel of land having with frontage upon a street, other than an alley, or a private easement determined by the Zoning Administrator to be adequate for purposes of access.

**Lot, Corner:** A site bounded by two (2) or more adjacent street lines that have an angle of intersection of not more than one hundred thirty-five (135) degrees.

**Lot, Site Coverage:** the portion of a lot or building site which is occupied by any building or structure, excepting paved areas, uncovered parking area, driveways, walks, lanais, terraces, swimming pools and landscaped areas.

**Lot, Depth:** The average horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.

**Lot, Double Frontage:** An interior lot having frontage on more than one (1) street.

**Lot, Flag or Corridor:** A lot with access provided to the bulk of the lot by means of a narrow corridor.

**Lot, Interior:** A lot other than a corner lot.

**Lot, Key:** the first interior lot to the rear of a reversed corner lot.

**Lot, Reversed Corner:** A corner lot the side line of which is substantially a continuation of the front property line of the first lot to its rear.

**Lot Line:** A line of record that divides one lot from another lot or from a public or private street or any other public space.

**Lot, Nonconforming:** A lot which when lawfully created or established, complied with the width, depth, and area requirements of the district where located, but which does not conform to the present existing area or width and depth regulation of the district where located, or which does not conform to the presently existing requirement of the Subdivision Ordinance governing lot standards.

**Lot, Width:** the average horizontal distance between the side lot lines, measured at right angles to the lot depth as a point midway between the front and rear lot lines.

**Manufactured Home:** A dwelling unit built after June 15, 1976, to standards established by the U. S. Department of Housing and Urban Development (HUD) with a HUD seal affixed, and which is designed to be used as a year-round dwelling when connected to the required utilities. A manufactured home is not a mobile home, travel trailer, park model, or recreational vehicle.

**Manufactured Home/ Mobile Home Park:** Any area or tract of land where one or more mobile home or manufactured home spaces are rented or leased, or held out for rent or lease to accommodate such homes or park models.

**Manufactured Home Space:** A plot of ground within a mobile home park or manufactured home park designed for the accommodation of one manufactured home.

**Mobile Home:** A dwelling unit built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a residence. A mobile home is not a recreation vehicle, travel trailer, park model, or manufactured home.

**Modular Home:** A dwelling unit which is pre-assembled in whole, or in part, in a factor prior to delivery to the job site for final assembly, and which conforms to the following: (1) built to current Building Code standards, (2) built with exterior materials customarily used on conventional site-built dwellings such as wood siding and asphalt roof shingles, (3) has a minimum roof pitch of three (3) in twelve (12), (4) has a minimum one (1) foot overhang on all four (4) sides, (5) has a minimum width of twenty (20) feet, and (6) is constructed to be set on a permanent foundation similar to site-built dwellings such as footing and stem walls or piers, and which is in compliance with the Town's adopted Building Code.

**Motel:** Refer to Hotel.

**Nonconforming Use:** A lawfully established and maintained use which does not conform with the development standards for the district in which the use is located by reason, adoption, or amendment of this Code, or a lawfully established and maintained use of a structure or land which does not conform with the use regulations for the district in which it is located by reason of adoption or amendment of this Code.

**Nuisance:** An interference with the enjoyment and use of property.

**Occupancy:** Each separate use of property conducted on the entire lot or within a building or any portion thereof.

**Off-Street Loading Facilities:** A site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives and landscaped areas.

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

**Open Space (Usable):** Outdoor space that serves a recreational function or provides visual relief from the building mass, the minimum dimension of which shall be six (6) feet excluding required front yards.

**Ordinary Maintenance and Repair:** Any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof and to restore the same, to its condition prior to the occurrence of such deterioration or damage.

**Park, private:** A parcel or parcels of land, which is open and available for use only by private ownership, membership, or some other mechanism that precludes use of the park by members of the general public.

**Park, public:** A parcel or parcels of land, which is open and available for use by the general public and which serves the active and passive recreational needs of the public.

**Parking Facilities:** An area and/or structure designed and constructed for the parking, storage and maneuvering of motor vehicles.

**Parking, Shared:** A situation where the same parking spaces can be utilized by two (2) or more different uses due to the differing peak hours of operation of the uses involved.

**Parking Space:** A readily accessible area, within a structure or surface parking area, exclusive of aisles, driveways, ramps and columns, maintained exclusively for the parking of one vehicle.

**Parking, Tandem:** A parking configuration where two (2) or more parking spaces are lined up one behind the other.

**Permitted Use:** Any proposed use allowed by right in a particular zone district without requiring discretionary approval, provided such use meets performance standards and regulations of this Code.

**Person:** Any individual, firm, association, corporation, organization, partnership; any city, county, district, state; or any department or agency thereof, or any other group acting as a unit.

**Place of Worship Seating Area:** The gross floor area of the main assembly hall or auditorium of a place of worship that must be identified for the purpose of calculating parking requirements when fixed seats are not provided. Only the actual seating area (including aisles) shall be counted.

**Planning and Zoning Commission:** The Planning and Zoning Commission of the Town of Tusayan.

**Pre-Existing:** Any use or structure in existence prior to the effective date of this Code.

**Preservation:** The identification, study, protection, restoration, rehabilitation, or acquisition of cultural resources.

**Processing Facility:** A building or enclosed space used for the collection and processing of recycling materials. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and manufacturing. Processing Facilities include the following:

1. A Light Processing Facility under forty-five thousand (45,000) square feet of gross collection, processing and storage area with up to an average of two (2) outbound truck shipments per day. Light Processing Facilities are limited to baling, briquetting, crushing, compacting, grinding, shredding and sorting of source-separated recyclable materials and repairing of reusable materials. A Light Processing Facility shall not shred, compact, or bale ferrous metals other than food and beverage containers.
2. A Heavy Processing Facility is any processing facility other than Light Processing Facility.

**Project:** Any proposal for new or changed use, or for new construction, alteration or enlargement of any structure, that is subject to the provisions of this Code.

**Property Line, Front:** The shortest boundary line of a lot that is coterminous with a street line. When the boundary lines of a corner lot, which are coterminous with street lines, are of equal or substantially equal lengths, the front lot line shall be determined by the Zoning Administrator. In determining the front lot line, the Zoning Administrator shall take into consideration the character of improvements in the neighborhood, the relative impact to abutting property owners from the establishment of either of such boundaries as a front lot line, the character of the building proposed to be constructed and the distance that the buildings are set back from the lot lines of the two street on which the lot in question abuts.

**Property Line, Interior:** A lot line not abutting a street.

**Property Line, Rear:** A lot line that is parallel or approximately parallel to the front lot line. Where no lot line is within forty-five (45) of being parallel to the front lot line, a line ten (10) feet in length within the lot, parallel to and at the maximum possible distance from the front lot line, shall be deemed the rear lot line for the purpose of measuring rear yard depth.

**Property Line, Side:** Any lot line other than a front or rear lot line.

**Public Access:**

1. A dedication to public use to the Town and constructed to the required width for road purposes.
2. A permanent written easement for road purposes from the State or Federal government.

**Quasi-Public Use:** A use operated by a private nonprofit educational, religious, recreational, charitable or medical institution, such use having the purpose primarily of servicing the general public including as churches, private schools and universities, community youth and senior citizen recreational facilities, private hospitals, and the like.

**Recreational Facilities:** Those buildings, structures or areas built or developed for purpose of entertaining exercising, or observing various activities participated in either actively or passively by individuals or organized groups.

**Recreational Vehicle:** A motorhome, travel trailer, truck or van camper, tent trailer, camping trailer or trailer-borne recreation equipment with or without motive power, for recreational, travel or emergency purposes. "Recreation Vehicle" shall also include boats, boat trailers, and recreational off-road vehicles.

**Recreational Vehicle Park:** Any area or tract of land where one or more lots are to be rented, leased or held out for rent or lease to owners or users of recreational vehicles or tents used for travel or recreational purposes and which are occupied on a temporary and transient basis.

**Recycling Center:** The use of a building or structure to collect, separate, and process recoverable resources such as newspapers, glass, and cans for shipment to other facilities. This definition does not include a junk yard or recycling of refuse or hazardous materials.

**Restaurant, Bona Fide:** A place which is regularly used and kept open for the primary purpose of serving meals to guests for compensation and which maintains a minimum of fifty-one percent (51%) of its gross receipts from the sales of meals. For the purpose of verifying compliance with the foregoing sales requirement, the sales receipts, accounting ledgers, and any other business records pertaining to the sales of food and alcohol shall be open for inspection by the Town Manager, or his designee, during regular business hours of the restaurant upon seventy-two (72) hours prior written notice.

**Right-of-Way:** An easement, dedication, or other legal right of passage over another person's land, or a strip of land over which a road is built.

**Room, Habitable:** A room meeting the requirements of this Code for sleeping, living, cooking or dining purposes, excluding such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

**Self-service Storage Facility:** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor supplies.

**Sign:** Any medium for visual communication, including copy, structure and component parts, which is used or intended to be used to attract attention to, identify, or advertise an establishment, product, service, activity or location, or to provide information. This definition shall not include the display of the American flag, State flag, or other similar political entities.

**Sign, Accessory:** A sign whose copy refers to the products, facilities, or services available on the premises. Accessory window signs shall include also temporary posters attached to windows or placed within five (5) feet of any window and legible off the site.

**Sign, Attraction Board:** A sign capable of supporting copy which is readily changeable, such as a theater marquee, and which refers to products, services or coming events on the premises.

**Sign, Banner, Flag, Pennant or Balloon:** A visual display device, with or without copy, which can vary in shape and is normally made of flexible material, such as cloth, paper or plastic.

**Sign, Building Mounted:** A sign affixed to a building, including awnings and windows.

**Sign, Business Identification:** A sign whose copy is limited to the name, type of business, and address of a building, business, office, establishment, person, or activity on the premises where the sign is located.

**Sign, Cabinet:** A building-mounted sign which consists of a single, internally lighted cabinet with the sign's lettering applied to that face rather than separate letters or figures mounted individually onto a wall or building (e.g. Channel Letters).

**Sign, Canopy or Awning:** A sign painted, placed or installed on any awning or canopy.

**Sign, Channel Letters:** A sign consisting of individual letters or figures mounted separately on the wall or structure to spell out or otherwise represent a sign's message copy.

**Sign, Construction:** A sign containing information pertaining to a future development on a site where the sign is located, including the name of the product, developer, contractor, architect, financing source, future occupants and other information directly related to the development.

**Sign, Convenience:** A sign that conveys information such as “restrooms”, “no parking,” “entrance,” or minor business identification for directional purposes, and is designed to be viewed on site by pedestrians and/or motorists.

**Sign, Copy:** Any words, letters, numbers, figures, designs or other symbolic representations incorporated onto the face of a sign.

**Sign, Directional:** A sign directing motorists or pedestrians to parking or building facilities, or providing similar directional information.

**Sign, Directory:** A sign to identify the name of the occupants within a business or residential complex.

**Sign, Electronic Message/Message Sign:** A sign having the capacity of presenting variable message displays by projecting an electronically-controlled light pattern against a contrasting background to change messages by electronic process, or by remote control.

**Sign, Exempt:** A sign which is designated not subject to certain regulations of this Code.

**Sign, Face:** The exterior surface of a sign, exclusive of structural supports, on which copy is placed.

**Sign, Freestanding:** A sign supported upon the ground and not attached to any building.

**Sign Height, Free-Standing Sign:** The greatest vertical distance between the top of the sign, including any accompanying architectural features of the sign, and the elevation measured at the roadbed of the nearest street.

**Sign Height, Wall or Building Mounted Sign:** The distance between the top of the sign panel inserted into or placed on the wall and the roadbed of the nearest street.

**Sign, Identification:** A sign whose copy is limited to the name, type of business, and address of a building, business, office, establishment, person, or activity, on the premises where the sign is located.

**Sign, Identification, Major:** An identification sign facing the public streets or pedestrian paths providing primary access to the premises identified by the sign.

**Sign, Identification, Secondary:** Any identification sign other than a major identification sign.

**Sign, Illuminated:** A sign in which a source of light is used in order to make readable the message or attract attention to the sign. This definition shall include internally and externally lighted signs and glowing or radiating signs.

**Sign, Monument:** A freestanding sign whose support structure shall be a solid base constructed of a permanent material such as concrete block or brick.

**Sign, Nonconforming:** A sign, outdoor advertising structure or display of any character which was lawfully erected or displayed, but which does not conform with standards for location, size, illumination or movement for the district in which it is located by reason of adoption or amendment of this Code.

**Sign, Off-Site Advertising Sign:** A sign referring to any person, establishment, merchandise, service, event or entertainment which is not located, sold, produced, manufactured, provided or furnished on the premises upon which the sign is located.

**Sign, On-Site:** A sign referring to a person, establishment, merchandise, service, event or entertainment which is located, sold, produced, manufactured, provided or furnished on the premises where the sign is located.

**Sign, Pedestrian Oriented:** A small sign readable primarily from the abutting sidewalk or other walkway, but not general from the street.

**Sign Permit:** An entitlement from the Town to place, erect or alter a sign.

**Sign, Pole:** A free-standing on-site sign whose support structures consist of bare members only and that have no architectural forms and detailing utilized to hide the steel or wood members used to support the basic sign structure. These signs do not include signs whose support structures consist of decorative timbers or masonry structures.

**Sign, Political:** A sign whose text indicates any one or a combination of the following: (a) the name and/or picture of an individual seeking election or appointment to public office; or (b) related to a forthcoming public election, initiative, or referendum.

**Sign, Portable:** Any sign designated to be moved easily and which is not permanently affixed to either the ground, structure, or a building.

**Sign, Poster:** A sign, temporary in nature and usually on paper or cardboard, used to advertise a coming event or attraction.

**Sign Program, Planned:** A plan providing coordinated signing for a business or a contiguous group of businesses and utilizing one or more common design elements such as colors, materials, lettering, illumination, sign type, and sign shape.

**Sign Review Authority:** The entity that has been given the authority by this Code to review and approve or disapprove a sign or Planned Sign Program, or any appeals or variances connected with such signs. The reviewing authorities include the Town Council, Planning and Zoning Commission, and the Zoning Administrator or his/her Designee.

**Sign Size or Area:** The entire area of the sign face, including non-structural perimeter trim but excluding structures or uprights on which the sign is supported.

**Sign, Special Event:** A temporary sign which advertises special events and activities such as grand openings, special sales, charitable events, Christmas trees, fireworks and other commercial and non-commercial events. Such signs are limited to the provisions listed in this Code.

**Sign Structure:** The structural supports, uprights, and bracing for a sign.

**Sign, Subdivision:** An on-site or off-site sign advertising the original sale, leasing, or renting of units within a subdivision.

**Sign, Surface Area:** The area of a sign as measured by the smallest geometric form such as a square, rectangle, triangle, or circle, or combination thereof, which will encompass the face of the sign on which the message is displayed.

**Sign, Temporary:** A sign utilized to identify a business or other activity for an interim period.

**Sign, Under Canopy:** A sign suspended beneath a projecting canopy, walkway cover, awning, ceiling or marquee.

**Sign, Window:** Any written representation, emblem, or other figure or similar character painted on or otherwise affixed or oriented to a window.

**Significant Feature:** The natural or man-made elements embodying style or type of cultural resource, design, or general arrangement and components of an improvement, including but not limited to, the kind, color, and texture of the building materials, and the type and style of all windows, doors lights, signs, and other fixtures appurtenant to such improvement.

**Site:** A lot or group of contiguous lots not divided by an alley, street, other right-of-way or city limit that is proposed for development in accord with the provisions of this Code.

**State:** The State of Arizona

**Stable, Commercial:** A structure or site for horses, mules or ponies which is rented, used, or boarded on a commercial basis for compensation.

**Stable, Private:** An accessory building for the keeping of horses, mules, or ponies owned by the occupants of the premises and not rented, used, or boarded on a commercial basis for compensation.

**Stealth Facility:** Any communications facility that is designed to blend into the surrounding environment. Examples of stealth facilities may include architecturally screened roof-mounted antennas, building-mounted antennas painted to match the existing structure, antennas integrated into architectural elements, and antenna structures designed to look like light poles. Stealth facilities are also referred to as concealed antennas.

**Stockyard:** Enclosure for the holding of cattle, swine, horses and other domestic animals kept for slaughter, market or shipping.

**Story:** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it the space between such floor and the ceiling next above it.

**Street, Highway or Public Right-of-Way:** A public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane, court or private easement, providing the primary roadway to and egress from the property abutting thereon.

**Street, Collector:** A street or road that is intended to serve intensive residential, commercial, or industrial land use to convey traffic through a development to roads of equal or greater capacity.

**Street, Cul-de-Sac:** A road that is open at one end only, with special provisions for turning around, and the further extension of which is precluded by the land division design.

**Street (Private):** A private easement providing the primary roadway for ingress and egress from the property abutting thereon.

**Structure:** Anything constructed or erected that requires a location on the ground, including a building or a swimming pool, but not including a fence or a wall used as a fence if the height does not exceed six (6) feet, or access drives or walks.

**Structural Alteration:** Any change in or alteration to a structure involving a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, retaining walls, or similar components.

**Structure (Main):** A structure housing the principal use of a site or functioning as the principal use.

**Structure (Nonconforming):** A structure which was lawfully erected, but which does not conform to the standards for yard spaces, height of structures or distances between structures prescribed in the regulations for the district in which the structure is located by reason of adoption or amendment of this Code.

**Subdivider:** A person, firm, corporation, partnership, association, or agent who proposes to divide, divides or causes to be divided real property into a subdivision.

**Subdivision:** The division of any unit of improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment rolls as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future as set forth in the Town's subdivision ordinance.

**Substantial Change:** A revision to an adopted or proposed application or permit which would increase the intensity of site use or project-related traffic, increase the environmental impacts of the development, require a modification of approval findings, or modify conditions of approval specifically imposed by the approving body.

**Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. When the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

**Swimming Pools and Hot Tubs:** Water-filled enclosures having a depth of eighteen (18) inches or more used for swimming or recreation.

**Tattooing:** The act or process of marking or coloring the skin of a person by inserting pigments under or in the skin or by the production of scars.

**Temporary Use:** A use established for a fixed period of time with the intent to discontinue such use upon expiration of the fixed time period.

**Town Council:** The Town Council of the Town of Superior, Arizona. The Town Council shall also serve as the Board of Adjustment for appeals on variances as set forth in Section 2.60 of this Code.

**Town Manager:** The Town Manager of the Town of Tusayan, Arizona.

**Trailer:** Any vehicle or structure used for sleeping, living, business, or storage purposes and having no foundation, other than wheels, blocks, skids, jacks, or skirting, and which is, has been, or reasonably may be equipped with wheels or other devices for transportation of the structure from place to place.

**Trailer (Nonresidential):** Any trailer designed for use as a construction building, temporary office, or the like.

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

**Truck Stop:** A facility for servicing trucks and tractor trailers, with or without a convenience market or restaurant. One or more of the following uses shall constitute a truck stop; (1) four (4) or more diesel fuel pumps; (2) Two or more truck washing bays; and (3) Facilities for the repair of diesel engines.

**Truck Yard:** the parking, storage, or maintenance of two or more commercial vehicles on any given lot or parcel of land.

**Unlicensed Vehicle:** any motor vehicle which is not currently licensed in the State.

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

**Variance:** A grant of relief from the requirements of this Code that permits construction, or use of land, in a manner that would otherwise be prohibited by this Code.

**Vehicle:** See "Automobile."

**Visible:** Likely to be noticed by a person of average height walking on a street or sidewalk.

**Walkway:** Walkway shall mean a sidewalk or other pathway for pedestrian use.

**Warehouse:** A building, or portion thereof, used for the commercial storage of good or merchandise and where not retail or wholesale operations are conducted at the site.

**Warehousing:** The use of a building or buildings for the storage of goods of any type, when such building or buildings contain more than five hundred (500) square feet of storage space and where no retail operation is conducted.

**Warehouse, Mini:** See self-service storage facility.

**Wholesale:** The sale of any type of goods or materials for the purpose of resale. Business that have both retail and wholesale sales shall be considered wholesale if at least fifty-one (51) percent of their sales volume is wholesale sales.

**Whip Antenna:** An antenna that transmits signals in 360 degrees. Whip antenna are typically cylindrical in shape and are less than six (6) inches in diameter and measure up to eighteen (18) feet in height. They are also referred to as omnidirectional, stick, or pipe antennas.

**Wireless Communications Facility:** A land use facility supporting antennas and microwave dishes that sends and/or receives radio frequency signals. Communications facilities include structures or towers, and accessory buildings.

**Yard or Court:** An open space on the same site as a structure, unoccupied and unobstructed by structures from the ground upward or from the floor level of the structure requiring the yard or court upward except as otherwise provided in this Code, including a front yard, side yard, rear yard or court between structures.

**Yard (Front):** A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the front property line and a line parallel thereto on the site.

**Yard (Rear):** A yard extending across the full width of a site, the depth of which is the minimum horizontal distance between the rear property line and a line parallel thereto on the site, except that on a corner lot the rear yard shall extend only to the side yard abutting a street.

**Yard (Side):** A yard extending from the rear line of the required front yard, or the front property line of the site where no front yard is required, to the front line of the required rear yard, or the rear property line of the site where no rear yard is required, the width of which is the horizontal distance between the side property line and line parallel thereto on the site, except that the side yard on the street side of a corner lot shall extend to the rear lot line.

**Yard (Junk or Salvage):** An area, improved or unimproved in excess of two hundred (200) square feet that; (1) upon which or in which is stored or kept junk, salvage, materials, scrap metals, inoperative vehicles equipment, or any combination thereof; (2) upon which or in which vehicles or equipment or other property is dismantled or wrecked; or (3) upon which or in which salvage materials, inoperative vehicles, equipment or parts therefrom, scrap metals, or any combination thereof is kept for resale. Materials or equipment kept on any premises for use in the construction of any building on such premises, and materials and equipment customarily used on a farm or ranch, and so situated, shall not be deemed "junk" or "salvage material" within the meaning of this subsection.

**Zoning Administrator:** The Town Manager, or his designee, of the Town of Tusayan, Arizona.

**Zoning District:** Those classifications of land, as included herein and identified on the Official Zoning Map, which regulate land use and establish standards by which the land may be developed and utilized.

**Zoning Code/Code/Ordinance:** The Zoning Code of the Town of Tusayan, Arizona.

**CHAPTER 2  
PERMITS AND APPROVALS**

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## CHAPTER 2 PERMITS AND APPROVALS

### §2.10 Purpose and Intent

These provisions are intended to prescribe the procedure for filing applications for permits, appeals, amendments, and approvals when required or permitted by this Code. These provisions will provide the framework by which applications will be determined to be complete and permitted to be filed.

### §2.20 Development Review Process

This Section establishes and explains the processes and procedures that must be followed and the application types required to be filed before new land uses or modification of existing land uses can be legally initiated.

- A. The Town shall maintain appropriate processes and procedures to ensure that proposed development projects are afforded an adequate and impartial review in accordance with Town codes, ordinances, resolutions, policies, and standards.
- B. Whenever an application for a zone change is inconsistent with the General Plan and/or this Code, that inconsistency shall be noted as part of the application. Prior to recordation of a final map or issuance of a construction permit, any inconsistencies so noted shall be resolved.

### §2.30 General Plan Amendments

- A. Purpose and Intent: As conditions with the Town change it may, from time to time, become necessary to amend the General Plan to enhance its effectiveness. The purpose of this section is to provide a method of amending the General Plan to ensure its continued effectiveness.
- B. Authority: The Town Council may amend all or part of the General Plan or any Element thereof. A major General Plan amendment may occur only once a year, while a minor amendment may occur four (4) times a year. Any proposed zone change, specific plan, development agreement, and subdivision of land shall be consistent with the General Plan.
- C. Initiation of Amendments to the General Plan: An amendment to the General Plan or to any Element thereof may be initiated by any of the following actions:
  - 1. A request made and approved by the Town Council.
  - 2. A request made by the Planning and Zoning Commission, Town Manager, or Zoning Administrator subject to approval by the Town Council.
  - 3. An application from a property owner or his/her authorized agent, provide that such application involves the development or modification of property located within the area affected by such amendment
  - 4. An application from any affected party, provided that such application involves only revisions to the goals, objectives policies and implementation programs of the General Plan.

- D. **Authority and Hearings:** Authority for approval a General Plan amendment shall be vested in the Town Council. Following a public hearing by the Planning and Zoning Commission, the Zoning Administrator shall forward the Commission's recommendations to the Town Council for its determination to approve, approve with modifications, or deny the amendment.
- E. **Required Findings:** An amendment to the General Plan shall not be approved unless all of the following findings are made:
1. The proposed amendment is consistent with the goals, objectives, policies, and programs of the General Plan, or the General Plan as revised, and will not cause any internal inconsistencies with the General plan; and
  2. The proposed amendment will not adversely affect the public health, safety and general welfare; and

#### **§2.40 Amendments to the Zoning Code**

- A. **Purpose and Intent:** This Section establishes procedures for amending zone district regulations and zone map boundaries. The process is designed to provide and ensure consistency, effectiveness, and clarity in implementing this Code and consistency with the General Plan.
- B. **Amendments to Zone Districts and Zoning Text:** An amendment to zone district boundaries or zone text of this Code may be initiated by any of the following actions:
1. A request made and approved by the Town Council;
  2. A request made by the Planning and Zoning Commission, Town Manager, or Zoning Administrator subject to approval by the Town Council.
  3. An application from a property owner, or his/her authorized agent, provided such application involves the development or modification of property located within the area affected by such amendment; or
  4. An application from any affected party, provided that such application involves only revision to the text of this Code and does not require redistricting of properties for which the affected party is not the owner or authorized representative of the owner.
- C. **Authority:** Authority for approval of amendments to this Code, including amendments to the Official Zoning Map, shall be vested in the Town Council. The Zoning Administrator, following a public hearing by the Planning and Zoning Commission, shall forward the recommendations of the Commission to the Town Council for their determination to approve, modify, or deny the proposed amendment as follows:
1. A public hearing before the Town Council noticed and held within the time limits specified by State law and this Code, after an initiated application is deemed complete. A longer period of time may be prescribed by the Town Council pending unusual circumstances.
  2. The Town Council shall approve, approve with modification, or disapprove the proposed amendment. The Council's action shall be final.

- D. **Required Findings:** All of the following findings shall be made prior to adoption of any amendment to this Code, including amendment to the Official Zoning Map.
1. The proposed change of zone or text revision is consistent with the goals, objectives, policies, and programs of the General Plan.
  2. The proposed change of zone or text revision will not adversely affect the public health, safety and welfare, or result in an illogical land use pattern.

### **§2.50 Conditional Use Permits**

- A. **Purpose and Intent:** A conditional use permit (CUP) is intended to control the establishment of those uses that have some special impact or uniqueness, such that their effect on the surrounding environment cannot be determined in advance of the use being proposed for a particular location. The CUP application provides for the review of the location and design of the proposed use, configuration of improvement, potential impact on the surrounding area from the proposed use, and the evaluation of the use based on fixed and established standards. The review also determines whether the proposed use should be permitted by weighing the public need and benefit to be derived from the use against any adverse impact it may cause.
- B. **Authority:** Authority for approval, conditioned approval, or denial shall be the Planning and Zoning Commission during a public hearing process as set forth in §2.130 of this Code. However, the Town Council may call forth any conditional use permit acted upon by the Commission for its review and determination at its properly noticed public hearing.
- C. **Application:** An application for a CUP shall be filed with the Zoning Administrator in a manner and on the form provided by the Zoning Administrator.
- D. **Findings:** Following review and consideration of an application for a CUP, the Planning and Zoning Commission may (1) approve a CUP application in whole or in part, (2) approve with conditions, or (3) deny the application provided the Commission prepares a written decision which contains the findings of fact upon which the Commission's decision is based. In preparing this written decision, the following findings of fact must be made in an affirmative manner.
1. The proposed location of the conditional use is in accord with the objectives of this Code and the purpose of the zone in which the site is located; and
  2. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare or be materially injurious to properties or improvement in the vicinity; and
  3. The site is suitable for the type and intensity of use or development proposed; and
  4. There are adequate provisions for water, sanitation, public utilities and services to ensure the public health and safety.
- E. **Conditions of Approval:** In granting a conditional use permit, the Planning and Zoning Commission shall require that the use and development of the property conform to the site plan, architectural drawings, statements submitted in support of the application and with such modification thereof as may be deemed necessary to protect the public health, safety, and general

welfare. The Commission may also impose such other conditions as may be deemed necessary to achieve these purposes, including, but not limited to the following matters:

1. Where applicable, requirements for setbacks, yard areas, open spaces, fences, walls, buffers, screening, landscaping, signs, parking requirements, street improvements and dedications, and building design.
  2. Limits on hours of operation or duration of approval, time period within which the proposed use will be developed, and such other conditions as may be determined to assure that development will be in accordance with the intent and purpose of this Code.
- F. Acceptance of Conditions: A conditional use permit shall not become effective for any purpose unless and "Acceptance of Conditions" form has been signed by the applicant and returned to the Zoning Administrator and no appeal has been filed with the Town Council.
- G. Revisions/Modifications: Requests to revise or modify an approved conditional use permit may be requested by the applicant of the Planning and Zoning Commission.
1. Revisions/Modifications Requested by Applicant: A revision or modification to any approved conditional use permit including, but not limited to change in conditions, expansions, intensification, location, hours of operation, or change of ownership, may be requested by an applicant. The applicant shall supply necessary information as determined by the Zoning Administrator to indicate reasons for the requested change. The request for revision or modification shall be processed in the same manner as the original conditional use permit.
  2. Review by the Planning and Zoning Commission: The Commission may periodically review any conditional use permit to ensure that it is being operated in a manner consistent with conditions of approval or in a manner not detrimental to the public health, safety, or welfare, or materially injurious to properties in the vicinity. If, after review, the Commission deems that there is sufficient evidence to warrant a full examination, a public hearing date shall be set. At such public hearing, the Commission may modify or revoke the conditional use permit pursuant to the provisions of this Code.

## **§2.60 Variances**

- A. Purpose and Intent: The purpose of a variance is to provide for equity in use of property and to prevent unnecessary hardships that might result from a strict or literal interpretation and enforcement of certain regulations prescribed by this Code.
- B. Authority: Authority for approval, conditioned approval, or denial shall be the Board of Adjustment for a Major Variance, and the Zoning Administrator, for a Minor Variance as set forth in §2.60.C and §2.60.D of this Chapter. However, any aggrieved person may file an appeal to the Board of Adjustment for action by the Zoning Administrator for a Minor Variance. Within thirty (30) days of a decision by the Board of Adjustment an aggrieved person may file a complaint for special action in the Superior Court for review of the Board's decision. The Court may affirm or reverse, in whole or in part, or modify the decision reviewed.

A variance from the terms of the regulations of this Code shall be granted only when it is demonstrated that the strict application of the zoning regulations deprives such property of privileges enjoyed by other properties in the general vicinity and in the same zone district due to

special circumstances applicable to the property in question, including size, shape, topography, location or surroundings. Consequently, a variance to a zoning regulation prescribed by this Code may be granted with respect to development standards including, but not limited to walls, fences, screening and landscaping, site area, width, and depth, coverage, front, side, and rear yards, height of structures, usable open space, and on-street and off-street parking and loading facilities. In approving a variance the Zoning Administrator, for a Minor Variance and the Board of Adjustment for a Major Variance may impose reasonable conditions of approval.

C. Minor Variances: The Zoning Administrator may approve request for minor variances to modify the following requirements of this Code.

1. Minor parking lot improvements.
2. Up to thirty (30) percent of parking and loading space requirements, not to exceed two (2) spaces.
3. Up to twenty (20) percent of front yard setback requirements.
4. Up to forty (40) percent of side yard setback requirements, but no closer than three (3) feet from the property line.
5. Up to twenty-five (25) of rear yard setback requirement, but no closer than five (5) feet from the property line.
6. Up to ten (10) percent of area requirements, excluding lot area and dimension requirements.
7. Up to ten (10) percent of the maximum building coverage requirements.
8. Up to ten (10) percent of maximum gross area requirements.

D. Major Variances: Any request for a variance other than a minor variance shall be termed a major variance and shall be reviewed and acted upon by the Board of Adjustment.

E. Conditions: Conditions of approval for a variance may include, but shall not be limited to:

1. Requirements for open spaces, fences, walls, landscaping screening buffers, erosion control measures, and flood control measures including maintenance thereof.
2. Requirements for dedications and street improvements to provide ingress and egress for traffic circulation issues.
3. Regulation of hours of operation and any other conditions deemed necessary to ensure compatibility with surrounding land uses and to preserve the public health, safety, and welfare.

F. Required Findings: The Board of Adjustment, for a Major Variance and the Zoning Administrator for a Minor Variance, shall make all the following findings in a decision to grant a variance request.

1. The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary hardship not otherwise shared by others within the surrounding area or vicinity; and
2. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property that do not apply generally to other properties in the vicinity and under the same zoning classification; and
3. That the strict interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the vicinity and under the same zoning classification; and
4. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and under the same zoning classification; and
5. That the granting of the variance will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.

#### **§2.70 Design Review**

##### **A. Purpose and Intent**

1. Reasonably ensure that construction of new buildings or structures and additions, renovations, and restorations to existing buildings or structures, including residential, institutional, commercial, and industrial development does not have an adverse aesthetic, health, safety or architecturally related negative impact upon existing adjoining properties, or the Town in general.
2. Minimize the effects of grading by discouraging mass grading to ensure that the natural character of terrain is retained.
3. Encourage improved drainage from lots directly to a street storm drain, or through public or privately maintained easements.
4. Encourage the use of a variety of housing styles, split level grading techniques, varied lot sizes, site design densities, varied setbacks, maintenance of views and arrangement, and spacing to reduce impacts on adjacent developed properties.
5. Encourage the use of energy conservation techniques in all new development.

**B. Projects Requiring Design Review:** No building permit for residential or commercial development, except for single family detached units and duplexes, shall be issued until the proposed project has received, as part of the building permit review process, design review approval pursuant to the provisions of this Chapter.

**C. Town Council Review:** The Town Council shall review an application for design review for projects that otherwise require approval by the Council.

**D. Planning and Zoning Commission Review:** The Planning and Zoning Commission shall review an application for design review for projects that otherwise require approval by the Commission.

The Planning and Zoning Commission shall also review and act upon any substantial development as set forth in §2.70.G.2 of this Chapter.

- E. **Zoning Administrator Review:** The Zoning Administrator shall review all applications for design review for projects that otherwise require approval by the Zoning Administrator.
- F. **Residential Subdivision Land Use Design Criteria:** It is the intent of the General Plan and the provisions of this Chapter to encourage a variety of residential development types that are innovative in design and compatible with surrounding neighborhoods while being conducive to creating a balanced housing market in the Town. The following represents components of design requirements for all residential subdivisions.
1. Housing within new residential subdivisions should, where possible, be situated with recognizable variations in front and side yards building setbacks.
  2. Residential developments should, where possible, maximize a feeling of openness by orienting road axes to open space areas and areas of visual interest.
  3. The use of roof forms, including shed, gable, and hip roofs, alone or in combination shall be used to achieve a variety of roof lines for houses adjacent to public streets. All such roofs shall be of a concrete tile, approved shake, or an architectural style composition shingle with dimensional variations. All other proposed roofing materials shall be subject to review and approval by the Town Building Official.
  4. To reduce architectural massing at street corners and to create congruity where a two-story structure is next to a one-story structure, the incorporation of a one-story element into the two-story structure shall be required when feasible.
  5. The minimum size for construction of a new house in the Town shall be six-hundred and fifty (650) square feet.
  6. All subdividers/developers shall be required to provide landscaping and an irrigation system for each lot of a residential subdivision prior to receiving a final inspection for any house constructed in that subdivision, as follows:
    - a. Landscaping and an irrigation system for both the front yard and the street side yard (provided the street side yard is not obscured from sight from an adjacent street by fencing) of each lot shall be provided. Said landscaping shall consist of the following: (1) no less than one 15-gallon size tree; (2) ten percent (10%) of the yard area shall consist of a landscaped planter; and (3) the remaining portion of the yard area not occupied by a driveway, shall be improved with landscaping as approved by the Planning and Zoning Commission and Town Council.
    - b. Any proposal for an alternative landscaping plan shall be subject to review and approval by the body approving the original landscape plan.
  7. Architectural styles and themes should be compatible with the surrounding environment. However, to assure individuality among projects, each development shall vary its architectural design to avoid monotony and create interest, while remaining compatible with surrounding development.

8. Elevations shall mean the treatment of materials, trim, roofs, or other architectural features which are considerably different than the elevation of any other house in the same subdivision as seen from the street on which it faces. No two identical elevations shall be placed side by side within a subdivision.
9. If custom homes are not proposed, subdividers/developers of residential subdivisions shall provide a variety of floor plans and building elevations as depicted in Table 2.A below.

**TABLE 2.A.  
RESIDENTIAL FLOOR PLAN AND  
ELEVATIONS GUIDELINES**

<b>Number of Single Family Dwellings</b>	<b>Min. No. of Bldg. Footprints (excludes reverse plans)</b>	<b>Min. No. of Elevations per Bldg. Footprint</b>
1-3	1	1
4-8	2	2
9-18	3	2
19-36	3	3
37-60	4	3
61-99	4	3
100+	5	3

- The required number of building elevations may be reduced by one (1) for every two (2) building footprints added to the required minimum number specified in Table 2. A.

**G. Special Provisions:**

1. The provisions of the Section apply to all developments except single-family dwellings, duplex dwellings, and manufactured home parks.
2. Design review for projects, both new development and redevelopment, that is considered a substantial change shall be acted upon by the Planning and Zoning Commission. A substantial change would include any of the following:
  - a. More than twenty-five (25) percent change is the building façade;
  - b. Any change in the size of more than ten (10) percent of a building;
  - c. A change of two-hundred-fifty (250) square feet or more in site layout;
  - d. A change in the color of a building to more than five (5) percent of the exterior;
3. Design Review for all other changes to the exterior of any structure or change in appearance of any site that is not a substantial change shall be acted upon by the Town Manager or his/her designee. A decision by the Town Manager with regard to a non-substantial change may be appealed to the Planning and Zoning Commission

**H. Design Standards and Guidelines:**

1. This Section includes guidelines for development and standards of design to be incorporated into a site plan. Other sections of this Code including requirements specific to the zoning district should also be incorporated into the site plan.
2. Architectural styles should be compatible with the unique location of the Town as a gateway to the south rim of the Grand Canyon. Architectural building forms should express sensitivity to this unique environmental setting while respecting the indigenous cultures.
3. Scale and mass of developments should be compatible with the natural environment and not dominate it. Architectural features which serve to break up the massive appearance of a structure should be utilized. These features can include variation in roof forms, the use of dormers, covered walkways and patios. All features should be in proportion of the building. In some cases, it may be deemed more appropriate and desirable to use smaller buildings which are clustered rather than a single massive structure.
4. External building materials should be predominantly those that fit the natural landscape such as native stone, logs, wood, broken faced block, exposed aggregate concrete, and stucco. The use of other materials such as synthetic or reprocessed stone and wood may be considered but will require that information be provided regarding manufacturing specifications, and product samples.
5. Earth tone colors that blend with local soils and vegetation are highly desirable. Various shades of browns and tans, subtle greens, as well as sandstone and limestone are encouraged. Bright colors such as orange, lime, aqua blue and white should be discouraged. Color schemes should complement the architectural style and mass of the buildings.
6. Roofs must meet the color requirements of the proposed building(s). Aluminum, white, or reflective roofs are not acceptable. Screening of mechanical equipment is encouraged to maintain a desirable aesthetic quality from street level or from adjacent structures.
7. The use of materials and colors to enhance the building design and break up the monotony of massive structures is encouraged.
8. Sufficient setbacks providing access to light, air, landscaping and views shall be incorporated into site design. The fifty (50) foot right-of-way flanking Highway 64 shall be fully landscaped in conjunction with all new development and redevelopment. The use of this transition zone for meeting some parking requirements may be appropriate, but not within thirty (30) feet of the highway.
9. Vehicle and pedestrian ways shall be clearly delineated to prevent congestion and conflicts. Service vehicle and delivery areas should be screened from view and don't interrupt the flow of traffic.
10. Parking lots should be designed to include adequate landscaping within the periphery and interior to break up the impermeable surface coverage. This may include the use of

landscape islands within the parking lot, clustering parking spaces into islands rather than long rows, and utilizing a variety of landscape material and decorative fencing.

11. Where bus and RV traffic is anticipated, site design should take into consideration maneuverability constraints and parking and passenger unloading needs.
12. Orientation of buildings should consider well marked entrances located within a logical relationship to the parking area and pedestrian walkways.
13. Signs with highly reflective surfaces or bright metal are highly discouraged. Signs shall comply with the provisions of Chapter 11 (Signs) of this Code.
14. The use of lighting as an attention-getting device is prohibited.
15. Outdoor light poles and fixtures should be compatible with the architectural styles of the development.
16. Low level bollard type light fixtures should be considered where they can be effective without becoming too dominant in the landscape.
17. Developments which incorporate energy conservation measures, water reuse, and material recycling are encouraged.

I. Application Required:

1. Any proponent, agent or sponsor of development or redevelopment shall first file a design review application for consideration by the Town Manager or the Planning and Zoning Commission.
2. The application shall contain the following:
  - a. A site plan, drawn to scale, showing the proposed location of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking areas, landscaped areas, fences and walls. The site plan shall indicate the locations of off-street parking areas including entrances and exits and the direction of traffic flow into and out of the off-street parking area.
  - b. A landscape plan, drawn to scale, showing the locations of existing trees to be removed and trees to remain on site, the location and design of landscaped areas and the varieties and sizes of proposed plant materials. Also to be included are other landscape features such as sprinkler and irrigation systems.
  - c. Architectural drawings, drawn to scale, including all sides of building elevations and floor plans. All exterior surfacing materials and colors shall be specified.
  - d. Accurate scale drawings of all signs indicating their size height, material, color and illumination, if any.
  - e. Grading and drainage plans.
  - f. Such other data as may be required to permit the Town Manager or the Planning and Zoning Commission to ensure that the purposes of this Section are satisfied.

- J. Action by the Planning and Zoning Commission: For a substantial project, the Planning and Zoning Commission, within forty-five (45) days after receiving a project, shall act on the project. Failure of the Commission to act within the forty-five (45) days, the project shall be deemed approved unless the applicant consents to an extension of time.
- K. Effective Date of Design Review Decision: A decision of the Planning and Zoning Commission shall be effective immediately upon receipt by the Town Manager of a signed agreement to the conditions of approval, if any. The applicant may appeal the Commission's decision to the Town Council if an appeal is filed within fifteen (15) days of such decision.
- L. Action by the Town Council on an Appeal: An appeal of the Planning and Zoning Commission's decision shall, within forty-five (45) days after receiving the appeal, shall either approve, conditionally approve or disapprove the plans and drawings or request the applicant to revise the plans and drawings. Failure of the Council to act within the time period prescribed by this Section shall be deemed approval of the plans and drawing unless the applicant shall consent to an extension of time.
- M. Lapse of Design Review Approval: Design review approval shall lapse and shall be void one (1) year following the date upon which the plans and drawings were approved unless, prior to the expiration date, a building permit is issued and construction is commenced and diligently pursued toward completion.

#### **§2.80 Temporary Land Use/Occupancy Permit**

- A. The Zoning Administrator shall review and act upon all requests for temporary occupancy permits, or extensions thereof. The Planning and Zoning Commission shall review and act upon all request for temporary land use permits, or extension thereof in accordance with §2.80 of this Chapter. The Zoning Administrator, for temporary occupancy permits, and the Commission for temporary land use permits, shall approve, conditionally approve, or deny any such applications subject to the findings and standard conditions set forth in this Chapter.
- B. Those uses subject to a temporary occupancy permit include the following:
1. Temporary real estate offices on the site of an approved subdivision where lots, or lots and houses are being offered for sale.
  2. Model home(s) on any lot within a tentatively approved subdivision consistent with the provision of the Town's Subdivision Ordinance.
  3. Construction trailers, commercial cargo/storage containers, temporary office buildings, security personnel offices on construction sites for which a project has been approved and a building permit or grading permit has been issued by the Town.
  4. On-site contractor's yard during the construction phase of an approved project for which a building permit or grading permit has been issued.
  5. Commercial cargo/storage containers ("Containers") may be placed by a temporary occupancy permit only in the Commercial and Industrial zone districts of the Town.
- C. Those uses subject to a temporary land use permit include the following: In only the commercial and industrial zone districts, placement of temporary buildings, commercial cargo/storage

containers, trailers, coaches and similar items may be permitted subject to an approved temporary land use permit.

- D. Temporary occupancy permits and temporary land use permits shall be issued for a period of time not to exceed five (5) years from the date the permit was first issued.. Extensions to such permits may be granted for additional periods of time, each of which shall not exceed twelve (12) months. Temporary occupancy permits and temporary land use permits shall comply with the procedures, findings and conditions specified by this Title.
1. The Zoning Administrator, for a temporary occupancy permit, or the Planning and Zoning Commission, for a temporary land use permit, may approve such permits or extensions for shorter periods of time and shall approve such permits subject to conditions where required by this Code or where it is determined reasonable and necessary to do so.
  2. Prior to issuing a temporary occupancy permit or a temporary land use permit for an extension or renewal for the last allowed period of time, the applicant shall submit to and obtain approval by the Zoning Administrator or the Town Council, as applicable, of a plan to replace the subject temporary use with a legally established permanent use.
  3. A temporary use or structure that does not have a valid and current permit is hereby declared to be a public nuisance, subject to the enforcement provisions of this Code and other applicable laws.
  4. A change of ownership or operator of a use or structure, subject to a temporary occupancy permit or a temporary land use permit shall not affect the time periods established by approval to allow such temporary uses or structures.

E. Cancellation of a Temporary Occupancy/Land Use Permit

1. Noncompliance with the conditions set forth in approving a temporary occupancy/land use permit shall be grounds to cancel and void any such permit by the approving authority consistent with the provisions of §2.180 of this Chapter.
2. The Zoning Administrator shall give notice of such an action to the permittee. The permittee may appeal such a decision to the Town Council by filing an appeal as specified in §2.170 of this Chapter.

**§2.90 Special Event Permits**

- A. Purpose and Intent: A special event permit is intended to allow for the short-term placement of activities on privately or publicly owned property with appropriate regulations so that such activities will be compatible with the surrounding areas.
- B. Authority: Authority for approval of special event permits shall be vested with the Town Council and is not subject to a legally noticed public hearing.
- C. A special event permit shall not be required for events that occur in theaters, meeting halls, or other permanent public assembly facilities. A special event may be subject to additional permits, other Town department approvals, licenses, and inspections as required by this Code or any other applicable laws and regulations.

- D. Permitted Special Events: Table 2.B of this Chapter identifies those special events permitted subject to the issuance of a special event permit.

**Table 2.B  
Special Event Criteria**

<b>Permitted Temporary Zones Uses (With a Permitted Special Event Permit)</b>	<b>Zones</b>	<b>Max. No. of Days per Calendar Year</b>	<b>Max. No. of Occurrences per Calendar Year</b>
Non-commercial tent meetings	All districts	10	1
Circus with tent	All commercial and industrial districts	10	1
Commercial carnival, fair, concert, exhibit, festival or similar; outdoors or in temporary enclosures	All commercial and industrial districts	10	2
Non-commercial carnival, fair, concert, exhibit, festival or similar, outdoors or in temporary enclosures	Public schools, parks, church grounds, sites for non-profit organization, commercial, and industrial districts	10	2
Commercial and non-commercial holiday sales, such as pumpkin or Christmas tree sales, and incidental sales of Christmas lights, tree stands and decorations, but excluding gift items	All commercial and industrial zone district	30	2
Merchandise sale, outdoors or in mobile or temporary enclosures in conjunction with established business	All commercial districts	14	4

- D. Criteria for Special Event Permit Issuance: The Town Council shall consider the following criteria in rendering its decision relative to a special event permit application:
1. The operation of the requested special event at the location proposed and within the time period specified will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
  2. The proposed site is adequate in size and shape to accommodate the special event without being materially detrimental to the use and enjoyment of other properties located adjacent to and in the vicinity of the site;
  3. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that the special event will or could reasonably be expected to generate; and
  4. Adequate temporary parking to accommodate vehicular traffic to be generated by the special event will be available either on site or at alternate locations acceptable to the Town Council.

- E. **Conditions of Approval:** In approving an application for a special event permit, the Town Council may impose conditions that are deemed necessary to ensure that the permit will be applied in accordance with the criteria outlined above. These conditions may involve any factors affecting the operation of the temporary use or event, and may include, but are not limited to:
1. Provision of temporary parking facilities, including vehicular ingress and egress;
  2. Regulation of nuisance factors such as, but not limited to, prevention of glare or direct illumination of adjacent properties, noise, vibration, smoke, dust, dirt, odors, gases, and heat;
  3. Regulation of temporary buildings, structures, and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards;
  4. Provision of sanitary and medical facilities;
  5. Provision of solid waste collection and disposal;
  6. Police and fire concerns;
  7. Provision of security and safety measures;
  8. Regulation of signs;
  9. Regulation of operating hours and days, including limitation of the duration of the special event to a short time period than that requested;
  10. Submission of a performance bond or other surety device to assure that any temporary facilities or structures used for the proposed special event will be removed from the site within a reasonable time following the event and that the property will be restored to its former conditions;
  11. Submission of a site plan indicating any information required by this Chapter;
  12. A requirement that the approval of the requested special event permit is contingent upon compliance with this Code and with applicable provisions of other ordinances; and
  13. Other conditions that will ensure the operation of the proposed special event in an orderly and efficient manner and in accordance with the intent and purpose of this Section.
  14. Liability insurance of the type and in the amount required by the Town Council or Town Attorney.

#### **§2.100 Tenant Improvements**

- A. **Purpose and Intent:** The purpose of this Section is to provide guidelines for the processing and review of tenant improvements to structures. Any proposed tenant improvement, which in its initial review indicates an increase in land use intensity, e.g., an increase in parking demand, may be subject to additional review as determined by the Building Official.

- B. **Authority:** The Building Official may approve tenant improvements that comply with the requirements, provisions and intentions of this Code and Building Codes.
- C. **Findings:** The Building Official may approve a tenant improvement if all of the following findings can be made:
1. The improvement is permitted within the applicable district, pursuant to the provisions of this Code.
  2. The site for the proposed use is adequate in size, shape, topography, accessibility and other physical characteristics to accommodate the proposed use and development in a manner compatible with existing and proposed surrounding land uses; and
  3. The improvement will not be detrimental to the public health, safety or welfare, or adversely affect properties and improvements in the vicinity.

### **§2.110 Non-conforming Uses and Structures**

- A. **Purpose:** This Section is intended to limit the number and extent of non-conforming uses by regulating their enlargement, re-establishment after abandonment, and the alteration or restoration after destruction of the structures they occupy. In addition, this section is intended to limit the number and extent of non-conforming structures by prohibiting their being moved, altered, or enlarged in a manner that would increase the discrepancy between existing conditions and the standards prescribed in this Code.
- B. **Applicability:** This Section shall apply to any site, structure, or use that was legally established, but does not conform to the provisions of this Code as originally adopted or as may be amended from time to time. "Non-conforming" refers to a legally established site that does not meet the minimum dimensional requirements of the applicable zone, or a legally established use that is not permitted by the applicable zone, a legally established structure that does not, because of its size or location does not meet the standards of the applicable zone, or any combination thereof.
- C. **Discontinuation of Non-conforming Use:** Whenever a non-conforming use has been discontinued for a continuous period of one hundred eighty (180) days or more, the non-conforming use shall not be re-established, and the use of the structure or site thereafter shall be in conformity with the regulations for the zone district in which it is located, provided that this section shall not apply to the use of a non-conforming single family dwelling located in a zone district that permits single family dwellings. Discontinuation shall include termination of a use regardless of intent to resume the use.
- D. **Continuation and Maintenance:**
1. Any non-conforming structure or use may be continued and maintained provided that there are no structural alterations, except as hereinafter provided:
    - a. Agricultural crops shall not be subject to the provisions of this section;
    - b. Agricultural uses that involve permanent structures shall be subject to the provisions of this section; however, such uses shall be permitted to make any changes or improvements that are required by any State law or Town ordinances, including structural alterations that are necessary as a part thereof.

2. A structure or use may be maintained for the following periods of time after the effective date of the regulation or ordinance that established it as non-conforming:
  - a. Commercial and office uses, such as those primarily permitted in commercial and employment districts may continue for a period of thirty (30) years;
  - b. Industrial uses, such as those primarily permitted within industrial districts may continue for a period of forty (40) years;
3. Any Structure for which a building permit has been legally issued, and on which substantial construction has been performed in reliance thereon on the site before an amendment to the regulation or ordinance making the use or structure non-conforming, may be continued in accordance with the plans and specifications upon which the permit was issued, subject to the limitation of this section.
4. A property containing a legally established structure that does not conform with applicable development standards for front yards, side yards, rear yards, height, floor area of structures, or open space for the district in which the property is located, shall be deemed to be a non-conforming structure, and may be used and maintained as provided herein.
5. A legally established sign as provided in this Code.
6. Routine maintenance and repairs may be performed on a non-conforming use, structure, or sign.

**E. Alterations and Enlargements of Non-conforming Uses and Structures:**

1. A non-conforming use shall not be moved, altered, or enlarged unless required by law, or unless the moving, alteration, or enlargement will result in the elimination of the non-conformity.
2. A non-conforming use shall not be enlarged or extended in such a way as to occupy any part of the structure or site or another structure or site that it did not occupy at the time it became a non-conforming use, or in such a way as to displace any conforming use occupying a structure or site.
3. A non-conforming structure shall not be altered or reconstructed so as to increase the discrepancy between existing conditions and the standards for front yard, side yard, rear yard, height of structures, distances between structures, or usable open space prescribed in the regulations for the zone district in which the structure is located.

**F. Restoration of a Damaged Structure:**

1. Whenever a non-conforming structure is destroyed to the extent of fifty (50) percent or less by fire, calamity, or act of God, the structure may be restored and the non-conforming use may be resumed, provided that restoration is started within one hundred twenty (120) calendar days and diligently pursued to completion. When the destruction exceeds fifty (50) percent, or the structure is voluntarily razed or is required by law to be

razed, the structure shall not be restored except in full conformity with the regulations for the zone district in which it is located, and the non-conforming use shall not be resumed.

2. The extent of damage shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be reviewed and approved by the Building Official and shall be based on the minimum cost of construction in compliance with the most currently adopted Town Building Code.

### **§2.120 Application Filing**

- A. **Purpose and Intent:** These provisions are intended to prescribe the procedure for filing applications for permits, appeals, amendments and approvals when required or permitted by this Code.
- B. **Application Forms:** Requests for permits, appeals, amendments, approvals, and other actions required or permitted by this Code shall require that a completed application on a form provided by the Zoning Administrator be submitted to the Zoning Administrator in addition to any other materials, reports, dimensions, plans, or other information required to take an action on the applications.
- C. **Determination of Completeness:** No application shall be processed pursuant to this code prior to the determination by the Zoning Administrator that the application is complete. A completed application shall consist of:
  1. The application form with all applicable information included on, or attached to the form;
  2. The additional information, reports, dimensions, drawings and other material specified on the application form;
  3. A description of how the proposed project or requested action is consistent with the goals, objectives, policies, programs, and other provisions of the adopted General Plan;
  4. Payment in full of the required fees for processing the application; and
  5. Other information as may be required on the application form, as prescribed by the Zoning Administrator.
- D. The Zoning Administrator shall determine in writing the completeness of the application, and shall transmit this determination to the applicant within the time limits and in such form and content and with respect to such types of project applications as established by applicable Town regulations. The statutory time periods for processing any applications pursuant to this Code, which are subject by State law to such time limits, shall commence upon the date the application is accepted as complete.
- E. **Additional Information:** Notwithstanding procedures in this Chapter for determination of completeness, the Zoning Administrator may request the applicant to submit additional information in the course of processing the application if such information could not have been anticipated as part of the original application. Such a request to clarify, amplify, correct, or otherwise supplement submitted information shall not invalidate the original determination that the application was complete at the time the determination was originally made.

- F. **Fees:** The Town Council may, by resolution, establish, and from time to time amend, a schedule of fees for permits, appeals, amendments, and approvals required or permitted by this Code to reimburse the Town for costs incurred resulting from administration of this Code.
- G. **Who May File An Application:** Unless otherwise specified in this Code, applications for permits and approvals may be made only by the affected property owner or the property owner's authorized agent or representative.
- H. **Applicant Notification:** At the time of filing an application, the Zoning Administrator shall inform the applicant that he or she may make a written request to receive notice from the Town of any proposal to adopt or amend the General Plan, a Specific Plan, Zoning Ordinance, or an ordinance affecting building permits that may affect the application being filed. The applicant shall specify, in writing, the proposed action for which notice is requested. Prior to taking any of those actions, the Zoning Administrator shall give notice to any applicant who has requested notice of the type of action proposed and whose development proposal is pending before the Town if the Zoning Administrator determines that the proposal is reasonable related to the applicant's pending development request.
- I. **Consideration of Concurrent Applications:** An application which is dependent on approval of a change of zone or other enabling application(s) shall be processed concurrently with such enabling application(s). The approval authority for such dependent application shall be vested with the body authorized to approve the enabling application(s).
- J. **Time Limit for Approving Applications:**
1. Extension of the time limit for action on an application, as specified in the above paragraphs, may be granted if mutually agreed upon by the applicant and Zoning Administrator.

### **§2.130 Public Hearing and Notification Procedures**

- A. **Purpose:** This Section defines procedures for conducting public hearings for applications pursuant to this Code unless otherwise specified in this Code. The purpose of this section is to ensure public awareness and full open public discussion and debate regarding proposed actions pursuant to this Code.
- B. **Public Hearing Date:** Where required by State law, and unless otherwise specified in this Code, a public hearing on any application shall be scheduled before the Planning and Zoning Commission and the Town Council on the earliest appropriate date.
- C. **Notice of Hearings:**
1. Notice of public hearings shall be given as required by law by all of the following methods:
    - a. Publication in a newspaper of general circulation with the City at least fifteen (15) calendar days prior to the public hearing;
    - b. Mailing at least fifteen (15) calendar days prior to the public hearing, to all owners of property within a distance of three hundred (300) feet from the exterior

boundaries of the property involved in the application. For this purpose, the last known name and address of each property owner as contained in the records of the latest equalized County Assessor rolls shall be used.

- c. Mailing at least fifteen (15) calendar days prior to the public hearing, or to delivering at least fifteen (15) calendar days prior to the public hearing, to each local agency expected to provide essential services or facilities to the project whose ability to provide those facilities and services may be significantly affected;
- d. Mailing at least fifteen (15) calendar days prior to the public hearing, or delivering at least fifteen (15) calendar days prior to the public hearing, to the owner of the subject real property or to the owner's duly authorized agent, and to the project applicant and the applicant's authorized representative, if any;
- e. Mailing at least fifteen (15) calendar days prior to the public hearing, to any person who has filed a written request with the Town Manager and has provided the Town Manager with a self-addressed stamped envelope for that purpose.
- f. Any other means prescribed by law, or desired by the Town.

2. Exceptions:

- a. If the number of owners to whom notice is to be mailed or delivered pursuant to Paragraph 2 above, herein, is greater than one thousand (1,000), in lieu of mailed or delivered notice may be provided by placing a display advertisement of at least one-eighth (1/8) page in at least one newspaper of general circulation in the Town at least fifteen (15) days prior to the hearing.
  - b. For a proposed conversion of residential real property to a condominium project, community apartment project, or stock cooperative project, such notice shall also be given by mail to each tenant of the subject property and, in addition to notice of the time and place of the public hearing, shall include notification of the tenant's right to appear and the right to be heard.
3. The Zoning Administrator may require that additional notice of the hearing be given in any other manner he deems necessary or desirable to ensure that all notice requirements provided by law for the proposal are complied with.
  4. All notices of public hearings shall include a description of the project and the identity of the hearing body or officer(s), shall describe the property, date, time and place of the scheduled hearing, shall describe the location where the project is available for review and for public inspection, and describe the manner in which additional information and/or testimony may be received.

D. Conduct of Public Hearings:

1. Public hearings held pursuant to the provisions of this Code shall be held according to such public hearing rules as the Town Council may, from time to time, adopt by resolution or ordinance.

2. The Mayor may require that witnesses be sworn, prior to providing testimony at the Town Council public hearing, respectively.

E. Scheduling of Public Hearings:

1. A public hearing before the Planning and Zoning Commission and the Town Council shall be no less than fifteen (15) days prior to said hearing:
2. An appeal filed to the Planning and Zoning Commission on a decision made by the Zoning Administrator shall occur with fifteen (15) days of the Zoning Administrator's decision.
3. An appeal to the Town Council on a decision made by the Planning and Zoning Commission shall occur within fifteen (15) days of the Commission's decision.

**§2.140 Approval to Extend with Land:** Unless otherwise specified, all permits and approvals granted pursuant to this Code shall run with the land, and shall continue to be valid upon a change of ownership of the site or structure to which it applies.

**§2.150 Effective Date of Decision:** A decision that is subject to appeal shall not become effective for ten (10) calendar days following the action by the appropriate decision-making body in order to allow time for the filing of an appeal of the decision.

**§2.160 Lapse of Approvals and Extensions of Time**

A. **Expiration of Permits:** Approvals for projects not subject to the Town's subdivision ordinance or building permits shall lapse and become void twelve (12) months from the approval date, unless otherwise specified in this Code, unless a different expiration date is specifically established as a condition of approval to the extent permitted by law, unless a valid building permit is in effect in reliance upon the approved entitlement and substantial construction has commenced and is diligently pursued toward completion, or unless the property has been occupied and the approved use fully commenced.

B. Extension of Time:

1. Authority. An extension of time may be granted for projects approved under this Code, where substantial construction has not yet commenced or has not yet been completed or where the property has not yet been occupied and the approved use not fully commenced. Approvals for extension of time may only be granted by the original approving authority.
2. Submittal of Extension Requests:
  - a. Extension requests for projects not subject to the Town's Subdivision Ordinance and/or not involving Town building permits shall only be considered if filed with the Zoning Administrator no less than thirty (30) calendar days nor more than ninety (90) calendar days prior to the expiration date of the permit or approval.

- b. A subdivider may request an extension for projects subject to the Town's Subdivision Ordinance by written application to the Zoning Administrator in accordance with the provisions of the Town's Subdivision Ordinance and this Code.
3. **Time Limits on Extensions:** Extensions may not exceed a total of three (3) years from the original date of expiration unless otherwise provided by law; and may be for shorter periods of time.
4. **Circumstances Under Which Extensions May Be Granted:** An extension of the approval of a project may be granted only if it is found that granting of an extension will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

### **§2.170 Appeals**

- A. **Appeal of Action (Except as provided in §2.60 of this Chapter):**
  1. Any person may appeal a decision of the Zoning Administrator for a Minor Variance to the Board of Adjustment where the Zoning Administrator's decision would otherwise be final.
  2. Any person may appeal a decision made by the Board of Adjustment to the Superior Court for a special action or review of the Board of Adjustment's decision. The Court may affirm or reverse, in whole or in part, or modify the decision reviewed.
- B. **Filing of Appeals:** Appeal application forms shall be made available at the Town Hall for anyone wishing to appeal an action taken by the Zoning Administrator to the Board of Adjustment. Appeal applications shall be filed with the Zoning Administrator within the ten (10) calendar days following the date of action for which an appeal is made unless otherwise provided in this Code. If the last day to file falls on a holiday or on a Saturday or Sunday, the following business day shall be deemed the last day to act. Appeals shall be forwarded to the Town Clerk by the Zoning Administrator.
- C. **Appeal Hearings:** Public notice of an appeal hearing shall be given in the manner consistent with Section 2.130 (Public Hearing and Notification Procedures) of this Code.
- D. **Effective Date of Appealed Actions:** Except as otherwise provided for in this Code, an action that has been appealed shall not become effective until a final determination is made by the Board of Adjustment.

### **§2.180 Revocation of Permits**

- A. **Purpose and Intent:** In order to protect the public health, safety and welfare, and in order to enforce the provisions of this Code, it may, from time to time, become necessary to revoke a previously authorized approval or approved permit. The purpose of this Section is to provide a process for revoking approvals or permits to protect the public health, safety and welfare, as well as the rights to due process of permit holders within the Town.
- B. **Authority:** Authority to revoke permits or approvals shall be vested with the Planning and Zoning Commission where the Commission was the final approving authority in granting the

permit or approval. Authority to revoke permits or approvals shall be vested with the Town Council where the Council was the final approving authority in granting the permit or approval. A public hearing pursuant to §2.130 of this Chapter shall be required for revocation of permits or approvals. Notwithstanding the above, the Building Official shall have the authority to revoke building permits pursuant to the provisions of the Uniform Building Code.

C. Required Findings: A permit or approval subject to revocation pursuant to the provisions of this section may be revoked by the Planning and Zoning Commission or the Town Council if any one of the following findings is made:

1. That the permit or approval was obtained by misrepresentation or fraud.
2. That the use for which the permit or approval was granted has ceased, and was suspended for six (6) or more consecutive calendar months.
3. That the conditions of the permit or approval have not been met or the permit or approval granted is being or has been exercised contrary to the terms of the permit or approval or in violation of any statute, ordinance, law, or regulation.
4. That the public health, safety and welfare can be served only by revocation.

D. Notification and Time Limits for Correction

1. The Zoning Administrator shall notify the holder of the permit or approval in writing of a decision to initiate a pending revocation, shall state specifically the reasons for the proposed revocation, and shall provide a period of thirty (30) calendar days for the holder to correct or show substantial progress toward correcting the defect(s) that serve as the basis for the proposed revocation. In the event said defects are not corrected within thirty (30) calendar days from the date the notice is mailed, or substantial progress is not made during said thirty (30) day period and diligently continued until fully corrected, a public hearing date before the Planning and Zoning Commission or the Town Council where applicable, shall be set pursuant to the provisions of § 2.130 of this Chapter.
2. In taking action to revoke a permit, the Planning and Zoning Commission or the Town Council shall have the discretion to set the effective date of the revocation in order to allow the permit holder adequate and appropriate time in which to make necessary corrections.

#### **§2.190 Public Participation**

- A. General Plan: In compliance with State statutes, the Town Council adopted a General Plan where all procedural requirements for adoption of the General Plan, as set forth in A.R.S., Sections 461.05 and 461.06 have been followed. Nothing therein shall preclude the Town Council from adopting revisions to the General Plan or adopting new Elements to the General Plan in a manner provided by law.
- B. Zoning: The citizen review process and all notification and hearing requirements apply to a zoning ordinance that changes any property from one zone to another, imposes any regulation not previously imposed on a property, or removes or modifies any regulation previously imposed.

1. Notification will be provided to adjacent landowners and potentially affected citizens of the application as provided in §2.130.C of this Code.
2. The Town will inform adjacent landowners and potentially affected citizens of the substance of the proposed rezoning as provided in §2.130 of this Code.
3. Adjacent landowners and other potentially affected citizens will be provided an opportunity to express any issue or concerns with the proposed rezoning before the public hearing as provided in §2.130 of this Code.
4. In addition to §2.130 of this Code, A.R.S. §9-462.04, and A.R.S. §9-462.03 the requirements for a rezoning hearing shall include the following:
  - a. Notice of the time and place of the public hearing;
  - b. A general explanation of the matter to be considered, and
  - c. A description of the area affected.

**CHAPTER 3  
RURAL RESIDENTIAL ZONE DISTRICTS:**

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## CHAPTER 3 RURAL RESIDENTIAL ZONE DISTRICTS

### §3.10 Purpose and Intent

- A. The General Plan outlines goals, objectives and policies regarding the character of residential land uses and development. It is the purpose of this Chapter to provide regulations that implement those goals, objectives and policies and to assure availability of a wide range of residential housing opportunities and dwelling types to meet the needs of present and future Town residents of all socio-economic groups.
- B. It is also the intent of this Chapter to ensure adequate light, air, privacy, and open space for each dwelling, minimize traffic congestion, protect residential properties from objectionable noise, illumination, unsightliness, odors, smoke and other deleterious influences, and facilitate the provision of public and private services and facilities commensurate with anticipated population, dwelling unit densities, and service requirements.

### §3.20 Rural Residential Development Districts

- A. Rural Residential (RR) Zone District: This zone is intended to designate areas of the Town for low density residential use on a minimum lot size of one (1) acre where life styles are conducive to rural family living and pursuits.
- B. Residential Single Family (RS-20) Zone District: This zone district is intended for a lower density single family residence on a minimum lot size of twenty thousand (20,000) square feet. Only those additional uses are permitted that are complimentary to and can exist in harmony with this type of a residential single family neighborhood.
- C. The following uses shall be permitted where the letter "P" appears, permitted subject to an approved conditional use permit where the letter "C" appears, and prohibited where the letter "X" appears on Table 3.A. below:

**TABLE 3.A  
Rural Residential Zone Districts**

Rural Residential	RR	RS-20
Manufactured home	P	P
Single-family dwelling or modular home	P	P
Travel trailer (8 foot x 32 foot minimum size) or park model	C	C
Group homes and assisted care facilities per §1.160 (Definitions)	P	P

Rural and Related Uses	RR	RS-20
Animal hospitals and veterinary facilities	C	C
Aviaries and apiaries	P	P
Boarding of 1 or 2 horses for compensation	P	P
Cattle and sheep ranch operations	C	C
Commercial kennels	C	C

<b>Rural and Related Uses (con't)</b>	<b>RR</b>	<b>RS-20</b>
Recreational facilities such as rodeos, hunting and riding clubs, riding academies, country clubs, tennis and swim clubs, golf courses, with incidental limited commercial uses commonly associated and directly related to the primary use	C	C
Keeping poultry or rabbits for non-commercial purposes, per §9.40 of this Code	P	P
Keeping wild, exotic or non-domesticated animals, §9.70 of this Code	C	C
Keeping or raising animals for commercial purposes including commercial stables, per §9.40	C	P
Non-commercial keeping of horses and other domestic farm-type animals not including chickens, rabbits or common household pets, per §9.40 of this Code	P	P
Note: A minimum of 1 acre of land shall be required for keeping such animals; 2 such animals for the first acre and up to 1 additional animal for each additional ½ acre. No such animal may be sheltered, fed or watered closer than 100 feet to an adjacent parcel or lot. The keeping of such animals are subject to the requirements of the Coconino County Health Department and Animal Control Division.		

<b>Public and Semi-Public Uses</b>	<b>RR</b>	<b>RS-20</b>
Airports, landing fields, heliports and related activities and uses	C	C
Cemeteries, human and pet	C	C
Churches, convents, monasteries and other religious institutions	C	C
Day care center and group homes, per §9.140 of this Code	P	P
Educational institutions, public or private	C	C
Hospitals	C	C
Libraries and museums	P	P
Preschools	C	C
Public parks and recreational facilities	P	P
Public utility and public service substations, reservoirs, pumping plants and similar installations, flood control facilities, excluding public utility offices	C	C

<b>Other Uses</b>	<b>RR</b>	<b>RS-20</b>
Soil and water resource conservation projects	P	P
Solar and geothermal stations	C	C
Wireless telecommunications facilities, per §9.90 of this Code	P	P
Home occupations, per §9.180 of this Code	P	P
Model homes and subdivision sales offices	P	P
Temporary occupancy and temporary land uses, per §2.80 of this Code	C	C
Bed and breakfast establishments	C	C
Fire and Police stations	P	P

<b>Accessory Uses</b>	<b>RR</b>	<b>RS-20</b>
Accessory uses and structures on the same site as a conditional use	C	C
Accessory uses and structures on the same site as a permitted use.	P	P
Accessory structures in excess of 3,000 square feet	C	C
Guest house or accessory living quarters.	P	P
Metal storage containers per §9.290 of this Code	P	P

**§3.30 Property Development Standards**

A. **General:** The following property development standards shall apply to all land and buildings, permitted in the respective zones, except that any lot shown on an official subdivision map that was duly approved and recorded, or any lot for which a bonafide deed was duly recorded in conformance with the zoning in effect prior to the date of adoption of this Code may be used as a building site; except for any lot having an area of less than five thousand (5,000) square feet. For access purposes, each building site shall have a minimum thirty (30) foot wide easement or right-of-way. A turnaround with a minimum radius of twenty-five (25) feet shall be provided at the end of each easement over one hundred-fifty (150) feet in length. No fences or other obstructions shall be placed in the easement area, except with written permission of all other property owners served by said easement. For any parcel of land created after January 3, 1995, an access road to the parcel must be provided prior to the delivery of any combustible building materials. Said access road must be constructed to all weather standards.

B. **Special Requirements:**

1. In the RR zone district the minimum lot size shall be one (1) acre; in the RS-20 zone district the minimum lot size shall be twenty thousand (20,000) square feet. However, larger minimum lot sizes may be specified and designated on the Official Zoning Map by attaching a number following the zone classification. For example, "RR-2 means a minimum lot size of two (2) acres, RR-3 means a three (3) acre minimum, and so on.
2. In the RR and RS-20 zone districts interior side and rear setback area may be used for off-street parking, landscaping, and recreational purposes.
3. A travel trailer, park model, or fifth-wheel trailer, but not a recreational vehicle, may be established as a permanent residence in the RR zone, subject to the granting of a conditional use permit. Establishment of such a use shall require the installation of a permanent wastewater disposal system and connection to appropriate utilities.
4. In the RR and RS-20 zone districts, one mobile home, recreational vehicle, park model, or travel trailer per lot or parcel may be used for temporary residence not to exceed one-hundred (100) days, provided, the lot or parcel is not already occupied by a dwelling. A temporary use permit shall be obtained prior to establishing said temporary residence. The mobile home, travel trailer, park model, or recreational vehicle must be removed from the parcel upon the expiration of the temporary use permit, unless substantial work has been done on a permanent residence and an extension of time is thereby granted.
5. In the RR and RS-20 zone districts, swimming pools when located within three hundred (300) feet of a neighboring residence shall be enclosed by a wall or fence not less than five (5) feet in height as set forth in §9.270 (Swimming Pools) of this Code.
6. A building permit, as required by the Town's Building Code, shall be obtained prior to the construction, reconstruction, alteration or change in use of any building or other structures.

C. **General Requirements:**

1. The following requirements are a minimum unless otherwise noted.

**TABLE 3.B  
Development Standards**

	RR	RS-20
Building site or as specified in Section 3.30.B.1	1 ac.	20,000 sq. ft.
Distance between buildings in feet	10	10
Dwelling unit per parcel, maximum	1	1
Front yard, in feet	30	25
Lot coverage, maximum	25%	35%
Lot depth, in feet	150	125
Lot width, in feet	100	80
Off-street parking spaces – per dwelling unit	2	2
Rear yard, in feet	30	20
Side yard – interior, in feet	20	10
Side yard – street side, in feet	25	15
Structure height, maximum, in feet	45	35
Minimum house size in sq. ft.	600	600

2. Where a property is adjacent to the national forest, the required side or rear yard minimum setback shall be eighty (80) percent of the setback show in Table 3.B above; except that in no case shall the setback be less than five (5) feet.

### **§3.40 Performance Standards**

- A. All required landscaping shall be permanently maintained in a neat and orderly condition.
- B. With the exception of vehicles described in subdivision E. below, outdoor parking of personal vehicles that are currently licensed, operable, and used for regular use by the residents may be parked in the driveway. Vehicles that are not currently licensed or operable shall be considered as outdoor storage and shall be housed or screened per division C. below. Required front and street side setback areas shall not be used for parking or storage of other vehicles, accessories to a vehicle, which includes, but is not limited to travel trailers, recreational vehicles, camper shells, boats, utility trailers, motor bikes and the like. One vehicle or travel trailer for sale may be parked on or adjacent to the driveway, but not elsewhere in the front or street side setback area.
- C. In all RR and RS-20 zone districts, outdoor storage of unlicensed or inoperable vehicles, vehicle parts, tires, secondhand building material, pipes, drums, appliances, household furniture, household refuse, unlicensed trailers and the like shall be permitted subject to the following conditions.
  1. For any lot or parcel of land, the area permitted for the above described outdoor storage shall be two hundred (200) square feet. An additional one hundred (100) square feet of outdoor storage per acre for properties larger than one (1) acre shall be permitted up to a maximum of one thousand (1,000) square feet.
  2. On any lot or parcel of land, all outdoor storage shall be located to the rear of the property and screened from neighboring properties and roadways by a wall, non-transparent fence, landscaping, or other structure. Any such wall or fencing shall not exceed six (6) feet in height. Stored secondhand materials, vehicles, vehicle parts and the

like shall not be stacked so as to be visible above the required screening, or more than six (6) feet high. The provisions of this division shall not be construed to restrict the storage of firewood maintained for personal use by the occupants of the premises.

3. All permitted screened outdoor storage areas shall meet the minimum required building setbacks as set forth in this Code.
  4. Screened outdoor storage areas shall not be permitted on any parcel unless there is a residential dwelling on said parcel.
- D. Temporary storage of construction materials shall be permitted on any lot or parcel of land provided that such materials are being used in conjunction with a valid construction project on said parcel.
- E. Commercial vehicles exceeding twenty-six thousand (26,000) pounds gross vehicle weight, including but not limited to semi-tractors, semi-trailers, dump trucks, and the like and any associated commercial equipment shall not be parked, stored or serviced on any lot or parcel of land, except as set forth in Chapter 10 (Parking Regulations) of this Code.
- F. The storage of a mobile home on any parcel of land is prohibited, except as set forth in §8.310 (Storage) of this Code.
- G. Where commercial, industrial, public or semi-public uses are established, a masonry wall or alternative opaque fence six (6) feet in height, as measured from the highest adjacent grade and screened landscaping may be required by the Planning and Zoning Commission to be erected and maintained between such uses and adjacent residential uses on those properties.
- H. Apparatus needed for the operation of active and passive solar energy systems or other alternative energy systems including, but not limited to overhangs, movable insulating walls and roofs, attached or detached solar collectors, reflectors and piping shall be permitted for any use subject to approval by the Town Manager. In review of the apparatus, the Town Manager shall ensure compliance with required development standards and may require additional measures to minimize negative visual impacts on the community and adjacent properties.

**§3.50 Signs:** No sign or outdoor advertising shall be permitted in the RR and RS-20 zone districts, except as provided in Chapter 11 (Signs) of this Code.

**§3.60 Accessory Structures**

- A. **General:** In the RR and RS-20 zone districts, all accessory structures (excluding guest house/accessory living units as provided for in this Chapter) shall be subject to the following restrictions:
1. Bathroom facilities shall be limited to one sink and one toilet.
  2. No kitchen facilities or wet bars shall be permitted.
  3. Use of accessory structures shall be consistent with the provisions of §3.20 and §3.30 of this Chapter
  4. Accessory structures shall be limited to a maximum size of 3,000 square feet. Any accessory structure which exceeds 3,000 square feet shall require a conditional use permit.

5. The use of mobile homes, semi-trailers, railroad cars, shipping containers, travel trailers, camper shells or similar units as accessory structures is prohibited. Metal storage containers may be permitted; subject to the provisions of §9.290 of this Code.
  6. Accessory structures may be established on a temporary basis, subject to the provisions of §2.80 of this Code, prior to the dwelling or primary structure.
- B. Attached Structures. An accessory structure that is attached to the main structure shall meet all of the setback requirements of the main structure.
- C. Detached Structures.
1. A detached structure shall meet the setback requirements of the main building for the front and street side yard areas.
  2. A detached accessory structure, which does not exceed fifteen (15) feet in height and six hundred (600) square feet in area, may be located within an interior side yard or rear yard; provided, however, that such structure shall not be located closer than five (5) feet to an interior side or rear lot line.
  3. A detached accessory structure which exceeds fifteen (15) feet in height, or six hundred (600) square feet in area, shall maintain the same minimum side and rear setbacks as required for the main dwelling.
  4. A detached structure shall maintain a minimum ten (10) foot separation from the main structure.
  5. For the purpose of this section, swimming pools shall be considered to be a detached accessory structure.
  6. Although not requiring a building permit, accessory structures with less than one hundred twenty (120) square feet of roof area must meet the above minimum setbacks.
- D. Other Structures.
1. Steps, architectural features, such as eaves, awnings, chimneys, stairways, wing walls or bay windows, may project not more than six (6) feet into any required front, street side or rear yard area, nor into any required side yard area more than one-half (1/2) of said required side yard. Greater overhangs or projections may be permitted when it is demonstrated that such additional overhangs or projections are needed for solar or alternate energy purposes, subject to the approval of the Town Manager or his/her designee.
  2. Balconies, porches or decks shall not encroach or project into any required setback area.
  3. Amateur (HAM) radio towers shall be permitted for the personal use of the property owner/resident and subject to the following provisions:
    - a. Towers shall not project more than sixty-five (65) feet above grade; establishment of towers above this limit, but less than one hundred (100) feet in

height, may be permitted only through the variance procedure set forth in §2.60 (Variance) of this Code. The height of extension antennas shall be determined in its cranked-down position and shall remain in said position, except during use.

- b. Towers shall meet the minimum setback requirements for the zone in which they are located; no portion of any antenna array shall extend beyond the property lines.
  - c. It shall be the responsibility of the property owner to demonstrate that the site is adequate in size to contain debris resulting from tower failure and that such failure will not present a safety hazard to adjoining properties.
  - d. It shall be the responsibility of the property owner to demonstrate that the proposed tower complies with any and all federal regulations pertaining to airport operations that may be applicable to the subject property.
4. Satellite dishes up to twelve (12) feet in diameter shall be permitted, subject to the following restrictions:
- a. Ground-mounted antennas shall be located outside any required front and side yard setback area.
  - b. All installations must comply with accessory use height requirements.
5. Walls and Fences: Subject to the requirements of Section 8.90 of this Code.

**CHAPTER 4  
RESIDENTIAL ZONE DISTRICTS**

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## CHAPTER 4 RESIDENTIAL ZONE DISTRICTS

### §4.10 Purpose and Intent

- A. The General Plan outlines goals, objectives, and policies regarding the character of residential land uses and development. It is the purpose of this Chapter to provide regulations that implement those goals, objectives and policies to assure availability of a wide range of residential housing opportunities to meet the needs of existing and future Town residents of all socioeconomic groups.
- B. It is also the intent of this Chapter to ensure adequate light, air, and open space for each dwelling, minimize traffic congestion to the extent possible and protect residential properties from objectionable noise, illumination, unsightliness, odors, smoke and other deleterious influences. The provisions of this Chapter are also designed to facilitate the provision of utility services and other public facilities commensurate with the anticipated population, dwelling unit densities, and service requirements.

### §4.20 Residential Zone Districts

- A. Residential Single Family (RS-5) Zone district: This zone is intended for a single family residential development on a minimum lot size of five thousand (5,000) square feet with densities ranging from one (1) to six (6) dwelling units per acre. Only those additional uses are permitted that are complimentary to and can exist in harmony with this type of residential neighborhood.
- B. Residential Single Family (RS-10) Zone District: This zone is intended for a low density single family residential development on a minimum lot size of ten thousand (10,000) square feet with a density range from one (1) to six (6) dwelling units per acre. Only those additional uses are permitted that are complimentary to and can exist in harmony with this type of residential single family neighborhood.
- C. Medium Family Residential (RM-14) Zone District: This zone is intended for apartments, condominiums, townhouses or other group dwellings with adequate provisions for light, air, open space, and landscaped area at densities that range from seven (7) to fourteen (14) dwelling units per acre. Minimum lot size is one-half (0.5) acre.
- D. Multi-Family Residential (RM-30) Zone District: This zone is intended for the development of high density multi-family dwellings, apartments, condominiums, townhouses or other group dwellings with adequate provisions for light, air, open space and landscaped areas with a density range from fifteen (15) to thirty (30) dwelling units per acre. Minimum lot size is two (2) acres.

### §4.30 Permitted, Conditional, and Prohibited Uses

Table 4.A of this Chapter identifies the following uses shall be permitted where the letter "P" appears, uses subject to the granting of a conditional use permit where the letter "C" appears and prohibited uses where the letter "X" appears.

**TABLE 4.A**  
**Residential Zone Districts**

<b>Residential Uses</b>	<b>RS-5</b>	<b>RS-10</b>	<b>RM-14</b>	<b>RM-30</b>
Condominiums and condo conversions, per §8.50 of this Code	X	X	C	C
Dormitories	X	X	P	P
Guest dwellings (2 <sup>nd</sup> unit), per §9.220 of this Code	P	P	P	P
Multi-family dwellings	X	X	P	P
Dependent Housing per §9.150 of this Code	P	P	P	P
Single Family stick built, modular home, or manufactured home	P	P	X	X
Bed and breakfast, per §9.130 of this Code	P	P	P	P
Home occupation, per §9.180 of this Code	P	P	P	P
Group homes and assisted care facilities per §1.160 (Definitions)	P	P	P	P

<b>Residential and Related Uses</b>	<b>RS-5</b>	<b>RS-10</b>	<b>RM-14</b>	<b>RM-30</b>
Equestrian facilities and farm-type animals, and exotic animals, per §9.40 and §9.70 of this Code	X	X	P	P
Keeping of poultry or rabbits (commercial), per §9.40	X	X	X	X
Riding academies or riding clubs	C	C	C	C
Soil and water conservation projects (excluding watering tanks)	P	P	P	P

<b>Public and Semi-Public Uses</b>	<b>RS-5</b>	<b>RS-10</b>	<b>RM-14</b>	<b>RM-30</b>
Churches, convents, monasteries and other religious institutions	C	C	C	C
Clubs, lodges, Fraternities/Sororities	X	X	P	P
Day care facilities, per §9.140 of this Code	P	P	P	P
Educational institutions, public or private	P	P	P	P
Fire and police stations	P	P	P	P
Hospitals	P	P	P	P
Libraries and museums	P	P	P	P
Pre-school	P	P	P	P
Public parks	P	P	P	P
Public utility and public service sub-stations, reservoirs, pumping plants and similar installations, not including public utility offices	C	C	C	C
Recreational facilities such as rodeos, country clubs, tennis and swim clubs, golf courses, with incidental, limited commercial uses which are commonly associated with and directly related to the primary use	C	C	C	C

<b>Accessory Uses</b>	<b>RS-5</b>	<b>RS-10</b>	<b>RM-14</b>	<b>RM-30</b>
Accessory uses and structures located on the same site as a use requiring a conditional use permit	C	C	C	C
Accessory uses and structures located on the same site as a permitted use	P	P	P	P
Guest house or accessory living quarters, excluding travel trailers per §9.220 of this Code	P	P	P	P
Metal storage containers per §9.290 of this Code	X	X	P	P
Private swimming pool, tennis court	P	P	P	P
RV storage yard (associated with residential development)	P	P	P	P

Temporary Uses	RS-5	RS-10	RM-14	RM-30
Model homes and subdivision sales offices	P	P	P	P
Temporary uses (subject to provision of §2.80 of this Code and granting of a temporary land use/occupancy permit	C	C	C	C

**§ 4.40 Property Development Standards:**

A. **General:** the following development standards shall apply to all land and buildings, other than accessory buildings, permitted in the respective residential zones; except that an lot shown on an official subdivision map that was duly approved and recorded; or an lot for which a bonafide deed was duly recorded in conformance with the zoning in effect prior to the date of adoption of this Code may be used as a building site, excepting therefrom any lot having an area of less than 4,000 square feet in the RS-5 or RS-10 zone district. For access purposes, each building site shall have a minimum thirty (30) foot wide easement or right-of-way. A turnaround, with a minimum radius of twenty-five (25) feet, shall be provided at the end of each easement over one hundred-fifty (150) feet in length. No fences or other obstructions shall be placed in the easement area, except with written permission of all other property owners served by the easement. For a parcel of land created after January 3, 1995, an access road to the parcel must be provided prior to the delivery of any combustible building materials. Said access road must be constructed to all weather standards.

B. **Special Requirements:**

1. In any RS zone district the minimum lot size may be designated to a larger lot size by attaching a number to that zone district on the Official Zoning Map. For example, the RS-10, ten thousand (10,000) square feet minimum may be increased to a minimum size of fifteen thousand (15,000) square feet by adding the number fifteen (15) after the RS designation, to become RS-15.
2. Use of a travel trailer or recreational vehicle as a temporary or permanent residence is prohibited.
3. In any residential zone district, a building used for public or semi-public uses shall maintain a minimum setback of fifty (50) feet from any single family use.
4. In any multiple family residential zone, a mobile home, manufactured, or modular home may not be used as a main or guest dwelling or accessory living quarters, except in remote areas on parcels larger than two (2) acres where one manufactured or modular home may be allowed with the granting of a temporary conditional use permit. When the property is later developed with multiple-family residential housing, the manufactured or modular home shall be removed.
5. In the RS Zones, on lots of one acre or larger, horses or other domestic animals, excluding household pets, are permitted, subject to the granting of a conditional use permit. Said animals shall be kept a minimum distance of fifty (50) feet from any street or adjacent property line. The location of corrals, fenced enclosures, barns, stables or other enclosures used to confine all such animals shall also conform to this requirement and shall also be subject to Coconino County Health Department regulations.

6. In all residential districts, pools, spas, air conditioners, heating, cooling, sauna, or similar mechanical equipment, as well as lighting or electrical devices, shall be located to minimize impact to the peace, quiet and comfort of neighboring residents and shall be screened, where possible, from surrounding properties and street. All equipment shall be installed and operated in accordance with all applicable Town ordinances, standards and regulations, and shall be subject to approval by the Building Official prior to installation.
7. Architectural projections, such as porch roofs, awnings, canopies, and roof overhangs, may project over the required front yard setback, but not more than ten (10) percent thereof.
8. A building permit, as required by the Building Code, shall be obtained prior to the construction, reconstruction, alteration or change in use of any building or other structure.
9. Other uses similar to, and no more objectionable than the uses identified in Table 4, may be permitted subject to the provisions of §1.100 (Determination of Similar Uses) of this Code.

C. General Requirements: Table 4.B on the following page sets forth the dimensions for Residential Development standards, subject to the following:

1. Minimum lot width for residential zone districts along the arc of the front property line shall be thirty-five (35) feet for cull-de-sac lots and forty (40) feet for knuckle lots.
2. A one-hour fire wall, approved by the Building Official and Fire Chief, reduces the minimum distance between buildings for attached structures for residential multi-family dwellings.
3. Minimum apartment size for a studio is four hundred-fifty (450) square feet; minimum size for a one (1) bedroom apartment is six hundred (600) square feet; minimum size for a two (2) bedroom apartment is eight hundred (800) square feet and for each additional bedroom, in excess of two (2) bedrooms, an additional one hundred-twenty (12) square feet is required.
4. In RS zone districts the garage may be placed no less than twenty (20) feet from the front property line and not less than twenty-five (25) feet from an existing right-of-way.
5. The following requirements as depicted in Table 4.B (Residential Site Development Standards) are minimum dimensions unless otherwise noted:

D. Accessory Structures: Subject to the requirements of §8.30 of this Code.

E. Walls and Fences: Subject to the requirements of §8.90 of this Code.

F. Condominium and Condominium Conversions: Subject to the requirements of §8.50 of this Code

**TABLE 4.B**  
**Residential Site Development Standards**

	RS-5	RS-10	RM-14	RM-30
1. Density range (dwelling units per acre)	1-6	1-6	7-14	15-30
2. Minimum lot area (Net area in sq. ft./ac.)				
a. interior	5,000	10,000	0.5 ac.	1.0 ac.
b. corner lot	5,500	10,500	0.5 ac.	1.0 Ac
3. Minimum lot width				
a. interior lot	50'	60'	100'	120'
b. corner lot	55'	65'	100'	120'
4. Minimum lot depth	100'	100'	100'	150'
5. Minimum front yard set-back				
a. Lot adjacent to a straight street	20'	25'	25'	25'
b. Cul-de-sac lot or knuckle lot	20'	20'	20'	20'
6. Minimum interior side yard setback				
a. 1 story	5'	5'	10'	15'
b. Any portion of a structure exceeding 1 story	5'	5'	10'	15'
c. Cul-de-sac lot or knuckle lot	5'	5'	10'	15'
7. Minimum street side yard setback				
a. Corner lot	15'	10'	15'	25'
b. Reverse corner lot	10'	15'	15'	20'
8. Minimum rear yard setback				
a. Lot with alley	40'	10'	10'	25'
b. Lot with no alley				
9. Maximum lot coverage	50%	40%	50%	65%
10. Maximum height for buildings and structures	35'	35'	35'	45'
11. Minimum distance between buildings	10'	10'	10'	10'
12. Off-street parking	2	2	2	2

**Notes:**

- A one hour fire wall, approved by the Building Official and Fire chief, reduces the minimum distance between buildings within a PD zone district and all multiple dwelling units to 0 feet and 5 feet for all other residential zones.
- Minimum apartment size is 450 sq. ft. for a studio, 600 sq. ft. for a one bedroom, 800 sq. ft. for a two bedroom and an additional 120 sq. ft. for each bedroom in excess of two. Minimum detached single family dwelling size is six-hundred fifty (600) square feet.

**§4.50 Performance Standards**

- A. In all residential zones districts, required front and street side yards shall be landscaped, except for necessary walks, drives, and fences. All required landscaping shall be permanently maintained in a neat and orderly condition.
- B. In all residential zones, outdoor storage of unlicensed or inoperable vehicles, vehicle parts, auto parts, tires, secondhand building materials, pipes, drums, appliances, household furniture, household refuse, unlicensed travel trailers or utility trailers and the like shall be subject to the provisions of §8.310 of this Code.
- C. Signs: No sign or outdoor advertising structure shall be permitted in a residential zone, except as provided in Chapter 11 of this Code.

**CHAPTER 5  
COMMERCIAL ZONE DISTRICTS**

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**CHAPTER 5  
COMMERCIAL ZONE DISTRICTS**

**§5.10 Purpose and Intent:** The purpose and intent of the commercial zone districts is included in the zoning ordinance to achieve the following purposes:

- A. To provide appropriately located areas for industrial uses and to protect these areas from intrusion by residential or other inharmonious uses;
- B. To encourage office and commercial uses to congregate for the convenience of the public and for a mutually beneficial relationship to each other;
- C. To provide adequate space to meet the needs of modern commercial development, including off-street parking and loading areas;
- D. To minimize traffic congestion and to avoid the overloading of utilities;

**§5.20 Commercial Zone Districts**

- A. **Commercial Neighborhood (CN) Zone.** This zone is intended for neighborhood shopping centers which provide limited retail business, service and office facilities for the convenience of residents of the neighborhood. These shopping centers are intended to be compatible with a residential environment at locations consistent with the General Plan.
- B. **Commercial General (GC) Zone.** This zone is intended for the location of general retail and wholesale commercial activities.
- C. **Commercial Heavy (CH) Zone.** This zone is intended to provide appropriately located areas for establishment catering primarily to highway travelers, visitors to the town or such businesses or uses where direct access to major arterial highways is essential or desirable for their operation.

**§5.30 Permitted, Conditional, and Prohibited Uses**

- A. The following uses shall be permitted where the letter "P" appears, shall be permitted uses, subject to a conditional use permit where the letter "C" appears, and shall be prohibited where the letter "X" appears in the column beneath each zone designation.

**Table 5A  
Commercial Zone Districts**

<b>Office and Related Uses</b>	<b>CN</b>	<b>CG</b>	<b>CH</b>
Administrative, professional executive offices	P	P	P
Financial institutions	P	P	P
Medical, dental and related health services for humans including laboratories and clinics; only the sale of articles clearly incidental to the services provided shall be permitted	P	P	P
Public utility service offices	P	P	P

<b>General Commercial Uses</b>	<b>CN</b>	<b>CG</b>	<b>CH</b>
Adult Oriented Businesses subject to §9.30 thru §9.13.d	X	X	P
Amusement arcades	P	P	P
Apartments, when located above the first floor of the building	P	P	P
Appliance and hardware stores	P	P	P
Auction houses/stores, indoor sales/display	X	P	P
Auction houses/stores, outdoor sales/display	X	C	C
Auto lubrication and oil change operation	P	P	P
Automobile sales and services, including rental agencies	X	P	P
Automotive repair garage	X	P	P
Automotive service station	P	P	P
Bakeries	P	P	P
Boat and camper sales and services	X	P	P
Bowling alleys and billiard halls	X	P	P
Campgrounds	X	C	C
Car washes	X	P	P
Ceramic studio with outdoor kiln	X	X	C
Cocktail lounges and bars	P	P	P
Contractors' yards	X	C	C
Convenience market	P	P	P
Convenience market with gasoline pumps	C	C	C
Drive-in restaurants	X	P	P
Drive-in theaters	X	X	C
Dry cleaners	P	P	P
Farm implement and machine sales, rental and repairs	X	P	P
Feed stores	X	P	P
General retail business establishments, except for large retail establishments, engaged in selling goods or services to the public; provided that, such uses are conducted entirely within an enclosed building	P	P	P
Hotels and motels	X	P	P
Kennel, indoor runs/pens	X	P	P
Kennel, outdoor runs/pens	X	C	C
Large retail establishments , establishments over 70,000 sq. ft.	X	P	P
Laundry pick-up and delivery agencies	P	P	P
Medical marijuana cultivation and infusion facilities, subject to the provisions of §9.310 of this Code	X	X	C
Medical marijuana dispensaries, subject to provisions of §9.310	P	P	P
Mortuaries	X	P	P
Motorcycle, ATV, sales, service and rental	X	P	P
Nurseries and garden supply stores	P	P	P
Public storage facilities (mini-storages)	X	P	P
Recreational vehicle and travel trailer parks	X	C	C
Recreational vehicle sales and service	X	P	P
Restaurants conducted within a building including sale of alcoholic beverages	P	P	P
Restaurants with outdoor dining	P	P	P
Self-service laundry	P	P	P
Skating rinks	X	C	P

<b>General Commercial Uses (Cont'd)</b>	<b>CN</b>	<b>CG</b>	<b>CH</b>
Solid waste hauler's yard	X	X	C
Stone and monument yards	X	P	P
Theater	P	P	P
Tire sales and service	X	P	P
Tour operator with associated outdoor storage or activity	X	C	C
Truck and trailer rental, sales and service	X	P	P
Vehicular storage yards (not including auto wrecking yards)	X	C	P
Veterinarian office and small animal hospitals	X	P	P
Warehousing	X	P	P
Wireless telecommunications facilities	P	P	P

<b>Public and Semi-Public Uses</b>	<b>CN</b>	<b>CG</b>	<b>CH</b>
Churches	P	P	P
Clubs and lodges including YMCA, YWCA and similar youth group uses	P	P	P
Commercial trade or vocational schools	C	P	P
Convalescent homes and hospital	X	P	P
Day care centers and preschools	P	P	P
Educational institutions, public or private	P	P	P
Libraries and museums, public or private	P	P	P
Parks and recreational facilities, public or private, including tennis, racquetball and handball clubs and facilities	C	P	P
Post office branch	P	P	P
Public/private utility installations	P	P	P

<b>Accessory Uses</b>	<b>CN</b>	<b>CG</b>	<b>CH</b>
A single-family residence established as an integral part of the commercial building, for exclusive use by the owner/operator of the business	P	P	P
A single-family residence which is detached from any commercial building on the site and is for the exclusive use by the owner/operator of the business	C	C	C
Accessory retail propane sales, tanks 2,000 gallons or less, subject to the issuance of a building permit	X	P	P
Accessory uses and structures located on the same site as a conditional use	C	C	C
Accessory uses and structures located on the same site as a permitted use	P	P	P
Metal storage containers	See §9.290 of this Code		

<b>Temporary Uses</b>	<b>CN</b>	<b>CG</b>	<b>CH</b>
Temporary uses as prescribed in §2.80 of this Code	P	P	P

- B. Other uses. Other commercial, office or service uses may be permitted by the Planning and Zoning Commission if said use is determined to be consistent with the provisions of § 1.100 (Determination of Similar Use) and is deemed to be no more detrimental than existing permitted or conditionally permitted uses in any commercial zone district.

**§5.40 Property Development Standards:**

A. General:

- 1. Property development standards shall apply to all land and buildings permitted in their respective commercial zones districts; except that, any lot shown on an official subdivision map that was duly recorded, or any lot for which a bonafide deed was duly recorded in conformance with the zoning in effect prior to the date of adoption of this Code, may be used as a building site.
- 2. General Requirements: The following requirements are minimums unless otherwise noted:

**Table 5B  
Commercial Site Development Standards**

	CN	CG	CH
Building site, square feet or acres	10,000 sq.ft.	10,000 sq.ft.	10,000 sq.ft.
Front yard, in feet	20	0	0
Lot coverage, maximum	45%	65%	80%
Lot depth, in feet	100	100	100
Lot width, in feet	50	50	50
Off-street parking	See Chapter 10 (Parking)		
Rear yard, in feet	10	0	0
Side yard – interior and rear yard, in feet, adjacent to residential zone districts	10	10	10
Side yard – interior, in feet	10	0	0
Side yard – street side, in feet	10	10	0
Structure height, maximum, in feet	35	35	45

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

**§5.50 Performance Standards**

- A. Trailers, park models, modular or manufactured homes shall be permitted for temporary office use only during construction of a permanent building for a period not to exceed twelve (12) months when approved as set forth in §2.80 (Temporary Land Use Permit) of this Code.
- B. In all Commercial Zones, required front and street side yards shall be landscaped to a depth of not less than six (6) feet. Remaining front and street side yard areas or setbacks may be used for required off-street parking.

- C. All mechanical equipment, including heating and air conditioning units, shall be screened from surrounding properties by use of a wall or fence, or shall be enclosed within a building. Facilities for the operation of solar or alternate energy systems may be exempted from this requirement, subject to the approval of the Town Manager or his/her designee.
- D. Trash receptacles enclosed with solid masonry walls and with gates shall be provided for each commercial use. Said receptacles shall be set back a minimum of twenty (20) feet from any residential zone boundary and shall be maintained in a neat and sanitary condition subject to approval of the Town Manager or his/her designee.
- E. The outdoor storage of any items, including, but not limited to, items for sale, unlicensed and/or inoperable vehicles, travel trailers, boats, recreational vehicles or secondhand materials is prohibited, unless a conditional use permit is approved by the Planning and Zoning Commission for said outdoor storage.
- F. Outdoor music in an outdoor dining area shall be maintained so as not to disturb the peace, quiet and comfort of neighboring businesses or residents. All outdoor live or recorded music shall cease at 10:00 p.m.
- G. Signs or outdoor advertising structures shall be permitted in any commercial zone districts subject to the provisions of Chapter 11 (Signs) of this Code.
- H. Accessory Structures:
1. In any commercial zone district, accessory structures shall not be located in front of the main building.
  2. In any commercial zone district, accessory structures shall meet all of the setback requirements for main buildings.
  3. In any commercial zone district, detached canopies shall be considered accessory structures and shall meet all of the setback requirements for main buildings. No portion of the canopy shall extend into the setback areas. Canopies may be located in front of the main building outside the required front and street side landscape areas.
  4. The use of mobile homes, semi-trailers, railroad cars, shipping containers, travel trailers, camper shells or similar units as accessory structures is prohibited. Metal storage containers may be permitted subject to the provisions of §9.290 of this Code.
  5. Swimming pools shall be in compliance with §9.270 of this Code.
  7. Walls and fences shall be consistent with the requirements of §8.90 of this Code.

**CHAPTER 6  
INDUSTRIAL ZONE DISTRICTS**

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**CHAPTER 6  
INDUSTRIAL ZONE DISTRICTS**

**§6.10 Purpose and Intent:** The purpose and intent of the industrial zone districts is included in the zoning ordinance to achieve the following purposes:

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

**§6.20 Industrial Zone Districts:**

- A. Industrial Park (IP )Zone. This zone is intended for modern industrial and research developments and administrative facilities that can meet high performance and development standards.
- B. Light Industrial (LI) Zone. This zone is intended for light industrial and limited service commercial uses that can meet high performance standards, but that frequently do not meet site development standards appropriate to planned research and development of industrial parks.

**§6.30 Permitted, Conditional and Prohibited Uses:**

- A. The following uses shall be permitted where the letter "P" appears, shall be permitted uses subject to a conditional use permit where the letter "C" appears, and prohibited where the letter "X" appears in the column beneath each zone designation.

**Table 6.A**  
**Industrial Zone Districts**

<b>Industrial Uses</b>	<b>IP</b>	<b>LI</b>
Adult-Oriented Businesses subject to provisions of §9.3 thru §9.13.d	X	X
Bottling plants	P	P
Electronics: electrical and related parts; electrical appliances, motors and devices; radio; television and phonograph	P	P
Food and dairy products processing and manufacturing including frozen foods	X	C
Furniture manufacturing and upholstery	P	P
Instruments: scientific and precision; medical and dental; timing and measuring	P	P
Laboratories: dental, medical electrical, optical and mechanical	P	P
Machine shop	P	P
Manufacture of novelty items, not including fireworks or other explosive-type items	P	P
Manufacturing and maintenance of electrical and other signs	P	P
Manufacturing, compounding, assembly or treatment of articles or merchandise from the following previously prepared typical materials: canvas, cellophane, cloth, cork, felt, fiber, fur, glass, leather, paper (no milling), precious or semi-precious stones or metals, non-ferrous metals, plaster, plastics, shells, textiles, tobacco, wood and yards	P	P
Office and related machinery: audio machinery; computers, electrical and manual; visual and reproductive machinery	P	P
Oil pumping, distributing or storage facility	X	C
Packing houses	X	P
Pharmaceuticals: cosmetics, drugs, perfumes, toiletries and soap (not including refining or rendering of oils or fats)	P	P
Rubber and metal stamp manufacturing	P	P
Rubber products manufacturing	X	C

<b>Wholesale and Warehousing</b>	<b>IP</b>	<b>LI</b>
Mini- or self-serve warehouse uses	P	P
Warehousing operations	P	P
Wholesale uses and distribution centers	C	P

<b>Services</b>	<b>IP</b>	<b>LI</b>
Airports and heliports, subject to FAA approval	P	P
Animal shelter or hospital	P	P
Automobile, truck and tractor repair and painting	X	P
Automotive sales and services, including rental agencies	P	P
Blueprinting and photocopying	P	P
Boat, camper and recreational vehicle sales and service	P	P
Business, professional and research offices	P	P
Cleaning and dyeing plants	X	C
Commercial sales establishments dealing principally with industrial customers such as heavy construction and earth-moving equipment, machines, presses, forges, material sales and related uses.	X	P
Contractor's yards	X	C
Equipment rental yards	P	P

<b>Services</b>	<b>IP</b>	<b>LI</b>
Food locker facilities	P	P
Fuel sales	X	C
Kennels and stables	X	C
Lumber and building material yards	C	P
Newspaper publishing	P	P
Plumbing shops	P	P
Printing and lithography	P	P
Restaurants	P	P
Rock, sand and gravel yards	X	C
Service stations	P	P
Solid waste haulers' yards	X	C
Tire retreading and recapping	X	C
Trucking yards and truck stops	X	P
Wireless telecommunications facilities per §9.90 of this Code	P	P

<b>Public and Semi-Public Uses</b>	<b>IP</b>	<b>LI</b>
Post offices and postal terminals	P	P
Public buildings and grounds	P	P
Public utility pumping stations, electrical generating stations and sub-stations, equipment buildings and installations	C	C
Public utility service yards	X	P
Sanitary landfill operations	X	X

<b>Agricultural and Related Uses</b>	<b>IP</b>	<b>LI</b>
Agricultural and horticultural uses including the sale of products raised on the premises	P	P
Domestic animal ranch or farming operations	X	C
Lumber mills and processing plants	X	C
Medical marijuana off-site cultivation and infusion facilities, subject to the provisions of §9.310 of this Code.	X	P

<b>Accessory Uses</b>	<b>IP</b>	<b>LI</b>
Accessory uses and structures located on the same site as a permitted or conditional use	P	P
Incidental services for employees on a site occupied by a permitted or conditional use	P	P
Watchperson's or caretaker's living quarters only when incidental to and on the same site as a permitted or conditional use	P	P
Metal storage containers as per §9.290 of this Code		

<b>Temporary Uses</b>	<b>IP</b>	<b>LI</b>
Temporary uses as prescribed in §2.80 of this Code	C	C

B. Other Uses. Other uses as may be determined by resolution of the Planning and Zoning Commission, subject to the provisions of §2.80 of this Code, to be consistent with the purposes

outlined in this Chapter and similar to and no more detrimental than existing permitted or conditional uses in an industrial zone. Such other uses shall meet the performance standards outlined in Chapter 8 of this Code.

**§6.40 Property Development Standards:**

- A. **General.** Property development standards shall apply to all land and buildings permitted in their respective industrial zones; except that, any lot for which a bonafide deed was duly recorded in conformance with the zoning in effect prior to the date of adoption of this Code, may be used as a building site.
- B. **Special Requirements.** When any industrial zone abuts or is situated across the street from property in any Residential Zone, a minimum building setback of fifty (50) feet shall be required from such Residential Zone; provided, however, that the twenty (20) feet of said setback nearest the street or zone boundary line shall be landscaped and the remainder may be used for off-street parking purposes as provided in Chapter 10. A three (3) foot high wall or berm shall be constructed in back of the landscaped area along street setbacks; along all other lot lines adjacent to Residential Zones, a six (6) foot high wall as measured from the highest adjacent grade and screen landscaping shall be erected and maintained.
- C. **General Requirements.** The following requirements are minimums unless otherwise noted.

**Table 6B  
Industrial Site Development Standards**

General Requirements	IP	LI
Building height, in feet	40	40
Building site, in square feet	10,000	10,000
Front yard, in feet	10	10
Lot coverage, maximum	60%	60%
Lot depth, in feet	100	100
Lot width, in feet	60	80
Rear yard, in feet	0	0
Side yard, in feet	0	0
Side yard – street side, in feet	0	0
Off-street parking: See Chapter 10 (Parking Regulations)		

**§6.50 Performance Standards:**

- A. **General.** In all industrial zones, required front and street side yards shall be landscaped to a depth of not less than ten (10) feet. Remaining front and street side yard areas or setbacks may be used for required off-street parking.
- B. **Landscape Maintenance.** All required landscaping shall be permanently maintained in a neat and orderly condition.
- C. **Solid Waste Disposal.** All solid waste generated by an industrial use which is not disposed on-site shall be transported to a County landfill site for proper disposition.
- D. In any industrial zone, architectural features, canopies, eaves or stairways may project not more than one-half (1/2) the width of the required setback. Greater projections may be permitted when

it is demonstrated that such additional projections are needed for solar or other alternate energy purposes, subject to approval of the Town Manager.

**E**     Accessory Structures:

1.     In any industrial zone, accessory structures shall not be located in front of the main building.
2.     In any industrial zone, accessory structures used for selling agricultural products shall be subject to review and approval by the Town Manager or his/her designee.
3.     Metal storage containers may be permitted subject to the provisions of §9.290 of this Code.
4.     Signs for industrial uses shall be subject to the provisions of Chapter 11 of this Code.
5.     Wall and fences shall be subject to §8.90 of this Code.

**CHAPTER 7  
SPECIAL USE AND COMBINING ZONES**

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**CHAPTER 7**  
**SPECIAL USE AND COMBINING ZONE DISTRICT**

**§7.10 Planned Development (PD) District**

**A. Purpose and Intent:**

1. The General Plan outlines the goals, objectives and policies establishing the character and location of land uses throughout the Town. It is the purpose of this Section to establish regulations which serve to implement the General Plan goals, objectives and policies, provide for superior development, and allow a greater degree of design and land use flexibility within the framework of a site specific development plan.
2. The provisions of this Section establish procedures that provide for large-scale, multi-phased residential, commercial, or industrial mixed-use developments. These provisions permit the clustering of units, the mixing of land use and building types, and the formulation of specific development standards and design criteria that respond to the particular features or conditions affecting a site.

**B. Applicability. The PD zone district is intended to be applied when:**

1. The objectives of the General Plan would be more effectively achieved through the design flexibility of a PD zone district; or
2. The physical characteristics of a site necessitate restricting conventional development opportunities to preserve a significant amenity or natural feature, or mitigate a man-made or natural hazard; or
3. It is necessary to ensure land use compatibility and appropriate design by requiring the merging of areas or parcels into a single overall land use plan and site design that might otherwise be developed separately.

**C. Land Use Regulations:**

1. Uses within a PD zone district shall be established by a development plan approved for the site.
2. Uses established by a development plan shall be consistent with the text and land use map of the General Plan and any applicable planned development or specific plan for the project site.
3. Prior to the approval of a zone change to "Planned Development," the conditions of approval for the development plan, approved in accordance with the provisions of this Chapter, shall establish the permitted and the conditionally permitted primary and accessory uses for a planned development project.

**D. Application Procedures: An application for change of zone to a PD zone district shall involve the following:**

1. An application for a zone change to PD shall be accompanied by a preliminary development plan that addresses all land included within the proposed PD zone district.
2. Prior to the formal submission of a planned development application, the project applicant shall meet with the Zoning Administrator. The meeting is intended to acquaint the applicant with the procedural requirements of this Chapter, provide an opportunity to discuss the proposed development concept and the plan's compatibility with or variance from, any applicable policies, issues, or development regulations.
3. The application for a change of zone to the PD zone district shall be acted upon by the Town Council in a manner consistent with the provisions of this Code.
4. Upon adoption of the PD district and the accompanying preliminary development plan, further action by the Town Council concerning the approval of the PD application (final development plan or plat map) is not required unless specifically requested by the Town Council. If the Council does not specifically request approval of the final development plan, then the Town Manager may approve that final plan, subject to the following:
  - a. The Town Council shall read the enabling ordinance for the district change to the PD zone district prior to approval of the final development plan.
  - b. In the event a PD zone district is carried out in phases and separate final development plans are to be approved for each phase, the Town Council shall have read the enabling ordinance for the entire project.
  - c. An application for a final development plan may be for a portion of the land included within the PD zone district or a phase thereof, provided that:
    1. Each phase shall function as a complete and separate development from the remaining phases;
    2. Any densities proposed or open space areas provided within the subject phase shall not result from transfer of densities from adjoining phases;
    3. Other improvements that may be necessary to protect the public health, safety, and welfare have been required.

**D. Preliminary and Final Development Plan Contents:**

1. The development plan shall function as a development suitability analysis and land use concept plan that achieves the following:
  - a. Identifies and quantifies constraints and opportunities for development posed by:
    1. The physical characteristics of the site;
    2. The availability of public services and facilities;
    3. The capacity of the existing circulation system; and
    4. The existing and planned land use of adjacent properties.

- b. Establishes a list of specific limits, parameters, and planning objectives to guide development based on the identified development constraints and opportunities.
  - c. Describes one or more potential development schemes derived from the limits, parameters, and planning objectives controlling development. Each proposed development scheme shall describe the following:
    1. Proposed land uses and approximate distribution of such land uses;
    2. Proposed density of residential uses;
    3. Estimated service demands;
    4. The anticipated impact on the existing circulation system;
    5. The anticipated impact on adjacent properties; and
    6. The relationship of the project to the General Plan.
2. The development plan shall function as an overall comprehensive plan for development for the PD zone district that sets forth a written text, maps and/or diagrams, a detailed plan of development based upon the application of the established parameters, and planning objectives controlling development. Said plan shall describe in detail the following:
- a. Proposed land uses and building types, the functional management of such uses and building types and relationship to the site, site grading, circulation, lighting, paving, parking, screening, setbacks, recreation and open space areas, and adjacent properties;
  - b. How the established limits, parameters and planning objectives have been adhered to;
  - c. The level of public services and facilities required by the proposed development and the program for providing, operating and maintaining such services and facilities;
  - d. Access and circulation requirements;
  - e. Known man-made and natural hazards and methods for mitigation such hazards;
  - f. Significant natural features and areas to be retained for common open space and provisions for the preservation conservation, utilization, and maintenance of such areas, and
  - g. How the plan conforms to the objectives of the General Plan and the provisions of this Chapter.
3. The development plan shall set forth the location and dimensions of all uses and structures in sufficient detail to permit preparation of construction drawings.

4. If ambiguity exists as to the specific dimensions or extent of any designated area on the development plan, the specific boundaries shall be set by the filing of a legal description and map of the parcel in question.

**E. Findings:**

1. Prior to approving a request for a zone change to the PD zone district, the Town Council shall find that all of the following:
  - a. That the proposed plan is consistent with the General Plan.
  - b. That the physical characteristics of the site have been adequately addressed and that the site is adequate to accommodate all proposed land uses and the general arrangement of such uses.
  - c. That the plan adequately addresses and reflects all natural and man-made hazards associated with the project site.
  - d. That the capacity of the circulation system is adequate or can feasibly be improved to accommodate the anticipated requirements of the proposed project.
  - e. That realistic, feasible methods exist to accommodate the public service and facilities requirements of the proposed project.
  - f. That the proposed land uses and proposed arrangement of such uses will be compatible with the existing and planned land use of adjacent properties.
2. Prior to approving an application for a final development plan, the Town Council, if not waived by the Council, shall make the following findings, otherwise the Town Manager shall make the findings:
  - a. That the proposed development is consistent with the General Plan.
  - b. That the site for the proposed development is adequate in size and shape to accommodate proposed uses and development standards for all yards, open spaces setbacks, walls and fences, parking areas, loading areas, landscaping, and other features.
  - c. That the improvements required by the conditions of approval and the proposed manner of development adequately addresses any natural and man-made hazards affecting the proposed development and the project site.
  - d. That the site for the proposed development has adequate ingress and egress.
  - e. That adequate public services exist, or will be provided in accordance with conditions of approval, to serve the proposed development and that approval of the proposed development will not result in a reduction of such public services to properties in the vicinity in a manner that is detrimental to the public health, safety, and welfare.

- f. That the proposed development, as conditioned, will not have a substantial adverse effect on surrounding property or the permitted use thereof, and will be compatible with existing and planned land use character of adjacent properties.
- g. The final plan is in substantial compliance with the approved development plan.

**§7.20 Community Facilities (CF) Zone District:**

- A. **Purpose and Intent:** The Community Facilities Zone District is intended to permit adequate identification of areas reserved and developed for public uses other than street rights-of-way, to provide for expansion of governmental functions, such as the location and operation of public works, governmental offices, and utilities and to identify and preserve areas of historic and community significance for the enjoyment of future generations.
- B. **Permitted and Conditional Uses:** The following uses in Table 7.A shall be permitted where the letter "P" appears and shall be conditionally permitted where the letter "C" appears. Any use not mentioned in Table 7.A is deemed prohibited unless a determination of similar uses, as set forth in §1.100 of this Code, is found to be either permitted or conditionally permitted by the Planning and Zoning Commission.

**Table 7.A  
Community Facilities Zone district**

Community Facilities Uses	CF
Airports, subject to approval by FAA	P
Farms or ranches for orchards, tree crops, field crops, truck gardening, berry and bush crops, flower gardening and growing of nursery plants. The sale of products raised on the premises shall be permitted	P
Raising and grazing of horses, sheep, goats, or cattle; provided that no animal shall be kept on a site of less than one (1) acre. No more than two (2) such animals may be kept for each acre of land	P
Adult-Oriented Business subject to provisions of §9.30 thru §9.13.d of this Code	P
Agricultural experimental facilities	P
Animal shelters	P
Cemeteries, crematoriums and columbariums and related facilities	C
Maintenance yards operated by a public agency	P
Flood control facilities	P
Historical landmarks	P
Horse race tracks	C
Hospitals	P
Non-profit schools and colleges	
Offices	P
Parks, golf courses, golf driving ranges, zoos, swim clubs, and other recreational facilities	
Public buildings and grounds	P
Public utility installations	P
Residential Uses	C
Riding academies or commercial stables	C
Fairgrounds and accessory uses and entertainment	C

Community Facilities Uses (Cont'd)	CF
Accessory uses and structures incidental to permitted or conditional uses	P/C
Commercial uses incidental, accessory to or in conjunction with the above permitted or conditional uses	P
Wireless telecommunications facilities, subject to provisions of §9.90 of this Code	P

- C. **Development Standards:** The following regulations shall apply to any parcel of land located within a CF zone district. These requirements are minimums unless otherwise noted:

**Table 7.B  
Community Facilities Site Development Standards**

Property Development Standards	
Front yard	25 feet
Maximum coverage	60%
Rear yard	20 feet
Side yard	10 feet
Site area in square feet	10,000
Site depth	80 feet
Site width	60 feet

**§7.30 Floodplain Management Overlay (FPM) Zone**

- A. **Statutory Authorization:** The Legislature of the State has, in A.R.S. §48-3601 through 48-3627, delegated the responsibility to each County Flood Control District to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. The Board of Directors of the Flood Control District of Coconino County did, therefore, adopt an ordinance entitled "Floodplain Management Overlay Zone" for that purpose.
- B. **Floodplain Management:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.
- C. **Floodplain Management Regulations:** The Coconino County Zoning Ordinance, and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances and other applications or police powers are designed to control development in flood-prone areas. This describes federal, state, or local regulation in any combination thereof, which provides standards for preventing and reducing flood loss and damage.
- D. **Local Authority:** The Coconino Floodplain Management Overlay Zone applies to all areas of special flood hazards within the boundaries of Coconino County, except or until such time the Town adopts a resolution in accordance with A.R.S. §48-3610.
- E. **Floodplain Administrator:** The Director of the Department of Community Development of Coconino County has been appointed to administer, implement, and enforce the County's Floodplain Management Zone by granting or denying development permits in accordance with the Zone's provisions within the designated floodplain.

**F. Property Development Standards:**

1. Such other performance, development and maintenance standards as may be specified in a conditional use permit required for any use shall also be applicable.
2. All performance, development and maintenance standards, including screening and landscaping, off-street parking, and sign regulations shall be as set forth in the Town's underlying zone district with which the FPM zone is combined.

**§7.40 Open Space and Conservation (OS) Zone District**

- A. Purpose and Intent:** The Open Space and Conservation Zone is intended primarily for those areas of Town where it is desirable and necessary to provide permanent open spaces when necessary to safeguard the public health, safety, and general welfare and to provide for the location and preservation of scenic areas and recreation areas. This zone classification is intended to be applied primarily to land held under public ownership.
- B. Permitted and Conditional Uses:** The following uses in Table 7.A shall be permitted where the letter "P" appears and shall be conditionally permitted where the letter "C" appears. Any use not mentioned in Table 7.A is deemed prohibited unless a determination of similar uses, as set forth in §1.100 of this Code, is found to be either permitted or conditionally permitted by the Planning and Zoning Commission.

**Table 7.C**  
**Open Space and Conservation Zone Districts**

Open Space and Conservation	OS
Farms or ranches for orchards, tree crops, field crops, berry and bush crops, truck gardening, flower gardening and the growing of nursery plants	P
Raising of horses, sheep, goats, or cattle; provided that no animal shall be kept on less than 1 acre. No more than 2 such animals may be kept for each acre of land	P
The retail sale of products raised on the premises	P
Agricultural experimental facilities	P
Cemeteries, crematories, columbariums and related facilities	C
Flood control facilities	P
Forestry products and the removal; not including processing plants or lumber mills	P
Historical landmarks	P
Public or private parks, golf courses, golf driving ranges, zoos, swim clubs and other outdoor recreation facilities	P
Public utility installation and facilities	P
Public or private non-commercial campgrounds and picnic areas	P
Accessory uses and structures incidental to permitted or conditional uses	P
Wireless telecommunications facilities, subject to provisions of §9.90 of this Code	P

- C.** Screening and landscaping requirements for a conditional use shall be specified in the conditional use permit.
- D.** Off-street parking facilities shall be provided for each use in accordance with the requirements of Off-Street Parking as set forth in Chapter 10 of this Code.
- E.** Signs, or outdoor advertising structures, or display of any character shall be permitted in accordance with the provisions signs as set forth in Chapter 11, of this Code.



**CHAPTER 8  
GENERAL DEVELOPMENT STANDARDS**

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**CHAPTER 8**  
**GENERAL DEVELOPMENT STANDARDS**

**§8.10**     **Purpose and Intent**

- A.       It is the purpose and the intent of the general development standards to ensure that new land uses and development will contribute to and be compatible with existing and future development in the surrounding vicinity in a manner that will enhance the quality of life for Town residents, employers and visitors. It is further intended that all proposed development is consistent with the goals, policies, objectives and implementation programs of the General Plan.
- B.       The standards contained in this Chapter apply throughout the Town in each district and, as appropriate, for all land uses and development. Rather than repeat these regulations and standards throughout this Code, they have been compiled in this Chapter.

**§8.20**     **Applicability**

The provisions of this Chapter shall apply to any land division or land use application that authorizes, or would authorize by its approval, new construction, new land uses, or the substantial modification of an existing structure or land use. The provisions of this Chapter shall apply in addition to all applicable standards or regulations for the zone district in which the use or structure is located.

**§8.30**     **Accessory Structures**

A.       **Accessory Structures within Residential Districts**

1.     **Accessory Structure**: Except as provided below, all accessory structures, whether attached or detached, shall meet all site development standards applicable to the main structure as required by the zone district in which the main structure is located.
2.     **Canopies/Patio Covers**: Canopies/patio covers or roofs attached to the main building or connecting the main building to an accessory building may extend into a required rear or interior side yard, provided that the portions of such structures extending into the yard meet the following conditions:
  - a.     Shall not exceed fifteen (15) feet in height, project closer than thirty (30) inches to an interior side lot line, project closer than thirty (30) inches to a rear lot line where the rear yard setback is five (5) feet, or project closer than five (5) feet to a rear lot line where the rear yard setback is ten (10) feet.
  - b.     Shall be entirely open on at least three sides excluding the necessary supporting columns; except that a roof connecting a main building and an accessory building shall be open on two sides.
3.     **Ground Mounted Mechanical Equipment**: Ground mounted equipment, including but not limited to air conditioning compressors, evaporative coolers and pool equipment; if fully enclosed, may be permitted in any rear or interior side yard setback. If fully enclosed, said equipment may project a maximum of three (3) feet into the required rear yard setback, and a maximum of two (2) feet into the required interior side yard setback, but shall be prohibited from projecting into the required front or street side yard setbacks.

4. **Roof Mounted Mechanical Equipment:** All roof mounted mechanical equipment, including but not limited to air conditioning compressors, evaporative coolers and pool equipment shall be located on the rear portion of the roof ridgeline in such a manner as to be screened as much as practical, from public streets. On commercial property, said mechanical equipment may be placed forward of a ridgeline provided screening for the equipment has been approved. Industrial property is exempt from this provision.
5. **Detached Accessory Structures:**
  - a. A detached accessory structure may be located within an interior side yard or rear yard, provided that when such a structure is located closer than five (5) feet to an interior side or rear lot line, one-hour fire walls shall be installed on the side or sides located within the setback area. In no case, however, shall an accessory structure be located closer than thirty (30) inches to an interior side property line or to a rear property line.
  - b. Accessory building shall have a maximum height of fifteen (15) feet; provided, however, that the accessory building is no higher than the main structure.
6. **Projections into Yards:** Porches, steps, and other architectural features, such as eaves, awnings, chimneys, balconies, stairways, wing walls, and bay windows may project a maximum of thirty (30) inches into any required front, rear, or side setback area.

**B. Accessory Structures: Nonresidential Districts**

1. Accessory structures shall not be located within the "building frontage" as defined in §1.160 of this Code.
2. Accessory structures shall meet all setback requirements for the associated main building(s).
3. Eaves, roof projections, awnings, and similar adjacent architectural features may project into the right-of-way subject to receiving an approved encroachment permit from the Town Engineer.
4. Fireplaces, chimneys, bay windows, balconies, fire escapes, exterior stairs and landings, and similar architectural features may project into required building setback areas a maximum distance of thirty (30) inches, provided that all such features in any one setback shall not occupy more than twenty-five (25) square feet of that required building setback area.
5. Flues, chimneys, antennas, elevators, towers, spires, bell towers, or similar architectural elements, utility, or mechanical features may exceed the height limit of the land use district in which it is located by not more than twenty-five (25) percent, provided that such feature shall not be used for habitable space and appropriate screening is provided for mechanical equipment when possible.
6. Ground and wall mounted equipment incidental to industrial, commercial or office development shall be appropriately screened with solid walls and/or landscaping. Such equipment shall not be located in front of a building and any screening provided shall be architecturally compatible with adjacent architecture and materials.
7. Roof mounted equipment shall be used only for the building upon which it is mounted.

8. Roof mounted equipment shall be screened from public view to the extent practicable, as follows:
  - a. All roof screens must be solid and continuous. Equipment may be covered by continuous grills or louvers.
  - b. Roof screens shall be sheathed in a matching or complimentary material to the exterior building material and may include metal panels, aluminum, copper, ceramic tile, or other surface as approved by the Zoning Administrator.
  - c. Mechanical plans and distribution networks shall be located in a manner that is compatible with the affected building.

**§8.40 Circulation, Transportation, and Trails Facilities**

A. **Purpose and Intent:** This section is intended to ensure that development proposals which include the design and/or construction of new roads, trails, and transit facilities are consistent with the General Plan. Further, it is intended to ensure that proposed transportation improvements are consistent with efficient traffic management and good traffic engineering practices.

B. **Public Street, Highways, Alleys, Easements**

1. All streets, highways, alleys and ways shall be designed and constructed in accordance with the Subdivision Ordinance, this Code, and any engineering design standards that may be periodically updated by the Town Engineer.
2. The design of any new street proposed as part of any new development shall relate to the established street pattern in the area adjoining the proposed development.
3. The proposed street plan shall provide for access and connection for future subdivision or development of adjoining undeveloped property when applicable.
4. Additional rights-of-way or easements shall be provided if the Town Engineer determines that such additional rights-of-way or easements are necessary to accommodate roadway slopes, drainage structures, and other facilities related to required improvements.
5. The design and construction of new, or the extension of any existing streets, shall be consistent with grade separations, flood control facilities, local drainage facilities and other physical constraints as approved by the Town Engineer.
6. The type and placement of required street name signs shall conform to the Town's engineering design standards.
7. All new or reconstructed streets that are not through streets shall terminate in a cul-de-sac as required by the Subdivision Ordinance, this Code, and the Town's engineering design standards, unless specifically waived by the Town Engineer in favor of an alternative.

C. **Private Streets, Alleys or Ways**

1. Private streets may be permitted provided that;

- a. There is adequate provision for their construction and continuous maintenance;
  - b. The access and parking needs of the occupants of the development will be adequately served;
  - c. The type of development proposed is typically served by private streets.
2. The intersection of a private street or drive with a public street shall be indicated by posting, gating, or a change of pavement material and color at the entry to the private street, as approved by the Town Engineer.
  3. Private streets shall be constructed in a manner consistent with the Subdivision Ordinance or the Town's engineering standards.

**D. Sidewalks, Walking Paths, Bicycle Paths and Horse Trails**

1. Sidewalks shall be constructed in conjunction with public and private streets unless they are determined by the Town council to be unnecessary, considering the rural nature of the development and/or pedestrian circulation needs. Any sidewalk construction shall be in accordance with the Subdivision Ordinance and engineering design standards.
2. The Town may require dedication of walking paths, equestrian, and/or other trails for public use when such paths are determined to be necessary to further the goals and objectives, policies, or programs of the General Plan. In addition, and in conjunction with required street dedications, a project applicant may also be required to dedicate such additional land as may be necessary and feasible to provide bicycle paths for the use and safety of the residents of the development.

- E. Local Transit Facilities:** The Town may require the dedication or irrevocable offer of dedication of land for local transit facilities such as bus turnouts, benches, shelters, loading pads and similar items.

**§8.50 Condominiums and Condominium Conversions**

- A. Purpose and Intent:** The purpose of the section is to establish development standards and special conditions for the protection of the community and purchasers or renters of both new and converted residential and commercial condominiums, community apartment projects, the lessors of cooperative apartment projects, and the lessors of cooperative apartments, as well as mobile home/manufactured park residents in parks proposed for subdivision activity.
- B. Applicability:** All new or converting residential and commercial condominiums, community apartment projects, cooperative apartments including mobile home and manufactured park conversions shall be reviewed for conformance with the provisions of the Code under the Town's conditional use permit procedure, in addition to any and all requirements of the Subdivision Ordinance.
- C. Minimum Requirements:** Except as otherwise provided by law, in approving or conditionally approving any condominium projects, including conversions of apartments or mobile home/manufactured parks, the following shall be required:
1. **Parking:** Off-street parking shall be provided in the amount and type pursuant to standards for new construction in Chapter 10 (Parking Regulations) of this Code.

2. **Yard and Height Requirements:** All new condominium projects, including conversions of apartments or manufactured home parks shall comply with development standards for the district where the project is to be located, however nothing in this Section shall be construed to prohibit the imposition of more restrictive requirements by the Town when necessary to protect the public health, safety, or general welfare, based upon appropriate findings.
3. **Covenants, Conditions and Restrictions (CC &R's):** The CC& R's for the new or converting condominium project, including conversion of apartment and mobile home/manufactured park projects, shall be reviewed and approved by the Town Council and shall include an agreement that the following shall be guaranteed by the subdivider:
  - a. Common area items, including but not limited to: roofs, plumbing, heating, air-conditioning, and electrical systems shall be maintained by the sponsor of the conversion, or the developer, in good condition until one year elapses from the date of the sale of the last individual unit sold.
  - b. Adequate provisions are made for maintenance, repair, and upkeep of common areas.
  - c. Provisions, that in the event of destruction, any reconstruction shall be in accordance with codes in effect at the time of such reconstruction.
  - d. Provisions for dedication of land or establishment of easements for street widening or other public purpose if necessary.
4. The CC & R's shall provide that individual unit owners have the right to select or change the management group or the homeowner association ninety (90) days after sale or transfer of title of fifty-one (51) percent of the units. The CC & R's shall provide that subsequent owners agree to make no changes in the CC & R's that impose restrictions on the age, race, national origin, sex, marital status or other similar restrictions of occupants, residents, or owners.

**D. Condominium Conversions:**

1. Apartment, mobile homes/manufactured home conversions may be approved by the Town Council pursuant to the procedures set forth in §2.50 of this Code and Town's Subdivision Ordinance.
2. No condominium conversion shall be approved unless and until all of the following conditions have been met by the developer:
  - a. Tenants have received a Tenant's Notice of Intent to Convert pursuant to the provisions of the Subdivision Ordinance prior to filing a Notice of Pending Application to Convert with the Zoning Administrator. Such notice shall be given by the applicant, and shall contain information as to tenant's rights under state and local regulations.
  - b. A Notice of Pending Application to Convert has been filed with the Zoning Administrator prior to the filing of an applications for a subdivision, in set forth in the Town's subdivision ordinance and for conditional use permit as set forth in section 2.50 of this Code.. The notice shall include a copy of the Tenant's Notice of Intent to Convert and a Building Condition and History Report prepared by a

building inspection service or similar agency acceptable to the Building Official and Fire Department. The report shall contain information including, but not limited to: date of construction, a list of all repairs and renovations to be made, an analysis of building conditions and any violations of housing, fire, or building codes, a listing of the proposed improvements to be carried out, an estimated time schedule, the present rent schedule including type and length of tenancy, the estimated prices of the converted units and/or lots, a copy of the proposed CC & R's, a Tenant Relocation Assistance Plan indicating the number of tenants interested in purchasing or relocating, and detailed plans for assisting in the relocation of tenants. The developer shall furnish each prospective buyer with a copy of this report and the CC & R's.

- c. The Zoning Administrator shall, prior to a public hearing, prepare and deliver to the applicant a staff report including a recommendation for approval or denial, a listing of conditions or requirements recommended as a basis for approval, and supportive reasons or justifications for such recommendations.
- d. Tenants shall be notified by the developer in writing, of all public hearings in connection with an application for conversion.
- e. The developer shall complete any such alterations or repairs required by the Building Official prior to the sale of any such units.
- f. Written notice shall be given to all residential tenants not less than one (1) year from the date of approval.

#### **§8.60 Conversion of Residential Structures to Nonresidential Use**

Except for a home occupation, no structure originally designed as a residence (including hotels and motels), or as an accessory structure or addition to a residence, shall be used for any commercial or office use unless the building and site are improved to meet commercial standards. Such a conversion may be a permitted use or may be subject to a conditional use permit process, depending on the base district use regulations.

#### **§8.70 Dedication Requirements**

**General Requirements:** Dedication requirements shall be in conformance with the provisions of the General Plan, Subdivision Ordinance, the Town's engineering design standards, and this Code.

#### **§8.80 Development Density**

The maximum allowable density of development shall be as specified in the General Plan and the zone district within which the proposed development is to be located. In determining the allowable number of dwelling units all remainders of fifty-one (51) percent or greater shall be rounded to the next higher whole number.

#### **§8.90 Fences and Walls**

##### **A. Residential Districts**

1. In any required front yard or street side yard of a reversed corner lot, a wall or fence shall not exceed thirty-six (36) inches in height.

2. A wall or fence not more than six (6) feet in height, as measured from the adjacent grade on the same parcel, may be maintained along any interior side yard, rear yard or street side yard, provided that such wall or fence does not extend into the required front yard or the street side yard of a reverse corner lot, unless a variance is granted in accordance with §2.60 of this Code.
3. No barbed wire shall be used or maintained as a fence or wall, or as any part of a fence or wall, nor shall any sharp wire or sharp points project above the top of any fence or wall.

**B. Non-Residential Districts**

1. Walls or fences may be permitted up to a maximum height of five (5) feet provided that the portion of the fence or wall above thirty-six (36) inches in height is ninety (90) percent light-emitting wrought iron or other similar material.
2. Walls for the purpose of screening commercial and industrial activities from more sensitive land uses, and for sound attenuation, shall be required as a condition of approval. The height, placement and design of such walls shall be determined based on the required sound attenuation and/or need for visual screening to ensure consistency with General Plan policies and performance standards. In some instances, site specific conditions may require a variance to maximum wall height requirements in order to meet the provisions of this Section.
3. In any required rear or interior side building setback area, except as provided by §7.90.B.2 above, walls and fences shall not exceed six (6) feet in height except with an approved conditional use permit.
4. No barbed wire or any other sharp point wire, such as razor sharp chain link fence topping, or points shall be permitted as a fence or part of a fence or wall in an industrial zone district; except as set forth hereunder.
  - a. Where permitted, barbed wire shall be limited to three (3) strands, no more than one (1) foot in height, when placed on top of a fence or wall when that fence or wall is no less than six (6) feet in height. All other types of fences, or parts of fences or walls, that have sharp wire, such as razor sharp chain link fence topping, or points projecting above the top or to the side of a fence or wall, are prohibited.
  - b. Said barbed wire, when in compliance with the requirements of subsection 7.90.B.4.a above, shall be located no less than twenty-five (25) feet from a front or street side property line, unless otherwise approved by the Zoning Administrator.

**§8.100 Grading**

Whenever a residential, commercial or industrial development is approved, which will require grading or other preparation of the soil, the Town Engineer may impose conditions relating to grading on the approval of the development. Such grading conditions shall be in addition to any other provisions of the Building Code applicable to the project and may include, but not be limited to, the following:

- A. A requirement that lands slope toward rather than away from the street.
- B. Requirements for irrigation, planting, and landscaping of slopes.

- C. A limitation on the periods during which grading operations may occur.
- D. Such other conditions as will facilitate an orderly development of the property in accordance with the provisions of the General Plan and the project's approval.

**§8.110 Height Limitations**

Unless modified by this Chapter, the maximum allowable height of a structure shall conform to the regulations of the zone district within which the structure is to be located.

**§8.120 Improvement Standards and Plans**

Improvement standards and plans shall comply with the provisions of the Town's subdivision ordinance, the engineering design standards, the General Plan, and this Code.

**§8.130 Lighting**

- A. **Purpose:** It is hereby found that the topography and atmospheric conditions of the Town, and the surround area, are uniquely suited for astronomical observation. It is further recognized that naturally dark landscapes and star-filled skies are valued by many residents and visitors, and that poor lighting practices in outdoor lighting not only unnecessarily impedes views of the starry night sky, but also wastes energy, hampers the use and enjoyment of property, and may endanger the public welfare by producing unnecessary glare.
- B. **Intent:** Accordingly, it is the intent of this Code to encourage lighting practices and systems which will minimize light pollution, light trespass, and conserve energy while maintaining night-time safety, utility, security, and productivity. To conserve energy, the Town Council encourages the users of outdoor lighting to transition from high energy consumptive lighting to more energy efficient, low wattage lighting.
- C. **Conflicting Regulations:** In the event of conflict between the regulations set forth in this Code and any other regulations, the more stringent limitation and requirement shall govern.
- D. **Approved Materials and Methods of Construction/Installation/Operation:** The provisions of this Code are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this Code; provided any such alternate has been approved by the Town Manager. The Town Manager may approve such proposed alternatives provided he/she finds the following:
  - 1. The alternative provides at least an approximate equivalence to the applicable specific requirements of this Code; and
  - 2. The alternative is otherwise satisfactory and complies with the intent of this Code.
- E. **Definitions:** The following terms used in this Code, unless the context clearly indicates otherwise, shall be as defined below:

**Class 1 Lighting:** All outdoor lighting used for, but not limited to, outdoor sales or eating areas, principal public entryways, assembly or repair areas, advertising and other signs, recreational facilities and other similar applications where color rendition is important to preserve the

effectiveness of the activity.

***Class 2 Lighting:*** All outdoor lighting used for but not limited to illumination for walkways, roadways, streets, equipment yards, parking lots, emergency exits, and outdoor security where general illumination of the grounds is a primary concern.

***Class 3 Lighting:*** Any outdoor lighting used for decorative effects including, but not limited to architectural illumination, flag and monument lighting, and illumination of trees, bushes, landscape features and the like.

***Correlated Color Temperature (CCT):*** A measure expressed in Kelvins of the apparent hue of white light sources such as metal halide, fluorescent, and white LED. Higher CCT sources appear bluer or cooler while lower CCT sources appear yellower or warmer.

**Fully Shielded Fixture:**

1. A light fixture or luminous tube constructed and mounted such that all light emitted by the fixture or tube, either directly from the lamp, tube, or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.
2. A practical working way to determine if a fixture or tube is fully shielded. If the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above, directly from the side, or from any angle around the fixture or tube, the fixture or tube is not fully shielded.
3. Note for luminous (neon) tubes. When such lighting is installed under or behind a roof overhang, if the roof-line or eave is not horizontal, the tubing may be visible from above when viewed for the side it is, therefore unshielded.

**Low-Pressure Sodium (LPS):** A type of lamp using sodium vapor at low pressure to produce a yellow or amber hued light.

**Lumen:** The unit used to measure the actual amount of visible light that is produced by a lamp.

**Luminaire:** The complete lighting assembly, including the lamp, housing, shield, lens, and associated electronics, less the support hardware or brackets; a light fixture.

**Luminous Tube:** A glass tube filled with a gas or gas mixture (including neon, argon, mercury or other gasses), usually of small diameter ( 10 to 15 millimeters), caused to emit light by the passage of an electric current and commonly bent into various forms for use as decoration or signs.

**Outdoor Light Fixture:** An outdoor electrically powered illuminating device, lamp, luminous tube or other similar devices, either permanently installed or portable which is used for illumination or advertisement. Such devices include, but are not limited to searchlights, spotlights, and floodlights for buildings and structures, recreational areas, parking lot lighting, landscape and architectural lighting, billboards and other signs, street lighting, product display areas, building overhangs and open canopies, pedestrian walkways or areas, and building or landscape decoration.

**Metal Halide:** A type of lamp using mercury and metal halide(s) to produce light.

**Total Outdoor Light Output:** The maximum total amount of light, measured in lumens from all outdoor lighting installed on a project area including all lights and luminous tubing used for Class 1, Class 2, and Class 3 Lighting and for lights used for external illumination of signs, but not including lights used to internally illuminate signs or luminous tubing used in neon signs. For lamp types that vary in output as they age, the initial output, as defined by the manufacture, is the value to consider.

For determining compliance with Chapter 8 of this Code, the light emitted from outdoor light fixtures is to be included in the total output as follows:

1. **High-Pressure Sodium** : A type of lamp using sodium and mercury vapor at high pressure to produce a yellow or golden-hued light.
2. **Installed**: Attached or fixed in place whether or not connected to a power source.
3. **LED**: A light emitting diode.
4. **Light Pollution**: any adverse effect of human-made lighting, or light that is not needed, wanted, or wasted.

F. **General Requirements**: Outdoor floodlight projection above the horizontal plane is prohibited. Requirements for lamp source and shielding of light emission for outdoor light fixtures are as follows:

1. **Class 1 Lighting**:
 

a.	Low-pressure sodium:	Allowed, fully shielded
b.	Narrow-spectrum amber LED:	Allowed, fully shielded
c.	Others above 2,000 lumens:	Allowed, fully shielded*
d.	Others below 2,000 lumens	Allowed, fully shielded
  
2. **Class 2 Lighting**:
 

a.	Low-pressure sodium:	Allowed, fully shielded
b.	Narrow-spectrum amber LED:	Allowed, fully shielded
c.	Others above 2,000 lumens:	Prohibited
d.	Others below 2,000 lumens:	Prohibited
  
3. **Class 3 Lighting**:
 

a.	Low-pressure sodium:	Allowed, fully shielded
b.	Narrow-spectrum amber LED:	Allowed, fully shielded
c.	Others above 2,000 lumens:	Prohibited
d.	Others below 2,000 lumens:	Allowed, fully shielded
  
4. **Residential Lighting (all classes)**: Allows all types if fully shielded.
  
5. **Examples**: Lamp types of 2,000 lumens and below as acceptability of a particular light is decided by its lumen output, not wattage. Values listed are approximate; to be more precise, check for manufacturer's specifications.
 

a.	One-hundred (100) watt standard incandescent and less;
b.	One-hundred watt tungsten-halogen (quartz) and less;
c.	No available high-pressure sodium or metal halide;
d.	Twenty-five (25) watt fluorescent and less; and
e.	Twenty-six (26) watt compact fluorescent and less.
f.	Metal Halide, fluorescent, LED, or other white light sources must have CCT of 3,200 or less.
  
6. **Total Outdoor Light Output**: Total outdoor light output, excluding streetlights used to illuminate public rights-of-way, shall not exceed the following limits averaged over the entire project (values listed are total initial lamp lumens per acre and per residence).
  
7. **Commercial, industrial, and multi-family land use (lumens per net acre)**:
 

a.	Non-LPS/narrow spectrum amber Led:	5,000
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- |    |             |        |
|----|-------------|--------|
| b. | Total:      | 50,000 |
| c. | Unshielded: | 0      |
8. Single family residential (lumens per residence):
- |    |            |        |
|----|------------|--------|
| a. | Total:     | 10,000 |
| b. | Unshielded | 0      |
9. **Effective Shielding:** All fixtures which are required to be shielded shall be installed so that shielding is effective as defined under fully-shielded fixture and partially-shielded fixture.
10. **Direct Lighting on Site:** All light fixtures, except streetlamps, shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the source as much as feasible.
11. **Direct Lighting off Roadways:** All light fixtures, except streetlamps, shall be installed so that direct illumination does not fall onto any public or private street as much as possible.
12. **Curfew:**
- |    |  |
|----|--|
| a. | Class 1 and Class 3 Lighting and lighted signs must be extinguished by 11:00 p.m. or no later than thirty (30) minutes after the business closes, whichever is later. For holiday decoration exemption, refer to §8.I.2 of this Chapter. |
| b. | Class 2 Lighting located seventy-five (75) feet or more from a building, outdoor sales or merchandise storage must be extinguished by 11:00 p.m., or no later than 30 minutes after the business closes, whichever is later.             |
13. **High intensity Lights:** Searchlights, laser source lights, or any similar high-intensity light shall not be permitted, except in emergencies by police and fire personnel or at their direction.
14. **Mercury Vapor Sales:** The installation, sale, offering for sale, lease or purchase of any mercury vapor light fixture or lamp for outdoor lighting is prohibited.
15. **Ornamental Luminaries:** Ornamental luminaries with exposed light sources are prohibited.

G. **Special Requirements, Outdoor Advertising Signs:**

1. **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 I Lighting and shall conform to the lamp source shielding restrictions and lumen caps of §8.F of this Chapter. All upward-directed sign lighting is prohibited.
2. **Internally Illuminated Sign and Neon Sign Standards:**
- |    |  |
|----|--|
| a. | <b><u>Illumination of Copy and Background, Colors:</u></b> The sign face of an internally illuminated outdoor advertising sign must be composed of illuminated text and symbols against an opaque (not illuminated) background. The colors of these elements are not restricted. |
|----|--|

- b. Exclusion of Lamp Outputs: Lamps used for internal illumination of signs shall not be counted toward the lumen caps in §8.F.6 of this Chapter.
- c. Neon Signs: Neon Signs shall be treated as internally illuminated signs for the purpose of this Code, and shall not have their luminous outputs counted toward the lumen caps in §8.F of this Chapter. Neon lighting extending beyond the area considered to be the sign area shall conform to all provisions of this Code. In particular, such lighting shall be treated as Class 3 (decorative) lighting and shall conform to the lumen caps and shielding standards of §8.F of this Chapter.
- d. Non-Sign Lighting: Other internally illuminated panels or decorations not considered to be signage, such as illuminated canopy margins of building faces, shall be considered decorative Class 3 Lighting and shall be subject to the standards applicable for such lighting including but not limited to the lamp source, shielding standards, and lumens per acre caps of §8.F of this Chapter.

H. Special Requirements, Special Uses:

1. Service Station Canopies:

- a. Lighting Class: Lighting for service station canopies shall be considered Class 1 Lighting.
- b. Shielding: All luminaires mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize flat lenses.
- c. Total under-canopy output: In addition to the standards for total outdoor light output, the total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed forty (40) lumens per square foot of canopy. All lighting mounted under the canopy, including, but not limited to luminaires mounted on the lower surface or recessed into the lower surface of the canopy and all lighting within signage or illuminated panels over the pumps, is to be included toward the total at full lumen output.
- d. Fixtures installed such that all parts of the fixture are located at least five (5) feet, but less than ten (10) feet from the nearest edge of the canopy are to be included in the total outdoor light output as though they produced only one-quarter (1/4) of the lamp's rated lumen output.
- e. Fixtures installed such that all parts of the fixture are located ten (10) or more feet from the nearest edge of a canopy are to be included in the total outdoor light output as though they produced only one-tenth (1/10) of the lamp's rated lumen output.

2. Outdoor recreational Facilities:

- a. Lighting Class: Lighting for field/track/arena areas only shall be considered Class 1 Lighting.
- b. Lumen Cap Exemption: Lighting for field/track/arena areas only is not subject to the lumens per acre limit set in §8.F of this Chapter.

- c. **Shielding:** Fixtures used for field/track/arena area must be fully shielded.
- d. **Curfew:** No such facility shall be illuminated after curfew as specified in §8.F.12 of this Chapter, except to conclude a scheduled recreational or sporting event in progress prior to the curfew and prevented from concluding before the curfew by unforeseeable circumstances.

I. **Exemptions:**

1. **Airports:** Airport navigation lighting systems and other airport lighting required by the Federal Aviation Administration and/or the State are exempt from the provisions of this Code. All other airport lighting, including that used for loading areas, hangars, terminal aprons, parking areas and the like shall conform to all applicable standard of this Code.
2. **Holiday Decorations:** Low-wattage holiday decorations are exempt from the provisions of this Code from November 11<sup>th</sup> through February 8<sup>th</sup> of each year and for a period of two (2) weeks before and after any national holiday. Such lighting and all associated wiring used outdoors must be certified for outdoor use by Underwriters Laboratories.
3. **Street Lamps:** Street lamps installed in the public right-of-way, as approved by the Town Council, are exempt from the lumens per net acre standards of §8.F of this Chapter, but must adhere to all other standards including, but not limited to the lamp type and shielding standards of this Chapter.

J. **Temporary Lighting Permits:**

1. **Findings:** The Town Manager may grant a permit for temporary lighting if he/she finds the following:
  - a. The purpose for which the lighting is proposed is not intended to extend beyond thirty (30) days;
  - b. The proposed lighting is designed in such a manner as to minimize light pollution as much as feasible;
  - c. The proposed lighting will comply with the general intent of this Code; and
  - d. The permit will be in the public interest.
2. **Application Contents:** The application for the temporary lighting permit shall include the following information:
  - a. Name and address of the applicant and the property owner;
  - b. Location of proposed fixtures;
  - c. Type, wattage and lumen output of lamp(s);
  - d. Type, shielding and use of proposed fixtures;
  - e. Intended use of the lighting;

- f. Duration of time for requested exemption;
  - g. The nature of the exemption; and
  - h. Such other information as the Town Manager may request.
3. **Ruling:** The Town Manager shall rule on the application within five (5) business days from the date of submittal and shall notify the applicant in writing of his/her decision. The Town Manager may grant one renewal of the permit for an additional thirty (30) days if he/she finds that because of unanticipated changes in circumstances, a renewal would be in the public interest. The Town Manager is not authorized to grant more than one temporary permit and one renewal for the same property within one (1) calendar year. A denial by the Town Manager maybe appealed to the Planning and Zoning Commission within thirty (30) days.
4. **Non-Conforming Uses:**
- a. **Mercury Vapor:** Mercury vapor lamps are not allowed in use for outdoor lighting after the effective date of this Code.
  - b. **Bottom-Mounted Sign Lighting:** Bottom-mounted outdoor advertising sign lighting shall not be used after the effective date of this Code.
  - c. **Pre-Existing Non-Conforming Lighting:** No outdoor lighting fixture that was lawfully installed prior to the enactment of this Code shall be required to remove or modify said lighting except as expressly provided herein. No modification or replacement shall be made to a non-conforming fixture unless the fixture thereafter conforms to the provisions of this Code.
5. **Conformance after Abandonment/Damage:** In the event an outdoor lighting fixture is abandoned or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provision of this Code.
6. **Variances:** An application for a variance shall comply with §2.60 of this Code.

M. **Permits and Development Plan Review:**

- 1. **Permit Required:** Whenever a person plans to install outdoor lighting, an outdoor lighting permit must be applied for and granted prior to installation of said lighting. The applicant shall, as a part of the application, submit sufficient information to determine whether the proposed lighting will comply with this Code.
- 2. A description shall be provided for each illuminating device, fixture, lamp, support, and shield.

**§8.140 Manufactured Housing**

Manufactured housing, fabricated off-site and to be installed on a parcel of land, which includes mobile homes, manufactured homes, and modular homes, may be permitted on individual lots that permit single family detached housing subject to the following requirements:

- A. The manufactured home is attached to a permanent foundation in compliance with applicable building regulations.
- B. If the manufactured home is a mobile home, construction shall be certified under the National Mobile Home Construction and Safety Standards Act of 1974, (42 U.S.C. §5401 et. seq.) pursuant to §18551 of the Health and Safety Code. Documentation indicating certification and construction date must be submitted to the Building Department in order to secure a valid building permit.
- C. The manufactured home is no less than twelve (12) feet wide and forty (40) feet long and is no less than four hundred and eighty (480) square feet in size.
- D. The Zoning Administrator determines that the placement of the manufactured home is compatible with the existing development in the immediate area in which it is being placed, in accordance with the following criteria:
  - 1. The design of the manufactured home shall be similar in character and appearance to other dwellings in the immediate vicinity relative to design features including, but not limited to: unit size, roof overhangs, roof materials, roof pitch, and exterior materials; and
  - 2. All building setbacks, parking, coverage, height, and sign requirements of the base district shall apply.
- E. Manufactured housing shall comply with the following architectural requirements:
  - 1. A minimum three (3) inches vertical to twelve (12) inches horizontal roof pitch and a minimum of a one (1) foot eave around the entire perimeter of the manufactured home, as measured from the vertical wall surface.
  - 2. Roofing material customarily utilized in the construction of a conventional single family dwelling, such as but not limited to: wood shingles, tile, asphalt, or composition shingles.
  - 3. Only non-reflective or non-glossy siding materials customarily utilized in the construction of conventional single family housing shall be permitted. These materials may include, but are not limited to: brick, stucco, wood or plaster.
  - 4. The predominant shape and form of the manufactured home shall be compatible with that of the surrounding neighborhood.
  - 5. The design and materials of any enclosed garage, porch, or other structure that is visible from the street, shall be compatible with the requirements of the main dwelling.
- F. Manufactured homes not meeting installation and architectural requirements specified in this Section shall be permitted only upon approval of a conditional use permit, pursuant to the provisions of this Code.

#### **§8.150 Mobile Home/Manufactured Home Parks (Parks)**

- A. **Purpose and Intent:** The intent and purpose of this Section is to establish standards for development of mobile home/manufactured home parks within the Town. These standards are intended to assure a suitable living environment for those persons residing within said Parks and within nearby residential

neighborhoods. The word "Park" shall be used in place of Mobile Home/Manufactured Home Parks and the word "Space" shall be used in place of Mobile Home/Manufactured Home space.

**B. Objectives:**

1. Encourage the use of private streets and the private maintenance thereof.
2. Provide for recreational amenities and common areas, with controls and maintenance thereof by the Park owner, homeowners association, or common interest group.
3. Provide a design that is related to and compatible with existing and planned land uses and circulation patterns on adjoining properties.

**C. Conditional Use Permit: A conditional use permit, as provided in §2.50 of this Code, shall be required for development of a new Park and/or for modification or expansion of an existing Park. Whenever a difference occurs between the standards of this Section and an underlying zone district, the standards of this Section shall apply.**

**D. Site Development Standards: The following standards shall apply to the development of a Park. Additional requirements may be specified in conditions of approval of a conditional use permit.**

1. A Park shall be no less than two and one-half (2.5) acres in size.
2. No more than ten (10) Spaces per gross acre shall be permitted. Rights-of-way of interior streets may be included in the gross acre figure.
3. The maximum permitted coverage of Spaces and all accessory buildings and/or structures shall be seventy-five (75) percent of the total area of the Park.
4. The minimum area of a Space shall be three thousand five hundred (3,500) square feet.
5. Each Space shall comply with the following minimum yard setbacks: Front yard shall be ten (10) feet; side yard shall be five (5) feet; and rear yard shall be five (5) feet. There may be no encroachments on any yard setback.
6. Parking within a required access drive is prohibited. Width of access drives shall be determined by the Town Engineer.
7. **Off-Street Parking**
  - a. Two (2) parking spaces, at least one of which shall be covered, shall be provided for each Space. Each parking space shall be no less than nine (9) feet wide by nineteen (19) feet long. No parking space may be located within the front yard setback area; tandem parking may be permitted.
  - b. One guest parking space shall be provided for each four (4) Spaces located within the Park. Guest parking may be permitted on interior street rights-of-way if the street has been designed to accommodate on-street parking.

**8. Interior Streets**

- a. Private streets within a Park shall be a minimum of twenty-four (24) feet wide with no on-street parking, a minimum of thirty-two (32) feet wide if parking is permitted on one side of the street, and a minimum of forty (40) feet wide if parking is permitted on both sides of the street.
  - b. A street divided into separate one way traffic lanes, by a curbed divider, or similar device, shall be no less than fifteen (15) feet in clear width on each side of the divider. Automobile parking shall be prohibited on a divided roadway except where the unobstructed width of the roadway on the side of the divider used for parking is increased by eight (8) feet for each parking lane.
9. A minimum of ten (10) percent of the net Park site shall be maintained for permanent open space and recreational facilities. Open space areas shall not include any portion of a Space or exterior perimeter landscaping. Usable open space may be occupied by recreational facilities such as recreation centers, swimming pools, golf courses, tennis, basketball, volleyball, badminton courts, play areas for children, trails, and picnic areas.
  10. All areas within a Park not used for recreational facilities, streets, driveways, parking structures, building and service areas, shall be landscaped, shall be provided with an automated irrigation system, and shall be permanently maintained in a manner approved by the Zoning Administrator.
  11. A common storage area, equivalent in size to one-hundred (100) square feet for each Space, shall be provided within the Park. The purpose of this storage area is to store such items as recreational vehicles, boats, and trailers. The storage area shall be paved and enclosed by a solid wall or durable view-obscuring fence that is at least six (6) feet in height. Recreational vehicles, boats, and trailers shall not be permitted on individual Spaces, interior streets, or parking spaces designated for automobile parking.
  12. Each Park shall have a landscaped area, served by an automatic irrigation system, of no less than fifteen (15) feet between the property line and the required perimeter wall if adjoining a public or private street. Where a property line is not adjacent to a public or private street, a perimeter wall shall be provided along said property line.
  13. Except where otherwise required, a perimeter wall shall be no less than six (6) feet in height. Where there is a difference in elevation on opposite sides of a wall, the height shall be measured from the exterior side of said wall. The following design elements shall be incorporated into all perimeter walls:
    - a. The wall shall consist of concrete, stone, bricks, tile or a similar type of masonry material and shall be at least four (4) inches thick.
    - b. Berms, if incorporated into the project, shall be constructed of earthen materials and shall be landscaped and provided with an automatic irrigation system.
  14. Perimeter yard walls and landscaping shall be limited to a height of thirty-six (36) inches within five (5) feet on either side of street openings for non-vehicular traffic and within ten (10) feet on either side of street openings for vehicular traffic.

15. Adjoining streets shall be improved, as required by the Town Engineer, to include all or any of the following items: curbs, gutters, street paving, sidewalks, and street lighting. This requirement shall include preparation of street improvement plans and any other engineering data deemed necessary by the Town Engineer.
16. All utility lines, including water, sewer, electric, gas, telephone, and television distribution systems shall be placed underground.
17. Trash storage areas shall be provided as follows:
  - a. Every Space shall have individual curbside pick-up, or
  - b. If common trash facilities are used, they shall be contained within an enclosed masonry structure no less than six (6) feet in height.
18. Adequate lighting shall be provided throughout the Park to ensure for pedestrian and vehicular safety and to minimize potential security problems.
19. Each Space shall be numbered, lettered or identified to be clearly visible from the street. A map and directory of the Park shall be installed near the primary access drive. Said map and directory shall be equipped with a lighting system adequate for nighttime visibility.

#### **§8.160 Noise Hazards**

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 measures proposed by the applicant to control said excessive noise. The Town may require additional measures to control excessive noise including a curfew.

#### **§8.170 Off-Site Improvements**

The Town may require, as a condition of approval, the dedication of improvements such as rights-of-way, easements, and the construction of reasonable off-site improvements in conjunction with the parcel(s) being developed or created.

#### **§8.180 Park and Recreation Facilities**

The Town set forth, as a condition of approval for subdivision and other development projects, the payment of fees and/or dedication of land for the provision of neighborhood or community parks and/or recreational facilities.

#### **§8.190 Parking Requirements**

Off-street parking facilities shall be provided in accordance with the provisions of Chapter 10 of this Code.

#### **§8.200 Permitted Outdoor Uses**

When identified as a permitted use or as a use that is permitted subject to approval of a conditional use permit in the zone district in which those uses are to be located, the following uses may be established outside of an enclosed building, provided those uses are located entirely on private property. No other outdoor uses shall be

allowed unless permitted under the express provisions of commercial or industrial zones or under the provisions of Chapter 9 (Specific Use Development Standards) of this Code.

A. Commercial Districts

1. Patio tables, chairs, umbrellas, and similar outdoor accessories used in connection with a restaurant business that does not impede pedestrian or vehicular circulation.
2. Outdoor vending machines or displays, including weighing scales, when accessory to a business conducted within a building.
3. Lumber/material yards in conjunction with a principal retail store and contractor supply yards.
4. Products generally described as being outdoor materials used for lawn, garden, and patio purposes such as border materials, patio furniture, pottery, barbecues, trellises, and lawn mowers; and for agricultural purposes such as motorized farm equipment and the like, provided such material is accessory to an established retail business and is displayed in an orderly manner where said material is accessible to the general public and is displayed for the purposes of sale. Not more than fifty (50) percent of all private property used for such display shall be utilized.
5. Automobile dealership sales, leasing, and rental display and automobile storage lots.
6. Dealerships for sales, leasing and rental display of mobile homes, farm equipment and recreational vehicles including, but not limited to travel trailers, motorcycles, and boats.
7. Outdoor storage of materials and products associated with an established business if said materials and products are completely screened from view from the public right-of-way and from adjacent properties. Said screening shall be subject to approval by the Zoning Administrator and shall conform to the provisions of §2.70 (Design Review) of this Code.
8. Nurseries, garden supply stores, floral stores and sale of timely holiday products such as Christmas trees, pumpkins, and the like.
9. Recycling facilities subject to §9.210 (Recycling Facilities) of this Code.
10. Automotive washing (self and full service).
11. Items listed in an approved conditional use permit that are associated with an existing or proposed building materials store or hardware store.
12. Commercial recreational facilities including, but not limited to miniature golf, water slides, and similar uses.
13. Other uses determined by the Zoning Administrator to be similar to and no more objectionable than those uses listed in this subsection above in accordance with the provision of this Code.

B. Industrial Districts

1. All uses listed under §8.200. A above.

2. Contracting storage yards, recreational vehicle storage, vehicle storage, and vehicle wrecking and storage.
  3. Other uses determined by the Zoning Administrator to be similar to and no more objectionable than those uses listed in subsection 8.200 A and B above in accordance with the provision of §1.100 of this Code.
- C. Interior spaces, such as an interior courtyard, shall not be considered as outdoor storage provided such space is completely surrounded by a building or structure that screens all materials being placed in such an interior space from adjoining property or from a public or private street.
- D. An outdoor use, which is not specifically listed as a permitted outdoor use in this Chapter, and which became a non-conforming use after the effective date of adoption of this Code, shall be permitted to remain, provided no changes or alterations are made to the site.

**§8.210 Public Access to Open Space and Recreation Areas**

In any subdivision, or other development application, wherein any parcel of land borders a public open space or recreational area, pedestrian access to such areas shall be dedicated or permanently preserved.

**§8.220 Reservation of Lands for Public Facilities**

- A. The Town may require that areas of real property within a subdivision or other residential, commercial, or industrial development be reserved for parks and recreational facilities, fire stations, libraries, or other public uses such as, but not limited to, domestic water and sewage facilities subject to the following conditions:
1. The proposed use of the land reserved is in accordance with General Plan policies and all provisions of this Code.
  2. The reserved area is adequate in size and shape to permit the balance of the property to be developed in an orderly and efficient manner.
  3. The amount of land reserved will not make development of the remaining land held by the owner economically unfeasible.
- B. At the time of subdivision approval or a land development project, the Town shall enter into a binding agreement to acquire such reserved area within two (2) years after the completion and acceptance of all improvements, unless that period of time is extended by mutual agreement. The purchase price shall be the market value at the time of approvals including taxes and cost incurred by the owner during maintenance of such reserved area. If the Town fails to enter into such a binding agreement, the requirement of reservation shall automatically terminate.

**§8.230 Reflective Material:** Roofing materials that will be visible to the public from adjacent streets or property shall be of a non-reflective composition.

**§8.240 Relocated Structures:** Structures may be relocated from on parcel to another subject to the following requirements:

- A. Upon relocation of a structure to a new parcel, the parcel and structure shall comply with all regulations of this Code including development standards and regulations for the use and the district in which the structure is to be relocated, including but not limited to building height, setback, parcel coverage, and unit density requirements.
- B. Construction of residential structures proposed to be moved or replaced shall commence within thirty (30) days, and shall be completed with one (1) year from the date the structure is relocated onto the property.
- C. Prior to issuance of a building permit, a "Notice of Intent to Relocate" form, approved by the Building Official, shall be posted on the property proposed to contain the relocated structure for a minimum period of one (1) week.

**§8.250 Scenic Resources**

- A. Scenic resources regulations are intended to establish development standards which protect, preserve, and enhance the aesthetic resources of the Town by incorporating design considerations which minimize interference with the preservation of unique natural resources, roadside views and scenic corridors. It is also the intent of the Scenic Resources regulations to implement state and federal programs and regulations regarding scenic highway routes.
- B. The scenic resources regulations may be applied to areas with unique views of mountain and valley areas or any other aesthetic natural land formations.
- C. When a land use is proposed within a scenic area, the following criteria shall be used to evaluate the project compliance with the intent of the district:
  - 1. Building and structure placement shall be compatible with and shall not detract from the visual setting or obstruct significant views.
  - 2. Intensive land development proposals, including, but not limited to, residential facilities, commercial and industrial activities shall be designed to blend into the natural landscape and maximize visual attributes of the natural vegetation and terrain. The design of such development proposals shall also provide for maintenance of a natural open space parallel to the right-of-way. This represents the visible land area outside the highway right-of-way, which may be described as the "view from the road."
  - 3. Right-of-way access drives shall be minimized. Developments involving concentrations of commercial activities shall be designed to function as an integral unit with common parking and right-of-way access drives when feasible.
  - 4. Large scale development shall restrict the number of access points by providing common access roads. Parking and outside storage areas shall be screened from view to the extent feasible from adjacent scenic or recreational resources by placement of buildings and structures, or by landscaping and plantings.
  - 5. Whenever possible, utilities shall be constructed and routed underground except in those situations where natural features prevent the underground routing or where safety considerations necessitate above-ground routing. Above-ground utilities shall be placed in a way that minimizes detrimental effects on the visual setting of the designated area. Wherever

practical, above-ground utilities shall be screened from view from adjacent scenic or recreational resources by placement of buildings, structures, and landscaping.

6. The alteration of the natural topography of the site shall be minimized and shall, to the extent feasible, avoid detrimental effects to the visual setting of the designated area and the existing natural drainage system.
7. Outside storage areas associated with commercial or industrial activities shall be screened from view from the right-of-way with landscaping and plantings.

#### **§8.260 Screening Requirements**

- A. **Screening of Commercial and Industrial Uses:** Whenever a building or structure is erected or enlarged on property, which is zoned for commercial or industrial uses and abuts a residentially zoned parcel, screening shall be erected and maintained along the property line(s) abutting the residential zone(s). The screening between commercial or industrial districts and adjacent existing or planned residential uses shall consist of a decorative masonry wall sufficient for sound attenuation, six (6) feet in height except for front yard or street side yard setback area, where it will be reduced to thirty-six (36) inches in height.
- B. **Screening of Storage Areas:** Where permitted, outdoor storage of materials, wares, crates, bottles, or similar items necessary to, or part of a permitted land use within and industrial, commercial, or special district shall be screened from view on at least three (3) sides by a solid impact-resistant wall not less than five (5) feet in height, and on the fourth side by a solid impact-resistant gate not less than five (5) feet in height, or alternatively, such other material or design approved by the Zoning Administrator.
- C. **Screening of Refuse Storage Areas:** Outdoor trash receptacles for multiple family and nonresidential uses shall be of sufficient size to accommodate the trash generated by the uses on the parcel(s) being served. All outdoor storage of trash, garbage, refuse, and other items or material intended for discarding or collection shall be screened from public view on at least three (3) sides by a solid decorative wall not less than five (5) feet in height or, alternatively, such other material or design approved by the Zoning Administrator. The fourth side shall contain a solid gate maintained in working order and shall remain closed except when in use.

#### **§8.270 Setback Requirements**

Unless otherwise specified in this Chapter, or Chapter 9 (Specific Use Development Standards), front, side and rear setbacks for structures shall be maintained in accordance with the regulations of the district within which the structure is located.

#### **§8.280 Signs**

Unless otherwise specified in Chapter 9 (Specific Use Development Standards) or this Chapter, signs shall comply with the provisions of Chapter 11 (Sign Regulations).

#### **§8.290 Soil Reports**

- A. A preliminary soils report, prepared by a qualified engineer registered in the State of Arizona shall, based upon adequate test borings, be required for every subdivision or other development application required by the Town Engineer or Building Official.

- B. In the event the preliminary soils report indicates the presence of critically expansive soils or other soils problems which, if not corrected, could lead to structural defects, a soils investigation of each lot, parcel, or building site in a subdivision or other development may be required. Such soils reports must be performed by a geotechnical engineer, registered in the State of Arizona, who shall recommend a corrective action likely to prevent structural damage to each structure proposed to be constructed in the area where the identified soils problem exists.
- C. All soils reports prepared specifically for a subdivision or development project shall be kept on file for public inspection by the Town, pursuant to the provisions of the Subdivision Ordinance.
- D. Final soils reports shall certify that all soils meet engineering requirements prior to issuance of any building permit.

**§8.300 Solar Energy Design**

- A. **Purpose and Intent:** These provisions are intended to incorporate, to the extent feasible, passive heating and cooling opportunities into the design or modifications of residential, commercial, and industrial developments. They are further intended to ensure that solar energy systems in residential, commercial, and industrial areas do not detract from the appearance of the surrounding neighborhood.
- B. **Design Requirements:**
  - 1. **Active Solar Design:** Notwithstanding any provisions included in this Code related to screening roof-mounted equipment, the following standards shall apply to the design of all solar energy systems:
    - a. To the extent practical roof-mounted solar collectors shall be placed in the location least visible from a public right-of-way without significantly reducing the operating efficiency of the collectors. Wall-mounted and ground-mounted solar collectors shall be screened from public view at street level.
    - b. When feasible collectors shall be integrated into the design of a building. Structural support for the collectors shall be screened in a manner that is compatible with the design of the building.
    - c. Appurtenant equipment, including plumbing and related fixtures, shall be installed in an attic or basement, where feasible.
    - d. Large accessory fixtures which must be exposed (e.g. storage tanks) shall be screened, where possible, through architectural features that harmonize with other design elements of the structure.
    - e. Storage tanks shall not be located in any required front or street side yards and they shall be screened from view from any public right-of-way.
    - f. Exterior collector surfaces shall have a matte finish, and shall be color-coordinated to harmonize with roof materials or other dominant colors of the structure.

- g. Any pool or spa facilities, other than those intended for a single family detached residence, shall be provided with a solar cover or solar water heating system.
- 2. **Passive Solar Design:** The design of a subdivision or other development, pursuant to the Subdivision Ordinance, shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the development. Examples of passive or natural heating opportunities include, but are not limited to:
  - a. Design of lot size and configuration to permit orientation of structures in an east-west alignment for southern exposure.
  - b. Design of lot size and configuration to permit orientation of a structure to take advantage of shade or prevailing breezes.
- 3. In providing for future passive or natural heating or cooling opportunities, the design of a subdivision or other developments shall consider local climate, contour, and configuration of the parcel to be developed.
- 4. The requirements of this section do not apply to condominium projects that consist of the subdivision of airspace in an existing building when no new structures are added.

#### **§8.310 Storage**

The following outdoor storage regulations shall apply in addition to any other standards and requirements of the various districts established by this Code:

- A. No sales, rentals, long-term storage, repair work, dismantling or servicing of any motor vehicle, trailer, airplane, boat, motorcycle, loose rubbish, garbage, junk, or building materials shall be permitted in any front or street side yard of any property, except where such property is an automobile dealership or an automobile rental lot. Repair or servicing of any motor vehicle may occur provided that the work continues for a period not to exceed seventy-two (72) hours. Long-term storage shall mean storage for a period of seventy-two (72) or more consecutive hours.
- B. In any residential district, no portion of any vacant or undeveloped parcel, or a parcel where no main building exists, shall be used for storage of the items listed above.
- C. Building materials for use on the same parcel or building site may be stored on the parcel or building site during the time that a valid building permit is in effect for construction on the premises.

#### **§8.320 Street Lighting and Tree Planting**

##### **A. Street Lighting**

- 1. The provision of street lights shall be required for all subdivision and all major development projects. Street lights shall be placed in accordance with improvement standards approved by Town Council.
- 2. At a minimum, a developer of a residential, commercial, or industrial development shall construct, or shall enter into an agreement with the Town to construct, prior to acceptance and a final approval of a project. If a subdivision is not involved, a street lighting system of a utility-owned ornamental system consisting of standard ornamental electroliers customarily

furnished by the utility or other designs approved by the utility company and the Town Engineer; or

3. The developer of a residential, commercial, or industrial development shall be liable for and shall pay charges of such utility attributable to such installation.
4. Installation of street lighting shall be underground, whenever possible, and shall be in accordance with plans and specifications as approved by serving utility and the Town Engineer.

**B. Front Yard Tree Planting**

1. All land divisions governed by this Code shall be required to plant a minimum of one (1) tree per parcel frontage prior to final building inspection based on the following standards:
  - a. Trees shall be chosen from the approved Street Tree List for trees, shrubs, and ground covers. Each choice should reflect consideration of the geographic zone involved.
  - b. Trees shall be located a minimum of ten (10) feet from driveways and from any public sidewalk.
  - c. For corner lots, street trees shall be required on both street frontages, provided such planting does not interfere with sight distances and setback requirements.
  - d. Exceptions to street tree planting may be permitted by the Zoning Administrator in cul-de-sacs and on those lots where proper spacing is not possible. Requests for exceptions shall be made, in writing, to the Zoning Administrator.
2. The proposed location of all street trees shall be indicated on the site plans submitted to the Zoning Administrator for comment and final approval.

**§8.330 Underground Utilities**

- A. Requirement for Underground Installation of Utility Lines: All permits dealing with utility lines shall be consistent with all applicable State laws and regulations.
- B. Except as provided in this Code, the following utility lines, existing and proposed, shall be installed underground in conjunction with new development projects whenever feasible. Said undergrounding of utility lines shall include, but not be limited to, all new electrical distribution lines, existing electrical distribution lines of thirty-five thousand (35,000) volts or less, telephone lines, street light service lines, cable television and similar service wires or cable as which:
  1. Provides new service to the property being developed;
  2. Lines are existing and located within the boundaries of the property being developed;
  3. Lines are existing between the property line and the centerline of the peripheral streets of the property being developed; or
  4. Lines are along the project perimeter boundary.

- C. **Responsibility for Compliance:** Arrangements, including payment of all costs, for undergrounding utility lines shall be made by the developer or owner of the property to be developed with the serving utility company(s). Undergrounding of utility lines and structures may be done by the developer, or owner, with permission from the serving utility company.
- D. **Timing of Compliance:** Undergrounding shall be completed:
1. Prior to the inspection approval of related street improvements; or
  2. Prior to building occupancy if no related street improvements are required.
- E. **General Exceptions:** The following exceptions shall apply:
1. Temporary overhead utility lines including necessary service poles, wires, and cables may be permitted and installed to the satisfaction of the Building Official for the period during which authorized construction is continuing for which a valid building permit has been issued. All temporary overhead utility lines shall be removed prior to the issuance of the Certificate of Occupancy.
  2. Appurtenances and associated equipment including, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts from an underground system, may be placed above ground and installed to the satisfaction of the Town Engineer.
  3. In established residential areas where overhead utility lines presently exist along or near lot lines and where an in-fill development is being developed on a single lot, overhead utility lines may be permitted and installed to the satisfaction of the Town Engineer.
- F. **Exceptions Approved by the Town Engineer:** The following further exceptions may apply, subject in each case to the specific written approval of the Town Engineer, and then only on the basis of a formal request detailing the reasons therefore:
1. On developments consisting of three (3) lots or less that do not in total exceed one hundred fifty (150) feet of frontage for residential, commercial, office professional, business park, public/institutional, or industrial development, the Town Engineer may waive construction of underground utility lines along the peripheral streets or property lines. However, all on-site utility service liens shall be installed underground. In such a situation, the developer or property owner shall deposit the cost, as determined by the Town Engineer, for undergrounding utility lines along the peripheral streets or property lines with the Town for future undergrounding work to be done by the Town.
  2. A new single family residence constructed in rural undeveloped areas where there are no existing utility lines within a quarter (1/4) mile radius.
- G. **Non-Conforming Structures:** Buildings and structures which, on the effective date of this Code or any subsequent amendments thereto, are nonconforming in regard to above ground on-site utility lines and structures, may continue to be used, altered or enlarged in the same manner, as if such nonconforming utility lines did not exist.
- H. **Appeals:** An appeal, along with the appropriate fee, may be submitted to the Zoning Administrator for the consideration of waiving all or portions of the requirements of this Section due to topographic conditions, soil or other factors that render undergrounding unreasonable or impractical.

All appeals shall be in writing, and shall state the reason why undergrounding is unreasonable or impractical. Appeals shall include a preliminary estimate of cost, in writing, from the serving utility company(s).

**§8.340 Water Efficient Landscape Requirements**

The purpose and objective of this Section is to promote the best interest of the Town and its citizens, to conserve a precious and limited natural resource, namely water, to establish a comprehensive program for the design, construction, installation and maintenance of water efficient landscapes for all future construction projects in the Town. This Section is intended to promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible; to establish a structure for designing, installing, and maintaining water efficient landscapes and new projects in compliance with goals, objectives, and policies of the General Plan, and any future amendments thereto; and to establish landscape development standards and guidelines and new projects while promoting the installation of water efficient landscapes.