

AGENDA

TUSAYAN TOWN COUNCIL and PLANNING & ZONING COMMISSION WORKSHOP ON ZONING CODE

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 27th day of October, 2015, at 3:35 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 11.20.1.1 (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 1: 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 from 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 earthly 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 than thirty (30) days 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 factory 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) feet 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**

Number of Single Family Dwellings	Min. No. of Bldg. Footprints (excludes reverse plans)	Min. No. of Elevations per Bldg. Footprint
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.

1. 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**

Permitted Temporary Zones Uses (With a Permitted Special Event Permit)	Zones	Max. No. of Days per Calendar Year	Max. No. of Occurrences per Calendar Year
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**

§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

Rural and Related Uses (con't)	RR	RS-20
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.		

Public and Semi-Public Uses	RR	RS-20
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

Other Uses	RR	RS-20
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

Accessory Uses	RR	RS-20
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

Residential Uses	RS-5	RS-10	RM-14	RM-30
Condominiums and condo conversions, per §8.50 of this Code	X	X	C	C
Dormitories	X	X	P	P
Guest dwellings (2 nd 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

Residential and Related Uses	RS-5	RS-10	RM-14	RM-30
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

Public and Semi-Public Uses	RS-5	RS-10	RM-14	RM-30
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

Accessory Uses	RS-5	RS-10	RM-14	RM-30
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**

Office and Related Uses	CN	CG	CH
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

General Commercial Uses	CN	CG	CH
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

General Commercial Uses (Cont'd)	CN	CG	CH
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

Public and Semi-Public Uses	CN	CG	CH
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

Accessory Uses	CN	CG	CH
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		

Temporary Uses	CN	CG	CH
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

Industrial Uses	IP	LI
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

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

Services	IP	LI
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

Services	IP	LI
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

Public and Semi-Public Uses	IP	LI
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

Agricultural and Related Uses	IP	LI
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

Accessory Uses	IP	LI
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		

Temporary Uses	IP	LI
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.

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.

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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 §8.1.2 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. | <u>Externally Illuminated Sign Standards:</u> 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. | <u>Internally Illuminated Sign and Neon Sign Standards:</u> |
| a. | <u>Illumination of Copy and Background, Colors:</u> 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 11th through February 8th 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 sigh 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.

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CHAPTER 9
SPECIFIC USE DEVELOPMENT STANDARDS

§9.10 **Purpose and Intent**

- A. It is the purpose and intent of this Chapter to identify land uses and activities which possess the potential to cause deleterious effects to the community in which they are located, and to subject such uses to specific regulations with the intent of minimizing, to the extent practical, these deleterious effects. Further, it is intended that in the zone districts in which these land uses are permitted, they are conducted in a manner which is consistent with the protection of the public health, safety, and welfare in accordance with the goals, policies, objectives and implementation programs contained in the General Plan.
- B. It is further determined that it is in the interest of public health, safety and welfare of the citizens of the Town to protect minors from viewing publicly displayed harmful matter, and that the Town is authorized to adopt ordinances which restrict the display of harmful matter to minors by the use of blinder racks. It has also been found that there exists an increasing trend toward the display of harmful matter at grocery stores, convenience stores, video stores, and other retail outlets, as well as from newsracks, and that restriction of public display of such harmful matter will keep the adverse impacts of such harmful matter upon minors to a minimum.

§9.20 **Applicability:** The provisions of this Chapter shall apply to the activities and land uses specified by this Section in addition to any standards and regulations established by this Code which may also be applicable to these specified land uses or activities.

§9.30 **Adult-Oriented Businesses:**

- A. **Applicability:** It is the intent of this Chapter to prevent community-wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of Adult-Oriented Businesses in close proximity to each other, or proximity to other incompatible uses such as schools for minors, churches, and residentially zoned districts or uses. The Town Council finds that it has been demonstrated in various communities that the concentration of Adult-Oriented Businesses causes an increase in the number of transients in the area, and an increase in the crime, and in addition the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this code to establish reasonable and uniform regulations to prevent the concentration of Adult-Oriented Businesses or their close proximity to incompatible uses, while permitting the location of Adult-Oriented Businesses in certain areas.
- B. **Findings of the Town Council:**
1. The Town Council, in adopting this code, takes legislative notice of the existence and content of the following studies concerning the adverse secondary side effects of Adult-Oriented Businesses in other cities: American Center for Law and Justice (1996); New

York, New York (1994); State of New Jersey (1994); Garden Grove, California (1991); Tucson, Arizona (1990); Seattle, Washington (1989); Austin, Texas (1986); Oklahoma City, Oklahoma (1986); Indianapolis, Indiana (1984); Houston, Texas (1983); Beaumont, Texas (1982); Minneapolis, Minnesota (1980); Phoenix, Arizona (1979); Whittier, California (1978); Amarillo, Texas (1977), Cleveland, Ohio (1977); Los Angeles, California (1977). The Town Council finds that these studies are relevant to the problems addressed by the Town in enacting this ordinance to regulate the adverse secondary side effects of Adult-Oriented Businesses, and more specifically finds that these studies provide convincing evidence that:

- a. Adult-Oriented Businesses are linked to increases in the crime rates in those areas in which they are located and in surrounding areas.
 - b. Both the proximity of Adult-Oriented Businesses to sensitive land uses and the concentration of Adult-Oriented Businesses tend to result in the blighting and deterioration of the areas in which they are located.
 - c. The proximity and concentration of Adult-Oriented Businesses adjacent to residential, recreational, religious, education, and other Adult-Oriented Business uses can cause other businesses and residents to move elsewhere.
 - d. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by Adult-Oriented Businesses, including, but not limited to, an increase in the crimes of narcotics distribution and use, prostitution, pandering and violence against persons and property. The studies from other cities establish convincing evidence that Adult-Oriented Businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, and increase in crime and a decrease in property values.
2. Based on the foregoing, the Town Council finds and determines that special regulation of Adult-Oriented Businesses is necessary to ensure that their adverse secondary side effects will not contribute to an increase in crime rates or to the blighting or deterioration of the areas in which they are located or surrounding areas. The need for such special regulations is based upon the recognition that Adult-Oriented Businesses have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or located in direct proximity to sensitive uses such as parks, schools, churches, thereby having a deleterious effect upon the adjacent areas. It is the purpose and intent of these special regulations to prevent the concentration of Adult-Oriented Businesses and thereby prevent such adverse secondary side effects.
 3. The locational requirements, established by this chapter, do not unreasonable restrict the establishment or operation of constitutionally protected Adult-Oriented Businesses that are provided by this Code.
 4. In developing this code, the Town Council has been mindful of legal principles relating to regulation of Adult-Oriented Businesses and does not intend to suppress or infringe upon any expressive activities protected by the First Amendments of the United States and Arizona Constitutions, but instead desires to enact reasonable time, place and manner regulations that address the adverse secondary effects of Adult-Oriented Businesses. The Town Council has considered decisions of the United States Supreme Court regarding

local regulations of Adult-Oriented Businesses, including but not limited to: Young v. American Mini Theaters, Inc., 427 U.S. 50(1976) (Reh. Denied 475 U.S. 1132); FWIPBS, Inc. v. Dallas, 493 U.S. 215 (1990); Barnes v. Glenn Theater, 501 U.S.560(1991); United States Court of Appeals 9th Circuit decisions, including but not limited to: Topanga Press, et al. v. City of Los Angeles, 989F.2d 1524(1993); several California cases including but not limited to: City of National City v. Weiner, 3 Cal.4th 832(1993); People v. Superior Court (Lucero), 49 Cal.3d 14(1989); and City of Vallejo v. Adult Books et al., 167 Ca.App3d 1169(1985); and other federal cases including Lakeland Lounge v. City of Jacksonville (5th Cir. 1992) 973 F.2d 1255, Hang On, Inc. v. Arlington (5th Cir. 1995) 65 F.3d 1248, Mitchell v. Commission on Adult Entertainment (3d Cir. 1993) 10 F.3d 123, International Eateries v. Broward County (11th Cir. 1991) 941 F.2d 1157, and Star v. Satellite v. City of Biloxi (5th Cir. 1986) 779F.2d 1074.

5. The Town Council also finds that locational criteria alone do not adequately protect the health, safety and general welfare of the citizens of the Town, and thus certain requirements with respect to the ownership and operation of Adult-Oriented Businesses are in the public interest. In addition to the findings and studies conducted in other cities regarding increases in crime rates, decreases in property values and the blighting of areas in which such businesses are located, the Town Council also takes legislative notice of the facts recited in the case of Kv, Inc., v. Kitsay County, 798 F.2d 1053 (1986), regarding how a live Adult-Oriented Business results in secondary effects such as prostitution, drug dealing, and other law enforcement problems.
6. The Town Council finds the following, in part based upon its understanding of the documents and judicial decision in the public record:
 - a. Evidence indicates that some dancers, models and entertainers and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in Adult-Oriented Businesses (collectively referred to as 'performers') have been found to engage in sexual activities with patrons of Adult-Oriented Businesses on the site of the Adult-Oriented Business;
 - b. Evidence has demonstrated that performers employed by Adult-Oriented Businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;
 - c. Evidence indicates that performers at Adult-Oriented Businesses have been found to engage in acts of prostitution with patrons of the establishment.
 - d. Evidence indicates that the use of fully enclosed booths, individual viewing areas, and other small rooms whose interiors cannot be seen from public areas of the establishment regularly, have been found to be used as a location for engaging in unlawful sexual activity.
 - e. As a result of the above, and the increase in incidents of AIDS and Hepatitis B, both sexually transmitted diseases, the Town has a substantial interest in adopting regulations that reduce, to the greatest extent possible, the possibility of the occurrence of prostitution and casual sex acts at Adult-Oriented Businesses.

7. Zoning, licensing, and other regulations are legitimate, reasonable means of accountability to help protect the quality of life in the Town and to help assure that all operators of Adult-Oriented Businesses comply with reasonable regulations and are located in places that minimize the diverse secondary effects which naturally accompany the operation of such businesses.
8. The Town Council recognizes the possible harmful effects on children and minors exposed to the effects of such Adult-Oriented Businesses and the deterioration of respect for family values, and the need and desire of children and minors to stay away from and avoid such businesses, which causes children to be fearful and cautious when walking through or visiting the immediate neighborhood of such businesses; and the Town Council desires to minimize and control the adverse secondary side effects associated with the operation of Adult-Oriented Businesses and thereby protect the health, safety, and welfare of the citizens of the Town; protect the citizens from increased crime; preserve the quality of life; preserve the property values and the character of surrounding neighborhoods and businesses; deter the spread of urban blight and protect against the threat to health from the spread of communicable and sexually transmitted diseases.
9. It is not the intent of the Town Council in enacting this Code, or any provision thereof, to condone or legitimize the distribution of obscene material, and the Town Council recognizes that state law prohibits the distribution of the obscene materials and expects and encourages law enforcement officials to enforce state obscenity statutes against such illegal activities in the Town.
10. Nothing in this Code is intended to authorize, legalize, or permit the establishment, operation or maintenance of any business, building, or use that violates Town ordinances or State Statutes regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter or the exhibition or public display thereof.
11. The Town Council finds the following in part, based upon its understanding of the documents and judicial decisions in the public record:
 - a. Evidence indicates that some dancers, models and entertainers and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in Adult-Oriented Businesses (collectively referred to as 'performers') have been found to engage in sexual activities with patrons on the site of the Adult-Oriented Business;
 - b. Evidence has demonstrated that performers employed by Adult-Oriented Businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;
 - c. Evidence indicates that performers at Adult-Oriented Businesses have been found to engage in acts of prostitution with patrons of the establishment.
12. In prohibiting public nudity in Adult-Oriented Businesses, the Town Council does not intend to proscribe the communication of erotic messages or any other communicative element or activity, but rather only to prohibit public nudity due to the secondary impacts associated with such public nudity; and

13. The Town Council also finds, as a wholly independent basis, that it has a substantial public interest in preserving societal order and morality, and that such interest is furthered by a prohibition on public nudity; and
14. While the Town Council desires to protect the rights conferred by the United States Constitution to Adult-Oriented Businesses, it does so in a manner that ensures the continued and orderly development of property within the Town and diminishes, to the greatest extent feasible, those undesirable secondary effects which the aforementioned studies have shown to be associated with the development operation of Adult-Oriented Businesses; and
15. In enacting a nudity limitation, the Town declares that the limitation is a regulatory licensing provision and not a criminal offense. The Town has not provided a criminal penalty for a violation of the nudity limitation. The Town adopts such a limitation only as a condition of issuance and maintenance of an Adult-Oriented Business permit issued pursuant to the Town Code; and
16. The Town Council finds that preventing the exchange of money between entertainers and patrons also reduces the likelihood of drug and sex transactions occurring in Adult-Oriented Businesses; and
17. Requiring separations between entertainers and patrons reduces the likelihood that such persons will negotiate narcotics sales and/or transact sexual favors within the Adult-Oriented Businesses; and
18. Enclosed or concealed booths and dimly lit areas with Adult-Oriented Businesses greatly increase the potential for misuse of the premises, including unlawful conduct of a type which facilitates transmission of disease. Requirements that all indoor areas be open to view by management at all times, and that adequate lighting be provided are necessary in order to reduce the opportunity for, and therefore the incidence of illegal conduct with Adult-Oriented Businesses, and to facilitate the inspection of the interior of the premises thereof by law enforcement personnel.

C. Establishment of an Adult-Oriented Business, as used herein, shall mean and include any of the following:

1. The opening or commencement of any Adult-Oriented Business as a new business;
2. The conversion of an existing business, whether or not an Adult-Oriented Business, to any Adult-Oriented Business defined herein;
3. The addition of any of the Adult-Oriented Businesses defined herein to any other existing Adult-Oriented business; or
4. The relocation of any such Adult-Oriented Business.

D. Definitions:

1. Specified Anatomical Areas: As used herein, "specified anatomical areas" shall mean and include any of the following:

- a. Less than completely and opaquely covered human (i) genitals or pubic region; (ii) buttocks; and (iii) female breast below a point immediately above the top of the areola;
 - b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered;
 - c. Any device, costume or covering that simulates any of the body parts included in subdivision (a) or (b) above.
2. **Specified Sexual Activities:** As used herein, "specified sexual activities" shall mean and include any of the following, whether performed directly or indirectly through clothing or other covering:
- a. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
 - b. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
 - c. Masturbation, actual or simulated; or
 - d. Excretory functions as part of or in connection with any of the other activities described in subdivision (a) through (c) of this subsection.
3. **Adult-Oriented Business:** As used herein, "adult-oriented business" shall mean any of the following:
- a. **Adult Arcade:** The term "adult arcade" as used in this chapter, is an establishment where, for any form of consideration, one or more still or motion picture projectors, video cassettes, or other similar image-producing devices are maintained to show images for viewing by five (5) or fewer persons each, are used to show films, computer-generated images, motion pictures, video cassettes, slide or other photographic reproductions twenty-five (25) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 - b. **Adult Bookstore:** The term "adult bookstore" as used in this chapter, is an establishment that sells or rents books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, slides, tapes, video cassettes, records, or any other form of visual or audio representation twenty-five (25) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
 - c. **Adult Cabaret:** The term "adult cabaret" as used in this chapter means a nightclub, bar, restaurant, or similar business establishment which (1) regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/or (2) which regularly features persons who appear semi-nude; and/or (3) shows films, computer generated images, motion pictures, video

- cassettes, slide, or other photographic reproduction twenty-five (25) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- d. Adult Hotel or Motel: The term “adult hotel or motel” as used in this chapter, means a hotel or motel or similar business establishment offering public accommodations for any form of consideration which provides patrons with closed-circuit television transmissions, films, computer-generated images, motion pictures, video cassettes, slides or other photographic reproductions twenty-five (25) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- e. Adult Motion Picture Theater: The term “adult motion picture theater” as used in this chapter, is a business establishment where, for any form of consideration, films, computer-generated images, motion pictures, video cassettes, slides or similar photographic reproductions are shown, and twenty-five (25) percent or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.
- f. Adult Newsstands: The term “adult newsstands” as used in this chapter, shall mean the following:
1. Any coin-operated machine or device that dispenses material substantially devoted to the depiction of specified sexual activities or specified anatomical areas;
 2. Any shelf, countertop, or rack, indoor or outdoor, used for displaying for sale, rental, or other use to the public, magazines, newspapers, video cassettes, or other periodicals substantially devoted to the depiction of specified sexual activities or specified anatomical areas where twenty-five (25) percent of the area is devoted to said uses in non-adult businesses. This does not apply to interior display fixtures in approved adult entertainment businesses.
- g. Adult Theater: The term “adult theater” as used in this chapter, means a theater, concert hall, auditorium, or similar establishment which, for any form of consideration regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.
- h. Church: The term “church” as used in this chapter, means an institution that people regularly attend to participate in or hold religious services, meetings, or other activities. The term “church” shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held.
- i. Distinguished or Characterized by an Emphasis Upon: As used in this chapter, the term “distinguished or characterized by an emphasis upon” shall mean and

refer to the dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon” the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See Pringle v. City of Covina, 115 Cal.App.3 151 (1981).

- j. Modeling Studio: The term “modeling studio” as used in this chapter, means a business which provides, of pecuniary compensation, monetary or other consideration, hire or reward, figure models who for the purposes of sexual stimulation of patrons, display “specified anatomical areas” to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. “Modeling studio” does not include schools maintained pursuant to standards set by the State Board of Education. “Modeling studio” further does not include a studio or similar facility owned, operated or maintained by an individual artist or group of artists, and which does not provide, permit, or make available “specified sexual activities.”
 - k. Regularly Features: The term “regularly features” with respect to an adult theater or adult cabaret means a regular and substantial course of conduct. The fact that live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two (2) or more occasions within a thirty (30) day period; of four (4) or more occasions within a one hundred eighty (180) day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.
 - l. School: The term “school” as used in this ordinance is any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the Arizona Education Board and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.
 - m. Semi-Nude: The term “semi-nude” means a state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.
4. General Provisions: Adult-oriented businesses may be permitted in compliance with the provisions of this Chapter where the Land Use Designation of the General Plan for the subject property is “Commercial Heavy” and where the zone district in which the subject property is located is “Commercial Heavy” subject to the limitations and design standards specified within said zone districts in accordance with the provisions of this Chapter.
5. Development Standards
- a. Minimum Proximity Requirements: The distances provided in this section shall be measured by following a straight line, without regard to intervening buildings, from the nearest point of the property upon which the proposed land use is to be

located to the nearest point of the property from which the proposed land use is to be separated.

- b. Adult-oriented businesses shall not be established or conducted within:
 1. 1,000 feet of any residential use;
 2. 1,000 feet of any funeral parlor, mortuary, or similar facility;
 3. 1,000 feet of a public or private school for minors;
 4. 1,000 feet of a licensed day care facility for minors;
 5. 1,000 feet of a church synagogue or other place of worship;
 6. 1,000 feet from any other adult entertainment business; and
 7. 1,000 feet of any publicly used facility, such as parks, libraries, any civic buildings, however, this subsection shall not apply to such uses as public utility facilities such as the Tusayan Airport, utility plants, and similar uses.
 - c. Exterior Display: No adult entertainment business shall be operated in a way that permits observation of material depicting or describing "Specified Anatomical Areas" or "Specified Sexual Activities," as defined in this Code, from any location outside of the building in which an adult entertainment business is operating.
 - d. Advertising structures, advertisements, displays or other promotional material depicting "specified anatomical areas" or "specified sexual activities" or displaying instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities" shall not be visible from the outside of a building. Further, no building shall be painted in garish colors or such other fashion that will effectuate the same purpose as a sign.
 - e. All building openings, entries and windows for adult-oriented businesses shall be located, covered, or screened in a manner to prevent a view into the interior from any exterior public or semi-public area.
 - f. No loudspeakers or sound equipment shall be used for adult-oriented businesses that can be discerned by the public from public and/or semi-public areas.
6. Indecent Exposures, Exhibitions, Penalty: Every person who willfully and lewdly either:
- a. Exposes his person, or the private parts thereof, in any public place, or in any place where there are present other persons to be offended or annoyed thereby; or,
 - b. Procures, counsels, or assists any person to expose himself or take part in any model artist exhibition, to make any other exhibition of himself to public view, to view any number of persons engaged in actions deemed an offense to decency, or

be adapted to excite to vicious or lewd thoughts or acts, is guilty of a misdemeanor.

7. Operational Requirements:

- a. All activities pertaining to the operation of an adult entertainment business shall be conducted inside the walls of the proposed building and shall be out of sight and sound from any location outside the building. This shall not apply to an approved outdoor signage, for the purpose of notifying potential customers of the business.
- b. Within the adult entertainment business, all image-producing devices shall be located so that the machines are open to view from any side and are without obstructions or separations that would block from open sight, any patrons using said machines.
- c. A responsible adult shall be present on the premises at all times and shall observe and supervise the use of all image-producing devices and all areas of the business available to public access. Adult entertainment businesses containing over forty (40) image-producing machines shall require the presence of two (2) responsible adults to observe and supervise all areas of the business available to public access.
- d. Facility Design Requirements: All adult entertainment businesses, other than such businesses that are established as a tenant within an industrially zoned center containing multiple tenants, shall be designed and constructed to blend into, and appear as an integral part of, the built environment that characterizes the surrounding area.
- e. Exclusion of Minors: Access to any adult entertainment business by a minor shall be prohibited. A sign shall be posted on all entrances restricting inclusion or entrance of minors. No minors shall be employed by any adult entertainment business nor permitted entrance into the premises.
- f. Minimum Lighting: No person shall operate an adult entertainment business, excluding Adult Motion Picture Theaters, unless a light level of not less than two (2) foot candles at floor level is maintained in every portion of said establishment to which the public is admitted.
- g. Maximum Occupancy Load: No person shall operate an adult entertainment business in which the number of persons in any room or partitioned portion of a room where an image-producing device is located exceeds one (1) person per thirty (30) square feet. The maximum occupancy permitted in any room or partitioned portion of a room in which any image-producing device is located shall be conspicuously posted by the operator and shall remain posted at the entrance of said room.
- h. Maximum Number of Devices: No person shall operate an adult entertainment business in which the number of image-producing devices exceeds the maximum occupancy load permitted in any room or partitioned portion of a room in which an image-producing device is located.

- i. Free Access to Law Enforcement, Fire, Health and Safety Personnel, and Town Inspectors: No person shall deny access to an adult entertainment business for the purpose of a reasonable inspection to enforce compliance with building, fire, electrical, health or plumbing regulations of Town ordinances or State Law.
 - j. Other Remedies: The provisions of this subsection are to be construed as added remedies not in conflict with or derogation of any other actions or proceedings or remedies otherwise provided by law.
8. Nonconforming Establishments
- a. Any Adult-Oriented Business established and conducted as a lawful business and a lawful use at the time this code became effective, has been in continuous operation since that time, and is not in conformance with the requirements of this code shall be recognized as a legal non-conforming use.
 - b. Any non-conforming Adult-Oriented Business use shall not be enlarged or changed by any of the following means, unless such a change will bring the business into full compliance with the requirements of this section:
 - 1. Increase in the size of the floor area or use area of a building or portion of a building in which the business is located;
 - 2. Use of an adjacent building in whole or part, whether on the same lot or an adjacent lot;
 - 3. Conversion of an existing adult entertainment business to any other Adult-Oriented Business; and
 - 4. Addition of another Adult-Oriented Business to an existing Adult-Oriented Business.
 - c. The establishment of any land use specified in this Chapter, within the prescribed distances to an existing Adult-Oriented Business shall not, by establishment of that land use, require the removal of the Adult-Oriented Business, provided that the Adult-Oriented business is a legal use or a legal nonconforming use and is in conformance with all provision of this Code and other applicable ordinances and statutes.
9. Amortization of Nonconforming Adult-Oriented Business Uses: Any use of real property existing on the effective date of this code, which does not conform to the provisions of this chapter but which was constructed, operated and maintained in compliance with all previous regulations, shall be regarded as a nonconforming use which may be continued in accordance with Section 2.110 of this Code.
- a. Abandonment: Notwithstanding the above, any abandonment of the use of any lot or structure as an Adult-Oriented Business shall result in a loss of legal nonconforming status of such use as set forth in Section 2.110 of this Code.
 - b. Amortization – Annexed Property: Any Adult-Oriented Business which was a legal use at the time of annexation of the property and which is located in the

Town, but which does not conform to the provisions of this chapter shall be considered a non-conforming use as set forth in Section 2.110 of this Code.

10. Regulations Non-Exclusive

- a. Nothing in this Section is intended to authorize, legalize or permit the establishment, operation or maintenance of any business, building or use which violates any Town ordinance or State Statute regarding public nuisance, sexual conduct, lewdness, obscene or harmful matter, or the exhibition or public display thereof.
- b. The regulations set forth in this section are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of Adult-Oriented Business establishments set forth elsewhere in applicable ordinances.

11. Display of Harmful Material to Minors Prohibited.

- a. It shall be unlawful to display, cause to be displayed, or permitted to be displayed for commercial purposes any harmful matter in any public place except for a public place from which minors are excluded.
- b. Harmful matter is not considered to be displayed if it is located in an area that places such material reasonably beyond the reach of a minor and a device, commonly known as a blinder rack, is placed in front of such harmful matter.
- c. Any person who sells or rents video recordings containing harmful matter shall comply with the requirements of this Code which requires the creation of a separate area within a business establishment for the placement of such video recordings, or for display of any material advertising the sale or rental of such video recordings. Additionally, any harmful matter, placed or displayed in that separate area, must be obscured by a blinder rack if the harmful matter can be viewed by persons outside that area.
- d. Any news rack, which offers harmful matter for sale, must place a blinder rack in front of such harmful matter so as to obscure the lower two-thirds (2/3) of the material displaying said harmful matter. For purposes of this subsection, a wrapper which obscures the lower two-thirds (2/3) of the material and which is fastened securely to the material may be used in lieu of a blinder rack.

§9.40 Keeping of Animals

- A. Purpose and Intent: This section is intended to ensure that keeping of animals or husbandry land uses do not create adverse impacts to adjacent properties such as dust, noise, odor, fumes, bright light, visual blight, or insect infestation.
- B. Applicability: All keeping of animals or husbandry land uses conducted shall comply with the provisions of this Section in addition to applicable provisions of the zone district in which the said use is located.

- C. Pre-Existing Uses: Legally established keeping of animals and husbandry use which would, as a result of the adoption of this chapter become nonconforming with this section, be permitted to continue as a "legal nonconforming use," provided that the use meets the criteria for legal nonconforming uses, pursuant to §2.110 (Nonconforming Use and Structures) of this Code.
- D. Permitted Uses: The following uses are permitted on each residential lot. To calculate the allowable number of animals, remainders of area or of animals shall be rounded down.
1. The following standards apply to the keeping of domestic pets within the RS-5, RS-10, RM-14 and RM-30 zone districts.
 - a. On lots smaller than one-quarter (1/4) acre, the keeping of dogs or cats shall not exceed two (2) adult dogs and two (2) adult cats; a combination totaling not more than four (4) adult animals on any one lot.
 - b. On lots of one-quarter (1/4) acre or greater, two (2) adult dogs and two (2) adult cats or a combination totaling not more than four (4) adult animals may be kept on a parcel for each one-quarter (1/4) acre of net lot area, up to a maximum of six (6) adult dogs and six (6) adult cats; or a combination totaling not more than six (6) adult animals.
 - c. The keeping of up to four (4) domestic, adult household pets, other than dogs and cats, including domestic birds, rabbits, hamsters, rats, mice, etc. shall be permitted in any combination of species for each one-quarter (1/4) acre of net lot area, provided the total number of adult household pets kept does not exceed six (6) animals on any one lot.
 2. The following standards apply to the non-commercial keeping of horses within the RR and RS-20 zone districts:
 - a. One (1) horse or pony may be kept on any lot that is no less than one (1) acre. One (1) additional horse or pony, or combination thereof, may be kept for each additional one-half (1/2) acre up to a maximum of six (6) such animals.
 - b. Non-commercial keeping of the following animals, in any combination, may be permitted within the RR and RS-20 zone districts:
 1. Goats, sheep, and other small-sized cleft hoof animals.
 - a. No goats, sheep or other small-sized cleft hoof animals shall be kept on any lot with a net area of less than one-half (1/2) acre.
 - b. Two (2) adult goats, sheep or other small-sized cleft hoof animals may be kept for each additional one-quarter (1/4) acre up to a maximum of six (6) adult animals total in any combination thereof.
 2. Cattle (Bovines)
 - a. No cattle or bovines shall be kept on any lot or parcel with a net area of less than one (1) acre.

- b. One bovine may be kept for each additional one-half (1/2) acre up to a maximum of six (6) bovine.
 3. Minimum distance for structures used for habitation of animals, such as stalls, pens, coops, but not including property line fences, shall be as follows: ten (10) feet from a residential building on the same lot; fifty (50) feet from off-site residential structures or other structures used for human habitation; one hundred (100) feet from the front lot line; twenty-five (25) feet from a street side lot line of a corner lot; and seventy-five (75) feet from a public park, school, hospital, or similar institution.
 4. Student Oriented Projects: The breeding and raising of livestock, in greater numbers than allowed in this Chapter, by minors in conjunction with a student-oriented fair project sponsored by a bona fide agricultural organization shall be permitted upon application to, and approval by the Zoning Administrator.
 5. Application Contents: An application for a Temporary Animal Permit shall include the following:
 - a. The name and address of the applicant and the property owner.
 - b. Assessor's parcel number(s).
 - c. Legal description of the subject property.
 - d. Name of the organization sponsoring the applicant.
 - e. A plot plan showing the location of proposed pens, coops, or areas for the breeding and raising of animals in relation to existing residence(s) and other buildings and structures within one hundred (100) feet of pens, coops or areas housing livestock.
 - f. The signature of each owner of the real property abutting the subject lot consenting to the granting of the Temporary Permit.
- c. Development Standards and Conditions: The breeding and raising of animals on a temporary basis shall comply with the following standards and conditions:
 1. Applicant shall be sponsored by a bona fide organization, such as, but not limited to, Future Farmers of America, 4-H Club, Cow-Belles, or Junior Farmers.
 2. An increase in animal density shall not exceed one (1) horse, donkey, mule, cow, dairy stock, goat, hog, sheep, or other similar animal per one-quarter (1/4) acre of lot area. In any case, no more than six (6) additional animals shall be allowed.
- d. Temporary Animal Permit: A temporary animal permit shall be effective for a period of six (6) months from the effective date of the permit. No more than one

(1) such permit shall be approved for any lot within a one (1) year period under the following conditions:

1. The written consent of each abutting property owner consenting to the granting of a Temporary Animal Permit must be obtained.
2. The applicant shall allow inspection of animal maintenance facilities by the County Health Department and Town staff.
3. The Zoning Administrator may revoke a Temporary Animal Permit at any time for noncompliance with this Code or upon receipt of a recommendation for revocation from the County Health Department.
4. Each additional animal authorized by a Temporary Animal Permit over the allowable animal density specified herein shall be removed upon expiration of the Permit.

e. Conditionally Permitted Uses: The following shall be subject to the conditional use permit procedure as provided in §2.50 (Conditional Use Permit) of this Code:

1. Exotic or wild animals; as defined in §9.70 (Exotic Animals) of this Code.
2. The raising of rabbits, chinchilla, nutria, hamsters, guinea pigs, and other animals similar in size and appearance for commercial purposes.
3. Non-commercial aviaries (not including chickens) provided that the number of birds shall not exceed ten (10) birds for each one-quarter (1/4) acre of net lot area.
4. Non-commercial apiary (beekeeping) provided that hives and/or boxes shall be placed a minimum of four hundred (400) feet from any street, road, highway, public school, park or any occupied dwelling, except for the owner or caretaker of the apiary.
6. Homing or Racing Pigeons (Pigeons). The raising of pigeons may be allowed in conjunction with any single-family residence within the Town subject to approval of a conditional use permit. Conditions of the conditional use permit shall include but not be limited to the following:
 - a. No person shall keep, maintain or harbor pigeons unless such pigeons are kept, or maintained in an approved pigeon loft as defined herein.
 - b. A pigeon loft shall contain no more than twenty-five (25) such adult pigeons and nor more than twenty-five (25) such young birds of not over one (1) year of age on any RR or RS-20 lot. Each pigeon shall wear a metal or plastic leg band to identify the owner or keeper thereof. The owner shall maintain a record of the age and date of acquisition of such pigeons and such records shall be open for inspection by the Zoning Administrator.

- c. Pigeons kept in a pigeon loft may not be allowed by the owner or keeper to perch or linger on the buildings or property of others in the vicinity of such pigeon loft. The pigeon loft shall be maintained in a clean, sanitary and wholesome manner at all times and shall be subject to periodic inspection by the County Health Department.
 - d. No such pigeon loft shall be permitted within two-hundred (200) feet of any zone district other than an RR or RS-20 zone district.
 - e. Pigeon lofts shall not be located any closer to an adjacent lot line than fifty (50) feet or within one hundred (100) feet of the front property line.
7. Animal Offspring: Offspring born to permitted or conditionally permitted animals kept on any given site may be maintained on said site until weaned without being counted against the maximum number of animals permitted on the site as follows:
- a. Cats and dogs; six (6) months;
 - b. Horses and ponies; twelve (12) months;
 - c. All other equine and cleft-hoofed animals; six (6) months.

§9.50 Alcoholic Beverage Outlet Regulations

- A. Purpose and Intent: It has been found that business establishments and organization engaged in the sale of alcoholic beverages for consumption frequently generate or contribute to problems which adversely affect the health, peace or safety of the Town's residents, property owners, businesses, visitors and workers. Such problems include, but are not limited to: loitering, obstruction of pedestrian and vehicular traffic, defacement of buildings, disturbances of the peace, illegal drug activity, drinking in public, harassment of passersby, gambling, prostitution, sale of stolen goods, public urination, theft, assaults, batteries, excessive littering, illegal parking, excessive loud noises in the late night and early morning hours, traffic violations, lewd conduct, police detections or arrests, and the deterioration of neighborhoods in which such establishment and business premises are located.
- B. This Section is intended to protect the health, safety and welfare of the Town by:
- 1. Imposing restrictions on the location of such establishments in relation to one another and in relation to certain public and private facilities and structures; and
 - 2. Requiring that each such establishment or organization obtain a conditional use permit in connection with its business operations or its events and activities which involve the sale of alcoholic beverages.
- C. Conditional Use Permit Required

Except as otherwise provided herein, no business may sell on-site alcoholic beverages, or for off-site consumption of alcoholic beverages until and unless an approved conditional use permit

has been granted to that business in compliance with §2.50 of this Code. A conditional use permit shall not, however, be required if the establishment falls within the following categories:

1. A retail store having ten thousand (10,000) square feet or more of floor area which does not devote more than five (5) percent of such floor area to the sale, display, and storage of alcoholic beverages;
2. A bona fide restaurant;
3. A special event function such as neighborhood or community festivals provided all of the following criteria are met:
 - a. The person, group, business, or organization sponsoring the event secures all applicable permits from the Town;
 - b. The person, group, business, or organization sponsoring the event obtains a temporary on-sale license for each of the dates the event will be held; and
 - c. The duration of the event does not exceed three (3) consecutive days or five (5) days in any single calendar year.
4. Standard Conditions for Conditional Use Permit Approval for Alcohol-Related Land Uses.
 - a. The applicant shall furnish the Town a copy of the license and a copy of the conditions placed on the license by the State Liquor Board prior to public hearing on any application for a conditional use permit.
 - b. The applicant shall comply with all restrictions placed upon the license issued by the State.
 - c. The conditional use permit shall not become effective for any purpose unless an "Acceptance of Conditions" form has been signed by the applicant in the presence of the Zoning Administrator or has been notarized and returned to the Town.
 - d. A modification of an approved conditional use permit, as provided in this Code, shall be obtained when:
 1. The establishment proposes to change its type of liquor license.
 2. The establishment proposes to modify any of its current conditions of approval.
 3. There is a substantial change in the mode or character of operations of the establishment.
 - e. Exterior lighting in the parking area shall be designed to provide adequate lighting for patrons, while not unreasonably disturbing surrounding properties. A lighting plan, subject to review and approval by the Zoning Administrator, shall be implemented prior to sale of any alcoholic beverage.

- f. In the event Town staff determines that security problems exist on the site, the conditions of this permit may be amended, under the provisions of §2.50 of this Code, to require additional security.
 - g. The establishment shall have a public telephone listing.
 - h. It shall be the responsibility of the applicant/licensee to provide all employees that sell or serve alcoholic beverages with the knowledge and skill that will enable them to comply with their responsibilities under this Code. This includes, but is not limited to the following:
 - 1. Serving alcoholic beverages to minors and intoxicated persons, driving under the influence, hours of legal operations, and penalties for violations of these laws.
 - 2. The potential legal liabilities of owners and employees of businesses dispensing alcoholic beverages to patrons who may subsequently injure, kill, or harm themselves or innocent victims as a result of the excessive consumption of alcoholic beverages.
 - 3. Methods for dealing with intoxicated customers and recognizing underage customers.
 - i. Litter and trash receptacles shall be located at convenient locations inside and outside the establishment, and operators of such establishments shall remove trash and debris in a manner to eliminate a health problem. There shall be no dumping of trash and/or glass bottles outside the establishment between the hours of 10:00 p.m. and 7:00 a.m.
 - j. The Town Council has the right to hold a public hearing to revoke or modify any conditional use permit pursuant to the provisions of this Code if harm or retail-related problems are demonstrated to occur as a result of criminal or anti-social behavior, including but not limited to the congregation of minors, violence, public drunkenness, vandalism, solicitation and/or litter.
 - k. A conditional use permit which has been approved or conditionally approved for alcohol-related land uses shall become null and void unless exercised within one (1) year of the date of final approval, or such extension of time as may be granted by the Planning and Zoning Commission pursuant to a written request for extension submitted to the Zoning Administrator a minimum of sixty (60) days prior to such expiration date.
5. Additional standard conditions of approval for alcohol-related land uses for on-site sales.
- a. All alcoholic beverages sold in conjunction with an on-site licensed establishment must be consumed entirely on the premises prior to closing time, and no alcoholic beverage shall be sold as take-out.
 - b. There shall be no live entertainment, amplified music, or dancing permitted on the premises at any time, unless specifically authorized by a conditional use

permit issued by the Town. Furthermore, the proposed uses shall be consistent with the license conditions imposed by the State.

- c. The establishment shall comply with the provisions of noise in §8.160 (Noise Hazards) of this Code.
 - d. In addition to the knowledge and skills deemed necessary for responsible alcoholic beverage services, as set forth in this chapter, the following additional topics and skills shall be required:
 - 1. Methods to appropriately pace customer drinking to reduce the risk that a customer may leave the premises in an intoxicated manner.
 - 2. Knowledge of mixology, including alternatives to alcoholic beverages.
6. Additional standard conditions of approval for alcohol-related land uses for on-site sales in outdoor dining areas.
- a. Whenever an outdoor dining area is being utilized for the sale, service or consumption of alcoholic beverages, an employee shall be in attendance and maintain continuous supervision at all times to ensure the outdoor dining area does not create a public nuisance contrary to public welfare and morals.
 - b. All alcoholic beverages served in an outdoor dining area must be served in glass containers.
 - c. All outdoor dining areas shall be surrounded by an enclosure of a design and height satisfactory to the Town Council.
 - d. Any canopy constructed over an outdoor dining area shall comply with all requirements of the Building Official and the Fire Department.
7. Additional standard conditions of approval for alcohol-related land uses for off-site sales.
- The sale of alcoholic beverages for consumption on the premises shall be prohibited and there shall be appropriate posting of signs both inside and outside the licensed premises stating that drinking of alcoholic beverages on the premises is prohibited by law. These premises shall include the licensed premises proper, appurtenant and required parking areas, and appurtenant common areas if located in a commercial center.
8. Depending upon the complexity of the issue under consideration by the Planning and Zoning Commission/Town Council, additional conditions of approval may be added to the above items in order to fully ensure that the proposed issuance of a land use approval for an alcohol-related use is fully compatible with the surrounding neighborhood and that all adverse environmental impacts are mitigated to the fullest extent possible.

§9.60 Kennels (Commercial and Noncommercial)

- A. **Purpose and Intent:** This section is intended to ensure that the operation and maintenance of commercial and noncommercial kennels, as defined in §1.190 (Definitions) of this Code, does not create a nuisance or otherwise impair the enjoyment of surrounding properties.

- B. Applicability: All kennels, both non-commercial and commercial, shall comply with the provisions of this Section and all other standards and permit procedures pursuant to the zone district in which such kennel is located.
- C. Performance Standards for Commercial and Noncommercial Kennels
1. Animal runs shall meet the following criteria:
 - a. All animal runs shall be of adequate size for animals held therein.
 - b. All animal runs shall be constructed and/or coated with non-porous material to discourage the breeding of ticks and other similar pests.
 - c. All animal runs and animal holding areas shall have concrete or other durable flooring which is sloped for proper drainage.
 - d. All animal runs shall have adequate enclosures to provide protection from inclement weather.
 - e. All animal runs shall be provided with sufficient drains to control drainage and daily washing of all the runs.
 - f. All kennels shall be served by sewer or all excrement produced by said kenneled animals shall be properly disposed of on a regular basis to control flies and odor.
 - g. The kennel area shall be so located and sound attenuated, if necessary, so that noise levels measured at the property line do not exceed standards set for the adjacent use.
 - h. No animal runs, exercise areas, or keeping of the kenneled animals for commercial or noncommercial purposes shall be located within a required setback area.

§9.70 Exotic Animals

- A. The keeping of exotic animals shall be permitted only in RR and RS-20 zone districts, subject to the following regulations.
1. Requirements
 - a. Prior to giving notice in accordance with the provisions of §2.130 (Public Hearing and Notification Procedures) of this Code, the reviewing authority shall request that a veterinarian submit a statement regarding the particular animal's mature behavior and personality characteristics. Notice given to adjacent property owners shall include a description of the type of animal and its behavioral characteristics.
 - b. Any action to approve a request for keeping an exotic animal shall not be effective until written evidence from a veterinarian is received by the Zoning Administrator that:

1. The applicant has applied for and obtained a permit from the County Health Department.
 2. The applicant has applied for and obtained a permit from the Department of Fish and Game, if required.
- c. **Conditions:** Any action to approve a request for an exotic animal shall include the following conditions in addition to any conditions deemed appropriate by the reviewing authority:
1. The keeping of the animal must comply with the provisions of this Code, and any other applicable Town codes, ordinances, or resolutions, including setbacks from property lines and other dwellings.
 2. The keeping of an animal must comply with all applicable Federal and State requirements.
 3. No more than two (2) exotic animals over the age of six (6) months may be kept unless a conditional use permit for a menagerie or zoo has been approved.

§9.80 Antennas and Satellite Dishes

- A. **Intent and Purpose:** This Section is intended to reduce the potential safety, aesthetic, and view blocking impacts of antennas and satellite dishes, and to integrate such structures into neighborhoods with the least possible impact.
- B. **Applicability**
1. This section applies to every antenna and satellite dish installed or modified on or after the effective date of this code.
 2. Except as otherwise provided for in this Section, no antenna or satellite dish shall be installed or modified prior to approval by the Zoning Administrator, including an antenna or satellite dish proposed as an accessory structure to an existing use for which a conditional use permit was required.
- C. **Development Standards**
1. **Residential Districts:** Every satellite dish installed, modified, and maintained in a residential zone district shall be in accordance with the provisions of this Section as follows:
 - a. Only one (1) per parcel is permitted.
 - b. The diameter of the dish shall not exceed five (5) feet.
 - c. The dish shall not be located in the front yard of the parcel.
 - d. The dish shall comply with all height and setback requirements specified for accessory structures within the applicable district.

- e. Dishes less than three (3) feet in diameter may be roof mounted, provided that the top of the dish is mounted on the rear of the building, below the peak of the roof line in such a manner as to be screened from view from a public street, and is no greater than twenty-three (23) feet in total height. Dishes with a diameter of three (3) feet or greater shall be ground-mounted and shall be no greater than eight (8) feet in height.
 - f. The dish shall be finished in a color to neutralize and blend it with the immediate surroundings.
 - g. The dish shall be screened and landscaped along all sides when visible from the street except the reception window for which low-level landscape treatment shall be applied along the dish's base. Such treatments shall completely enclose the dish.
 - h. The installation shall be so located to prevent obstruction of the dish's reception window from potential development on adjoining parcels of land.
 - i. A building permit shall be obtained.
 - j. The display of signs or other graphics on a satellite dish is prohibited.
2. Non-Residential Districts: Every satellite dish installed, modified and/or maintained in a non-residential zone district shall be in accordance with the provisions of this Section.
- a. Only one (1) dish greater than five (5) feet in diameter per parcel may be permitted.
 - b. The diameter of any dish shall not exceed ten (10) feet.
 - c. Dishes shall comply with all height and setback requirements specified for accessory structures for the applicable zone district.
 - d. Dishes shall be finished in a color to neutralize and blend it with the immediate surroundings.
 - e. The installation shall not be located in a way that prevents obstruction of the dish's reception window from potential development on adjoining parcels.
 - f. Dishes shall not be located in front of the primary structure on the parcel, and shall not be visible from a primary access street.
 - g. A building permit shall be obtained.
 - h. The display of signs, lighted displays, or other graphics on a satellite dish is prohibited.
3. Standards for Antennas in all Districts: The installation of one (1) antenna which exceeds the maximum height for the district within which the antenna is to be located may be permitted subject to the following limitations, and the approval of a conditional use permit pursuant to §9.80 of this Chapter.

- a. Any operation of citizen's band or other radio transmitting equipment, excluding public service, public safety, or emergency radio services, shall be subject to the provisions of this Chapter.
- b. Microwave, mobile phone antenna, and antenna repeater stations are subject to the provisions of §9.90 (Antennas and Wireless Telecommunication Facilities) of this Chapter.
- c. Antenna for non-commercial use shall not exceed ten (10) feet over the height limit for the district in which it is located, unless such antenna is found by the Town Council to be necessary to protect the public health, safety, and welfare.

§9.90 Antennas and Wireless Telecommunication Facilities

- A. Wireless Communication Facilities, hereinafter referred to as Facilities, as defined by §1.190 (Definitions) of this Code are permitted subject to the following:
 1. Applications for Facilities: Applications for Facilities are subject to a two-tier process as provided in this section. Applications for Facilities are subject to either (i) Zoning Administrator approval, Planning and Zoning Commission for a conditional use permit or, upon appeal, Town Council approval. Those development plan applications that meet the design and development guidelines outlined in Tier 1, Section (1) of this Chapter will require approval by the Zoning Administrator. Those applications that do not meet the design and development guidelines outlined in Tier 1 of this Section and do fall within the design and development guidelines outlined in Tier 2 of this Section will require a conditional use permit and require approval of the Planning and Zoning Commission at a noticed public hearing or, upon appeal, a review and approval by the Town Council at a noticed public hearing.
 - a. TIER 1 – Zoning Administrator Review: The Zoning Administrator shall approve Facilities only if it finds as follows:
 1. Antennae are located in a commercial or industrial zone.
 2. Building or roof-mounted antennae do not exceed fifteen (15) feet in height, and, if feasible, are architecturally screened from view.
 3. Antennae are in stealth design in connection with a building or structure so as not to be recognized, in as much as possible, as an antenna.
 4. Support equipment is located within a completely enclosed structure or otherwise screened from view.
 5. Antennae meet all development standards within the applicable zone as required by this Code.
 6. Antennae will be, if reasonably possible, co-located with an existing site in an industrial or commercial zone district.
 - b. TIER 2 – Planning and Zoning Commission/Town Council Review: Facilities which cannot be approved by the Zoning Administrator, in accordance with Tier

1 criteria, are subject to conditional use permit procedures, §2.50 (Conditional Use Permits) of this Code, and are as follows:

1. Ground mounted antennae.
 2. Facilities not in compliance with all development standards within the applicable zone require an approved conditional use permit. The conditional use permit request shall meet the applicable findings outlined in §2.50 of this Code.
 3. Proposed Facilities that create more than a minimal visual impact on surroundings, as determined by the Zoning Administrator. In determining where more than a minimal visual impact exists, the following factors should be considered: location of Facility, size, and view of Facility from adjacent properties, and contrast between the Facility and other external structural equipment attached to the property.
 4. Facilities located adjacent to residential zone districts of stealth design, building or roof-mounted and integrated into the architecture of the building, or is co-located.
 5. Facilities located within the line of sight of any scenic corridor.
- c. **Submittal Requirements:** In addition to the submittal requirements as outlined in a development plan and conditional use permit applications, applications for Facilities must contain the following additional information:
1. All individuals, companies and providers of Facilities doing business within the Town shall process a master plan of all existing and proposed Facilities sites. The Facilities master plan shall be reviewed and approved by the Zoning Administrator in accordance with the written criteria established for such review by the Zoning Administrator.
 2. The applicant shall supply verification of the proposed Facilities, compliance with the American National Standards Institute (ANSI) and Institute of Electrical and Electronics Engineers (IEEE) by providing a copy of its FCC License Agreement for review by the Zoning Administrator.
 3. The applicant shall supply verification of compliance with the Federal Aviation Administration (FAA).
 4. At the time of submittal of a development plan or a conditional use permit application for Facilities, the applicant shall submit information indicating the type of Facilities, its height above ground level, and its cell coverage.
- d. **Location Guidelines:** All applications for Facilities are subject to the following location guidelines:

1. The preferred order of placement of Facilities is as follows: (i) industrial zones, (ii) rural-agricultural zones, (iii) commercial zones, and (iv) community facility zones.
 2. Facilities can be approved within a residential zone provided the property is not developed with a single family dwelling unit. Consideration of potential impacts on any adjacent residential property will be evaluated. The location of Facilities will be conditioned on the utilization of stealth design technology and/or building or roof-mounted design.
 3. Facilities should be co-located with another structure, where appropriate, be utilized as stealth designs, be roof or wall-mounted as an integral architectural element on an existing structure, and utilize state-of-the-art wireless technology.
 4. The applicant is to investigate the feasibility of co-locating additional antennae on the tops of buildings, on existing monopoles, and/or clustering Facilities. If co-location or clustering is not possible in the case of a particular proposal, the applicant shall submit such evidence at the time of submittal. With the submittal of a conditional use permit application, the applicant is to submit a copy of the appropriate portions of the tentative lease agreement indicating that no exclusive agreements have been made to prevent future carriers to locate on the same site or Facilities, as well as submit a design plan which does not preclude potential additional users.
 5. Monopoles shall be separated a minimum of one-thousand (1,000) feet from any existing monopole.
- e. Development and Design Guidelines: All applications for Facilities shall be submitted to the Zoning Administrator and shall contain the information required by this Chapter. The applicant shall submit plans that will be reviewed for all applicable zoning codes and standards. The following are intended to provide high quality guidelines to ensure compatibility with the community for the placement of Facilities.
1. Support structures shall be screened from view by siting them next to tall buildings or structures, or placed near existing tall trees. Where applicable, the support structures are to be screened from public view with dense landscaping.
 2. Facilities must meet all applicable zoning setback and height regulations of the underlying zone district. All proposed Facilities that exceed the maximum height established by the underlying zone district are subject to FAA approval.
 3. Facilities may be designed as or within a piece of public art such as a clock tower or historical monument for public benefit.
 4. The height of the support structures must be the minimum necessary to provide the required coverage. However, an antenna or its support

structure shall not exceed the height in any zone as prescribed by this Code.

5. Safety lighting or colors, if prescribed by the Town or other approving agency (i.e. FAA), may be required for support structures.
6. Support structures shall be either galvanized steel or painted an unobtrusive color to neutralize and blend with surroundings. Where an equipment building accompanies the support structure, it shall be designed, colored and textured to match adjacent architecture or blend in with surrounding development.
7. Proposed Facilities shall not create any non-conforming situations to the site such as a reduction in parking, landscaping, loading zones, and/or elimination of loading zones. Facilities are to be installed and maintained in compliance with the requirements of all applicable State, Federal and Town ordinances, regulations and standards.
8. The Planning and Zoning Commission/Town Council may condition approval of Facilities on a five (5) year term or other review process.
9. Whip and microwave dish antennae are permitted only if integrated into the design of the structure and/or fully screened from public view.
10. All utilities associated with Facilities shall be placed underground.
11. Chain link fencing is not permitted for containment of Facilities, unless such fencing is located in the rear portion of property not visible from a public right-of-way and is installed with tennis screen material on all façades of the fence.
12. Temporary monopoles, if associated with an approved Facilities application, may be permitted, if justified to the satisfaction of the Zoning Administrator, for a period of up to three (3) months, provided that screening is installed to prevent view of the monopole and related facilities from any and all public rights-of-way.
13. Lattice towers shall not be permitted within the Town boundaries.
14. The operator or property owner is responsible for maintaining the Facilities in an appropriate manner consistent with the original approval of the Facilities. Should the use be replaced or discontinued for a period of six (6) months, the approvals will lapse.

§9.100 Arcades and Video Machines

- A. **Purpose and Intent:** This section is intended to establish standards which will mitigate the noise and loitering commonly associated with arcades and video machines. Regulations controlling the specific location and development of these uses are established by this Section.

- B. Applicability: Arcades, as defined in §1.190 (Definitions) of this Code, shall be permitted only in the commercial and industrial zone districts, subject to a conditional use permit in compliance with the provisions of §9.100 of this Code. A conditional use permit shall also be required at such a time as application is made to the Town to expand an existing arcade.
- C. Minimum Development and Performance Standards
1. Maximum Number of Machines: The number of video machines permitted shall not exceed one (1) machine per each thirty (30) square feet of floor area.
 2. Lighting: The arcade shall be fully and adequately lighted for easy observation of all areas of the premises in compliance with §8.130 (Lighting) of this Code.
 3. Bicycle Racks: Bicycle storage racks shall be maintained off the public sidewalk at the ratio of one-half (1/2) bicycle space per machine to adequately accommodate bicycles utilized by arcade patrons.
 4. Telephones: At least one (1) public telephone shall be provided at each arcade. All telephones shall be located within the building.
 5. Hours of Operation: Hours of operation shall be limited to between 8:00 a.m. and 10:00 p.m., every day of the week.
 6. Adult Supervision
 - a. An employed adult supervisor shall be able to readily observe all video machines and all areas of business.
 - b. The adult supervisor shall be present at all times during hours of operation and, if the number of video machines exceeds forty (40), there shall be two (2) adult supervisors present at all times during hours of operation.
 7. Noise: No sound created by any arcade, or its patrons, shall be detectable from the exterior of the arcade or from adjacent uses.
 8. Litter: The premises shall be continuously maintained in a safe, clean, and orderly condition.

§9.110 Automobile Dealerships

- A. Purpose and Intent: This Section is intended to ensure that automobile dealerships do not create adverse impacts on adjacent properties and surrounding neighborhoods due to insufficient on-site customer and employee parking, traffic generation, including road testing of vehicles, obstruction of traffic, visual blight, bright lights, noise, fumes, or drainage run-off. The following special conditions shall apply to automobile dealerships.
- B. Development Standards: All new dealerships shall comply with the provisions of this Section in addition to the development standards and permit procedures of the zone district in which it is located.

1. Minimum Lot Size: The minimum lot size for automobile dealerships shall be twenty thousand (20,000) square feet.
2. Parking: Areas designated for employee and customer parking shall not be used for vehicle storage or display.
3. Landscaping: A minimum five (5) foot landscape strip shall be provided outside the public right-of-way along the street frontage perimeter of all vehicle display areas.
4. Washing of Vehicles: All washing, rinsing, or hosing down of vehicles and of the property shall comply with the requirements specified in §9.280 (Vehicle Repair Facilities) of this Chapter.
5. Loading and Unloading of Vehicles: Loading and unloading of vehicles shall be conducted in accordance with the following provisions:
 - a. The dealership operator is deemed to be responsible and liable for any activities of a common carrier, operator, or other person controlling such loading or unloading activities to the extent any such activities violate the provisions of this subsection.
 - b. Off-loading locations shall be established either on-site or off-site, and shall be subject to the approval of the Town Engineer if within the public right-of-way. Loading and unloading activities shall not block the ingress or egress of any adjacent property.
6. Storage of Vehicles to be Repaired: Vehicles brought on-site for repair purposes shall not be parked or stored on any public street or alley, and should be parked in required parking spaces, reserved for such purposes.
7. Repair of Vehicles: The repair and service facility portion of any automobile dealership shall comply with the provisions of §9.280 (Vehicle Repair Facilities) of this Chapter.
8. Queuing of Vehicles: On-site queuing area or lanes for service customers shall be provided which shall be large enough to accommodate a minimum of one and a half (1 ½) vehicles for each service bay in the facility. On-site driveways may be used for queuing, but may not interfere with access to required parking spaces. Regular parking spaces may not double as queuing spaces.
9. Noise Control
 - a. Loudspeakers are permitted provided that noise levels are maintained below fifty-five (55) dBA at any boundary.
 - b. All noise generating equipment exposed to the exterior shall be consistent with §8.160 of this Code.
10. Toxic Waste Storage and Disposal: Gasoline storage tanks shall meet all applicable State and local health regulations, and shall be constructed and maintained under the same conditions and standards that apply to service stations.

11. Air Quality

- a. Brake washers shall be installed and utilized in all service stalls or areas which perform service on brakes containing asbestos or other materials known to be harmful when dispersed in air.
- b. Mechanical ventilating equipment shall direct exhaust away from adjacent residential properties.
- c. Exhaust systems shall be equipped with appropriate and reasonably available control technology to minimize or eliminate noxious pollutants which would otherwise be emitted.

§9.120 Automobile Rental Agencies

- A. Purpose and Intent: This Section is intended to ensure that automobile rental agencies do not create adverse impacts on adjacent properties and surrounding neighborhoods due to insufficient on-site customer and employee parking, traffic generation including road testing of vehicles, obstruction of traffic, visual blight, bright lights, noise, fumes, or drainage run-off.
- B. Development Standards
 1. Washing of Vehicles: All washing, rinsing, or hosing down of vehicles shall comply with the requirements of §9.280 (Vehicle Repair Facilities) of this Chapter.
 2. Repair of Vehicles: No vehicle repair work shall occur on the premises unless all repair work and storage of parts is contained entirely within an enclosed building and the rental agency is otherwise permitted and licensed by the State of Arizona to repair motor vehicles.
 3. Storage of Vehicles: No vehicles to be displayed, sold, rented, or repaired shall be parked or stored on any street or alley. In addition, no rental cars shall be stored or parked within parking areas intended to comply with the provisions of Chapter 10 (Parking Regulations) of this Code.

§9.130 Bed and Breakfast Uses

- A. Purpose and Intent: This Section is intended to control the establishment and operation of bed and breakfast uses to ensure that such uses do not adversely affect the surrounding neighborhood.
- B. Applicability: All bed and breakfast uses, as defined herein, shall comply with the provisions of this section and the zone district in which the use is located.
- C. General Regulations
 1. Bed and breakfast uses may be permitted in all residential and commercial zone districts in which residential (permanent and transient) uses are either permitted or are permitted subject to an approved conditional use permit.

2. This use shall be conducted as an accessory use only; the residential structure shall serve as the primary residence of the owner. If a corporation is the owner, a majority shareholder of the corporation shall reside in the residential structure where said use is proposed. All bed and breakfast uses shall be subject to:
 - a. A conditional use permit, as specified in §2.50 of this Code.
 - b. An approved permit from the County Health Department.
 - c. A transient occupancy tax (bed tax).
3. Application for a permit shall be made by the resident property owner or his/her legal agent having power of attorney to make such application.
4. Development Standards
 - a. Structural Features: All dwelling units proposed for a bed and breakfast use shall comply with standards and specifications of the Town Building Code.
 - b. Each guest room shall be equipped with a fire extinguisher and a smoke detector conforming to building code standards. An exit/egress and an emergency evacuation map shall be displayed in a prominent location in each guest room.
5. Accesses and Driveways: The owner shall ensure that all required accesses, driveways and parking spaces remain clear and unobstructed, and are available and ready for the occupants' use at all time.
6. Design Standards
 - a. Alterations and modifications may be made to the structures and the site but such alterations shall be compatible with the character of the neighborhood. Such alterations and modifications shall also comply with all applicable Town provisions, requirements and standards and ordinances.
 - b. Additional landscaping may be required to screen parked vehicles from direct view of the neighbors, particularly where such parking is located within a front yard setback.
 - c. Any lights used to illuminate the site shall be designed and placed to reflect away from adjoining properties and public thoroughfares.
 - d. Sign: A non-illuminated identification sign, not to exceed six (6) square feet in area is permitted. If not attached to the residence, such sign shall not exceed six (6) feet in height and must blend with the architectural style of the structure and the neighborhood.
 - e. Kitchen Facilities
 1. There shall be no cooking facilities permitted in guest rooms.

2. The sale of food or other materials in residential districts is limited to guests who are currently occupying the premises where the use is located and not to the general public.
- f. Miscellaneous Standards
1. The land use shall not involve the use of commercial vehicles for delivery of materials to or from the premises except for those commercial vehicles normally associated with residential use deliveries.
 2. There shall be no outdoor storage of materials or equipment, nor shall merchandise be visible from outside the home.
 3. The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by use of colors, materials, lighting, signs, or the emission of sounds, noises and vibrations.
 4. The use of utilities and community facilities shall be limited to that normally associated with the use of a property for residential purposes.
- g. Penalty for Noncompliance: The Planning and Zoning Commission may void any conditional use permit for a bed and breakfast use for noncompliance with the conditions set forth in the approving permit. Notice of such a pending action shall be given to the permittee prior to any action being taken.
- h. Findings: Prior to acting upon an application for a conditional use permit for a bed and breakfast use, the Planning and Zoning Commission shall find all the following:
1. That the site upon which the bed and breakfast use is to be established, shall conform to all standards of the zone district in which it is located, that the site for the proposed use is adequate in size and shape to accommodate said use, and all yards, buildings, coverage, setbacks, parking areas and other applicable requirements of this Code are met.
 2. That the residential character of the neighborhood in which the use is located is maintained and preserved and that the issuance of the permit shall not be significantly detrimental to the public health, safety and welfare or injurious to anyone in the vicinity in which the use is located.

§9.140 Day Care Facilities

- A. Purpose and Intent: This Section is intended to ensure that day care facilities, which provide child care in residential districts, do not adversely impact adjacent neighborhoods. While family day care facilities are needed by Town residents in close proximity to their homes, care must be taken to prevent potentially adverse traffic conditions, noise, and safety impacts. It is further the intent of this section to allow day care operations in residential surroundings to give children a home environment which is conducive to healthy and safe development.

B. Performance Standards for Small Day Care Facilities**1. General Requirements:**

- a. **Standards:** A small family day care facility shall conform to all property development standards and permit procedures of the zone district in which it is located in addition to any provisions governed by the State.
- b. **Outdoor Play Area:** An outdoor play area shall be provided. Stationary play equipment shall not be located in required front or side yard setbacks.
- c. **Fences and Walls:** When located adjacent to a non-residential district, a six (6) foot high solid fence or wall shall be constructed on all such property lines, except within the front yard area where the fence or wall shall not exceed thirty-six (36) inches in height. Materials, textures, colors, and design of the fence or wall shall be compatible with on-site development and adjacent properties. All fences or walls shall provide for child safety with controlled points of entry and shall be consistent with §8.90 (Fences and Walls) of this Code.
- d. **Landscaping:** On-site landscaping shall be maintained in good condition.
- e. **On-Site Parking:** On-site parking for home-based day care facilities located within residential zone districts shall require no more than two (2) on-site spaces unless otherwise set forth in Chapter 10 (Parking Regulations) of this Code.
- f. **Lighting:** All lighting located within a residential district shall be directed away from adjacent properties and public right-of-way in accordance with §8.130 of this Code.
- g. **Hours of Operation:** For the purposes of noise abatement, day care facilities in residential districts may only operate between the hours of 6:00 a.m. and 8:00 p.m., seven (7) days a week.
- h. **Outdoor Activity:** For the purposes of noise abatement, outdoor activities for day care facilities in residential districts may only be conducted between the hours of 7:00 a.m. to 8:00 p.m.
- i. **State and Other Licensing Requirements:** All day care facilities shall meet all State licensed requirements and shall be operated according to all applicable State and Town regulations.

2. Performance Standards for Large Family Day Care Facilities: Applicants for a large family day care facility, seven (7) to twelve (12) children, shall be required to submit an application to the Zoning Administrator for a conditional use permit for a large family day care facility. This application requires the applicant's signature to acknowledge that the following conditions shall be adhered to if the permit to operate is to remain valid.

- a. The facility is a single family dwelling and is the principal residence of the provider. This use as a family day care home is clearly incidental and secondary to the use of the property for residential purposes.

- b. No structural changes or signage is permitted that will alter the character of the single family residence.
- c. In addition to the required off-street parking for the residence, a minimum of one (1) off-street parking space per employee is required. The residential driveway is acceptable as such a parking space if said parking space will not conflict with any required child drop-off/pick-up areas and does not block the public sidewalk or any portion of the Town right-of-way.
- d. The operation of the large day care facility shall comply with noise standards contained in §8.160 (Noise Hazards) of this Code.
- e. The provider shall comply with all applicable Building Code and Fire Code regulations regarding health and safety requirements. The provider shall, prior to operating the facility, apply for and receive a Change of Occupancy Permit from the Building Official.

§9.150 Dependent Housing

- A. A detached dependent housing unit, as defined in §1.190 (Definitions) of this Code, may be temporarily permitted in any single family residential zone district subject to an approved conditional use permit as an accessory use, provided that there is only one primary residential land use occupying the site.
- B. Requirements
 - 1. The permittee shall occupy at least one of the dwelling units on the premises.
 - 2. Applications for a permit shall be made by a resident owner of the subject property, or his legal agent having power of attorney to make such application, on which the dependent housing unit is to be located.
 - 3. The applicant must obtain a temporary occupancy permit, pursuant to §2.80 of this Code.
 - 4. Each year, prior to the anniversary of the approval, the applicant shall submit a letter from an attending physician stating that a medically related reason still exists for the dependent housing unit. If no such letter is submitted, or if no reason still exists for the medical hardship, the temporary structure, and all appurtenances to it, shall be completely removed from the premises.
 - 5. The permittee shall submit written notification to the Zoning Administrator of any proposed change of residency in the temporary dependent housing unit.
- C. Findings: Prior to acting upon an application for a conditional use permit for a temporary dependent housing unit, the Planning and Zoning Commission shall find all of the following:
 - 1. The site for the proposed use is adequate in size and shape to accommodate said use and all yards, building coverage, setbacks, parking areas and other requirements of this code are met.

2. The proposed temporary dependent housing unit is clearly subordinate in size, location and appearance to the principal unit.
3. Issuance of the temporary use permit shall not be significantly detrimental to the public health, safety or welfare or injurious to property or improvements in the general vicinity in which the land use is located.
4. The temporary dependent housing unit shall be erected, constructed or installed in a manner that allows for its feasible removal.
5. The appearance of the temporary dependent housing unit and the method of siting are compatible with the surrounding environment.

D. Conditions

1. Floor Area: The floor area of the dependent unit shall not exceed fifty (50) percent of the floor area of the existing principal dwelling unit; however, in no case may the temporary dependent unit exceed eight hundred and fifty (850) square feet in floor area.
2. Design Standards: The appearance of any temporary dependent housing unit erected, constructed or set down in accordance with the provisions of this section shall be similar to and compatible with the appearance of the principal residence on the property.
3. Parking: Parking for the temporary dependent housing unit shall be in accordance with the requirements of Chapter 10 (Parking Regulations) of this Code, unless the resident(s) of the temporary dependent housing unit are incapable of operating a motor vehicle.
4. Location and Occupancy: The temporary dependent housing unit shall not extend beyond the principal residence that faces a street right-of-way. The existing principal residence on the property shall be occupied by the owner of the property.
5. Lot Area: A temporary dependent housing unit shall not be permitted on any parcel not meeting the minimum area requirements of the zone district in which it is located.
6. Development Standards: The dependent unit shall comply with the development standards for the zone district in which it is to be located.
7. Removal of Unit: As a condition of permit approval, the permittee shall enter into an agreement with the Town, placing responsibility upon the permittee to comply with the provisions of this section, describing the method of removal of the temporary dependent housing unit when the permit is no longer valid, and acknowledging that the permittee shall bear the cost of removal of such unit.

§9.160 Group Homes for Handicapped and Addicted Recovery Persons

- A. Purpose: The purpose of these regulations is to permit handicapped persons and/or addiction recovery persons, as defined in Section 1.160 of this Code, to reside in single-family residential neighborhoods in compliance with the Fair Housing Act, while preserving the residential character of the neighborhood.

- B. Zoning Confirmation: Prior to registration, a request for zoning confirmation may be submitted to the Town Manager to confirm that the proposed location of the group home is permitted under this section.
- C. Standards: Group homes for the handicapped shall be located, developed, and operated in compliance with the following standards.
1. Separation: The minimum separation between group homes shall be one-thousand two hundred (1,200) feet, as measured from the closest property lines. No separation is required when group homes are separated by a utility right-of-way at least three hundred (300) feet in width, or by a highway or major wash.
 2. Occupancy: The number of residents, excluding staff, shall not exceed ten (10).
 3. Exterior Appearance: There shall be no sign or other exterior indication of a group home visible from the street.
 4. Compliance with all applicable building and fire safety regulations: If a group home has one or more non-ambulatory residents, Building Code and Fire Code requirements, in addition to those applicable to group home with no non-ambulatory residents, shall apply.
 5. Licensing: Group homes shall comply with applicable licensing requirements.
 6. Parking: Any parking for the group home shall be on-site.
 7. Tenancy: No group home shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.
- D. Additional Requirements of State Law: Notwithstanding the foregoing, if the State has adopted laws or rules for the regulation of a specific type of home, such as a group home for the developmentally disabled pursuant to A.R.S. §36-582 or an assisted living home pursuant to A.R.S. Title 36, Chapter 4, then any such State law or rule shall apply in addition to the conditions listed herein and shall preempt an conflicting condition listed herein.
- E. Request for Accommodation:
1. If a group home owner believes any requirement of the this Code prevents the establishment of a group home in an economically viable manner, the owner shall submit a written request for accommodation and the reasons why the accommodation is required. The written request shall contain sufficient facts to allow an individualized determination of the group home's needs to address safety and welfare concerns and to assure compliance with this Section. Town staff shall review the written request and determine the following:
 - a. Whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and
 - b. If so, the nature of the accommodation taking into consideration the requirements of the Fair Housing Act, public safety and welfare concerns, and the residential character of the neighborhood.

2. The accommodation shall be made only to the extent necessary to comply with the Fair Housing Act.

§9.170 Drive-In, Drive-Through, Fast Food, and Take-Out Restaurants

- A. **Purpose and Intent:** This Section is intended to ensure that drive-in, drive-through, fast food, and take-out restaurants do not create adverse impacts on adjacent properties and residents or on surrounding neighborhoods due to customer and employee parking demand, traffic generation, noise, light, and litter.
- B. **Applicability**
 1. The provisions of this Section shall apply to all new drive-in, drive-through, fast food, and take-out restaurants and to the expansion of twenty (20) percent or more of the gross floor area or an increase in the number of seats in any existing restaurant that results in a drive-in or drive-through facility.
 2. Floor area added for the purpose of compliance with State or local health laws or access requirements of the disabled shall not be included in floor area calculations of purposes of determining applicability of this section.
- C. **Development Standards**
 1. **Hours of Operation:** When located on a site adjacent to or separated by an alley from any residentially zoned property, a drive-in, drive-through, fast food or take-out restaurant shall not open prior to 6:00 a.m., nor remain open after 12:00 midnight, unless otherwise approved by the Town Council.
 2. **Driveways**
 - a. Drive-in and drive-through restaurants shall have driveways that provide for both ingress and egress. In all instances these driveways shall provide stacking space adequate for a minimum of six (6) vehicles waiting for service.
 - b. Each drive-through lane shall be separated from the area of vehicle circulation necessary for ingress and egress to any parking space. Each drive-through lane shall be striped, marked, or otherwise distinctly delineated.
 3. **Parking:** A parking and vehicular circulation plan encompassing adjoining streets and alleys shall be submitted for review and approval by the Zoning Administrator.
 4. **Refuse Storage Area:** On-site outdoor trash receptacles shall be provided at a rate of one (1) trash receptacle for every ten (10) required parking spaces. One (1) outdoor trash receptacle shall be provided on-site adjacent to each driveway exit or as otherwise approved by the Zoning Administrator.

§9.180 Fireworks Stand

- A. **Location:** A fireworks stand may be permitted in commercial and industrial zone districts and on property developed in accordance with the provisions of Chapters 5 and 6 of this Code, except when the provisions of this §9.170 are more restrictive than the base zone district.

- B. **Setback Requirements:** No fireworks stand may be established on any property, as provided in this section, unless the location of the fireworks stand complies with the following setback requirements:
1. Three (3) feet from any property line.
 2. Thirty (30) feet from any other building or structure.
 3. Ten (10) feet from any driveway, alley, or roadway.
 4. Twenty-five (25) feet from a watchman's accommodations or quarters.
 5. Twenty-five (25) feet from a generator.
 6. One hundred (100) feet from storage of flammable or combustible liquids, fuel dispensers, or repair garage facilities.
 7. Six hundred (600) feet from any other fireworks stand.
- C. All fireworks stands shall comply with the requirements of Building and Fire Codes, as well as all other applicable codes, ordinances and regulations.

§9.190 Home Occupations

- A. **Purpose and Intent:** Home occupations are intended to provide for the commercial uses associated with a residence in those cases where that use will clearly not alter the character or the appearance of the residential environment. Home Occupations, as defined in Section 1.190 (Definitions) of this Code, shall be permitted in any residential district, subject to approval by the Town Manager in compliance with the conditions contained in this section.
- B. **Conditions:** Prior to approving a request for a home occupation, the applicant shall complete and submit a home occupation application to the Town Manager. The Town Manager shall find that the proposed use meets the following conditions prior to approval of any such Home Occupation Permit.
1. All employees shall be members of the resident family and shall reside on the premises.
 2. The appearance of the structure shall not be altered nor the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emissions of sounds, noises, vibrations, dust, electrical interference, fire hazard, glare, or any other hazard or nuisance to any greater extent than normally found in a residential area..
 3. Up to 25 percent of the living space, or 250 square feet, whichever is greater, of the home may be used for storage of materials and supplies related to the home occupation.
 4. The home occupation shall be conducted entirely within the main residential dwelling. An on-site garage shall be considered as part of the main building.
 5. No motor or mechanical equipment shall be permitted other than that which is normally incidental to the residential use.

6. The home occupation shall not generate pedestrian or vehicular traffic beyond that normal to the zone district in which it is located.
7. There shall be no outdoor storage of materials, merchandise, or equipment, nor shall any such material, merchandise, or equipment be visible from outside the home.
8. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
9. The home occupation shall not displace any required off-street parking spaces on the property.
10. The home occupation shall be subject to review each year by the Town Manager. Violations of any criteria listed above shall result in cancellation of the home occupation permit.
11. A decision of the Town Manager regarding approval, disapproval, or additional conditions imposed on the home occupation permit may be appealed in writing to the Planning and Zoning Commission within fifteen (15) days of notice of the Town Manager's decision.

C. Procedures

1. The Town Manager, pursuant to §2.180 (Revocation of Permits) of this Code, may void any home occupation permit for noncompliance of conditions set forth in the approving permit. Notice shall be given to the applicant prior to any such action taking place.
2. A decision of the Town Manager regarding the approval, disapproval or conditions imposed on the permit may be appealed in writing to the Planning and Zoning Commission within fifteen (15) days of notice of the decision.

§ 9.200 Massage, Therapeutic

Purpose and Intent: Therapeutic massage, meant to aid in the healing of individuals, as referred to in this Section, includes the following:

- A. A medical establishment including professional offices where massage is administered by a physician, surgeon, chiropractor, osteopath, physical therapist, nurse or any other person licensed to practice a healing art under the provisions of the Arizona Business and Professions Code when engaging in such practice within the scope of his or her license, or by an individual acting under the direction and control of any of the afore listed licensed professionals on the premises of the medical establishment.
- B. Hospital, medical clinic, nursing home, sanatorium, or other major medical or mental facility duly licensed under the laws of the State of Arizona.
- C. Barbershop or beauty salon where massage is limited to the head, scalp, neck, or back and is administered by barbers or cosmetologists licensed under the laws of the State of Arizona.
- D. Any school or institution of higher education including a community or junior college, college or university whose course of study is approved by the State Department of Education or

Superintendent of Public Instruction where massage is administered or taught by authorized school employees in conjunction with athletic training programs, training in the healing arts or other school courses.

- E. Any hotel, athletic club, health club, country club, gymnasium, reducing salon, beauty salon, or similar establishments, where massage is offered as an incidental or accessory service to its primary program of sport, exercise, athletic training, weight reduction or beauty care.

§ 9.210 Outdoor Recreational Facilities

- A. **Intent and Purpose:** This Section is intended to ensure that outdoor recreational facilities, open to the public within or adjacent to a residential district, do not adversely impact residents and are utilized in a manner that protects the integrity of the residential district, while allowing for the enjoyment of a healthful, recreational activity.
- B. **Applicability:** The provisions of this Section shall apply to all recreational facilities open to the public. This includes but is not limited to: golf courses, driving ranges, swimming pools, tennis courts, ball fields, and other similar facilities.
- C. **Development Standards:** Outdoor recreational facilities shall conform to applicable development standards for the district in which they are located except as provided below.
1. When necessary to contain play within the recreational facilities, chain link fences up to twelve (12) feet in height, measured from the adjacent grade, may be permitted, provided that such fences are not located within the front or side yard setback areas.
 2. Fences greater than twelve (12) feet in height, as measured from adjacent grade, may be permitted provided it is not located in the front or side yard setback when a finding is made that such a fence height is necessary to protect adjacent streets, homes, or property from possible damage resulting from use of the recreational facility. This provision only applies in the case of golf courses, driving ranges, and baseball or softball playing fields.
 3. Landscaping and screening shall be provided on all boundaries of the parcel that abut public rights-of-way, a residential zone district, or residential land use.
 4. Lighting may be permitted provided that such lighting shall not be used after 10:00 p.m. Sunday through Thursday, or after 11:00 p.m. on Friday and Saturday.

§9.220 Recycling Facilities

- A. **Purpose and Intent:** This Section is intended to provide the community with regulations controlling siting of recycling, redemption and processing facilities, and to ensure that such recycling facilities do not create adverse impacts on the surrounding community.
- B. **Applicability:** The provisions of this Section shall apply to the following use types, as defined in this Section and §1.1.90 (Definitions) of this Code.
1. **Reverse Vending Machines, Small Recycling Facilities, and Recycling and Reprocessing Facilities:** Such use types shall comply with the provisions of this section in addition to applicable standards and permit procedures of the zone district in which they are located.

C. Development Standards, Reverse Vending Machines: Reverse vending machines shall comply with the following standards:

1. Shall be established in conjunction with a commercial use or public facility which is in compliance with this code and the building and fire codes of the Town;
2. Shall be located within thirty (30) feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;
3. Shall not occupy required parking spaces;
4. Shall occupy no more than fifty (50) square feet of floor area per installation, including any protective enclosure, and shall be no more than eight (8) feet in height;
5. Shall be constructed and maintained with durable, waterproof, and rustproof material;
6. Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call for repair and ownership;
7. Shall have a maximum sign area of four (4) square feet per machine, exclusive of operating instructions;
8. Shall be maintained in a clean, litter-free condition on a daily basis;
9. Shall be illuminated to ensure comfortable and safe operation, if operating hours are between dusk and dawn; and
10. All machines shall be clean and not dented, bent or otherwise disfigured.

C. Small Collection Facilities: Small collection facilities shall comply with the following standards:

1. Shall be established in conjunction with an existing commercial use or public facility which is in compliance with this Code, Building Codes and Fire Codes of the Town;
2. Shall be no larger than five hundred (500) square feet and occupy no more than five (5) parking spaces, not including space that will be periodically needed for removal of materials or exchange of containers. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary land use unless all of the following conditions exist:
 - a. The facility is located in a convenience zone or a potential convenience zone;
 - b. A parking study shows that existing parking capacity is not fully utilized during the time the recycling facility will be on the site;
 - c. The approval will be reconsidered at the end of eighteen (18) months;
 - d. A reduction in available parking spaces in an established parking facility may then be allowed as follows:

<u>Number of Parking Spaces</u>	<u>Maximum Reduction</u>
0 - 25	0
26 - 35	1
36 - 49	2
50 - 99	3
100+	4

- e. Shall be set back at least ten (10) feet from any property line and shall not obstruct pedestrian or vehicular circulation;
- f. Shall accept only glass, metals, plastic containers, papers and reusable items;
- g. Except for Reverse Vending Machines shall use no power-driven equipment.
- h. Shall use containers that are:
 - 1. Constructed and maintained with durable waterproof and rustproof material;
 - 2. Covered when site is not attended and secured from unauthorized entry or removal of material; and
 - 3. Of sufficient capacity to accommodate materials collected in accord with a collection schedule.
- i. Shall store all recyclable material in containers or in a mobile unit vehicle, and shall not leave materials outside of containers when attendant is not present;
- j. Shall be maintained free of litter and any other undesirable materials. Mobile facilities, at which a truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
- k. Shall not exceed noise levels of fifty-five (55) dBA as measured at the property line of residentially zoned or occupied property, otherwise shall not exceed seventy (70) dBA;
- l. Shall operate only during the hours between 9:00 a.m. and 7:00 p.m. when located within one hundred (100) feet of a property zoned or occupied for residential use;
- m. Shall locate containers for the twenty-four (24) hour donation of materials at least one hundred (100) feet from any property zoned or occupied by residential use, unless there is a recognized service corridor and acoustical yielding between the containers and the residential use. All containers shall be painted and shall not be dented, bent or otherwise disfigured; and
- n. Shall utilize clearly marked containers which identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, shall display a notice stating that no material shall be left outside the recycling enclosure or container.

3. Signs may be provided as follows:
 - a. Small collection facilities may have a maximum of four (4) identification signs each a maximum of twenty (20) percent per side of the facility or sixteen (16) square feet, whichever is larger. In the case of a wheeled facility, the side shall be measured from the pavement to the top of the container;
 - b. Directional signs, bearing no advertising message, may be installed to facilitate traffic circulation and/or if the facility is not visible from a public right-of-way; and
 - c. Authorization by the Zoning Administrator to increase the number and size of signs upon finding that such an increase is compatible with adjacent businesses.
 - d. The facility shall not reduce the landscaping areas which may be required by this Title for any concurrent use or under any permit approval.
 - e. Parking
 1. No additional parking spaces will be required for customers of a Small Collection Facility located in the established parking lot of a commercial use.
 2. Mobile Recycling Units shall have an area clearly marked in the parking lot of the commercial use to prohibit other vehicular parking during hours when the Mobile Unit is scheduled to be present or operating.

§9.230 Second Dwelling Units

- A. Purpose and Intent: This Section is intended to ensure that second dwelling units located in residential districts do not adversely impact adjacent residential parcels or the surrounding neighborhood and are developed in a manner which protects the integrity of the residential district, while providing for needed housing opportunities for owners of eligible parcels.
- B. Applicability: The provisions of this Section shall apply to all second dwelling units in addition to the provisions of the zone district in which it is located.
- C. Definitions: As used in this Chapter, the following terms mean:
 1. Living Area means the interior habitable area of a dwelling unit including basements and attics, but does not include a garage or any accessory structure.
 2. Second Unit means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. A second unit also includes the following:
 - a. An efficiency unit, as defined in §17958.1 of the Health and Safety Code.

- b. A manufactured home, as defined in §18007 of the Health and Safety Code.
- c. Development Standards: The following standards shall apply to all second units:
 - 1. The property shall be in a residentially zoned district;
 - 2. The lot must contain a primary dwelling unit either existing or proposed to be constructed concurrent with the second unit;
 - 3. The maximum allowable lot coverage shall not be exceeded;
 - 4. The maximum building height for a second dwelling unit shall be one (1) story, not to exceed eighteen (18) feet. No second unit shall be higher than the main dwelling on the same parcel;
 - 5. The second unit shall be subject to the minimum required front, side, and rear yard setbacks of the zone district in which the property is located;
 - 6. The second unit may be attached or detached to the primary residence, but shall be architecturally compatible with the main dwelling and the surrounding neighborhood;
 - 7. A second unit shall have adequate water supply and sewer service;
 - 8. The entrance to an attached second unit shall be separate from the entrance to the primary unit; and
 - 9. Second units shall be subject to all development fees including, but not limited to, public facilities impact fees, park fees and assessments districts, where so permitted.
 - 10. The floor area of the second unit shall not exceed fifty (50) percent of the floor area of the primary single family residence on the property.
 - 11. One off-street parking space shall be provided for the second unit in compliance with the provisions of Chapter 10 (Parking Regulations) of this Code.

§9.240 Self Storage Warehouses

- A. Purpose and Intent: This Section is intended to ensure that self-storage warehouse operations, commonly known as “mini-warehouses,” do not result in an adverse impact on adjacent properties by reason of parking demand, traffic generation, fire, or safety hazard, or visual blight. The special conditions contained in this section are intended to differentiate self-service storage warehousing uses from more intensive wholesale or general warehousing uses, especially in regard to the differing parking requirements for these uses.
- B. Applicability: The provisions of this Section shall apply to all new self-storage warehouse uses and to all existing facilities at such time the storage area of an existing business is substantially expanded or modified, as defined in this Code.

C. Development Standards

1. Access and Parking

- a. Driveways adjacent to parking lanes shall be twelve (12) feet in width for one-way traffic and twenty-four (24) feet in width for two-way traffic.
- b. Access and circulation shall be designed to eliminate the need to back out of any drive or access.
- c. One (1) parking space shall be provided for each two hundred (200) square feet of floor area within the office and/or caretakers quarters provided, however, a minimum of four (4) parking spaces shall be provided.
- d. The parking standards specified in this section for this use shall be applicable to this use only.

2. Outside Storage: No storage of materials outside an enclosed building may be permitted unless expressly designed for such purpose and approved as a part of the conditional use permit for the site.

§9.250 Service Stations

A. Purpose and Intent: This Section is intended to ensure that service stations do not result in adverse impacts on adjacent land uses, especially residential uses. The traffic, glare, and uses associated with service stations, particularly those which are open twenty-four (24) hours a day, may be incompatible with adjacent land uses. To protect the health, safety, and general welfare of the Town and its residents, these special regulations shall be imposed on the development and operations of service stations.

B. Applicability: A service station shall comply with the provisions of this Section in addition to the property development standards and the permit procedures for the zone district in which it is to be located. The provisions of this Section and this Code, as applicable, shall apply to all new service stations and to all existing service stations at such time as those existing stations may come before the Town of an expansion of twenty-five (25) percent or greater in floor area, a remodeling, or any other development that would cost more than fifty (50) percent of the value of the improvements on the parcel at the time of remodeling, excluding land value.

C. Minimum Development Standards

1. Minimum Street Frontage: Each parcel shall have a minimum street frontage of one hundred (100) feet on at least one abutting street.
2. Setbacks: No building or structure, except canopies as provided below, shall be located within thirty (30) feet of any right-of-way line, or within twenty (20) feet of any interior parcel line.
3. Gasoline Pumps: Gasoline pumps shall be located no closer than twenty (20) feet from any property line.
4. Canopies: Canopies shall be located no closer than ten (10) feet from any property line.

5. **Walls:** Service stations shall be separated from adjacent residential property by a decorative masonry wall of not less than six (6) feet in height, as approved by the Zoning Administrator. Materials, textures, colors and design of all walls shall be compatible with on-site development and adjacent properties. No wall higher than thirty-six (36) inches shall be constructed within five (5) feet of a driveway entrance or vehicle access way which opens onto a street or alley. The wall shall be constructed to ensure a clear cross view of pedestrians by motorists entering or exiting the parcel.
6. **Paving:** The site shall be entirely paved, except for buildings and landscaping.
7. **Landscaping:** The service station site shall be landscaped pursuant to the following standards:
 - a. A minimum of fifteen (15) percent of the site shall be landscaped, which may include a planting strip at least five (5) feet wide along interior parcel lines, non-driveway street frontages, and areas adjacent to buildings. Planters shall be surrounded by masonry or concrete curbs and so arranged to preclude motor vehicles from driving across the sidewalk at locations other than access driveways. Permanent opaque landscaping or berming shall be provided and maintained in the planters at a height of not less than three (3) feet above the average adjacent grade.
 - b. A minimum of one hundred fifty (150) square foot landscaped area shall be provided at the intersection of two (2) property lines at a street corner.
8. **Access and Circulation:** No more than one (1) driveway with a maximum width of thirty-five (35) feet shall be permitted on any one (1) street frontage and shall be located as follows:
 - a. Driveways shall be located no closer than fifty (50) feet from a street intersection and fifteen (15) feet from a residential property line or alley and shall not interfere with the movement and safety of vehicular and pedestrian traffic. Locations of all driveways shall be subject of the approval of the Town Engineer.
 - b. All lubrication bays and wash racks shall be located within a fully enclosed building. Access to the service bays and wash racks shall not be located within fifty (50) feet of a residentially zoned property, and shall be oriented, when practical, away from public rights-of-way.
9. **Air and Water:** Each service station shall provide air and water to customers at a convenient location during hours when gasoline is dispensed.
10. **Restrooms:** Each service station shall provide a men's and women's public restroom that is accessible to the general public, including physically disabled persons, during all hours the service station is open to the public. Restrooms shall be identified by placing entrances or signage in a location that is clearly visible from the gasoline service area or cashier station, and shall be maintained on a regular basis.
11. **Telephones:** At least one telephone available to the public shall be provided at each service station in a location that is easily accessible.

12. **Vending Machines:** Coin-operated vending machines may be permitted within or abutting a structure for the purpose of dispensing items commonly found in service stations, such as refreshments and maps.
13. **Location of Activities:** All repair and service activities and operations shall be conducted entirely within an enclosed service building, except as follows:
 - a. The dispensing of petroleum products, water, and air from pump islands.
 - b. Replacement service activities such as wiper blades, fuses, radiator caps, and lamps.
 - c. The sale of items from vending machines placed next to the main building in a designated area not to exceed thirty-two (32) square feet.
 - d. The display of merchandise offered for customer convenience on each pump island, provided that the aggregate display area on each island shall not exceed twelve (12) square feet and that the products shall be enclosed in a specially designed case.
 - e. Motor vehicle products displayed along and within three (3) feet of the front of the building. Such display areas shall be limited to five (5) feet in height and not more than ten (10) feet in length.
14. **Refuse Storage and Disposal:** Trash areas shall be provided and screened on at least three (3) sides from public view by a solid decorative wall not less than five (5) feet in height. Permanent opaque panel gates shall be installed on all openings to the trash area.
 - a. All trash shall be deposited in the trash area and the gates leading thereto shall be maintained in working order and shall remain closed except when in use.
 - b. Refuse bins shall be provided and placed in a location convenient for customers.
 - c. Trash areas shall not be used for storage. The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No used or discarded automotive parts or equipment, or permanently disabled, junked, or wrecked vehicles may be stored outside the main building.
15. **Equipment Rental:** Rental of equipment such as trailers and trucks may be permitted, provided that:
 - a. The rental equipment does not occupy or reduce the availability of the required parking for the automobile service station.
 - b. The rental equipment storage location does not interfere with access and circulation on and around the site.
 - c. The rental equipment is incidental and secondary to the main activity on the site.

- D. Operation of Facilities: The service station shall at all times be operated in a manner that is not detrimental to surrounding properties or residents. Site design and activities shall be conducted to avoid and minimize:
1. Damage or nuisances from noise, smoke, odor, dust, or vibration.
 2. Hazards from explosion, contamination, or fire.
 3. Service station hours of operation shall be as conditioned in the approved CUP.
- E. Security Plan: A security plan shall be developed by the applicant and approved by the Police Department prior to issuance of a building permit.
- F. Abandoned or Converted Service Stations
1. Where service stations become vacant or cease operation for more than one hundred eighty (180) days, the owner shall be required to remove all underground storage tanks (in a manner acceptable to all applicable permitting/regulatory agencies), remove all gasoline pumps and pump islands, and remove all free-standing canopies.
 2. To confirm that a use has not been abandoned, the owner shall provide evidence to the Zoning Administrator with written verification prior to the one hundred eighty (180) days that an allocation of gas has been received and operation of the station will commence within thirty (30) days of the date of written correspondence.
 3. Resumption of service station operations after the one hundred eighty (180) days, specified above, may be permitted upon review and approval by the Zoning Administrator. Such a review may result in conditions of approval that may include but not be limited to the following:
 - a. Installing or replanting landscape areas;
 - b. Painting of structures;
 - c. Upgrading or installing trash enclosures;
 - d. Striping parking spaces;
 - e. Installation of signs in conformance with adopted sign provisions in Chapter 10 of this Code;
 - f. Resurfacing vehicle access and parking areas; and
 - g. Installation of missing street improvements.
- G. Converted Service Stations: The conversion of service station structures and sites to another use may require upgrading and remodeling including, but not limited to removal of all gasoline appurtenances, removal of canopies, removal of pump islands, removal of overhead doors, additional landscaping, missing street improvements or modification of existing improvements to conform to access regulations, and exterior remodeling.

§9.260 Sidewalk Cafés

- A. **Purpose and Intent:** This Section is intended to regulate the establishment and operation of sidewalk cafés that can enhance the pedestrian ambiance of the Town, and to ensure that they do not adversely impact adjacent properties and surrounding neighborhoods.
- B. **Applicability:** A sidewalk café shall comply with the provisions of this Section in addition to the property development standards and permit procedures for the zone district in which it is located.
- C. **Minimum Development Requirements**
1. **Accessory Use:** A sidewalk café shall be conducted as an accessory use to a legally established restaurant or other eating and drinking establishment.
 2. **Enclosure:** Awnings or umbrellas may be used in conjunction with a sidewalk café, but there shall be no permanent roof or shelter over the sidewalk café area without written approval from the Town Engineer. Awnings shall be adequately secured, and shall comply with the provisions of the latest edition of the Building Code adopted by the Town.
 3. **Fixtures:** The furnishings of the sidewalk café shall consist only of movable tables, chairs, and umbrellas. Lighting fixtures may be permanently affixed onto the exterior front of the main building.
 4. **Refuse Storage Area:** No structure or enclosure to accommodate storage of trash or garbage shall be erected or placed on or adjacent to the sidewalk café on either a public sidewalk or public right-of-way. Sidewalk cafés shall remain clear of litter at all times.
 5. **Hours of Operation:** The hours of operation of the sidewalk café shall be limited to the hours of operation of the associated restaurant or eating and drinking establishment.

§9.270 Surface Parking Lots

- A. **Purpose and Intent:** This Section is intended to ensure that commercial parking facilities and surface parking lots located adjacent to residential districts will not adversely affect nearby residents or diminish the integrity of a residential district.
- B. **Applicability:** All commercial parking facilities, including primary commercial parking uses, and accessory parking lots for associated commercial, industrial, institutional, and public uses shall comply with the provisions of this Section in addition to the applicable provisions of the zone district in which such a use is located.
- C. **Minimum Development Standards**
1. **Structures Permitted:** A parking guard or attendant shelter may be permitted provided that the shelter does not exceed seventy-five (75) square feet, is not more than twelve (12) feet in height, is not located in any required setback area, and is located at least fifty (50) feet from any adjacent residential parcel.

2. Vehicle Access: Where practical, vehicular access to parking lots from public streets shall be located a minimum of forty (40) feet from any residentially zoned parcel.

§9.280 Swimming Pools and Recreational Courts

A. Purpose and Intent: This Section is intended to ensure that the construction of swimming pools and recreational courts within residential districts is consistent with the residential character of the neighborhood.

B. Applicability: The provisions of this Section shall apply to the construction of swimming pools or recreational courts located on individual residential lots as accessory uses to primary residential use of the same lot.

C. Permit Required for Accessory Use: Swimming pools and recreational courts may be permitted as an accessory use to a primary residential use, subject to securing a Town building permit.

D. Swimming Pools

1. Swimming pools shall be set back a minimum of five (5) feet from the rear property line and five (5) feet from the side property lines as measured perpendicularly to the edge of the swimming pool coping. Encroachment of up to two (2) feet into this setback area may be granted by the Building Official upon review and approval of stamped engineering calculations demonstrating that such encroachment will not compromise the structural integrity of any surrounding buildings or structures.
2. A swimming pool shall not, in any circumstance, be located in a front yard setback area or the setback area of the street side of a reverse corner lot.
3. Swimming pool equipment shall not be located within a street side yard setback area nor in a front yard setback area.
4. Swimming pools shall not be located closer than ten (10) feet to any building, unless stamped engineering calculation, reviewed and approved by the Building Official, demonstrate that placement of a swimming pool closer than ten (10) feet to any building will not compromise the structural integrity of that building and/or that building foundation.
5. Swimming pools, spas, and hot tubs shall comply with "Special Use and Occupancy" requirements of the latest adopted addition of the Town's International Building Code.

E. Recreational Courts

1. The maximum height of fences enclosing recreational courts shall be ten (10) feet.
2. Recreational courts shall be set back a minimum of ten (10) feet from the side property line, ten (10) feet from the rear property line, and fifty (50) feet from the front property line.
3. A maximum of eight (8) lights may be permitted. Said lights shall not exceed a height of twenty-two (22) feet.

4. All lighting shall:
 - a. Be designed, constructed, mounted, and maintained so that the light source is cut off when viewed from any point above five (5) feet, measured at the lot line; and
 - b. Be used only between the hours of 7:00 a.m. and 10:00 p.m.
5. The surface of a recreational court shall be designed, painted, colored, and/or treated to reduce reflection from any lighting thereon.
6. The above listed standards shall be considered minimum standards. The Zoning Administrator may impose more stringent standards if it is determined that such standards are required to achieve consistency with the intent and purpose of the General Plan and this Code.

§ 9.290 Vehicle Repair Facilities

- A. **Purpose and Intent:** This Section is intended to regulate the establishment and operation of vehicle repair facilities to reduce or eliminate potential noise, fumes, litter and parking problems associated with motor vehicle repair shops. The provisions of this section are further intended to ensure that vehicle repair facilities are compatible with adjacent and surrounding land uses.
- B. **Applicability:** Each vehicular repair facility, including those which may be a part of an incorporated dealership, shall comply with the provisions of this section in addition to the development standards and permit procedures of the zone district in which it is to be located and with other applicable provisions of this Code.
- C. **Minimum Development Standards**
 1. **Paving:** The portion of the site devoted to vehicle repair facilities shall be entirely paved, except for buildings and landscaping.
 2. **Structures:** When practical, entrances to individual service bays shall not face public rights-of-way or abutting residential parcels.
 3. **Repair Activities:** All repair activities, operations, and storage of materials shall be conducted entirely within an enclosed building. Outdoor hoists are prohibited.
 4. **Enclosure:** Repair facilities, performing body and fender work, or similar noise-generating activities, shall be conducted within a fully enclosed structure. All painting shall occur within a fully enclosed booth that meets all requirements of the Town's Uniform Building Code.
 5. **Litter:** The premises shall be kept in a neat and orderly condition at all times and all improvements shall be maintained in a condition of reasonable repair and appearance. No new, used, or discarded automotive parts, equipment, or permanently disabled, junked or wrecked vehicles may be stored outside of a building.

6. Storage: Exterior parking area shall be used for employee and customer parking only, and not for the repair or finishing work or long term (over one week) storage of vehicles. No vehicles to be repaired shall be parked or stored on any street or alley.
7. Hazardous Materials: Any handling, treatment, storage, or use of hazardous materials shall be subject to the requirements of all Town and County ordinances, regulations, and restrictions.

§9.300 Metal Storage Containers

- A. The purpose of this Section is to establish the criteria, process, rules and standards for the use of metal storage containers. They are defined as prefabricated, portable metal containers used for storage of personal property.
- B. Temporary Uses in residential zoned districts.
 1. Upon the issuance of a building permit, two (2) one hundred sixty (160) square foot metal storage containers may be established with a temporary use permit per § 2.80 of this Code. A temporary use permit is required prior to the storage containers being located on site and may be issued for up to eighteen (18) months at a time. Temporary use permits may be renewed so long as the building permit remains in active status.
 2. For non-permit projects (emergency situations related to fire, flood, or remodels), two (2) 160 square foot metal storage containers may be established with a temporary use permit for up to nine (9) months. Emergency-related projects are subject to a no fee permit. Temporary use permits may be renewed for an additional twelve (12) month period.
 3. Metal storage containers shall be located at least ten (10) feet from the front and street side property lines and shall meet side and rear setback requirements for the zoning district in which they are located. Exceptions may be granted by the Town Manager in an emergency situation for a maximum of ninety (90) days.
 4. There shall be no utilities installed within the metal storage container.
 5. Any deviations from these standards may be approved through the issuance of a conditional use permit.
- C. Temporary Uses in commercial and industrial zoned districts.
 1. Upon the issuance of a building permit, metal storage containers may be established with a temporary use permit. A temporary use permit is required prior to the storage container being located on site and may be issued for up to eighteen (18) months at a time. Temporary use permits may be renewed so long as the building permit remains in active status.
 2. For non-permit projects, metal storage containers may be established with a temporary use permit for up to six (6) months.
 3. Metal storage containers are required to meet all development standards of the zoning district in which they are located including setbacks, building separation and structure

height. Exceptions may be granted by the Town Manager in an emergency situation for a maximum of ninety (90) days.

4. There shall be no utilities installed within the metal storage container.

D. Permanent Uses in the RR and RS-20 zone districts.

1. One (1) 160 square foot metal storage container may be established with an approved building permit, subject to the following standards.
 - a. The only utilities permitted shall be electricity for lights and outlets; no plumbing or mechanical equipment is permitted. The addition of electricity requires an electrical permit from the Building Official.
 - b. There shall be no signage on the metal storage container.
 - c. All containers shall be painted and maintained the same color as the primary structure or as a pre-approved earthtone color consistent with the surrounding terrain prior to placement.
 - d. Metal storage containers are required to meet all development standards of the zoning district in which they are located including setbacks, building separation and structure height.
 - e. Use of the unit is for the storage of personal effects owned by the property owner or tenant. There shall be no commercial use of the unit including rental of the unit to people not residing on the property.
 - f. The unit shall not be used for residential use or for the keeping animals.
 - g. Nothing shall be stored on top of the unit.
2. Any deviations from these standards may be approved through the issuance of a conditional use permit per §2.50 of this Code.
3. Metal storage containers existing prior to the adoption of this Code will have ninety (90) days to meet the requirements of this Chapter.

E. Permanent Uses in the CG, CH, and CF zone districts.

1. The equivalent of one (1) three hundred twenty (320) square foot metal storage container or two (2) containers not exceeding one hundred sixty (160) square feet each may be established with an approved building permit, subject to the following standards.
 - a. There shall be no signage on the metal storage containers.
 - b. Electric utility may be permitted as part of the building permit.
 - c. All containers shall be painted and maintained either the color of the primary structure or a pre-approved earthtone color consistent with the surrounding terrain prior to placement.

- d. The metal storage containers are required to meet all development standards of the zoning district in which they are located including setbacks.
2. Any deviations from these standards may be approved through the issuance of a conditional use permit.
3. Metal storage containers existing prior to the adoption of this Code will have ninety (90) days to meet the requirements of this Chapter.

F. Permanent uses in the LI, and HI Zones.

1. Metal storage containers are permitted with an approved building permit, subject to the following standards.
 - a. There shall be no signage on the metal storage containers.
 - b. Electric utility may be permitted as part of the building permit.
 - c. All containers shall be painted and maintained either the primary structure color or a pre-approved earthtone color consistent with the surrounding terrain.
 - d. Metal storage containers are required to meet all development standards of the zoning district in which they are located including setbacks.
2. Any deviations from these standards may be approved through the issuance of a conditional use permit.
3. Metal storage containers existing prior to the adoption of this Code will have ninety (90) days to meet the requirements of this Code.

§9.310 Accessory Wind Energy Systems

A. Purpose: The purpose of this Section is to establish a process, rules and standards for the construction and operation of accessory wind energy systems used primarily for on-site power consumption.

B. Definitions:

Accessory Wind Energy System – A system designed as a secondary use to existing buildings or facilities, wherein the power generated is used primarily for on-site consumption. The system consists of a wind turbine and associated controls and may include a tower.

Hub Height – The distance measured from ground level to the blade extended at its highest point.

Wind Turbine – A device which converts the kinetic energy of the wind into a usable form of electrical energy.

C. Where allowed.

1. Accessory wind energy systems shall be considered a permitted in all zone districts in the Town, provided the proposed site is a minimum of one (1) acre in size. Roof-mounted

systems may be permitted in any of the above-mentioned zoned areas that are a minimum of one-half (1/2) acre in size.

2. Any deviation from the required standards of this Code may be approved through the issuance of a conditional use permit.

D. Performance Standards and Design Requirements.

1. The requirements of this Code shall apply to all accessory wind energy systems proposed after the effective date of this Code.
2. All accessory wind energy systems shall conform to applicable industry standards, including those of the American National Standards Institute.
3. Minimum parcel size of one (1) acre is required for the installation of an accessory wind energy system.
4. No more than two (2) systems are permitted per parcel.
5. Maximum height shall be that of the underlying zone district measured from pre-existing natural grade to the center of the turbine hub for horizontal and vertical systems.
6. Setback requirements shall be one hundred (100) percent of the total height of the accessory wind energy system from all property lines, access easements, residential structures and public electric power or telephone lines. No part of the wind system structure, including guy wire anchors, may extend into the minimum setback area of the underlying zone district or into any access or utility easements.
7. All portions of the energy system shall be a non-reflective, non-obtrusive color, subject to approval by the Town Manager. The appearance of the turbines, towers and any other related components shall be maintained throughout the life of the wind energy facility pursuant to industry standards.
8. Systems shall not be used for displaying any advertising.
9. Systems shall not be illuminated unless required by a State or Federal agency.
10. The electrical collection system shall be placed underground within the interior of each parcel. The collection system may be placed overhead near substations or points of interconnection to the electric grid. All grid connected systems shall have a completed contractual agreement with the local utility prior to the issuance of a building permit.
11. Accessory wind energy systems shall be designed, installed and operated so that noise generated by the system shall not exceed fifty decibels (50dBA), as measured from the nearest property line, except during short-term events including utility outages and severe wind storms.
12. Building permits shall be obtained for any accessory wind energy system prior to installation.

- E. **Obsolescence and Removal:** If the accessory wind energy system remains non-functional or inoperative for a continuous period of one hundred twenty (120) days, the system shall be deemed to be abandoned and shall constitute a public nuisance. The owner shall remove the abandoned system at his/her expense after a demolition permit has been obtained. Removal includes the entire structure, including foundations to below natural grade and transmission equipment.

§9.320 Medical Marijuana Dispensaries and Off-Site Cultivation and Infusion Facilities

- A. **Purpose:** The purpose of this Section is to establish a process, rules and standards for the construction, establishment and operation of medical marijuana dispensaries, and off-site cultivation and infusion facilities, pursuant to A.R.S. §36-2806.01.

- B. **Definitions:**

Medical Marijuana – All parts of any plant of the genus cannabis, whether growing or not, and the seeds of such plant that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical conditions.

Medical Marijuana Dispensary – A not-for-profit entity defined in A.R.S. § 36-2801(11) that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to qualifying patients or their designated caregivers.

Medical Marijuana Infusion Facility – A facility that incorporates medical marijuana by means of cooking, blending or incorporation into consumable/edible goods.

Medical Marijuana Off-Site Cultivation Location – A building, structure or premises associated with, but separate from a medical marijuana dispensary where cultivation, storage, infusion and/or manufacture of medical marijuana products is accomplished.

- C. **Where Allowed.**

1. Medical marijuana dispensaries shall be considered a permitted use in the CG (Commercial General) and CH (Commercial Heavy) Zones in areas designated for development, subject to CG and CH uses and development standards and subject to the following performance standards and design requirements. Off-site cultivation and infusion facilities shall be considered as conditional uses in the CH zone in areas designated for development, subject to the CH uses and development standards.
2. Medical marijuana off-site cultivation and infusion facilities shall be considered permitted uses in the LI (Light Industrial), and HI (Heavy Industrial) Zones in areas designated for development, subject to the LI and HI uses and development standards, subject to the following performance standards and design requirements.

- D. **Performance Standards and Design Requirements.**

1. Medical marijuana dispensaries shall be located in a permanent building, and may not locate in a trailer, cargo container or motor vehicle.

2. Medical marijuana dispensaries shall have a single secure entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into areas containing marijuana pursuant to A.R.S. §36-2806(C).
3. Medical marijuana dispensaries shall be a maximum of two thousand five hundred (2,500) gross square feet.
4. Medical marijuana dispensaries and cultivation/infusion facilities shall not be located within five hundred (500) feet of a public or private preschool, kindergarten, elementary, secondary or high school, place of worship or public park existing before the date of application for the medical marijuana dispensary or cultivation/infusion facility. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.
5. Medical marijuana dispensaries and cultivation/infusion facilities shall not be located within five hundred (500) feet of another medical marijuana dispensary or cultivation or infusion facility. This distance shall be measured in a straight line between the exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted.
6. Any medical marijuana dispensaries and cultivation/infusion facilities lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public or private preschool, kindergarten, elementary, secondary or high school, place of worship or a public park.
7. Retail sales and dispensing of medical marijuana and related products are prohibited at off-site medical marijuana cultivation and infusion facilities.
8. Operating hours of medical marijuana dispensaries are limited to 8:00 a.m. to 8:00 p.m.
9. Drive-through services are prohibited.
10. There shall be no emission of dust, fumes, vapors, odors or hazardous waste into the environment from any facility where medical marijuana cultivation or infusion occurs.
11. Marijuana remnants and byproducts shall be secured and properly disposed of and shall not be placed within the facility's exterior refuse containers.
12. Medical marijuana cultivation and infusion may occur within a medical marijuana dispensary. Otherwise, a medical marijuana dispensary may have one additional location where cultivation, infusion and production of medical marijuana products occurs pursuant to A.R.S. §36-2804(B)(1)(b)(ii).

E. Permits Required.

1. Where medical marijuana dispensaries and cultivation/infusion facilities are classified as a permitted use, an administrative permit shall be obtained prior to establishment of the use. To obtain an administrative permit, an applicant must comply with divisions E.3 through E.10 below.

2. Where medical marijuana cultivation/infusion facilities are classified as a conditional use, a conditional use permit shall be obtained prior to establishment of the use. The standard conditional use permit application procedures and requirements shall be met along with additional requirements contained herein.
3. The applicant shall provide the name and location of the medical marijuana dispensary. For an off-site cultivation and/or infusion facility, the applicant shall provide the name and location of the dispensary with which it is associated.
4. If the applicant is not the property owner, the application shall include both the applicant's and property owner's signatures.
5. The applicant shall provide a copy of their dispensary registration certificate issued by ADHS pursuant to A.R.S. §36-2804(B) and a copy of the operating procedures adopted pursuant to A.R.S. §36-2804(B)(1)(c) along with a site plan, floor plan and security plan.
6. If the dispensary and/or cultivation/infusion facility is proposed to be located in an existing building, the applicant shall obtain a building permit for change of occupancy with plans prepared by a professional architect registered in the state.
7. A medical marijuana dispensary or infusion facilities that incorporates medical marijuana by means of cooking, blending or incorporation into consumable/edible goods shall obtain applicable food service permits from the County Health Department.
8. If the measured distance is within twenty-five (25) feet of the required limits identified in divisions D.4 and D.5 above, a survey sealed by a registered land surveyor may be required, at the discretion of the Town Manager and at the applicant's expense, to verify the required separation.
9. Permit fees shall be as stipulated in the fee schedule adopted by resolution of the Town Council in effect at the time of application.
10. Permits may be denied if the applicant, in the reasonable opinion of the Town Manager, is failing to comply with any applicable state or local law or regulation.

**CHAPTER 10
PARKING REGULATIONS**

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**CHAPTER 10
PARKING REGULATIONS**

§10.10 Purpose and Intent

This Chapter is intended to ensure an adequate provision of parking and loading facilities proportionate to the needs created by the various land uses within the Town. In providing adequate parking and loading it is the intent of this Chapter to promote the following:

- A. Progressively alleviate or prevent on-site and off-site traffic congestion and hazards.
- B. Ensure the maneuverability of emergency and service vehicles.
- C. Provide safe, accessible, convenient, attractive, and well-maintained off-street parking areas.
- D. Protect residential neighborhoods from the effects of vehicular noise and traffic by uses in adjacent non-residential districts.

§10.20 General Regulations

A. Applicability

- 1. Any new building constructed, any new use established, any addition or enlargement of an existing structure or use, and any change in the occupancy of an existing building or the manner in which a use is conducted that would result in additional parking spaces being required, shall comply with the provisions of this Chapter.
- 2. In the case of additions or enlargements of an existing building or use, or a change of occupancy or manner of operation that would result in additional parking spaces being required, the additional parking spaces shall be required only for such addition, enlargement or change, and not for the entire building or use, unless a specific finding is made by the Zoning Administrator that additional parking for the entire building or use is necessary to protect the public health, safety and welfare.

B. Status of Existing Development and Approvals

- 1. No building or use of land which lawfully existed on the effective date of this Code shall be considered nonconforming solely because of the lack of off-street parking and loading facilities required by this Chapter.
- 2. Projects with unexpired site plans or conditional use permits approved prior to the effective date of this Code need only meet the requirements of the parking ordinance in effect on the date the plot plans or conditional use permits were approved.
- 3. No off-street parking facilities located in a commercial or an industrial zone district shall be used for any purpose other than the temporary parking of vehicles used by employees and patrons that the facilities are intended to serve without first obtaining approval of the Town. The display of vehicles offered for sale shall be strictly prohibited on said off-street parking facilities.

- C. Calculation of Floor Areas: The floor areas used to calculate the number of spaces required by the provision of off-street parking and loading spaces contained in § 10.30 and § 10.40 of this Chapter shall include:
1. All floor area which is devoted to office, retail, service, or other activities and uses including: storage areas, restrooms, lounges, lobbies, kitchens, and interior hallways and corridors, unless specifically exempted in this Chapter.
 2. All outdoor patio, deck, balcony, terrace, kiosk, or other outdoor area that will accommodate a permanent activity that generates a demand for parking facilities in addition to that which is provided for principal activities and uses within the building or structure.
 3. Gross floor area shall not include enclosed or covered areas used for off-street parking, loading, or bicycle facilities.
- D. Fractions: Where the application of provision of off-street parking, loading spaces, and bicycle facilities contained in §10.30, §10.40, and §10.50 of this Chapter result in a fractional space, the fraction shall be rounded to the next lower whole number.
- E. Increases and Decreases in Requirements
1. The number of spaces required by the provision of off-street parking and loading spaces contained in §10.30 and §10.40 of this Chapter may be increased if it can be demonstrated through a parking study that the proposed use would have a parking or loading space demand greater than the requirements given in §10.30 and §10.40 of this Chapter. The Zoning Administrator may require that a parking study be provided by an applicant when, in the opinion of the Zoning Administrator, an increase in the number of parking or loading spaces may be warranted.
 2. A decrease in the number of spaces required by the provisions of off-street parking and loading spaces and bicycle facilities contained in §10.30 and §10.40 of this Chapter may be granted under the circumstances identified in §10.50 of this Chapter by approval of a variance or as part of an application for a conditional use permit.
- F. Multiple Uses: In situations where a combination of uses are developed on a site, including multiple uses under single ownership, the number of spaces required for off-street parking, loading spaces, and bicycle facilities contained in §10.30 and §10.40 of this Chapter shall be equal to the sum of the requirements for each of the uses, unless a reduction is granted pursuant to the shared parking provisions of §10.50 of this Chapter. If the gross floor area of each individual user is less than the minimum for which parking or loading spaces would be required, the aggregate gross floor area shall be used in determining the required number of parking and loading spaces.
- G. Operation and Maintenance
1. All parking, loading, and bicycle facilities required by this Chapter shall be maintained for the duration of the use requiring such facilities.
 - a. Required parking and loading facilities shall not be used for the storage or display of merchandise, or for the storage or repair of vehicles or equipment.

- b. Required parking and loading facilities shall not be used for the sale of merchandise, except for a special event, subject to the issuance of a Special Event Permit pursuant to the provisions of §2.90 (Special Event Permits) of this Code.
2. It shall be the responsibility of the owner or operator of a specific use to ensure that all parking facilities are maintained in good operating condition, are periodically swept and cleaned, and are properly striped.

H. Requirements Not Given in Parking and Loading Schedules

1. For parking and loading facilities for a specific use not listed in §10.30 and §10.40 of this Chapter, the required parking shall be determined through an individual development review process.
 2. An applicant proposing to develop or expand a use whose parking requirements are not shown, shall submit a parking study to the Zoning Administrator providing justification for the proposed number of spaces. This study shall be considered during review of the development application.
- I. Compact Parking: The maximum percentage of all on-site parking that may be permitted as compact spaces shall be as provided in Table 10.A of this Chapter, unless otherwise specified in §10.50 (Adjustment to Off-Street Parking Requirements).
- J. Tandem Parking: Unless otherwise permitted in this Code, tandem parking shall not be used to meet the required number of parking spaces unless specifically permitted as part of an approved conditional use permit or unless findings for a variance can be made.
- K. Time-Restricted Customer Parking: Time-restricted customer parking may be delineated for high turnover businesses for the purpose of restricting long-term parking at selected locations. Requests for time-restricted parking may be included within the required development application for new or expanded uses, and shall be approved or denied based on the criteria listed below.
1. Application Requirements: Requests for delineation of time-restricted customer parking shall be submitted to the Zoning Administrator and shall be acted upon by the Town Council. The following information shall be supplied with the application:
 - a. Site plan of the commercial activity, including information regarding the total number of parking spaces, the number and designation of proposed time-restricted parking spaces, and on-site vehicular, bicycle and pedestrian circulation, access, and design.
 - b. Other information as may be required by the Zoning Administrator or the Town Council.
 2. Approval Authority: Requests for time-restricted parking may be approved by the Town Council.

- 3. **Required Findings:** A request for time-restricted customer parking may be approved provided that all of the following findings are made:
 - a. The amount and distribution of time-restricted customer spaces allows for time-restricted parking without adversely affecting the parking needs of other uses within the general area; and
 - b. The location of the time-restricted customer parking spaces will not impede vehicular, bicycle, or pedestrian circulation, and will not encroach into required fire lane access areas.

- 4. **Revocation of Time-Restricted Customer Parking**
 - a. Approvals for time-restricted customer parking spaces, granted pursuant to the provisions of this Section, may be revoked by the Town Council if it is found that the continued use of time-restricted customer parking adversely affects the parking needs of the general area or impedes vehicular, bicycle, or pedestrian circulation due to changes in tenant mix, customer parking demands, or any other factors which change the parking demand characteristics.
 - b. Any decision to revoke a time-restricted customer parking approval shall become final thirty (30) days after the decision to revoke is made.

L. No vehicle, as defined in §1.190 (Definitions) of this Code, shall be permitted to be parked on any unpaved portion of a front yard setback area, or on any paved portion of a front yard setback area not designated as an access corridor (driveway) to an on-site parking facility (carport or garage) on any lot located in a residentially zoned district in the Town.

**Table 10.A
Off-Street Automobile Parking Space Requirements**

Use	Minimum Off-Street Parking Requirements	Maximum % Compact Spaces	Notes
A. Residential Uses			
1. Single Family Dwelling	2 spaces per unit ¹	None	¹ 2 nd units in a SFD zone shall provide an additional parking space.
2. Multifamily Dwelling			
a. Resident Parking ^{2,3,4}	Studio: 1 space/unit; 1 bedroom: 1.5 spaces/unit 2 bedroom: 2 spaces/unit	None	² Parking spaces shall be assigned to a specific unit
b. Guest Parking	0.25 spaces per unit for 11 or more units; no guest parking for 10 or less units	50%	³ Spaces shall be located within 150 feet of the unit being served.

Use	Minimum Off-Street Parking Requirements	Maximum % Compact Spaces	Notes
3. Senior housing, Independent Care			
a. Resident Parking	1 space/unit ⁴	None	⁴ Assigned spaces shall be covered, by carport or garage.
b. Guest Parking	0.25 spaces per unit ⁵	50%	⁵ Guest spaces may be uncovered.
4. Senior Housing: Congregate Care			
a. Resident Parking	0.5 spaces per unit or as set by Town Council ^{6,7}	50%	⁶ Applicant shall submit a parking study. ⁷ For multiple family units, parking shall be within 150 feet of the dwelling it serves.
b. Guest Parking	0.25 spaces per unit	50%	
5. Mobile Home Parks and Subdivisions			
a. Resident Parking	2 spaces per unit ⁸	None	⁸ Tandem spaces may be permitted for a mobile home park.
b. Guest Parking	1 space per five (5) units	None	
6. Model Home Complexes	3 spaces per model home plus 1 space per salesperson ^{9, 10}	None	⁹ On-street parking adjacent to model homes may be counted toward the parking requirement if it does not impact other residential parking and does not obstruct traffic flow. ¹⁰ Spaces for salespersons may be provided in vacant garages of model homes.
B. Commercial Uses			
1. Uses Located in Regional Commercial Shopping Centers (more than 750,000 sq. ft. of gross leasable area)	1 space per 300 sq. ft. of gross floor area.	25%	
2. Uses located in Neighborhood, Community, and Convenience Shopping Centers (less than 750,000 sq. ft. of gross leasable area).	1 space per 250 sq. ft. of gross floor area ¹⁰	25%	¹⁰ Alternative parking for commercial centers may may be permitted by Council based upon supportive findings in a parking study.

Use	Minimum Off-Street Parking Requirements	Maximum % Compact Uses	Notes
3. Freestanding Commercial and Service Uses			
a. Automobile Repair & Services	1 space per 500 sq. ft. of gross floor area plus 1.5 spaces per service bay ¹¹	25%	¹¹ No off-street parking space shall be used for sale, service, rental, or repair of vehicles.
b. Automobile Sales	1 space per 350 sq. ft. of interior office area plus 2 spaces per service bay ¹²	25%	¹² No required off-street parking space shall be used for repair of vehicles.
c. Automobile Service Station ¹³	2 spaces plus 2 spaces per service bay	25%	¹³ If a mini-mart is part of a service station, 1 additional space per 200 sq. ft. of retail area shall be provided.
d. Automobile Washing (Self Service)	1 space per 2 washing stalls	25%	
e. Barber Shop, Beauty Parlor	2 spaces per barber chair or beautician station	25%	
f. Bank, Savings & Loan ¹⁴	1 space per 250 sq. ft. of gross floor area	25%	¹⁴ Special requirements apply for drive-through facilities. Refer to Chapter 9
g. Business and Personal Services	1 space per 250 sq. ft. of gross floor area	25%	
h. Bed and Breakfast Inns	Required spaces for existing residential units and 1 space per each guest room	25%	¹⁵ All spaces for guest parking shall be 9 feet wide by 19 feet long. No on-street or tandem parking is allowed to meet parking requirements.
i. Eating and drinking facility with or without drive-in or take-out facilities ¹⁶	1 space per 80 sq. ft. of gross dining area, inside and outside	25%	¹⁶ Special design requirements apply for drive-through facilities (see Chapter 9 (Specific Use Development Standards).
j. Mortuaries	1 space per each 4 seats plus funeral procession of queue capacity for 5 cars	25%	
k. Offices (1) Administrative, Business, Professional (2) Government	(1) 1 space per 250 gross sq. ft. of floor area (2) 1 space per 200 gross sq. ft. of floor area	35%	
l. Retail, General (e.g., Department Stores, Markets, Specialty commercial, etc.)	1 space per 250 gross sq. ft. of floor area	25%	
m. Retail, Furniture, Major Appliances	1 space per 500 gross sq. ft. of floor area	25%	

Use	Minimum Off-Street Parking Requirements	Maximum % Compact Spaces	Notes
C. Educational Services			
1. Business and Trade Schools	1 space per each 4-person capacity, or 1 space per 250 gross sq. ft. of floor area, whichever is greater	25%	
2. Colleges	10 spaces plus 30 spaces per classroom	25%	
3. Elementary, Junior High Schools	2 spaces per classroom	25%	
4. Senior High Schools	10 spaces plus 10 spaces per classroom	25%	
D. Medical and Health Services			
1. Convalescent and Nursing Homes	1 space per 3 beds	25%	
2. Hospitals	1 space per 1.5 beds	25%	
3. Medical and Dental Offices and Clinics, Veterinary Clinics and Offices, Emergency Rooms	1 space per 200 gross sq. ft. of floor area	25%	
E. Industrial Uses			
1. Manufacturing	1 space per 500 gross sq. ft. of floor area devoted to manufacturing plus the required amount of parking for gross square footage devoted to other uses	35%	
2. Research and Development	1 space per 250 gross sq. ft. of floor area	35%	
3. Warehouse and Distribution	1 space per 1,000 gross sq. ft. of floor area devoted to warehousing plus the required amount of parking for gross square footage devoted to other uses	35%	
F. Entertainment and Recreation Uses			
1. Arcades, Games	1 space per 150 gross sq. ft. of floor area	25%	
2. Auditoriums, Places of Public Assembly	1 space per 5 seats or 1 space per 80 gross sq. ft. where there are no fixed seats	25%	
3. Bowling Alleys, Billiard Halls	5 spaces per alley plus 2 spaces per billiard table plus required parking for other on-site uses	25%	
4. Commercial Stables	1 space per 5 horses capacity for boarding on-site	25%	

Use	Minimum Off-Street Parking Requirements	Maximum % Compact Uses	Notes
5. Golf Driving Range	1 space per tee plus required parking for other on-site uses	25%	
6. Golf Course (Executive and Regulation)	6 spaces per hole plus required parking for other on-site uses	25%	
F. Entertainment and Recreation Uses (Cont'd)			
7. Golf, Miniature	3 spaces per hold plus required parking for other on-site uses	25%	
8. Health Club/Centers	1 space per 100 sq. ft. floor area ¹⁷	25%	¹⁷ Alternative parking requirements may be required based upon a parking study if required for such a facility.
9. Parks, Public and Private (over 10 acres in size) ¹⁸	To be determined for the proposed use based upon the parking study findings		¹⁸ Applicant must submit a parking study.
a. Neighborhood Parks	A minimum of 5 spaces for the first 2 acres plus 1 space for each additional acre	25%	
b. Community Park (under 5 acres)	A minimum of 5 spaces per acre; plus additional spaces for spectator seating at athletic fields, community centers and pools	25%	
10. Skating Rinks	1 space per 100 sq. ft. of gross floor area	25%	
11. Tennis, Handball, Racquetball Facilities	3 spaces per court plus required parking for on-site uses	25%	
12. Theaters, Movie	5 spaces plus 1 space per 3 fixed seats	25%	
G. Public and Quasi-public Uses			
1. Day Care, Preschools, Nursery Schools, Family Day Care, Residential Care Homes ¹⁹			¹⁹ Parking requirements are based upon maximum capacity of the proposed facility
a. Day Care Centers	1 space per employee plus 1 space per 5 children	25%	
b. Family Day Care Homes	2 spaces per dwelling unit in addition to residential requirement	25%	
c. Residential Care Homes	2 spaces per dwelling unit in addition to residential requirements	25%	

Use	Minimum Off-Street Parking Requirements	Maximum % Compact Uses	Notes
2. Libraries, Museums, Galleries	1 space per 400 sq. ft. of gross floor area	25%	
3. Places of Worship	1 space per 80 sq. ft. of floor area of main assembly or auditorium area; plus requirement for office space, if applicable; plus for school uses, if applicable	25%	
4. Public Utilities	To be determined by the Zoning Administrator for the proposed use ²⁰	25%	²⁰ Applicant shall submit a parking study.

§10.30 Off-Street Parking Requirements

- A. Automobile Parking Requirements: Minimum off-street automobile parking requirements for uses within the Town are specified in Table 10.A of this Chapter, while §10.60 of this Chapter provides design standards for vehicular parking.
- B. Handicapped Parking requirements:
 - 1. Handicapped parking space dimensions are provided in §10.60 of this Chapter.
 - 2. Handicapped parking spaces shall be provided as set forth in Table 10.B below.

**TABLE 10.B
HANDICAPPED PARKING REQUIREMENTS**

Number of Automobile Spaces Provided	Number of Handicapped Spaces Required
1 – 25	1 Van accessible space
26 – 50	2 including 1 van accessible space
51 – 75	3 including 1 van accessible space
76 – 100	4 including 1 van accessible space
101 – 150	5 including 1 van accessible space
151 – 200	6 including 1 van accessible space
201 – 300	7 including 1 van accessible space
301 – 400	8 including 1 van accessible space
401 – 500	9 including 2 van accessible spaces
501 – 1,000	2% including 3 van accessible spaces
1,001 +	20 plus 1 per 100, including a minimum of 1 van accessible space per 8 accessible spaces

- C. Motorcycle parking space design standards
1. Motorcycle parking spaces shall be provided for all nonresidential uses at the following rates:
 - a. Uses requiring more than twenty-five (25) but less than one-hundred (100) parking spaces shall provide one (1) designated motorcycle parking space.
 - b. Uses with one-hundred (100) or more parking spaces shall provide one (1) designated motorcycle parking area for each one-hundred (100) required automobile spaces.
 - c. Motorcycle parking spaces required by this Section shall count toward meeting the total number of parking spaces required by this Chapter.
- D. Recreational Vehicle Parking Spaces: Recreational vehicle parking spaces shall not be permitted within multiple family residential developments unless a parking facility is approved by the Zoning Administrator for a portion of the development specifically designed for the storage of all such recreational vehicles.
- E. Tour Bus Parking: For hotels and motels with more than sixty (60) guest rooms, parking for up to four (4) tour buses will be allowed in lieu of automobile parking spaces at a ratio of one (1) tour bus for every sixteen (16) parking spaces provided that, in no event shall the number of automobile parking spaces be less than seventy-five (75) percent of that otherwise required. Additional tour bus parking spaces may be provided, but no additional credit will be given.

§10.40 Adjustments to Off-Street Parking Requirements

- A. The Planning and Zoning Commission shall have the authority to approve a request for a parking adjustment under the following conditions:
1. A credit may be given for on-street parking spaces that are adjacent to the frontage of the designated site towards the total number of required off-street parking spaces provided that such on-street parking spaces will remain available for public parking during normal business hours.
 2. No on-street parking spaces located within fifteen (15) feet of a 'stop-sign' or corner radius shall be counted.
 3. No on-street parking spaces located in front of a bus stop shall be counted.
- B. Notice: Notice of an application for a parking adjustment shall be published in a newspaper of general circulation not less than fifteen (15) days prior to the date set for the Commission hearing in a manner consistent with §2.130 (Public Hearing and Notification Procedures).
- C. Finding for Approval: The Planning and Zoning Commission, in approving a parking adjustment shall find as follows:

1. The proposed parking modification and use of the structure is necessary or desirable for the development of the community, is in harmony with the various elements and objectives of the General Plan, and is not detrimental to existing uses or to uses specifically permitted in the affected zone district.
2. That the required parking cannot be provided without the approval of the requested adjustment.
3. That approval of the parking adjustment will not harm the integrity of the structure or the surrounding neighborhood.

§10.50 Shared Parking:

- A. A maximum reduction of thirty (30) percent of the minimum parking requirements for individual uses may be granted by the Town Manager, where joint use of parking facilities or other factors will mitigate peak parking demand.
1. Request for parking reductions resulting from joint usage shall be supported by information that generally follows the format described below:
 - a. Review of the shared parking proposal involves documentation and quantification of proposed land uses and anticipated functional relationships between the parking needs of the different land uses.
 - b. Adjustments shall take into account calculations of the number of off-street parking spaces required for each land use within the area proposed for joint parking. Other elements to be considered include seasonal adjustments for parking demand and a determination of the mode of transit used in reaching or departing the area being considered.
 2. In granting parking reductions for shared use of parking facilities, the Town Manager shall make one or more of the following findings:
 - a. The report justifies the requested parking reduction based upon the presence of two (2) or more adjacent land uses which, because of the substantially different operating hours or different peak parking characteristics, will allow joint use of the same parking facilities.
 - b. The report indicates there are public transportation facilities and/or pedestrian circulation opportunities that justify the requested reduction of parking facilities.
 - c. The report finds that the use otherwise adheres to the parking standards in this Chapter.
 - d. The report finds that clustering different land uses actually requires reduced parking spaces by serving multiple trip purposes to that area.
 3. As a condition of approval of the reduction in required parking, the Town Manager may require the granting of reciprocal access and parking agreements with surrounding properties through the creation of a legal instrument, in a form acceptable to the Town

Attorney, to assure the permanent continuation of the circumstances under which the parking reductions were granted.

§10.60 Off-Site Parking Facilities:

- A. Required parking for a development may be provided off-site under certain instances. Requests for off-site parking facilities shall meet the following requirements:
1. Proximity of the off-site parking facilities; and
 2. Ease of pedestrian access to the off-site parking facility; and
 3. The type of use which the off-site parking is intended to serve, recognizing that such facilities are generally not appropriate for high-turnover uses; and
 4. The need for locating parking facilities off-site, and the resulting design benefits of the off-site parking, if any.
- B. As a condition of granting approval to the development of off-site parking facilities, the applicant and other involved parties shall be required to sign a legal agreement, acceptable to the Town Attorney, ensuring the continued availability of the off-street parking facilities for the use they are intended to serve.

§10.70 Design Standards:

- A. Each automobile off-street parking space shall consist of a rectangular area not less than nine (9) feet wide by nineteen (19) feet long, together with drives, aisles, turning and maneuvering areas and having access at all times to a public street or alley. All parallel automobile parking spaces shall be a minimum of eight (8) feet by twenty-four (24) feet.
- B. Each off-street parking area shall provide an area or areas landscaped equivalent to ten (10) square feet for each parking space. Such landscaping shall be provided along the periphery of the parking area and shall consist of trees and plant material; provided, however, that such landscaped area shall include at least one (1) minimum fifteen (15) gallon tree for each ten (10) parking spaces. In addition, one (1) minimum fifteen (15) gallon tree shall be provided in the interior portions of the parking area for each ten-thousand (10,000) square feet of parking area. Required landscaped yard or setback areas shall not be construed as satisfying any portion of the landscaped area required by this Section unless authorized and accepted by the Planning and Zoning Commission.
- C. Any unused parking space resulting from the design of the parking area shall be used for landscape purposes.
- D. All required landscaped areas shall be provided with a permanent and adequate means of irrigation and shall be adequately maintained.
- E. All off-street parking areas, except for single-family dwellings and duplexes shall be constructed and maintained to provide the following:

1. Grading, drainage, and a minimum of two (2) inches of asphaltic concrete paving over a four (4) inch aggregate base or other acceptable paving design prepared by a registered professional engineer to the specifications of the Town Engineer unless a paving waiver is approved by the Planning and Zoning Commission.
 2. Bumpers, wheel stops, parking space markings, and other vehicular controls to the specifications of the Town Manager or his/her designee.
 3. Lighting may be required to the specifications of the Town Manager, or his/her designee. In all cases, such lighting shall be arranged and shielded so that direct rays do not shine onto adjacent property and no light is projected above the horizontal plane.
 4. Drainage shall be provided to the specifications of the Town Building Official or Town Engineer.
- F. Parking area design dimensions shall be as set forth in Table 10.B. In the event practical difficulties and hardships result from strict enforcement of the standards in Table 10.B due to existing buildings or an irregularly shaped lot, an administrative variance by the Town Manager may be given for Standards 1 through 4 inclusive of Table 10.B, not to exceed ten (10) percent.
- G. Where undefined off-street parking facilities are provided, but not addressed by this Chapter, such facilities shall comply with the development and design standards of this Chapter.
- H. Parking for the handicapped shall be provided in accordance with the requirements set forth in A.R.S. §34-405-C as follows: Each handicapped parking space shall be a minimum of fourteen (14) feet wide, lined to provide a nine (9) foot wide parking area and a five (5) foot wide loading area and shall be a minimum of nineteen (19) feet in depth. If two (2) handicapped spaces are located adjacent to each other, they may share the five (5) foot wide loading area resulting in a width of twenty-three (23) feet for the two (2) spaces.
- I. At the discretion of the Town Manager, designated bus parking may be required for uses subject to tour bus traffic. Where required, minimum dimensions for bus parking spaces shall be twelve (12) feet by forty-two (42) feet for angle or perpendicular parking and ten (10) feet by fifty-five (55) feet for parallel parking.
- J. Not more than forty (40) percent of the total number of parking spaces shall be designed for compact and sub-compact vehicles. Such space shall be a minimum of eight (8) feet by sixteen (16) feet in size.
- K. Motorcycle parking spaces shall have a minimum usable area of fifty-six (56) square feet.
- L. Parking facilities serving uses that make use of shopping carts, including, but not limited to supermarkets, drug stores, and lumber/hardware stores shall contain shopping cart storage areas. The dimensions and locations of such storage area for the proposed use shall be approved by the Zoning Administrator.
- M. Driveway dimensions for multiple family residential dwellings and non-residential uses shall be in conformance with Table 10.C below:

**TABLE 10.C
DRIVEWAY DIMENSIONS FOR MULTI-FAMILY
DWELLINGS AND NONRESIDENTIAL USES**

Driveway Dimension	
Width, excluding flares or curb radius	
Minimum (one-way)	15 feet
Minimum (two-way)	24 feet
Maximum	36 feet
Turn radius*	
Minimum	15 feet
Maximum	50 feet
Minimum Spacing**	
From side property line	5 feet
From street corner	15 feet

* On-site driveway exposed to entry or exit by right turning vehicles (applicable only to driveways with curb radius).

** Minimum spacing is measured along the curb line from the top of driveway to the side property line, or the beginning of the intersection.

Note: A larger dimension may be required for emergency vehicle access. The Fire Chief and/or the Town Engineer shall determine the dimensions that may be required.

§10.80 Loading Area Requirements

- A. Loading areas shall be designed to provide adequate area for backing and maneuvering on-site and shall not require maneuvering within a public right-of-way or backing onto a public street.
- B. Loading doors fronting a public street shall not be closer than seventy (70) feet from the property line and shall not encroach into side or rear setback areas.
- C. Screen walls and wing walls for screening loading areas shall have a maximum height of twelve (12) feet.
- D. Design and number of spaces, depending on the size and scope of the proposed development, shall be reviewed and approved by the Town Manager or his/her designee.

**CHAPTER 11
SIGN REGULATIONS**

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CHAPTER 11 SIGN REGULATIONS

§11.10 Purpose and Intent

- A. Signs are considered to be an essential economic and visual element of any community. They contribute significantly to its visual quality, thus influencing perceptions of that community. In communities where there has been an uncontrolled proliferation of signs, the result has often been clutter, confusion and visual blight to the detriment of that community's image, and to its economic development. However, under proper regulation, signs may be designed and displayed to effectively convey their intended message and to help create a community which is well-organized and visually appealing.
- B. It is the intent of this Chapter to control proposed and existing signs in the Town in order to protect its physical and economic environment, to implement the policies of the General Plan, and to promote public health, safety and general welfare.

The general objectives and provisions of this Chapter are intended to:

1. Ensure that signs serve primarily to identify an establishment on a site and to direct persons to various activities and enterprises in order to provide for maximum public convenience;
2. Ensure that signs are compatible and harmonious with their surroundings and adjacent land uses;
3. Ensure that signs are expressive of the identity of the individual properties and of the community as a whole;
4. Avoid traffic hazards by minimizing visual competition among signs and by providing clear identification of businesses;
5. Encourage signs which are well designed and attractive in appearance, and provide incentives and latitude for variety, innovation, pleasing design relationships, and spacing; and
6. Provide criteria for signs to insure the development of a high quality visual environment.

§11.20 Administration

- A. Compliance Required: No person, business, organization or entity of any kind shall place, erect, maintain, cause, allow to be placed, erected, or maintained any sign or sign structure contrary to, or in violation of, any of the provisions of this Chapter.
1. Any sign or sign structure, which is being displayed or is being poorly maintained in violation of the provisions of this Code, shall be taken down, removed, or altered to comply with the provisions of this Chapter. It shall be the responsibility of the owner, agent, or person having the beneficial use of the building or structure or land upon which such sign or sign structure may be found, to take down, remove or alter the sign or sign structure to comply with the provisions of this Chapter.

B. Sign Permits and Review:

1. **Permits Required:** No sign or sign structure shall be placed, erected, or maintained within the Town without prior issuance of a sign permit unless such sign is specifically exempted by this Code, or by other Town ordinance. Building and electrical permits may also be required. Signs or sign structures placed, erected, or maintained without all required permits, and not exempted by this Code or by other Town ordinance, shall be deemed illegal.
2. **Permit Applications:** Applications for sign permits, or for approval of Planned Sign Programs shall be made on forms provided by the Zoning Administrator, and shall be accompanied by plans and exhibits as required. Upon receipt of a sign application, the Zoning Administrator shall inform the applicant as to the completeness of the submittal and of additional materials required, if any. No sign application shall be forwarded to the appropriate reviewing authority for approval, approval subject to modifications, or denial, until the applicant has submitted a complete application.
3. **Review and Decision:** The reviewing authority shall determine if the proposed sign or Planned Sign Program conforms to the provisions of this Chapter and shall accordingly approve, approve subject to modifications and/or conditions, or deny the sign application.

C. Written Authorization: Written authorization shall be required from the owner or authorized agent of the premises prior to placing, erecting or maintaining a sign or sign structure on any property.

D. Review Responsibilities:

1. **Zoning Administrator:** The following signs shall be reviewed and approved by the Zoning Administrator:
 - a. All initial Planned Sign Programs.
 - b. Free-standing directional signs (e.g., parking lot entry signs) over four (4) square feet in area, and four (4) feet in height.
 - c. Any sign requiring a sign permit as required by the provisions of this Code.
2. **Planning and Zoning Commission:** Generally, the following signs shall be reviewed by the Planning and Zoning Commission:
 - a. Sign variances.
 - b. Where signage is part of a development requiring Planning and Zoning Commission review.

E. Interpretations: In all sign applications, where a matter of interpretation arises, the more specific definition or the more rigorous standard shall prevail. Whenever the Zoning Administrator determines that the application of any provision for this Chapter is uncertain, the issue shall be referred to the Planning and Zoning Commission for determination.

- F. Appeals: Appeals to decisions regarding signs shall be filed and reviewed pursuant to the provisions of §2.170 of this Code, except that the Planning and Zoning Commission shall consider appeals of all staff decisions upon receipt of any such appeal.
- G. Variances: Variances from the requirements of this Chapter shall be in accordance with the provisions of §2.60 of this Code. In addition to the findings specified in §2.60, the following additional findings shall be made prior to approving a variance for signs:
1. The site has a unique character or features that cause visibility problems, thus causing undue economic burden or business hardship; and
 2. No other proposed signing alternative or design would be feasible or would provide reasonable signage in accordance with this Chapter; and
 3. The proposed sign does not create a traffic hazard; and
 4. The proposed sign does not create a visual blight to the community; and
 5. The proposed sign does not adversely affect adjacent properties; and
 6. The proposed sign is in compliance with the provisions of this Code in regard to regulations apart from those imposed by this Chapter.
- H. Illegal Signs:
1. The following signs and sign structures shall be considered illegal:
 - a. Unsafe Signs or Sign Structures: A sign or sign structure shall be deemed unsafe if determined by the Building Official to be a danger or to create a potential hazard to the public.
 - b. Abandoned Signs and Sign Structures: A sign or sign structure which, for a period of one hundred eighty (180) days or more, does not advertise or identify an ongoing business, business product, or service available on or off the premises where the sign or sign structure is located, shall be deemed abandoned.
 - c. Illegally Erected Signs and Sign Structures: A sign or sign structure shall be illegally erected if it violates any provision of this Chapter including, but not limited to, a sign or sign structure which does not have required permits, or a sign or sign structure which has been erected without first complying with all ordinances and regulations in effect at its time of construction and erection or use. No sign or sign structure that was placed or erected in violation of any previously existing sign ordinances or regulations, by virtue of adoption of this Chapter, shall become conforming or legal.
 2. All illegal signs and sign structures are hereby deemed to be nuisances.
- I. Prohibited Signs and Sign Structures: The following types of signs are prohibited in the Town:
1. Signs or sign structures having any animated, moving or rotating parts, except for signs or sign structures which have historical marketing significance unique to a profession, rather than an individual business, such as barber poles, excluding 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 zone districts.

2. Flashing or otherwise light-animated signs which contain, or are illuminated by lights which are intermittently on and off, change in intensity, or which create the illusion of flashing in any manner.
3. Signs which make sounds.
4. Signs or sign structures which by color, wording, design, location or illustration resemble, obscure, imitate, or otherwise limit the effectiveness of traffic control signs or devices.
5. Signs or sign structures which create a potential safety hazard by obscuring a clear view of pedestrian or vehicular traffic.
6. Balloons and/or other inflatables, tethered or not, used to draw attention to a use or event, unless expressly permitted in this Chapter.
7. Flags, pennants, streamers, spinners, festoons, windsocks, valances, or similar displays, temporary or permanent, unless expressly permitted in this Chapter.
8. Moveable or portable signs or sign structures, including signs attached to, or painted on trailers or vehicles parked on public or private property, for the purpose of gaining unauthorized sign area.
9. Signs or sign structures drawn or painted onto or otherwise affixed to trees or rocks.
10. Building-mounted signs or sign structures placed on or above the eave line of a pitched or mansard roof, or above the top of a wall of a building with a flat or parapet roof.
11. Off-site advertising signs and displays.
12. Signs or sign structures placed within, on, or over public right-of-way, on public land, or on utility poles, unless an encroachment permit has been approved for such a sign by the Town Engineer.
13. Any sign or sign structure not specifically permitted in this Chapter.
14. Any sign that projects more than twelve (12) inches from a building wall.

§11.30 Sign Standards: The following design criteria shall be used by the Zoning Administrator in order to determine if a proposed sign is consistent with the intent of this chapter:

- A. **Identification:** Major identification signs shall serve primarily to identify the name or type of business or other land use.
- B. **Architectural Context:** Sign design shall harmonize with the architectural design, and details of the building it serves, with other signs on the building, with the building's surroundings, and

with the business or other activity that the sign identifies. Further, signs shall not cover or obstruct significant architectural elements.

C. Design Elements: The following design elements shall be addressed:

1. Materials: Creativity in use of materials is encouraged. Durable materials, which are compatible in appearance with the building supporting or identified by the sign, shall be used.
2. Colors: Sign colors should harmonize with the building it serves and with adjacent landscaping and buildings.
3. Letter Style: Simple lettering styles should be used for ease of identification. Legibility should take priority over complexity in the design of the sign face.
4. Illumination: Illuminated signs shall be lighted to the minimum level required to ensure adequate nighttime readability. Specific illumination levels shall be in accordance with this Code.
5. Landscaping: Freestanding signs shall be located in a landscaped area, flanking all sides of the sign, which is of a shape, design, and size equal to at least the area of the sign face, and that is in scale with the overall proportions of the sign and its support structures.
6. Signs should not detract from the visibility of other signs on or adjacent to the site where the sign is placed.
7. Registered trademarks may be permitted as design elements.

D. Sign Area Measurement: For the purposes of this Chapter, sign size shall mean the sign area. Such area shall be more specifically defined as follows:

1. Sign Area: Sign size or area shall be defined as the entire area of the sign face, including non-structural perimeter trim and excluding architectural detailing, support structures, and/or uprights on which the sign is supported.
2. Window Signs: "Window area" shall be computed by calculating each window pane or panel. The area shall be separate for each building face and for each window. A group of window panes or panels may be considered one (1) window if they are adjoining on the building face and are less than six (6) inches apart.
3. Building-Mounted and Wall Signs with Individual Letters: The area of building-mounted or wall signs composed of individual letters affixed to a building or wall shall be considered to be the aggregate area within a maximum of three (3) rectangular figures which enclose and connect the extreme limits of up to three (3) message areas consisting of any writing, representation, emblem or any figure or similar character.
4. Wall Sign Panel: If a sign panel is inserted into or onto a wall, the area of the panel shall be considered to be the sign area.
5. Double-Faced Signs: If a sign has sign faces, which are placed back-to-back, no more than two (2) feet from one another, its sign area shall be considered to be the area of the

larger face if the two faces are of unequal area. If, for example, the maximum permitted sign area is twenty (20) square feet, a double-faced sign may have an area of twenty (20) square feet on each face.

6. Three-Dimensional Signs: If a sign has three (3) or more faces, its sign area shall be considered to be the sum of the areas of each individual face. Thus, if a sign has four (4) faces and the maximum permitted sign area is twenty (20) square feet, the maximum allowable area for each face is five (5) square feet.
7. V-Shaped Signs: If a sign is "V" shaped, with an angle between the two (2) adjoining faces, its sign area shall be the sum of the areas of the two (2) sign faces.
8. Separated-Panel Signs: The sign area of a separated panel signs (those signs having empty spaces between copy panels) shall be considered to be the entire area encompassed by the sign face, including the empty spaces between panels.
9. Signs Painted on Buildings: Any sign painted on a building shall be included in the calculation of the total sign area for the site upon which it is placed.

E. Sign Height Measurement:

1. Free Standing Signs: Sign height for free-standing signs shall mean the greatest vertical distance between the top of the sign, including any accompanying architectural features of the sign, and the average elevation as measured at the roadbed of the nearest street.

F. Sign Location:

1. By District: Signs shall be located in accordance with the provisions for each land use district, type of development, or type of sign, as designated in Table 11.A of this Chapter.
2. No Off-Site Signs: All signs shall be located on the same premises as the land use or activity identified by the sign, unless the provisions of this Chapter expressly permit the off-site location of a sign.
3. Utility Lines: No sign shall be located closer to overhead utility lines than the distance prescribed by the rules duly promulgated by agencies of the State, or by the applicable public utility.
4. Traffic Safety: No sign shall be located in such a manner as to obstruct free and clear vision of pedestrian and vehicular traffic.
5. Public Right-of-Way: No sign shall be located within, over, or across a public right-of-way except as expressly permitted in §11.20.I of this Chapter.

G. Sign Illumination:

1. Illumination Levels: Signs shall be adjusted to the appropriate illumination level if it is determined to be excessive as the result of the Town's evaluation. Illumination shall be considered excessive if it is substantially greater than the illumination of other nearby signs; if it interferes with the visibility of other signs or with the perception of objects or buildings in the vicinity of the sign; if it directs glare toward streets or motorists; or if it

adversely impacts nearby residences or neighborhoods. The maximum illumination level for fluorescent lamps shall be four hundred thirty (430) milliamperes. Illumination levels shall be indicated on the sign plan.

2. **Externally-Illuminated Signs:** The light source for externally illuminated signs shall be arranged and shielded to substantially confine all direct light rays to the sign face and away from streets and adjacent properties. Externally-illuminated signs shall be subject to illumination level review.
- H. **Sign Maintenance:** Every sign and sign structure within the Town shall be maintained in good, safe structural and physical condition. All signs, together with supports, braces, guys, anchors, and electrical components, shall be kept in safe, presentable and good structural condition. All defective or broken parts shall be replaced. Exposed surfaces shall be kept clean, in good repair, and painted where paint is required. The Building Official may order the repair or removal of any sign determined by the Building Official to be unsafe, defective, damaged, or substantially deteriorated.
- I. **Signs on Vehicles:** Signs are allowed on vehicles, without sign permits, when they are painted or attached directly to the vehicle so as not to extend or project beyond the vehicle's original profile. Signs, which are painted on or attached to a vehicle must be incidental to the vehicle's primary purpose of transporting people or goods on the public right-of-way, and the vehicle may not be used primarily for advertising purposes. Signs on vehicles may not include arrows or other directional devices, the purpose of which is to direct those who observe such signs to a particular place of business.
- §11.40 Sign Regulations:** Table 11.A of this Chapter identifies signs that are permitted in each zone district. In addition to the regulations contained in Table 11.A, all signs must be in conformance with all other provisions of this Code.

at	One per street frontage.	12 s.f.	Below eave line for wall sign and 4 ft. for monument sign.	5 ft. setback from property line.	May only be illuminated in RM zone districts	Shall only identify the apartment complex by name and address.
at	One per use.	24 s.f.	Below eave line for wall sign and 4 ft. for monument sign.	10 ft. setback from front and 5 foot setback from side property line.	Yes	a. Name of institution only. b. May incorporate changeable copy.
at	2 per major entrance.	48 s.f.	4 ft.	At major entrances to project/ neighborhood or residential subdivision of 5 or more dwelling units.	Yes	a. Copy limited to project/neighborhood name only. b. Allowed only if maintenance responsibility assigned to community association.
at	One per street frontage up to two per major entrance.	24 s.f.	10 ft. for wall; 4 ft. for monument.	10 ft. setback from property line.	Yes	
ling	2 for subdivisions more than 5 acres, otherwise one sign.	76 s.f.	15 ft.	10 ft. setback from any street. Located on the site of the project/subdivision.	No	a. All signs shall be removed within 30 days after the sale/rental of the last unit in the project/subdivision. b. Refer to §11.50 for regulations for off-site subdivision signs.
ree-	To be determined by the Community Development Director	4 s.f.	5 ft.	May not be located in any required setback.	Yes	a. To identify tenants and provide directions to individual units.

FOR OFFICE BUILDINGS IN COMMERCIAL DISTRICTS (CH, GC, NC)

nt	One each per street or parking frontage.	One-half s.f. of sign area per lineal foot of building fronting on a street. 24 s.f. maximum.	Below eave line for wall sign, and 4 ft. for monument	May not be located in a required setback area.	Yes	
	One per tenant per street frontage.	One-half s.f. of sign area per lineal foot of building fronting on a street 40 s.f. maximum.	Below eave line.	Wall or canopy.	Yes	a. Copy shall pertain only to the name and/or address of the building. b. Illumination shall be reverse backlit, channel lit, or indirectly illuminated.
nt	One per street frontage.	One-half s.f. of sign area per lineal foot of building fronting on a street 40 s.f. maximum.	4 feet. ¹	Shall be setback 5 ft. from property line.	Yes	a. Copy shall pertain only to the name and/or address of the building. b. Illumination shall be reverse backlit, channel lit or indirectly illuminated.
nt	One per each street frontage.	100 s.f.	Below eave line for a wall sign; 15' for a freestanding sign and 4' for a monument sign.	Shall be 5' min. setback from property line.	Yes	a. Copy shall pertain only to the name and/or address of the center and/or tenants of the center. b. Planter base or landscaped area to be provided equal to 4 times the area of one face of the sign.

	One per tenant.	4 s.f.		Adjacent to primary entrance of each tenant.		Copy limited to name and address of each tenant.
	One per window.	25% of window area			No	
	One per use.	15 s.f.	4 ft. for monument; below cave line for wall sign.	Not in setback.	Yes	
or more)	Two per bldg..	300 s.f.	To be determined by Town Council	Above the windows of the highest floor and below the caveline.	Yes	a. Copy is limited to one company name and/or address per building. b. Company logos may be used in combination with letters. c. Signs shall be designed to be compatible with the architecture of the buildings.
	Four per bldg.	22 s.f. max. per sign. Max. letter height = 18"	Below the second floor, or 20' whichever is less.	Near the entrance of the tenants they identify.	Yes	
	One per street frontage.	40 s.f.	4 ft. ¹	At main entrance.	Yes	Shall contain only the name and/or address of the center, project, and/or tenants of the center.
Temporary Signs allowed in Commercial Districts.						

<p>One single face sign per bldg. per street or parking lot frontage. Max 3 signs per business.</p>	<p>1 s.f. of sign area per each lineal foot of bldg. fronting on a street. 75 s.f. max. sign area in NC, otherwise 100 s.f. max. In addition, 1 s.f. of sign area per each lineal foot of the bldg's rear elevation if a public entrance is provided from a rear street, alley, or parking lot, 50 s.f. max.</p>	<p>May not project above the eave line.</p>	<p>May be located on parapet or canopy.</p>	<p>Yes</p>	<p>Allowable aggregate wall sign(s) area shall exclude areas of allowed window signs.</p>
<p>One double face sign per frontage.</p>	<p>25 s.f. max. per face.</p>	<p>May not extend beyond eave line.</p>	<p>May only be attached to the bldg. to which the copy relates.</p>	<p>Yes</p>	<p>a. Authorized in lieu of a wall sign. b. Authorized only where no building setback is required.</p>
<p>One sign per window.</p>	<p>30% of the glass area upon which the sign is located.</p>		<p>Window lettering permitted on interior or exterior of glass window or door.</p>	<p>Yes</p>	<p>Allowable aggregate of window sign(s) area shall exclude areas of allowable wall signs.</p>

			corner radius.		
One single face per tenant per street or parking lot frontage. Max. 2 signs per business.	1 s.f. of sign per each lineal ft. of bldg. that front a street, not to exceed 75 s.f. one additional s.f. of sign area per each lineal foot of the bldg.'s rear elevation if entrance is from a rear street or parking lot. Not to exceed 50 s.f.	May not project above the eave line.	May be located on parapet or canopy.	Yes	<p>a. All shopping centers shall develop a coordinated sign program for all tenants and uses in accordance with the requirements of this Code.</p> <p>b. Allowable aggregate wall sign area shall exclude allowable window area(s) used for signs.</p> <p>c. A center is one in which businesses and structures are designed in an integrated and interrelated development. Such design is independent of the number of structures, lots, or parcels making up the center.</p>
One sign per window.	30% of the glass area upon which the sign is located.		Window lettering permitted on interior or exterior of glass window or door.	No, except signs constructed of neon tube letters.	Allowable aggregate of window sign(s) area shall exclude areas of allowable wall signs.
One per entrance (double face).	6 s.f. per face.		Below eave line and beneath canopy or marquee with 7 ft. clearance from sidewalk level to lowest point of sign.		Signs shall be uniform in color and designed for all tenant identification within the center.

		ft., whichever is less.	to be a traffic hazard.		for freestanding signs projecting over vehicular passageway.
One double face sign per center.	125 s.f. per face.	50 ft. unless a flag test or other suitable mechanism determines that a greater height is required due to vegetation or other factors that adversely detract from the 50 ft. provision.	Must be located in landscaped area; may not obscure another sign when viewed from a freeway or highway.	Yes.	<ul style="list-style-type: none"> a. Center site must be adjacent to the right-of-way of a highway. b. Signs shall be constructed, erected, and maintained to insure integration with the surrounding environment and land uses, and shall be directed away from residential land use districts. c. Sign text shall be limited to the name of business, logo, and/or type of business. Consolidation of multiple business names or logos shall be encouraged in order to reduce the number of signs. d. Signs shall be serviced by underground utility connection.
One double face.	25 s.f. per face.	4' above grade. ¹	Shall be set back a minimum of 5 ft. from front or side property lines.	Yes	Sign may identify Center, address of Center, and major tenants.
Two per site.	30 s.f.	7 ft.	Shall not be located so as to be a hazard for driveway or corner radius.	Yes	Shall face away from street.
One per street frontage, max. 2.	10% of building face not to exceed 50 s.f.	Not above eave-line or 20 ft., whichever is less.		Yes	<ul style="list-style-type: none"> a. A combination of monument and wall may be used, but no more than a total of 3 signs.

exceed a total of 4 per station.					water, cashier and shall not be illuminated.
One double face sign per center.	125 s.f. per face if located within 1,000 ft. of the centerline of a highway, otherwise 75 s.f. per face.	25 ft.	Must be located in landscaped area.	Yes	
N/A	2 s.f. per face.	8 ft.	On-site.	Yes	a. Small accessory signs are limited to warning signs such as "No Smoking" and signs on gas pumps or islands identifying the price of fuel, brand of gas, grade of gas, and pumping instructions. b. Small accessory signs shall not require a sign permit.
1 per window.	30% of the glazed area of a window.		Ground floor windows only.	No	
One single face sign per street frontage.	32 s.f.	10 ft.	Located so as not to create traffic hazard or overhang public right-of-way.	No	a. Authorized upon the issuance of a grading or building permit. b. Sign shall be removed prior to certificate of occupancy.
One per street frontage or tenant.	32 s.f. per face.	8 ft.	Within the subject property.	No	Sign shall be removed upon occupancy of the building(s).

theaters or per stage for live theaters or cabarets.					enough to display one (1) six (6) s.f. poster each.
One per theater, theater complex, or cabaret per street frontage.	20 s.f. plus 10 s.f. per screen or stage up to an overall maximum of 40 s.f.	25 ft.	May be located in landscaped setback area; however, shall not be located so as to be a hazard for driveway or corner radius.	Yes	All attraction boards shall be building mounted unless one of the following findings can be made: 1. A freestanding sign is the only feasible means by which the business conducted on the premises can obtain the same degree of identification to motorists as that available to neighboring businesses that do not have such signage; or 2. The building is set back from the street or is obscured from street view by structures or mature vegetation such that a building mounted sign cannot provide adequate signage; or 3. The architectural style, materials, or design elements are such that a building mounted sign is not feasible or would detract from the building's appearance.
INDUSTRIAL DISTRICTS					
					a. Same as subsection "C" signs for non-commercial that are permitted in all commercial districts

			determined by the Town Engineer.		c. For each public secondary street with at least 150 feet of frontage, a monument sign may be permitted indicating the name and/or address of the center on that site.
One per street or parking lot frontage.	One s.f. of sign area per each lineal foot of building frontage.	May not project above eaveline.		Yes	a. Shall contain only the name and/or address and product of company. b. A sign program shall be required for developments with 3 or more tenants.
One per street or parking lot frontage.	32 s.f. per face.	8 ft.		Yes	a. Intended to list only the names and addresses of on-site occupants. b. Shall be designed as part of overall planned sign program.
Minimum number necessary to provide adequate information.	4 s.f.	4 ft.	Minimum 5 ft. setback from property lines.	Yes	Copy limited to directional information such as "entrance" or "exit," but no directions to individual businesses.
One per main building entrance.	4 s.f.	6 ft.	At main building entrance.	No	Intended to provide only name, address, telephone, business hours, and emergency information for occupant.
Two per intersection entrance onto airport property.	160 s.f.	5 ft.		Yes	Intended only to identify the name and address of the airport, or as approved by the Town Council.
COMMUNITY FACILITIES DISTRICT (CF)					

One per street or parking lot frontage.	30 s.f. per face	May not project above eave line for wall sign; 4 ft. for monument sign.		No	Intended only to identify the name and address of a public or quasi-public facility, or as approved by the Town Council.
Two per intersection entrance onto airport property	160 sq. ft.	5 ft.		Yes	Intended only to identify the name and address of the airport, or as approved by the Town Council.
Minimum height requirement if approved by the Planning and Zoning Commission.					

§11.50 Temporary Signs:

- A. **Permit Required:** A temporary Sign Permit, to be issued by the Zoning Administrator, is required for any temporary sign over twelve (12) square feet in size, and five (5) feet in height. All temporary signs and banners, regardless of size, may be displayed for a period of time not to exceed thirty (30) days.
- B. **Temporary Signs – General:** Temporary signs directing the public to civic, charitable, political, or other non-commercial events that are open to the public shall be permitted for no more than thirty (30) days.
- C. **Temporary Political Signs:**
1. A temporary political sign is defined as any non-commercial sign that indicates any one, or a combination of the following:
 - a. The name and/or picture of an individual seeking election or appointment to a public office.
 - b. Relates to a forthcoming public election or referendum.
 2. Placement of all temporary political signs shall comply with the following requirements:
 - a. The maximum size of individual temporary political signs allowable in any zone district shall be as follows:
 1. Single Family Residential – six (6) square feet.
 2. Multi-Family Residential – twelve (12) square feet.
 3. Commercial and Industrial zone districts – thirty-two (32) square feet.
 - b. Candidates, campaign committees and other persons shall endeavor to place or post temporary political signs no sooner than forty-five (45) days before an election. Any such signs shall be removed within fifteen (15) days after an election to which the sign relates.
 - c. Temporary political signs shall comply with the provisions of §11.20.9 (Prohibited Signs and Sign Structures), excepting subsection 11.20.9.i of this Chapter.
 - d. Temporary political signs shall be located on private property only. No such sign shall be located in the public right-of-way, or on any object located in the public right-of-way, including, but not limited to, trees, fence-posts, and utility poles.
 - e. No temporary political signs shall be permitted that are in violation of this Chapter.
 - f. No temporary political sign may be placed in a location that hides from view any official traffic control device.
 - g. No sign permit or fee shall be required for temporary political signs.

- h. Any temporary political sign in violation of this Chapter shall be deemed a nuisance, and shall be abated in accordance with §1.60 (Enforcement) and with §1.70 (General Penalty), of this Code.
- D. Residential Real Estate Signs: Real estate signs up to a maximum six (6) square feet in area and, if freestanding, a maximum of five (5) feet in height, shall not require a sign permit. One (1) real estate sign shall be permitted per street frontage of a lot. Such signs shall be permitted to remain while property is in escrow, but shall be removed when the property referred to is no longer for sale, rent, or lease.
1. Riders which provide additional information about the property, such as "Sale Pending" may be attached to the primary sign or sign post as long as the total sign area does not exceed the maximum area allowed.
 2. Free-standing, on premises, "Open House" signs with a maximum area of three (3) square feet and a maximum height of three (3) feet shall be permitted between the hours of 9:00 a.m. and sundown daily.
 3. Free-standing, off-premises, directional "Open House" signs with a maximum area of three (3) square feet and a maximum height of three (3) feet shall be permitted between the hours of 9:00 a.m. and sundown daily. Prior to placing such a sign on any property, authorization is required from the owner of the property where the sign is to be located.
 4. Flags, pennants, and banners used in conjunction with the sale, rental, or lease of subdivision tracts, shall be permitted only until the initial sale of the tract is completed.
- E. Model Home Signs: On premises signs identifying model home complexes, either building-mounted or free-standing, are permitted, provided such signs do not exceed twenty (20) square feet in size. Sign height, placement, and illumination shall comply with the requirements of the zone district in which said sign is located.
- F. On-Site Construction Announcement Signs: On-site construction announcement signs, including names of architect, contractor, etc., up to a maximum of thirty-two (32) square feet in area, and, if free-standing, not exceeding six (6) feet in height, shall be permitted without a sign permit. No more than three (3) such signs shall be permitted per parcel. Such signs shall be erected after the issuance of the building permits for the subject properties, and shall be removed upon issuance of the first occupancy certificate for the project referred to on the sign.
- G. Temporary Posters: Temporary posters pertaining to future limited-term events, which will be held within thirty (30) days of the placement of such poster, shall be permitted without a sign permit. Such posters may be off-premise. If placed in a window, the poster(s) may not exceed fifteen (15) percent aggregate of the area of the window in which they are placed.
- H. Temporary Garage/Yard Sale: One (1) double-faced sign, no more than six (6) square feet in area and four (4) feet in height, is permitted without a sign permit. Such signs may be placed only on the premises where the garage/yard sale is being held, and shall not be placed on public property, or within a public right-of-way. Such sign may be placed twenty-four (24) hours prior to the sale, and must be removed immediately following the sale.

I. Temporary Decorative Balloons:

1. Decorative balloons, limited to twelve (12) per premises, and not more than one (1) foot in diameter each, may be permitted in accordance with the provision of this Chapter, provided such balloons contain no reference to any named goods or services, nor to any commercial enterprise, and do not extend above the roof line of adjacent buildings.
2. Metallic mylar balloons shall not be permitted.

J. Holiday Window Painting: Decorative window painting in connection with a specific holiday is permitted without a sign permit, provided that the painting contains no commercial messages. Such painting may remain on the window no more than thirty (30) days, after which all window painting in connection with said holiday must be removed.

K. Temporary Window Signs: Temporary window signs that are displayed upon a window in compliance with the provisions of this Chapter, are permitted in the commercial and industrial zone districts; however, no such sign, or combination of signs, whether promotional, permanent, or any other type of sign, shall exceed thirty (30) percent of the glazed area of any window.

L. Temporary Balloon Signs: Temporary balloons may be permitted subject to the following conditions:

1. Balloon signs shall be used for the purposes of commercial grand openings, development promotions, special events of limited duration, and like occasions.
2. Each building or business shall be permitted one (1) temporary balloon sign for a maximum of two (2) occasions per calendar year, with a maximum duration of fourteen (14) days for each permitted use, or four (4) such occasions, per calendar year, with a maximum duration of seven (7) days for each such permitted use. Hot air balloons shall be permitted for a maximum of one (1) occasion per calendar year, with a maximum duration of three (3) days. Longer durations may be approved by the Planning and Zoning Commission.
3. The maximum height of any balloon sign shall not exceed fifty-five (55) feet, measured from ground elevation, and the maximum size of any balloon shall not exceed twenty (20) feet in any dimension. A balloon sign may exceed the maximum dimensional requirement, upon approval of the Planning and Zoning Commission, provided such balloons maintain a minimum twenty (20) foot setback from any building and a ten (10) foot setback from any property line.
4. Any balloon sign which does not identify or advertise the occupant of a building, lot, or premises, or related to any merchandise or to any business or activity available or being conducted at the building, or business where the sign is located, is prohibited.
5. All balloon signs shall be securely anchored and erected in conformance with all applicable building, electrical, sign and fire codes, subject to approval by the ????
6. All hydrogen type balloons shall be prohibited.

7. All temporary balloon signs and tie downs shall be constructed of nonconductive electric material.

§11.60 Flags, Pennants, and Banners:

- A. Flags, pennants, and banners are subject to the following provisions:
 1. Shall apply only to businesses customarily conducted in the open.
 2. Shall not contain advertising copy.
 3. Shall not exceed twenty (20) feet in height.
 4. Shall not exceed fifteen (15) square feet in area.
 5. May be attached to either freestanding or building mounted flagpoles or other supports.
 6. Shall be restricted to two (2) flags and one (1) flagpole per premise; unless a greater number is approved by the Planning and Zoning Commission subject to a Planning and Zoning Commission finding that any additional flags and/or flag poles will be compatible with the architecture and use of surrounding structures and land uses.
 7. Building-mounted flagpoles shall not extend above the top of the building's roof.
 8. Free-standing flagpoles shall not be placed within ten (10) feet of any property line.
- B. Sign permits shall be approved by the Zoning Administrator for flags, pennants, and banners as follows:
 1. Flags, pennants, and banners may be attached to building mounted flagpoles, free-standing flagpoles, or other supports.
 2. Shall not exceed thirty-two (32) square feet in area.
 3. Shall not extend above the top of a building for building mounted flagpoles, or shall not exceed thirty (30) feet in height for free standing flagpoles.
- C. Flags larger in size, and flags on higher freestanding poles than specified in the above Section, may be approved by the Planning and Zoning Commission if the Planning and Zoning Commission determines that the flags and flagpole will be compatible with the architecture and use of surrounding structures.
- D. All other types of flags, pennants, and banners as defined in Chapter 1.160 (Definitions), shall be treated as temporary signs, and shall be subject to provisions of § 11.50 (Temporary Signs) of this Chapter.

§11.70 Institutional Uses: The Zoning Administrator shall review and may issue sign permits for churches, day care centers, nursing homes, and similar uses in any land use district as follows:

- A. Identification Sign:

1. One (1) identification sign per street frontage shall be permitted which identifies the main activity and the accessory activity or use on the site. Said sign shall be building mounted, or a freestanding sign structure.
 2. The freestanding sign may be permitted if the Zoning Administrator makes any one of the following findings:
 - a. A freestanding sign structure is necessary to provide adequate identification of the institution to motorists.
 - b. The building is set back from the street or obscured from street view by structures or vegetation such that building mounted signage cannot provide adequate access.
 - c. The architectural style, materials, or other design elements are such that a building mounted sign is not feasible, or would detract from the building's appearance.
- B. **Sign Standards:**
1. **Building Mounted Signs:**
 - a. Shall be a maximum of twenty-four (24) square feet in area for churches and other institutional uses on sites of one (1) acre or less, and thirty-two (32) square feet in area for all sites greater than one (1) acre.
 - b. Shall be placed below the eave line of buildings with a pitched or mansard roof, and below the top of the wall for buildings with a flat or parapet roof.
 2. **Monument Sign:** Shall be a maximum of four (4) feet in height, and maximum of forty-eight (48) square feet in area.
- C. **Attraction Board:** Attraction boards shall provide a means to communicate future events or activities on a site, and shall be a maximum of twelve (12) square feet in area for churches and other institutional uses on sites of one (1) acre or less and eighteen (18) square feet in area for all sites greater than one (1) acre in size.
- §11.80 **Planned Sign Program:** The Zoning Administrator shall review, and may approve a sign permit for a Planned Sign Program for any new business park, industrial complex, shopping center, office complex, or retail center, as follows:
- A. Any building, business park, shopping center, or other contiguous group of businesses are eligible for consideration of a Planned Sign Program.
 - B. No minimum frontage or site size is required.
 - C. Signs within the Planned Sign Program shall have one (1) or more common design elements, such as colors, materials, illumination, sign type, sign shape, letter size and letter type.
 - D. The sign program shall specific signs in harmony with the materials, colors, architecture, and other design features of the building they identify.
 - E. The Zoning Administrator may approve a Planned Sign Program upon finding that:

1. The signs allowed by the program will not adversely affect other nearby properties.
2. It is consistent with the General Plan and the provision of this Code.
3. It will not constitute the granting of a special privilege, nor provide more visibility or exposure than is available to similarly situated properties.

F. Reviewing Authority:

1. Initial Planned Sign Programs shall be reviewed by the Zoning Administrator.
2. Signs which are consistent with the approved Planned Sign Programs shall be reviewed by the Zoning Administrator.

§11.90 Public Safety Signs:

- A. Signs required by law for public safety, or access such as "Exit" or "Fire Escape" shall be a maximum of two (2) square feet, or such other size as required by law, and shall not require a sign permit.
- B. Signs warning of building, electrical, mechanical, or other hazards such as "High Voltage" shall be a maximum of four (4) square feet, or such other size as required by law, and shall not require a sign permit.

§11.100 Kiosks, On-Site Subdivision and On-Site Commercial Real Estate Signs: The following kiosks, on-site subdivision and on-site commercial real estate signs may be permitted in any land use district as follows:

- A. The Zoning Administrator may approve Temporary Sign Permits for temporary on-site subdivision signs for each main street frontage of the subdivision. Signs shall be for the identification of the property being subdivided, price information, and the developer's name, address, and telephone number. Said signs shall comply with the following requirements:
 1. Shall not exceed thirty-two (32) square feet in area, and fifteen (15) feet in height.
 2. Shall not exceed three (3) such signs for all such phases of any subdivision, and shall not be located on interior streets of the subdivision. Three (3) additional signs per builder may be approved by the Zoning Administrator for each merchant builder for residential developments within planned communities, and shall be located within the site boundaries of the planned community.
 3. Shall be removed within ten (10) days from the final initial sales of the subdivision.
 4. Shall not be illuminated.
- B. On-Site Commercial Real Estate Signs permitted without a sign permit as follows:
 1. Shall not exceed thirty-two (32) square feet in area, and fifteen (15) feet in height.
 2. Shall not exceed one (1) per street frontage, or a total of three (3) per site.

3. Shall be removed within ten (10) days from the final sale or lease of the subject property or building.
 4. Shall not be illuminated.
- C. The Planning and Zoning Commission may approve agreements between the Town and applicants for off-site business kiosks and subdivision kiosks for advertising of businesses and subdivisions within the Town. The business and kiosk sign program shall be treated as separate kiosk sign program. All liabilities, costs and/or expenses from siting, installation, construction of off-site businesses or subdivision kiosks shall be borne by said business or subdivider, subject to provisions of any contract entered into between the Town and the applicant(s).

The Zoning Administrator shall review, and may approve, sign permits for off-Site business kiosks and subdivision kiosks subject to approved agreement as follows:

1. May be located either in or out of the public right-of-way.
 2. No business sign panels shall be permitted on subdivision kiosks, and no subdivision sign panels shall be permitted on business kiosks.
 3. No kiosk shall contain more than a total of eight (8) business or subdivision sign panels per sign face.
 4. Shall be a maximum of thirty-two (32) square feet in area, and fifteen (15) feet in height.
 5. Sign panels shall be no more than nine (9) inches in width, and five (5) feet in length.
 6. Sign panels may include any of the following: name of business or subdivision, business or subdivision logo, nor more than three (3) colors and directional arrow.
 7. No pennant, flag, banner, streamer, or other appurtenance may be affixed to any kiosk.
 8. Placement of kiosks shall be subject to approval of the owner of underlying land (e.g., Town Engineer for signs within the public right-of-way) and record owner for all other sites. Written authorization shall be filed with the Zoning Administrator prior to erection of any kiosk sign.
 9. Shall be located not less than six hundred (600) feet from an existing kiosk site, or previously approved but not erected kiosk site for the same type of kiosk program, e.g., business or subdivision.
 10. Shall be located not less than fifty (50) feet from an intersection unless specifically authorized by the Town Engineer.
- D. Off-site real estate signs, advertising the location and sale of a residential subdivision on property other than the location of the subject subdivision, may be permitted upon approval by the Planning and Zoning Administration subject to, at a minimum, the following requirements:
1. The applicant shall, prior to any such approval by the Planning and Zoning Commission, submit to the Zoning Administrator, a detailed description of the location, design, materials, colors, copy, size, and height of any such off-site sign(s).

2. The size of the sign shall be a maximum of thirty-two (32) square feet in area, and fifteen (15) feet in height.
3. No pennant, flag, banner, streamer, or other appurtenance may be affixed to a sign.
4. The sign shall be located not less than fifty (50) feet from an intersection, unless specifically authorized by the Zoning Administrator.
5. Placement of the sign shall be subject to approval of the owner of the underlying land; e.g. the Zoning Administrator for signs within the public right-of-way, and the record owner for all other sites.
6. The sign shall be located not less than three hundred (300) feet from an existing off-site sign, or an off-site sign previously approved, but not yet erected.

§11.110 Non-Conforming Signs:

- A. Except as otherwise provided in §2.110 of this Code, or otherwise regulated by State or Federal law, any sign lawfully in use on the effective date of this Code, but made non-conforming thereby, shall be permitted as though it were not a non-conforming sign, providing any of the following conditions exist:
1. The primary message of the sign relates to the business being conducted on the premises upon which the non-conforming sign is located.
 2. The size, copy, area, or height of the non-conforming sign does not exceed the limits set forth in this Chapter by more than five (5) percent.
 3. Projection of a non-conforming sign over a public right-of-way does not exceed one (1) foot.
 4. Not more than fifty (50) percent of the non-conforming sign is destroyed by any means.
 5. The business to which the non-conforming sign applies remains unchanged, and under the same ownership.
 6. The non-conforming sign is kept in good repair, both aesthetically and structurally.

Non-conforming signs that do not comply with any one of the above conditions are not exempted under the provision of §11.110 of this Chapter, and will be subject to the amortization schedule depicted in §11.110.B of this Chapter.

B. Amortization of Non-Conforming Signs:

Any sign, which is non-conforming to the requirements of this Chapter, except as provided in §11.110 above, shall either be removed, or made to conform to the requirements of this Chapter at the expense of the sign owner within the period of time prescribed herein. The period of time to comply with the provisions of this Chapter shall commence upon the effective date of this Code. Such non-conforming signs may be abated forthwith by the Town in a manner consistent with the following schedule:

<u>Fair Market Value on Effective Date</u>		<u>Removal Period</u>
Less than	\$ 500.00	1 year
\$ 501.00 to	\$ 1,500.00	2 years
\$ 1,501.00 to	\$ 3,000.00	3 years
\$ 3,001.00 to	\$ 4,500.00	4 years
\$ 4,501.00 to	\$ 6,000.00	5 years
\$ 6,001.00 to	\$ 7,500.00	6 years
\$ 7,501.00 to	\$ 9,000.00	7 years
\$ 9,001.00 to	\$10,000.00	8 years
\$10,001.00 to	\$12,500.00	9 years
Over \$12,501.00		10 years

C. Repair of Non-conforming Signs:

Alterations or modifications to any non-conforming sign are prohibited, except for structural repair resulting in the same size or shape of the original sign. This provision is not intended to prevent any non-conforming sign to be altered in such a manner that it becomes a legal, conforming sign.

D. Removal and Abatement of Non-conforming Signs: The Town may cause written notice, ordering the removal of non-conforming signs or displays, or for their compliance in accordance with the provision of the Section(s) in this Code to be served.

1. Such notice shall be delivered either in the manner required by law for service of a summons, or by first class certified mail, postage prepaid, upon the owner of the property upon which the nonconforming sign to be abated is located, as shown on the latest equalized assessment rolls on file in the office of the County Assessor, or to any other parties of interest as may be known to the Town.
2. Such non-conforming signs shall be removed or altered in conformance with the provision of this Chapter within ninety (90) days after receipt of such notice.

§11.120 Violations:

- A. Except as otherwise specifically provided in this Chapter, any person violating any provisions or failing to comply with any of the mandated requirements of this Chapter, is guilty of a misdemeanor. The general penalty for such misdemeanor shall be as set forth in §1.70 (General Penalty) of this Code.
- B. In addition to the penalties provided in this Code, any condition caused or permitted to exist in violation of any of the provisions of this Chapter shall constitute a public nuisance and may be abated by the Town as such. Each day such condition continues shall be regarded as a new and separate offense.
- C. All remedies herein are stated to be cumulative and non-exclusive.