

TOWN OF TUSAYAN, ARIZONA ZONING CODE

Local legislation current through Ordinance 2012-04, passed 12-5-2012

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ZONING CODE

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SECTION 1: PURPOSE AND SCOPE

Section

1. Purpose and scope

§ 1 PURPOSE AND SCOPE.

For the purpose of implementing the goals, objectives and policies of the Tusayan Area 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 comprehensive and orderly planned use of land resources, a zoning ordinance establishing classifications of zones, and regulations within those zones, hereby is established and adopted by the Mayor and Council.

(Ord. 2012-04, passed 12-5-2012)

SECTION 2: PRIVATE AGREEMENTS

Section

2. Private agreements

§ 2 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.

(Ord. 2012-04, passed 12-5-2012)

SECTION 3: REPEAL OF CONFLICTING ORDINANCES

Section

3. Repeal of conflicting ordinances

§ 3 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 are imposed or required by other ordinances, the provisions of this code, or rules or regulations promulgated thereunder, shall govern.

(Ord. 2012-04, passed 12-5-2012)

SECTION 4: ESTABLISHMENT OF ZONES

Section

4. Establishment of zones

§ 4 ESTABLISHMENT OF ZONES.

(A) *Division of the town into zones.* In order to classify, regulate, restrict and separate the use of land, buildings and structures and to regulate and to limit the type, height and bulk of buildings and structures in the various districts and to regulate areas of yards and other open areas abutting and between buildings and structures and to regulate the density of population, the town hereby is divided into the following zones.

(1) *General, Agricultural and Rural Residential Zones.*

- (a) G, General Zone;
- (b) AR, Agricultural Residential Zone; and
- (c) RR, Rural 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; and
- (f) RM-20/A, Residential Multiple Family Zone.

(3) *Commercial Zones.*

- (a) CN-2/A, Commercial Neighbor- hood Zone;
- (b) CG-10000, Commercial General Zone; and
- (c) CH-10000, Commercial Heavy Zone.

(4) *Industrial Zones.*

- (a) MP-20000, Industrial Park Zone;
- (b) M-1-10000, Light Industrial Zone; and
- (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) OS, Open Space and Conservation Zone;
- (f) FPM, Floodplain Management Overlay Zone;
- (g) RC, Resort Commercial Zone;
- (h) P, Parking Zone;
- (i) MR, Mineral Resource Zone; and
- (j) RMH, Residential and Manu- factured Home Zone.

(B) *Adoption of zones; maps.* Said several zones and boundaries of said zones and each of them hereby are established and adopted as shown, delineated and designated on the “Official Zoning Maps” of the Town of Tusayan, Arizona, which maps, together with all notations, references, data, zone boundaries and other information thereon, is made a part hereof and adopted concurrently herewith.

(C) *Filing.* The originals of the Official Zoning Maps shall be kept on file with the office of the Town Manager and shall constitute the original record.

(Ord. 2012-04, passed 12-5-2012)

SECTION 5: EFFECTS OF ZONING

Section

5. Effects of zoning

§ 5 EFFECTS OF ZONING.

(A) *Application of provisions.* 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 hereby are declared to be in effect upon all land included within the boundaries of each and every zone established by the code.

(B) *Buildings under construction.* Any building or structure for which a building permit has been issued and which is still valid under the provisions of earlier ordinances of the town or county which are in conflict with this code nevertheless may be continued and completed in accordance with the plans and specifications upon which the permit was issued.

(Ord. 2012-04, passed 12-5-2012)

SECTION 6: SEVERABILITY

Section

6. Severability

§ 6 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.

(Ord. 2012-04, passed 12-5-2012)

SECTION 7: ENFORCEMENT

Section

- 7.0 Enforcement
- 7.1 Hearing Officer
- 7.2 Zoning Enforcement Officer
- 7.3 Hearing Officer procedure
- 7.4 Administrative review before the Town Council
- 7.5 Recall

§ 7.0 ENFORCEMENT.

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

(B) A Zoning Enforcement Officer shall investigate and report on all notices of zoning violations. The Town Council shall appoint a Hearing Officer to hear and determine zoning violations. Individuals determined by the Hearing Officer to be violating any provisions of this zoning 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.R.S. § 9-240.

(Ord. 2012-04, passed 12-5-2012)

§ 7.1 HEARING OFFICER.

(A) The Town Council shall periodically appoint a Hearing Officer to hear and determine zoning code and other code violations. The Hearing Officer shall not be a member of any town board or commission and shall not be an employee of the town in any other capacity, except if the town elects to employ a person to be the town's Hearing Officer. The Hearing Officer may have other responsibilities pursuant to other sections of this code, but shall not be the Town Zoning Administrator.

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

(Ord. 2012-04, passed 12-5-2012)

§ 7.2 ZONING ENFORCEMENT OFFICER.

(A) **ZONING ENFORCEMENT OFFICER** shall mean the town's Zoning Administrator or his or her designee.

(B) The Zoning Enforcement Officer shall review all reported violations of this zoning code.

Upon receiving a report of a zoning violation, the Zoning Enforcement Officer shall inspect the site of the alleged violation. During an inspection, the Zoning Enforcement Officer shall take careful and comprehensive notes as to condition and existing uses of the subject property, location, property owner and address, and specific section(s) of the zoning code corresponding to the alleged violation.

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

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

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

(Ord. 2012-04, passed 12-5-2012)

§ 7.3 HEARING OFFICER PROCEDURE.

(A) *Commencement.*

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

(2) Pursuant to § 7.2 of this zoning code, the alleged violator or his or her attorney shall appear in front of the Hearing Officer by the date and time specified in the notice accompanying the zoning

citation, and may admit responsibility by appearing in person or by mailing to the Hearing Office an appearance form provided by the Hearing Officer or in lieu of such form, a short statement signed by the alleged violator or his or her attorney, admitting the allegations of the notice. Once a formal admission of responsibility is received by the Hearing Officer, the Hearing Officer shall set a time and place for the determination of the penalty for the violation. At the Hearing Officer's meeting, both the alleged violator and Zoning Enforcement Officer shall be given an opportunity to state their positions on the amount of the penalty to be imposed by the Hearing Officer.

(B) *Counsel.*

(1) Pursuant to § 7.2 of this zoning code, the alleged violator or his or her attorney shall appear at the Hearing Office by the date specified in the notice accompanying the zoning citation and may deny responsibility by appearing in person or by mailing to the Hearing Officer an appearance form provided by the Hearing Officer, or in lieu of such form, a denial signed by the alleged violator or his or her attorney. Once a formal denial is received by the Hearing Officer, the Hearing Officer shall schedule the matter for hearing and notify the alleged violator, or his or her attorney, of the date, time and place for the hearing.

(2) Upon appearance, it shall be the responsibility of the alleged violator or his or her attorney to notify the Hearing Officer of an incorrect address or any different address than what is set forth on the zoning citation.

(a) After the submittal of formal denial, the Hearing Officer shall promptly notify the alleged violator of his or her right to be represented by counsel. The alleged violator must notify the Hearing Officer in writing at least ten days prior to the hearing date of his or her choice to be represented by counsel. The Hearing Officer may move to continue a hearing if the alleged violator does not make notification of his or her decision to secure counsel within the aforementioned time frame.

(b) If the alleged violator fails to appear by the date and time specified in the notice accompanying the zoning citation, the allegations filed against the alleged violator shall be deemed admitted, and the Hearing Officer shall enter judgment for the town and impose a penalty, subject to this zoning code.

(c) The town does not need to be represented by counsel at the Hearing Officer's meeting. Should the town elect to secure counsel, the town must, in writing, notify the Hearing Officer and the alleged violator at least ten days prior to the hearing of the town's decision to be represented by counsel.

(d) Within ten days prior to the hearing, both parties shall produce for inspection by the opposing party a list of all witnesses and any prepared exhibits to be on file at the Hearing Office. Failure to comply with this provision may result in the granting of a continuance to permit such inspection or denial of the admission of the evidence, at the Hearing Officer's discretion.

(C) *Hearing Officer meeting.*

(1) The order of the Hearing Officer proceeding shall be as follows:

- (a) The Hearing Officer shall call the case and briefly describe the procedures to be followed;
- (b) Town's statement;
- (c) Testimony of the town's witnesses;
- (d) Respondent's statement;
- (e) Testimony of the respondent's witnesses;
- (f) Testimony of other attendees, at the discretion of the Hearing Officer;
- (g) Respondent's rebuttal;
- (h) Town's rebuttal;

(i) Cross-examination of witnesses shall be strictly limited to subjects or evidence elicited during direct testimony;

(j) Closing statement of the parties or their counsel; and

(k) Ruling by the Hearing Officer. At the conclusion of the hearing, the Hearing Officer shall determine whether a zoning violation exists and, if a violation is found to exist, may impose civil penalties in accordance with this zoning code. A ruling shall include the findings, conclusions and opinions of the Hearing Officer.

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

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

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

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

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

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

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

(D) *Finding of responsibility/civil sanctions.*

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

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

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

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

(5) The following guidelines shall be utilized when assessing penalties:

	<i>Use Type</i>	
	<i>Residential/ Agricultural</i>	<i>Commercial/ Industrial</i>

Minimum Penalty		
<i>Daily</i>	\$20	\$60
<i>Initial</i>	\$100	\$300
<i>Non-compliance</i>	\$200	\$600
<i>Recurrence</i>	\$300	\$500
Maximum Cumulative Amount of Daily Penalty	\$1,500	\$10,500
<u>NOTE TO TABLE:</u> A maximum penalty of \$750 per day per violation is allowed in accordance with a Class 2 Misdemeanor, subject to A.R.S. §§ 9-500.21.4 and 9-240		

(6) Should the daily penalty balance exceed \$1,500 for agricultural/residential use, or \$10,500 for commercial/industrial use, the matter shall be forwarded to the Town Attorney for further legal action.

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

(Ord. 2012-04, passed 12-5-2012)

§ 7.4 ADMINISTRATIVE REVIEW BEFORE THE TOWN COUNCIL.

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

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

(C) Administrative reviews shall be limited to the record of the proceeding before the Hearing Officer, and no new evidence may be introduced. The record of the proceedings shall include all materials in the Hearing Officer’s file, all evidence admitted at the hearing, and the official record as per § 7.3(C)(5) of this zoning code.

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

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

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

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

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

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

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

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

(Ord. 2012-04, passed 12-5-2012)

§ 7.5 RECALL.

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

(B) In the event that there is a penalty for recurrence, a recall notice may be served in accordance with the procedures indicated in division (C) below, only if the term of the recurrence penalty has not expired.

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

(Ord. 2012-04, passed 12-5-2012)

SECTION 8: DEFINITIONS

Section

8. Definitions

§ 8 DEFINITIONS.

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

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

ABUT. To touch or adjoin along a common border or property line.

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

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

ACCESSORY LIVING QUARTERS. A portion of a single-family dwelling, attached to the main dwelling, used by members of the family occupying the main dwelling or their non-paying guests. Identifying characteristics include attachment by heated living space or the sharing of a commonwall. **ACCESSORY LIVING QUARTERS** may not be separated from the main dwelling by patios, garages, carports, breezeways or other similar separations.

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

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

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

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

ALLEY. 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.

ANIMAL HOSPITAL. A place where animals are given medical or surgical treatment and are cared for during the time of such treatment. Use 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. One or two **APARTMENTS** may exist as accessory uses. Three or more attached **APARTMENTS** are a type of multi-family dwelling.

APARTMENT HOUSE. A multi-family dwelling consisting of three or more attached dwelling units, each of which are for rent or lease.

AREA PLAN. The Tusayan Area Plan adopted by the Mayor and Council of the Town of Tusayan, Arizona.

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

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

AUTOMOBILE WRECKING YARD. The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their

parts, outside of an enclosed building, but not including the incidental storage of vehicles in connection with the operation of a repair garage, providing the repair period for any one vehicle does not exceed 30 days.

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

BANNER. A temporary sign made of pliable material that may or may not be located in a rigid frame.

BANNER, COMMUNITY. A banner that provides notice of a community event or celebration.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

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. A portion of a single-family dwelling in which one or two bedrooms are completely furnished guest rooms occupied, or intended to be occupied, on a nightly basis for compensation. See § 14.4.

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

BOARD OF ADJUSTMENT. The Board of Adjustment of the Town of Tusayan, Arizona.

BOARD OF SUPERVISORS. The Board of Supervisors of Coconino County, Arizona.

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

BUILDING. A structure having a roof supported by columns or walls.

BUILDING 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 **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 preexisting natural grade of that portion of the lot covered by the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the highest point of the highest gable of a pitch or hip roof.

BUILDING PERMIT. 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 in the Town of Tusayan, pursuant to Building Codes adopted by the Mayor and Council of the Town of Tusayan.

BUILDING SITE. A legally created parcel or contiguous parcels of land in single or joint ownership, which provides the area and the open space required by this 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 thereof. Private easements providing access to four or less parcels shall not be deducted from the **BUILDING SITE** area.

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

CAMPGROUND. A plot of ground for overnight or limited camping. A **CAMPGROUND** may be

occupied by tents, recreational vehicles or travel trailers.

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

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 storage for the occupants of the premises.

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

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

COMMERCIAL MACHINERY. Any motorized or non-motorized 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 or truck tractor having a gross vehicle weight over 26,000 pounds; or trailer, or semi-trailer, aggregate hauling trailer, logging trailer and the like, not including water hauling tank truck, or tank trailer for purposes of transporting water for personal use.

COMMISSION. The Town of Tusayan Planning and Zoning Commission.

COMMUNICATION TOWER.

(a) A freestanding structure including appurtenances (greater than 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.

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

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

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

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

CONTRACTOR'S YARD. 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 State Department of Public Health, the State Department of Social Welfare or Coconino County, which provides bed and ambulatory care for patients with post-operative convalescent, chronically ill or dietary problems and aged or infirm persons unable to care for themselves.

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

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

COUNTY. The County of Coconino, State of Arizona.

COUNTY RECORDER. The County Recorder of the County of Coconino.

DAY CARE CENTER. Any child care arrangement that provides care and/or supervision for six or fewer children for compensation.

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

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

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

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

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

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

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

DWELLING. A building or portion thereof designed exclusively for residential occupancy in conformance with the provisions of the Building Code adopted by the town.

DWELLING, MULTI-FAMILY. A building designed exclusively for occupancy by three or more families living independently of each other.

DWELLING, SINGLE-FAMILY. A detached dwelling unit designed for the use of one family.

DWELLING, TWO-FAMILY. A residential structure on a single lot containing two dwelling units; also know 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 or hotel 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 utilities, drainage or other physical operations on the land.

EDUCATIONAL INSTITUTIONS.

(a) Public and other non-profit institutions conducting regular academic instruction at preschool, kindergarten, elementary, secondary, collegiate levels and including graduate schools, universities, non-profit research institutions and religious institutions. Such ***INSTITUTIONS*** must either:

1. Offer general academic instructions;
2. Confer degrees as a college or university of undergraduate or graduate standing;
3. Conduct research; or
4. Give religious instruction.

(b) 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 unrelated persons living together as a single housekeeping unit in a single dwelling unit sharing common cooking facilities.

FLOODPLAIN DEFINITIONS. See § 13.6.

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

FRONTAGE. The side of a lot abutting a street.

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.

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

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

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

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

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

GUEST HOUSE. A detached habitable structure used by members of the family occupying the main dwelling and their non-paying guests.

HEARING OFFICER. The Hearing Officer of the Town of Tusayan.

HELIPORT. A place designed or designated for the landing and taking off of helicopters.

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

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

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

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 types of enterprise.

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

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

KENNEL, NON-COMMERCIAL. Any property where five or more dogs and/or cats, over the age of four months, are kept or maintained for the use and enjoyment of the occupant for non-commercial purposes.

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

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

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

LOT.

(a) A parcel of real property with a separate and distinct number or other designation shown on a plan recorded in the office of the County Recorder;

(b) A parcel of real property delineated on an approved record of survey, parcel map or subdivision map as filed in the office of the County Recorder and abutting at least one public street or right-of-way or easement determined by the Commission to be adequate for the purpose of access; or

(c) A parcel of real property abutting at least one public street or right-of-way or easement determined by the Commission to be adequate for the purpose of access and held under separate ownership from abutting property prior to the date of adoption of this code.

LOT, CORNER. A lot located at the intersection or interception of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an "interior lot".

LOT (SITE) COVERAGE. The portion of a lot or building site which is occupied by any building or

structure, excepting paved areas, uncovered parking areas, driveways, walks, lanais, terraces, swimming pools and landscaped areas.

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

LOT, INTERIOR. A lot other than a corner lot.

LOT LINE. Any line bounding a lot, as herein defined.

LOT LINE, FRONT. On an interior lot shall mean the property line abutting the street. On a corner lot, the **FRONT LOT LINE** is the shorter property line abutting a street, except in those cases where the subdivision or parcel map specifies another line as the front lot line. On a through lot or a lot with three or more sides abutting a street or a corner lot with lot lines of equal length, the Town Manager or designee shall determine which property line shall be the **FRONT LOT LINE** for purposes of compliance with yard and setback provisions of this code. On a private street or easement, the **FRONT LOT LINE** shall be designated as the edge of the easement.

LOT LINE, INTERIOR. A lot line not abutting a street.

LOT LINE, REAR. A lot line not abutting a street which is opposite and most distant from the front lot line. In the case of an irregular-shaped lot, a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten feet. A lot which is bounded on all sides by streets may have no **REAR LOT LINES**.

LOT LINE, SIDE. Any lot line which is not a front or rear lot line.

LOT, THROUGH. A lot having frontage on two dedicated parallel or approximately parallel streets.

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

MANUFACTURED HOME. A dwelling unit built after 6-15-1976 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 PARK. Any area or tract of land where one or more manufactured home spaces are rented or leased or held out for rent or lease to accommodate manufactured 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 6-15-1976, 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 recreational 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:

- (a) Built to Building Code standards including local amendments;
- (b) Built with exterior materials customarily used on conventional site-built dwellings (e.g., wood siding, asphalt roof shingles);
- (c) Minimum roof pitch of three in 12;
- (d) Minimum one-foot overhang on all four sides;
- (e) Minimum width of 20 feet; and

(f) Constructed to be set on a permanent foundation similar to site built dwellings (e.g., footings and stem walls or piers, in compliance with the adopted Building Code for the Town of Tusayan).

MOTEL. The same as **HOTEL**.

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

NEW CONSTRUCTION. Structures for which the “start of construction” commenced on or after the effective date of this code.

NON-CONFORMING SITUATIONS. See § 19.

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

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

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

PARKING AREA. An area designed and constructed for the parking, storage and maneuvering of vehicles.

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

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

PRESCHOOL. The use of any building or structure, in conjunction with any child care arrangement that provides care, supervision, education or instruction for more than six preschool-aged children.

PROJECTING SIGN. A sign attached to a building wall or structure that extends horizontally more than 12 inches from the face of the wall.

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

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

RECREATIONAL VEHICLE. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on

or drawn by another vehicle.

RECREATIONAL VEHICLE PARK. A plot of ground with facilities for the temporary occupancy (overnight accommodation), parking and maneuvering of recreational vehicles (motor homes, travel trailers, campers and the like) with adequate roads and stall sites, including sanitary and water facilities. Site locations are provided on a day-by-day basis.

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

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

RESTAURANT. An establishment which serves food or beverages only to persons seated within or adjacent to a building and including cafés, coffee shops and tea rooms.

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

ROOF SIGN. A sign erected over or on, and wholly or partially dependent upon the roof of any building for support, or attached to the roof in any way. This definition shall also include any sign painted directly on a roof.

SETBACK. The distance between the established lot line and any building.

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

SETBACK LINE, REAR YARD OR SIDE YARD. The line which defines the width or depth of the required rear or side yard. Said **SETBACK LINE** shall be parallel with the property line, removed therefrom by the perpendicular distance prescribed for the yard of the zone in which the property is located. Where the side or rear yard abuts a street, the distance shall be measured as set forth in the definition of **SETBACK LINE, FRONT YARD**.

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

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

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

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

STABLE, COMMERCIAL. 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.

STATE. The State of Arizona.

STORY. The portion of a building included between the surface of any floor and the surface of the

floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it.

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

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

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

TEMPORARY BUSINESS IDENTIFICATION SIGN. A banner that is installed on the wall of a new business during the period of time that the permanent business identification sign is in the town's sign approval process.

TOWN COUNCIL. The Town Council of the Town of Tusayan, Arizona.

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

TRAVEL TRAILER. A self-contained vehicle without motive power, portable structure with wheels built on a chassis, designed as a temporary dwelling for travel recreation and vacation purposes, having a body width not exceeding eight feet and its body length does not exceed 40 feet.

TRIPLEX. A multi-family dwelling on a single lot designed for occupancy by three families living independently of each other.

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

- (a) Four or more diesel fuel pumps;
- (b) Two or more truck washing bays; and
- (c) 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 land or a building is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

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

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

WAREHOUSING. The use of a building or buildings for the storage of goods of any type, when such building or buildings contain more than 500 square feet of storage space and where no retail operation is conducted.

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

WHOLESALE. The sale of any type of goods or materials for the purpose of resale. Businesses that have both retail and **WHOLESALE** sales shall be considered wholesale if at least 51% of their sales volume is wholesale sales.

WINDOW SIGN. A sign, which is displayed in a window so as to be visible beyond the boundaries of the parcel upon which such signs are displayed.

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

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

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

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

ZONE. A classification established by this code which limits or permits various and specific uses.

ZONING ADMINISTRATOR. The staff position created for the purpose of administration of the zoning code. The Town Manager shall serve as the **ZONING ADMINISTRATOR**.

ZONING ORDINANCE or **ORDINANCE.** The zoning code of the Town of Tusayan, Arizona.
(Ord. 2012-04, passed 12-5-2012)

SECTION 9: GENERAL, AGRICULTURAL RESIDENTIAL AND RURAL RESIDENTIAL ZONES

Section

- 9.0 Purposes
- 9.1 Permitted and conditional uses
- 9.2 Reserved
- 9.3 Property development standards: G, AR and RR Zones
- 9.4 Performance standards: G, AR and RR Zones
- 9.5 Signs: G, AR and RR Zones
- 9.6 Accessory structures: G, AR and RR Zones
- 9.7 Walls and fences: G, AR and RR Zones

§ 9.0 PURPOSES.

(A) *General.* In addition to the objectives outlined in § 1 (Purpose and Scope), the General, Agricultural Residential and Rural Residential Zones are included in the zoning regulations to achieve the following purposes:

(1) To reserve areas of the town for light agricultural pursuits in conjunction with very low density residential uses and thereby preserve rural living; and

(2) To provide space for people, minimize traffic congestion and maintain the existing rural environment in certain parts of town.

(B) *G, General Zone.*

(1) This zone is a general rural land use category intended for application to those areas of the town not specifically designated in any other zone classification.

(2) Only those uses are permitted which are complementary and compatible with a rural environment.

(C) *AR, Agricultural Residential Zone.* This zone is intended to designate areas of the town for low density residential use on minimum lot sizes of one acre where those light agricultural activities can be conducted which are related to rural family living and pursuits.

(D) *RR, Rural Residential Zone.*

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

(2) The zone is similar to AR, but prohibits mobile and manufactured homes.

(Ord. 2012-04, passed 12-5-2012)

§ 9.1 PERMITTED AND CONDITIONAL USES.

(A) The following uses shall be permitted where the symbol “P” appears and shall be permitted uses, subject to a conditional use permit where the symbol “C” appears in the column beneath each zone designation.

(B) All uses not listed are prohibited.

(C) For uses similar to those listed, see § 20.1.

(1) *Residential uses.*

	<i>G</i>	<i>AR</i>	<i>RR</i>
Manufactured home	P	P	-
Single-family dwelling or modular home	P	P	P
Travel trailer (8-foot x 32-foot minimum size) or park model	C	C	-

(2) *Agricultural and related uses.*

	<i>G</i>	<i>AR</i>	<i>RR</i>
Animal hospitals and veterinary facilities	C	C	C
Aviaries and apiaries	P	P	P
Boarding of 1 or 2 horses for a fee	P	P	P
Cattle and sheep ranch operations	C	C	C
Commercial agriculture on parcels of 5 acres or more	C	C	C
Commercial fertilizer operations	C	C	C
Commercial kennels	C	C	C
Dairy farms	C	C	C
Feed stores	C	C	C
Non-commercial kennels	P	P	P
Parking or storage of no more than 1 commercial vehicle exceeding 26,000 gvwt	C	C	C
Riding academies or riding clubs	C	C	C
The keeping of poultry or rabbits for non-commercial purposes at least 100 feet from a residence belonging to other persons	P	P	P
The keeping of poultry or rabbits for commercial purposes	C	C	C
The keeping of wild, exotic or non-domesticated animals	C	C	C
The keeping or raising of animals for commercial purposes including commercial stables where more than 2 horses are boarded	C	C	C
—For the commercial boarding of more than 2 horses, a minimum of 5 acres in gross area is required			
The non-commercial keeping of horses and other domestic farm-type animals not including chickens, rabbits or common household pets, subject to the following conditions	P	P	P
—A minimum of 1 acre of land shall be required for the maintenance of such animals			
—3 such animals may be maintained on the first acre and up to 1 additional animal for each additional 1/2 acre			
—No such animal may be sheltered, fed or watered closer than 100 feet to a residence occupied by other persons			
—The keeping of all animals shall be subject to the regulations and conditions of the Coconino County Health Department and Animal Control Division			

(3) *Public and semi-public uses.*

	<i>G</i>	<i>AR</i>	<i>RR</i>
Airports, landing fields, heliports and related activities and uses	C	C	C
Cemeteries, human and pet	C	C	C
Churches, convents, monasteries and other religious institutions	C	C	C
Community service agency camps	C	C	C
Day care center	P	P	P
Educational institutions, public or private	C	C	C
Group homes for the handicapped, subject to the provisions in § 14.6	P	P	P
Hospitals	C	C	C
Libraries and museums	C	C	C
Off-highway vehicle facilities	C	-	-
Other group homes	C	C	C
Preschool	C	C	C
Public parks and recreational facilities	P	P	P
Public utility and public service sub-stations, reservoirs, pumping plants and similar installations, not including public utility offices	C	C	C
Recreational facilities such as rodeos, hunting/riding clubs, country clubs, tennis and swim clubs, golf courses, with incidental limited commercial uses which are commonly associated and directly related to the primary use	C	C	C
Sanitary landfill operations	C	C	-

(4) *Other uses.*

	<i>G</i>	<i>AR</i>	<i>RR</i>
Borrow pits	C	C	-
Firewood storage and sales yards	C	C	-
Lumber mills	C	-	-
Mineral extraction operations	C	C	-
Soil and water resource conservation projects	P	P	P
Solar and geothermal stations	C	C	C
Wireless telecommunications facilities, subject to the provisions of § 14.5	C	C	C

(5) *Home occupations.*

	<i>G</i>	<i>AR</i>	<i>RR</i>

Cottage industries, subject to the provisions of § 14.3	C	C	C
Home occupations, subject to the provisions of § 14.2	P	P	P

(6) *Accessory uses.*

	<i>G</i>	<i>AR</i>	<i>RR</i>
Accessory uses and structures on the same site as a conditional use	C	C	C
Accessory uses and structures on the same site as a permitted use, subject to the provisions of § 9.6	P	P	P
—Accessory structures in excess of 3,000 square feet	C	C	C
Guest house or accessory living quarters, subject to the following conditions:	P	P	P
—A deed restriction shall be recorded prior to issuance of a building permit indicating that the accessory unit is for family or guests and not for rental			
—Accessory living quarters and guest houses are limited to 50% of the livable square footage of the main dwelling up to a maximum of 800 square feet for a detached guest house or 1,000 square feet for attached accessory living quarters			
—All utilities must be on the same meters as the principal dwelling			
—Application for a conditional use permit can be requested for a modification to existing structures that may not be in compliance with the limits of these provisions			
—Attached accessory living quarters are permitted regardless of parcel size. Detached guest houses are permitted only on parcels of 2 acres or larger			
—Kitchens are allowed			
—Maximum separation between the main dwelling and guest house shall be 60 feet			
—Travel trailers, manufactured homes and mobile homes are not allowed as guest houses or accessory living quarters			
Metal storage containers	See § 14.7		

(7) *Temporary uses.*

	<i>G</i>	<i>AR</i>	<i>RR</i>
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Model homes and subdivision sales offices	C	C	C
Temporary uses as prescribed in § 14.1	P	P	P

(8) *Bed and breakfast establishments.*

	<i>G</i>	<i>AR</i>	<i>RR</i>
Bed and breakfast establishments, subject to the provisions of § 14.4	C	C	C

(Ord. 2012-04, passed 12-5-2012)

§ 9.2 RESERVED.

§ 9.3 PROPERTY DEVELOPMENT STANDARDS: G, AR AND RR ZONES.

(A) *General.* The following property development standards shall apply to all land and buildings, other than accessory buildings, permitted in their respective zones; except that, any lot shown on an official subdivision map that was duly approved and recorded, or any lot for which a 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 6,000 square feet. For access purposes, each building site shall have a minimum 30-foot wide easement or right-of-way. A turnaround with a minimum radius of 25 feet shall be provided at the end of each easement over 150 feet in length. No fences or other obstructions shall be placed in the easement area, except with written permission of all other property owners served by the easement. For any parcel of land created after 1-3-1995, 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 an all weather standard.

(B) *Special requirements.*

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

(2) In the G, AR and RR Zones, structures permitted under § 9.1(C)(3), Public and Semi-Public Uses, § 9.1(C)(4), and Other Uses, shall maintain a minimum setback of 50 feet from all property lines. Interior side and rear setback areas may be used for off-street parking, landscaping and recreational purposes.

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

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

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

(6) In the G, AR and RR Zones, as a precaution against unauthorized use, swimming pools when located within 300 feet of a neighboring residence shall be enclosed by a wall or fence not less than five feet in height, in accordance with the requirements of the town.

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

(C) *General requirements.*

(1) The following requirements are minimum unless otherwise noted:

	<i>G</i>	<i>AR</i>	<i>RR</i>
Building site, net area in acres (or as specified per division (B)(1) of this section	10	1	1
Distance between buildings, in feet	10	10	10
Dwelling unit per parcel, maximum	1	1	1
Front yard, in feet	30	25	25
Lot coverage, maximum	30%	35%	35%
Lot depth, in feet	300	150	150
Lot width, in feet	300	100	100
Off-street parking spaces - per dwelling unit	1	1	1
Rear yard, in feet	30	20	20
Side yard - interior, in feet	20	10	10
Side yard - street side, in feet	30	15	15
Structure height, maximum, in feet	40	35	35

(2) Where a property is adjacent to the national forest, the required side or rear yard minimum setback shall be 80% of the setback shown in division (C)(1) above; except that, in no case shall the setback be less than five feet.

(Ord. 2012-04, passed 12-5-2012)

§ 9.4 PERFORMANCE STANDARDS: G, AR AND RR ZONES.

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

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

(C) In all G, AR and RR Zones, outdoor storage of unlicensed or inoperable vehicles, vehicle parts, auto parts, tires, secondhand building material, pipe, drums, appliances, household furniture, household refuse, unlicensed travel trailers or utility trailers 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 200 square feet. An additional 100 square feet of outdoor storage per acre for properties larger than one acre shall be permitted up to a maximum of 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 fencing, landscaping or other structure. Any wall or fencing shall not exceed six 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 feet high. The provisions of this division (C)(2) shall not be construed to restrict the storage of firewood maintained for personal use by the occupant of the premises.

(3) All permitted screened outdoor storage areas shall meet the minimum required building setbacks as prescribed by this section.

(4) Screened outdoor storage areas shall not be permitted on any parcel unless there is a dwelling on the parcel.

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

(E) Commercial vehicles exceeding 26,000 pounds gross vehicle weight, including, but not limited to, semi-tractors, semi-trailers, dump trucks and the like and associated commercial equipment shall not be parked, stored or serviced on any lot or parcel of land, except as prescribed in § 9.1(C)(2) of this code.

(F) The storage of a mobile home on any lot or parcel of land, is prohibited, except as prescribed in § 9.3(B)(5).

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

(H) Apparatus needed for the operation of active and passive solar energy systems or other alternate energy systems, including, but not limited to, overhangs, movable insulating walls and roofs, attached or detached solar collectors, reflectors and piping shall be permitted for any use, subject to the approval of the Town Manager or designee. In the review of the apparatus, the Town Manager or designee shall ensure compliance with the required development standards and may suggest measures to minimize negative visual impacts on the community and/or adjacent property.

(Ord. 2012-04, passed 12-5-2012)

§ 9.5 SIGNS: G, AR AND RR ZONES.

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

(Ord. 2012-04, passed 12-5-2012)

§ 9.6 ACCESSORY STRUCTURES: G, AR AND RR ZONES.

(A) *Generally.* In the General, Agricultural Residential and Rural Residential Zones, all accessory structures (excluding guest house/accessory living units as provided for in § 9.1(C)(6)) 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) The use of the accessory structure shall be consistent with the provisions of §§ 9.0 and 9.1.

(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; refer to § 14.7.

(6) Accessory structures may be established prior to the dwelling or primary structure, subject to the provisions outlined in division (A) above.

(B) *Attached structures.* An accessory structure that is attached to the main structure shall meet all of the setback requirements of the main structure.

(C) *Detached structures.*

(1) A detached structure shall meet the setback requirements of the main building for the front and street side yard areas.

(2) A detached accessory structure, which does not exceed 15 feet in height and 600 square feet in area, may be located within an interior side yard or rear yard; provided, however, that, such structure shall not be located closer than five feet to an interior side or rear lot line.

(3) A detached accessory structure which exceeds 15 feet in height, or 600 square feet in area, shall maintain the same minimum side and rear setbacks as required for the main dwelling.

(4) A detached structure shall maintain a minimum ten-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 120 square feet of roof area must meet the above minimum setbacks.

(D) *Other structures.*

(1) Steps, architectural features, such as eaves, awnings, chimneys, stairways, wing walls or bay windows, may project not more than six feet into any required front, street side or rear yard area, nor into any required side yard area more than one-half 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 designee.

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

(3) Amateur (HAM) radio towers shall be permitted for the personal use of the property owner/resident and subject to the following provisions.

(a) Towers shall not project more than 65 feet above grade; establishment of towers above this limit, but less than 100 feet in height, may be permitted only through the variance procedure set forth in § 20. The height of extension antennas shall be determined in its cranked-down position and shall remain in said position, except during use.

(b) Towers shall meet the minimum setback requirements for the zone in which they are located; no portion of any antenna array shall extend beyond the property lines.

(c) It shall be the responsibility of the property owner to demonstrate that the site is adequate in size to contain debris resulting from tower failure and that such failure will not present a safety hazard to adjoining properties.

(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 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.

(Ord. 2012-04, passed 12-5-2012)

§ 9.7 WALLS AND FENCES: G, AR AND RR ZONES.

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

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

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

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

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

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

(Ord. 2012-04, passed 12-5-2012)

SECTION 10: RESIDENTIAL ZONES

Section

10.0 Purposes

10.1 Permitted and conditional uses: R Zones

10.2 Property development standards: R Zones

10.3 Performance standards: R Zones

10.4 Signs: R Zones

10.5 Accessory structures: Residential Zones

10.6 Walls and fences: R Zones

10.7 Condominiums and condominium conversions: R Zones

§ 10.0 PURPOSES.

(A) *General.* In addition to the objectives outlined in § 1 (Purpose and Scope), the Residential Zones are included in the zoning regulations to achieve the following purposes:

(1) To reserve appropriately located areas for family living at a broad range of dwelling unit densities consistent with the Tusayan Area Plan and with sound standards of public health, safety and welfare;

(2) To ensure adequate light, air, privacy and open space for each dwelling;

(3) To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive number in relation to the land area around them;

(4) To protect residential properties from noise, direct illumination, unsightliness, odors, smoke and other objectionable influences; and

(5) To facilitate the provision of utility services and other public facilities commensurate with anticipated population, dwelling unit densities and service requirements.

(B) *RS-6,000, Residential Single-Family Zone.* This zone is intended for single-family, urban residential development on minimum lot sizes of 6,000 square feet and maximum densities of six dwelling units per acre. Only those additional uses are permitted that are complimentary to, and can exist in harmony with, a residential neighborhood.

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

(D) *RS-18,000, Residential Single-Family Zone.* This zone is intended for low density single-family residential development on minimum lot sizes of 18,000 square feet and at maximum densities of two dwelling units per acre. Only those additional uses are permitted that are complimentary to, and can exist in harmony with, a suburban residential neighborhood.

(E) *RS-36,000, Residential Single-Family Zone.* This zone is intended for very low density single-family residential development on minimum lot sizes of 36,000 square feet and at maximum densities of one dwelling unit per acre. Only those additional uses are permitted that are complimentary to, and can exist in harmony with, a suburban residential neighborhood.

(F) *RM-10/A, Multiple-Family Residential Zone.* This zone is intended for the development of multi-family dwellings, two-family dwellings, apartments, condominiums, townhouses or other group dwellings with provisions for adequate light, air, open space and landscaped areas at maximum densities of ten dwelling units per acre. Only those additional uses are permitted that are complimentary to, and can exist in harmony with, such residential developments.

(G) *RM-20/A, Multiple-Family Residential Zone.* This zone is intended for the development of high density multi-family dwellings, apartments, condominiums, townhouses or other group dwellings with provisions for adequate light, air, open space and landscaped areas at maximum densities of 20 dwelling units per acre. Only those additional uses are permitted that are complimentary to, and can exist in harmony with, such residential developments.

(Ord. 2012-04, passed 12-5-2012)

§ 10.1 PERMITTED AND CONDITIONAL USES: R ZONES.

(A) The following uses shall be permitted uses where the symbol “P” appears and shall be permitted

uses, subject to a conditional use permit where the symbol “C” appears in the column beneath each zone designation.

(B) All uses not listed are prohibited. For uses similar to those listed, see § 20.1.

(1) *Residential Single-Family Zones.*

(a) *Residential uses.*

	<i>RS-6000</i>	<i>RS-10000</i>	<i>RS-18000</i>	<i>RS-36000</i>
Group homes for the handicapped, subject to the provisions in § 14.6	P	P	P	P
Other group homes	C	C	C	C
Single-family dwelling or modular home	P	P	P	P

(b) *Agricultural and related uses.*

	<i>RS-6000</i>	<i>RS-10000</i>	<i>RS-18000</i>	<i>RS-36000</i>
All types of agriculture and horticulture	P	P	P	P
Keeping of horses and other farm-type animals (not including swine), subject to the following conditions:	-	-	P	P
—A minimum of 1 acre of land shall be required for the maintenance of such animals				
—Three such animals may be maintained on the first acre and up to 1 additional animal for each additional 1/2 acre				
—No such animal may be sheltered, fed or watered closer than 100 feet to a residence occupied by other persons				
—The keeping of all animals shall be subject to the regulations and conditions of the Coconino County Health Department and Animal Control Division				
Keeping of poultry or rabbits for non-commercial purposes at least 100 feet from a residence occupied by other persons	-	-	-	P
Riding academies or riding clubs	-	-	C	C
Sale of products raised on the premises	P	P	P	P
Soil and water conservation projects (not including stock watering tanks)	C	C	C	C

(c) *Public and semi-public uses.*

	<i>RS-6000</i>	<i>RS-10000</i>	<i>RS-18000</i>	<i>RS-36000</i>

Churches, convents, monasteries and other religious institutions	C	C	C	C
Day care center	P	P	P	P
Educational institutions, public or private	C	C	C	C
Hospitals	C	C	C	C
Libraries and museums	C	C	C	C
Preschool	C	C	C	C
Public parks and recreational facilities	P	P	P	P
Public utility and public service substations, 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

(d) *Home occupations.*

	RS-6000	RS-10000	RS-18000	RS-36000
Cottage industries, subject to the provisions of § 14.3	-	-	-	C
Home occupations, subject to the provisions of § 14.2	P	P	P	P

(e) *Accessory uses.*

	RS-6000	RS-10000	RS-18000	RS-36000
Accessory uses and structures located on the same site as a conditional use	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, subject to the following conditions:	P	P	P	P
—A deed restriction shall be recorded prior to issuance of a building permit indicating that the accessory unit is for family or guests and not for rental				
—Accessory living quarters and guest houses are limited to 50% of the livable square footage of the main dwelling up to a maximum of 800 square feet for a detached guest house, or 1,000 square feet for attached accessory living quarters				

—All utilities must be on the same meters as the principal dwelling				
—Application for a conditional use permit can be requested for a modification to existing structures that may not be in compliance with the limits of these provisions				
—Attached living quarters are permitted regardless of parcel size. Detached guest houses are permitted only on parcels of 2 acres or larger				
—Kitchens are allowed				
—Maximum separation between the main dwelling and guest house shall be 60 feet				
—Travel trailers and mobile homes are not allowed as guest houses				
Metal storage containers	See § 14.7			

(f) *Temporary uses.*

	<i>RS-6000</i>	<i>RS-10000</i>	<i>RS-18000</i>	<i>RS-36000</i>
Model homes and subdivision sales offices	C	C	C	C
Temporary uses as prescribed in § 14.1	P	P	P	P

(g) *Bed and breakfast establishments.*

	<i>RS-6000</i>	<i>RS-10000</i>	<i>RS-18000</i>	<i>RS-36000</i>
Bed and breakfast establishments, subject to the provisions of § 14.4	-	-	-	C

(2) *Residential Multiple-Family Zones.*

(a) *Residential uses.*

	<i>RM-10/A</i>	<i>RM-20/A</i>
Condominiums and condominium conversions	C	C
Dormitories	C	C
Group homes for the disabled, as defined by the Fair Housing Amendments Act of 1988	P	P
Guest dwellings	P	P
Multi-family dwellings containing 5 or more units	C	C
Multi-family dwellings containing not more than 4 units	P	P

Single-family dwellings	P	P
Two-family dwellings	P	P

(b) *Agricultural and related uses.* Not permitted in RM-10/A and RM-20/A.

(c) *Public and semi-public uses.*

	<i>RM-10/A</i>	<i>RM-20/A</i>
Churches, convents, monasteries and other religious institutions	C	C
Day care	P	P
Educational institutions, public or private	C	C
Hospitals	C	C
Libraries and museums	C	C
Preschool	C	C
Public parks and recreational facilities	P	P
Public utility and public service sub-stations, reservoirs, pumping plants and similar installations, not including public utility offices	C	C
Recreational facilities such as rodeos, hunting/riding clubs, country clubs, tennis and swim clubs, golf courses, with incidental, limited commercial uses which are commonly associated with and directly related to the primary use	C	C

(d) *Home occupations.*

	<i>RM-10/A</i>	<i>RM-20/A</i>
Home occupations, subject to the provisions of § 14.2	P	P

(e) *Accessory uses.*

	<i>RM-10/A</i>	<i>RM-20/A</i>
Accessory uses and structures located on the same site as a conditional use	C	C
Accessory uses and structures located on the same site as a permitted use	P	P

(f) *Temporary uses.*

	<i>RM-10/A</i>	<i>RM-20/A</i>
Model homes and subdivision sales or rental offices	C	C
Temporary uses as prescribed in § 14.1	P	P

(g) *Bed and breakfast establishments.*

	<i>RM-10/A</i>	<i>RM-20/A</i>
Bed and breakfast establishments, subject to the provisions of § 14.4	C	C

(Ord. 2012-04, passed 12-5-2012)

§ 10.2 PROPERTY DEVELOPMENT STANDARDS: R ZONES.

(A) *General.* The following property development standards shall apply to all land and buildings, other than accessory buildings, permitted in their respective Residential Zones; except that, any lot shown on an official subdivision map that was duly approved and recorded; or any lot for which a 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. For access purposes, each building site shall have a minimum 30-foot wide easement or right-of-way. A turnaround with a minimum radius of 25 feet shall be provided at the end of each easement over 150 feet in length. No fences or other obstructions shall be placed in the easement area, except with written permission of all other property owners served by the easement. For any parcel of land created after 1-3-1995, 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 an all weather standard.

(B) *Special requirements.*

(1) In the RS Zone, other lot sizes larger than 6,000 square feet may be specified and designated on the Official Zoning Map by attaching a number designation following the zone classification. (For example, RS-15,000, RS-40,000 or RS-5 (five-acre minimum lot size).) Permitted and conditional uses, property development standards, performance standards and all other requirements and regulations for these alternate zone classifications with the exception of the minimum parcel size, shall be the same as those specified in this code for the zoning classification with the next lower minimum parcel size. (For example, RS-15,000 would have RS-10,000 requirements and RS-40,000 and RS-5 would have RS-36,000 requirements.)

(2) Use of a travel trailer or recreational vehicle as a temporary or permanent residence is prohibited.

(3) In any Residential Zone, a building used for public or semi-public uses shall maintain a minimum setback of 50 feet from any single-family use.

(4) In any Multiple-Family Residential Zone, a mobile, manufactured or modular home may not be used as a main or guest dwelling or accessory living quarters, except in remote areas on parcels larger than two acres where one manufactured or modular home may be allowed with the granting of a conditional use permit. If the property is later developed with multiple-family residential housing, the manufactured or modular home shall be removed.

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

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

(C) *General requirements.*

(1) *Residential Single-Family Zones.*

(a) The following requirements are minimum unless otherwise noted:

General Requirements	RS-6000	RS-10000	RS-18000	RS-36000
Building height, in feet	35	35	35	35
Building site, net area in square feet	6,000	10,000	18,000	36,000
Density, maximum dwelling units per acre	6.0	4.0	2.0	1.0
Distance between buildings, in feet	10	10	10	10
Dwelling unit per parcel, maximum	1	1	1	1
Front yard, in feet	20	20	25	25
Lot coverage, maximum	40%	40%	35%	35%
Lot depth, in feet	100	100	100	150
Lot width, in feet	60	80	100	120
Off-street parking spaces, per dwelling unit	2	2	2	2
Rear yard, in feet	20	20	25	25
Side yard - interior, in feet	5	10	10	20
Side yard - street side, in feet	10	10	15	20

(b) Where a property is adjacent to the national forest, the required side or rear yard minimum setback shall be 80% of the setback shown in division (C)(1)(a) above; except that, in no case shall the setback be less than five feet.

(2) *Residential Multiple-Family Zones.*

(a) The following requirements are minimum unless otherwise noted:

General Requirements	RM-10/A	RM-20/A
Building height, in feet	35	40
Building site, net area, in acres	0.5	2.0
Covered off-street parking spaces per dwelling unit	2	1 + 1 open
—Open guest parking spaces	Additional 10% of total spaces	
Density, maximum dwelling units per acre	10	20
Distance between buildings, in feet	10	10
Front yard, in feet	20	25
Lot coverage, maximum	45%	50%
Lot depth, in feet	100	200
Lot width, in feet	100	150
Off-street parking spaces for two-family dwellings, per dwelling unit	2	2
Rear yard, in feet	20	25
Side yard - interior, in feet	10	15
Side yard - street side, in feet	15	20

(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 the access easement line. Where an access easement bisects any parcel of land, said easement shall be considered a street for setback purposes and street side yard setbacks shall apply.

(c) Where a property is adjacent to the national forest, the required side or rear yard minimum setback shall be 80% of the setback shown in division (C)(2)(a) above; except that, in no case shall the setback be less than five feet.

(Ord. 2012-04, passed 12-5-2012)

§ 10.3 PERFORMANCE STANDARDS: R ZONES.

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

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

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

(1) For any lot or parcel of land, the area permitted for the above described outdoor storage shall be 200 square feet. An additional 100 square feet of outdoor storage per acre for properties larger than one acre shall be permitted up to a maximum of 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 fencing, landscaping or other structure. Any wall or fencing shall not exceed six 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 feet high. The provisions of this division (C)(2) shall not be construed to restrict the storage of firewood maintained for personal use by the occupant of the premises.

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

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

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

(F) Where a multiple-family dwelling or structure, containing five or more units, including incidental or required accessory uses, abuts property in an Agricultural Residential, Rural Residential, General or Single-Family Zone, a masonry wall or solid wood fence six feet in height and/or screen landscaping shall be established and maintained between such uses and adjacent Residential Zones.

(G) Where public or semi-public uses are established, a masonry wall or solid wood fence six feet in height as measured from the highest adjacent grade and screen landscaping shall be erected and

maintained between such uses and adjacent residential uses on properties.

(H) Apparatus needed for the operation of active and passive solar energy systems or other alternate energy systems, including, but not limited to, overhangs, movable insulating walls and roofs, attached or detached solar collectors, reflectors and piping shall be permitted for any use, subject to the approval of the Town Manager or designee. In the review of the apparatus, the Town Manager or designee shall ensure compliance with the required development standards and may suggest measures to minimize negative visual impacts on the community and/or adjacent property.

(Ord. 2012-04, passed 12-5-2012)

§ 10.4 SIGNS: R ZONES.

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

(Ord. 2012-04, passed 12-5-2012)

§ 10.5 ACCESSORY STRUCTURES: RESIDENTIAL ZONES.

(A) *Attached structures.* An accessory structure that is attached to a main structure shall meet all of the requirements for location of the main structure, except as provided in division (D) below.

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

(1) Shall not exceed 15 feet in height, nor project closer than five feet to an interior side or rear lot line; and

(2) Shall be entirely open on at least three sides except for necessary supporting columns; except that, a roof connecting a main building and an accessory building shall be open on at least two sides.

(C) *Detached structures.*

(1) A detached structure shall meet the setback requirements of the main building for the front and street side yard areas.

(2) A detached accessory structure which does not exceed 15 feet in height and 600 square feet in area may be located within an interior side yard or rear yard; provided, however, that, such structure shall not be closer than five feet to an interior side or rear lot line.

(3) A detached accessory structure which exceeds 15 feet in height, or 600 square feet in area, shall maintain the same minimum side and rear setbacks as required for the main building.

(4) A detached structure shall maintain a minimum ten-foot separation from the main structure.

(5) Although not requiring a building permit, accessory structures with less than 120 square feet of roof area must meet the above minimum setbacks.

(6) For the purpose of this section, swimming pools shall be considered to be a detached structure.

(7) Detached structures shall not be permitted prior to the dwelling, except in RS Zones with minimum lot sizes of one acre or more.

(8) Plumbing in detached structures shall be limited to one sink and one toilet.

(9) Use of accessory structures shall be consistent with § 10.0.

(10) The use of mobile homes, semi-trailers, railroad cars, shipping containers, travel trailers,

camper shells or similar units as accessory structures is prohibited. Metal storage containers may be permitted; refer to § 14.7.

(D) *Other structures.*

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

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

(3) Swimming pools including all accessory or appurtenant structures and equipment shall maintain a minimum setback of five feet from all property lines and buildings. As a precaution against unauthorized use, swimming pools shall be enclosed by a wall or fence not less than five feet in height in accordance with the requirements of the town.

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

(a) Towers shall not project more than 65 feet above grade; establishment of towers above this limit, but less than 100 feet in height, may be permitted only through the variance procedure set forth in § 20. The height of extension antennas shall be determined in their cranked down position and shall remain in said position, except during use.

(b) Towers shall meet the minimum setback requirements for the zone in which they are located; no portion of any antenna array shall extend beyond the property lines.

(c) It shall be the responsibility of the property owner to demonstrate that the site is adequate in size to contain debris resulting from tower failure and that such failure will not present a safety hazard to adjoining properties.

(3) Amateur (HAM) radio towers shall be permitted for the personal use of the property owner/resident and subject to the following provisions.

(a) Towers shall not project more than 65 feet above grade; establishment of towers above this limit, but less than 100 feet in height, may be permitted only through the variance procedure set forth in § 20. The height of extension antennas shall be determined in its cranked-down position and shall remain in said position, except during use.

(b) Towers shall meet the minimum setback requirements for the zone in which they are located; no portion of any antenna array shall extend beyond the property lines.

(c) It shall be the responsibility of the property owner to demonstrate that the site is adequate in size to contain debris resulting from tower failure and that such failure will not present a safety hazard to adjoining properties.

(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.

(5) Satellite dishes up to ten feet in diameter shall be permitted, subject to the following conditions.

(a) Ground-mounted dishes shall be located outside of any front and side setback area.

(b) All installations must comply with accessory use height requirements.

(Ord. 2012-04, passed 12-5-2012)

§ 10.6 WALLS AND FENCES: R ZONES.

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

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

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

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

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

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

(Ord. 2012-04, passed 12-5-2012)

§ 10.7 CONDOMINIUMS AND CONDOMINIUM CONVERSIONS: R ZONES.

(A) *Pre-application procedure.* Prior to formal application for a condominium conversion or construction of a condominium development, the applicant shall meet with the Town Manager or his or her designee to review and discuss the feasibility of the proposed project.

(B) *Application procedure.* A conditional use permit application shall be completed and returned to the Town Manager or designee with the following documents:

(1) If the application is for a condominium conversion, a report setting forth all repairs and replacements necessary, if any, to immediately place the buildings in substantial compliance with current Building and Safety Codes and the probable cost of such work. Said report shall include a report prepared by a licensed mechanical engineer verifying the condition of the mechanical elements in the project, including, but not limited to, furnaces, air conditioners, pumps, water heaters and plumbing fixtures;

(2) If the application is for a condominium conversion, a pest inspection and written report by a certified inspector;

(3) If the application is for a condominium conversion, a comprehensive building report which includes age, material and condition where applicable of the following:

- (a) Type and age of construction;
- (b) Walls, interior and exterior;
- (c) Roof;
- (d) Garaging;
- (e) Trash disposal;
- (f) Drainage;
- (g) Laundry facilities;

- (h) Current maintenance activities and programs;
- (i) Estimated number of visiting tenants;
- (j) Length of existing leases and average rents;
- (k) Average length of tenancy for existing tenants;
- (l) Estimated schedule for conversion;
- (m) Estimated price range of converted units;
- (n) List of improvements contemplated; and
- (o) Estimate of available similar housing in the town.

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

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

(5) Structural elevations shall be required at the discretion of the Town Manager or designee. Elevations shall indicate type of materials used in construction, as well as the method used to provide sound insulation/attenuation in all common walls;

(6) For condominium and condominium conversion projects, a report that lists measures taken to make the project energy efficient and environmentally sound. The report shall also include any resource conservation aspects of the project; and

(7) Such other information as may be determined by the Town Manager or designee.

(C) *Standards of development.*

(1) A tentative tract map for a condominium development shall be prepared and submitted to the town in accordance with the Subdivision Ordinance of the town.

(2) All condominiums and condominium conversions shall be developed in accordance with dwelling unit requirements as set forth by the Plumbing and Electrical Code adopted by the town.

(3) All existing buildings and structures shall be made to comply with all applicable building regulations of the town in effect at the time of filing a conditional use permit.

(4) Utility systems shall exist or shall be constructed to adequately provide for utility services to all condominium units.

(5) Each existing tenant of the project shall be given a 120-day notification on the intended condominium conversion and the right to purchase his or her converted multiple dwelling unit prior to the unit being placed for sale.

(D) *Special conditions.*

(1) Copies of the required covenants, conditions and restrictions, articles of incorporation and by-laws or other documents of the owner's association or other entity which controls the common facilities shall be submitted to the town for approval and shall set forth the occupancy and management policies for the project, as well as contain adequate and satisfactory provisions for maintenance, repair and general upkeep.

(2) A minimum of two covered parking spaces shall be provided for each dwelling unit. An additional parking space for guests shall be provided for each two dwelling units. Guest parking spaces may be open. For new developments, off-street parking spaces shall be located on the same lot as the condominium unit or shall be constructed as an integral part of the condominium unit.

(3) A minimum area of 400 square feet per unit shall be provided in all condominium projects for recreational purposes. Patios of individual units may be included in the satisfaction of this condition.

(4) The town may vary from any or all of these conditions in order to ensure compatibility of the use with surrounding developments and uses and in order to preserve the public health, safety and welfare.

(E) *Findings.* The Planning and Zoning Commission shall make the findings contained in § 20.3-7 hereof prior to the granting of a conditional use permit for a condominium or condominium conversion project.

(Ord. 2012-04, passed 12-5-2012)

SECTION 11: COMMERCIAL ZONES

Section

11.0 Purposes

11.1 Permitted and conditional uses

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11.4 Signs: Commercial Zones

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§ 11.0 PURPOSES.

(A) *General.* In addition to the objectives outlined in § 1 (Purpose and Scope), the Commercial Zones are included in the zoning regulations to achieve the following purposes:

(1) To provide appropriately located areas for office uses, retail stores, service establishments and wholesale business, offering commodities and services required by residents of the town and its surrounding market area;

(2) To encourage office and commercial uses to congregate for the convenience of the public and

for a mutually beneficial relationship to each other;

(3) To provide adequate space to meet the needs of modern commercial development, including off-street parking and loading areas;

(4) To minimize traffic congestion and to avoid the overloading of utilities;

(5) To protect residential and other commercial properties from noise, odor, smoke, unsightliness and other objectionable influences incidental to commercial uses; and

(6) To promote high standards of site planning architecture and landscape design for office and commercial developments within the town.

(B) *CN-2/A, Commercial Neighborhood Zone.* This zone is intended for neighborhood shopping centers which provide limited retail business, service and office facilities for the convenience of residents of the neighborhood. These shopping centers are intended to be compatible with a residential environment at locations consistent with the Tusayan Area Plan.

(C) *CG-10,000, Commercial General Zone.* This zone is intended for the location of general retail and wholesale commercial activities.

(D) *CH-10,000, Commercial Heavy Zone.* This zone is intended to provide appropriately located areas for establishments catering primarily to highway travelers, visitors to the town or such businesses or uses where direct access to major arterial highways is essential or desirable for their operation.

(Ord. 2012-04, passed 12-5-2012)

§ 11.1 PERMITTED AND CONDITIONAL USES.

(A) The following uses shall be permitted where the symbol “P” appears and shall be permitted uses, subject to a conditional use permit where the symbol “C” appears in the column beneath each zone designation.

(B) All uses not listed are prohibited. For uses similar to those listed, see § 20.1.

(1) *Office and related uses.*

	<i>CN-2/A</i>	<i>CG-10,000</i>	<i>CH-10,000</i>
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

(2) *General commercial uses.*

	<i>CN-2/A</i>	<i>CG-10,000</i>	<i>CH-10,000</i>
Amusement arcades	-	P	P
Apartments, when located above the first floor of the building	C	P	P

Appliance and hardware stores	P	P	P
Auction houses/stores, indoor sales/display	-	P	P
Auction houses/stores, outdoor sales/display	-	C	C
Auto lubrication and oil change operation	-	C	C
Automobile sales and services, including rental agencies	-	C	C
Automotive repair garage	-	C	C
Automotive service station	C	C	C
Bakeries, wholesale	-	-	C
Boat and camper sales and services	-	C	C
Bowling alleys and billiard halls	-	P	P
Campgrounds	-	C	C
Car washes	-	C	C
Ceramic studio with outdoor kiln	-	-	C
Cocktail lounges and bars	-	C	C
Contractor's yards	-	C	C
Convenience market	P	P	P
Convenience market with gasoline pumps	C	C	C
Drive-in restaurants	-	P	P
Drive-in theaters	-	-	C

	<i>CN-2/A</i>	<i>CG-10,000</i>	<i>CH-10,000</i>
Dry cleaners	-	P	P
Farm implement and machine sales, rental and repairs	-	C	C
Feed stores	-	C	C
General retail business establishments, except for large retail establishments as defined in § 8, 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	-	P	P
Kennel, indoor runs/pens	-	P	P
Kennel, outdoor runs/pens	-	C	C
Large retail establishments as defined in § 8 (establishments over 70,000 square feet are prohibited)	-	C	C
Laundry pick-up and delivery agencies	-	P	P
Medical marijuana cultivation and infusion facilities, subject to the provisions of § 14.9	-	-	C
Medical marijuana dispensaries, subject to the provisions of § 14.9	-	P	P
Mortuaries	-	P	P
Motorcycle, ATV, sales, service and rental	-	C	C

Nurseries and garden supply stores	C	C	C
Public storage facilities (mini-storages)	C	C	C
Recreational vehicle and travel trailer parks	-	C	C
Recreational vehicle sales and service	-	C	C
Restaurants conducted within a building including sale of alcoholic beverages	C	P	P
Restaurants with outdoor dining	C	C	C
Self-service laundry	P	P	P
Skating rinks	-	C	P
Solid waste hauler's yard	-	-	C
Stone and monument yards	-	C	C
Theater	C	C	C
Tire sales and service	-	C	C
Tour operator with associated outdoor storage or activity	-	C	C
Truck and trailer rental, sales and service	-	C	C
Vehicular storage yards (not including auto wrecking yards)	-	C	C
Veterinarian office and small animal hospitals	-	C	P
Warehousing	-	P	P
Wireless telecommunications facilities, subject to the provisions of § 14.5	C	C	C

(3) *Public and semi-public uses.*

	<i>CN-2/A</i>	<i>CG-10,000</i>	<i>CH-10,000</i>
Churches	P	P	P
Clubs and lodges including YMCA, YWCA and similar youth group uses	C	C	P
Commercial trade or vocational schools	C	P	P
Convalescent homes and hospital	-	C	C
Day care centers and preschools	P	C	-
Educational institutions, public or private	-	C	C
Libraries and museums, public or private	C	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	C	C	C

(4) *Accessory uses.*

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	<i>CN-2/A</i>	<i>CG-10,000</i>	<i>CH-10,000</i>
A single-family residence established as an integral part of the commercial building, for exclusive use by the owner/operator of the business	C	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	-	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 § 14.7		

(5) *Temporary uses.*

	<i>CN-2/A</i>	<i>CG-10,000</i>	<i>CH10,000</i>
Temporary uses as prescribed in § 14.1	P	P	P

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

(Ord. 2012-04, passed 12-5-2012)

§ 11.2 PROPERTY DEVELOPMENT STANDARDS: COMMERCIAL ZONES.

(A) *General.*

(1) The following property development standards shall apply to all land and buildings permitted in their respective Commercial Zones; except that, any lot shown on an official subdivision map that was duly recorded, or any lot for which a 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. For access purposes, each building site shall have a minimum 30- foot wide easement or right-of-way. A turnaround with a minimum radius of 25 feet shall be provided at the end of each easement over 150 feet in length.

(2) No fences or other obstructions shall be placed in the easement area, except with written permission of all other property owners served by the easement. For any parcel of land created after 1-3-1995, 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 an all-weather standard.

(B) *Special requirements; procedure for the establishment of CN-2/A Zones.*

(1) *Preliminary development plans.*

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

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

(b) The preliminary development plan is required to enable the Commission and the Town Council to assess the impact of the proposed shopping center on surrounding uses, its relationship to the objectives of the Tusayan Area Plan its relationship to zoning patterns in the neighborhood, and to permit public agencies and utility services to review the adequacy of proposed improvements and the impact of the development on existing and proposed utilities and facilities.

(2) *Adoption of development plans.* The development plans shall be approved by the Town Council and incorporated into the approval of the CN-2/A Zone.

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

(C) *General requirements.*

- (1) The following requirements are minimums unless otherwise noted.

	<i>CN-2/A</i>	<i>CG-10,000</i>	<i>CH-10,000</i>
Building site, square feet or acres	2 acres	10,000 sf	10,000 sf
Front yard, in feet	20	20	20
Lot coverage, maximum	35%		
Lot depth, in feet	150	100	100
Lot width, in feet	200	60	50
Off-street parking	See § 15		
Rear yard, in feet	10	0	0
Side yard - interior and rear yard, in feet, adjacent to G, AR, RR, RS or RM Zones	20	20	20
Side yard - interior, in feet	10	-	-
Side yard - street side, in feet	10	20	20
Structure height, maximum, in feet	35	35	40

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

(Ord. 2012-04, passed 12-5-2012)

§ 11.3 PERFORMANCE STANDARDS: COMMERCIAL ZONES.

(A) Trailers, park models or manufactured homes shall be permitted for temporary office use only during construction of a permanent building for a period not to exceed 12 months with an approved temporary use permit. Modular homes built to Building Code commercial standards shall be permitted.

(B) In all Commercial Zones, required front and street side yards shall be landscaped to a depth of not less than six feet. Remaining front and street side yard areas or setbacks may be used for required off-street parking.

(C) Where a commercial or office use abuts property in any G, AR, RR, RS or RM Zone, a masonry wall six feet in height as measured from the highest adjacent grade shall be erected and maintained between such uses and the Residential Zone. Alternatives to masonry, including double-sided solid wood fencing, stuccoed wood frame walls, native stone or rock veneered walls or an adequate vegetative buffer, may be approved by the Town Manager, his or her designee or the Planning and Zoning Commission.

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

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

(F) All mechanical equipment, including heating and air conditioning units, shall be completely screened from surrounding properties by use of a wall or fence or shall be enclosed within a building. Facilities for the operation of solar or alternate energy systems may be exempted from this requirement, subject to the approval of the Town Manager or designee.

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

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

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

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

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

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

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

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

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

(P) Outdoor music in an outdoor dining area shall be maintained so as not to disturb the peace, quiet and comfort of neighboring businesses or residents. All outdoor live or recorded music shall cease at 10:00 p.m.

(Ord. 2012-04, passed 12-5-2012)

§ 11.4 SIGNS: COMMERCIAL ZONES.

No sign or outdoor advertising structure shall be permitted in any Commercial Zone, except as provided in § 16.

(Ord. 2012-04, passed 12-5-2012)

§ 11.5 ACCESSORY STRUCTURES: COMMERCIAL ZONES.

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

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

(C) In any Commercial Zone, porches, steps, architectural features such as attached canopies or eaves, chimneys, balconies or stairways may not project more than four feet into any required yard area. Greater projections may be permitted when it is demonstrated that such additional projections are needed for solar or alternate energy purposes, subject to the approval of the Town Manager or designee.

(D) In any Commercial Zone, detached canopies shall be considered accessory structures and shall meet all of the setback requirements for main buildings. No portion of the canopy shall extend into the setback areas. Canopies may be located in front of the main building outside the required front and street side landscape areas.

(E) The use of mobile homes, semi-trailers, railroad cars, shipping containers, travel trailers, camper shells or similar units as accessory structures is prohibited. Metal storage containers may be permitted; refer to § 14.7.

(F) For the purpose of this section, swimming pools shall be considered to be a detached structure. Swimming pools including all accessory or appurtenant structures and equipment shall maintain a minimum setback of five feet from all property lines and buildings. As a precaution against unauthorized use, swimming pools shall be enclosed by a wall or fence not less than five feet in height in accordance with the requirements of the town.

(Ord. 2012-04, passed 12-5-2012)

§ 11.6 WALLS AND FENCES: COMMERCIAL ZONES.

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

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

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

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

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

(F) Barbed wire, electrical fences, glass or other similar hazardous objects on top of walls and fences in Commercial Zones may be permitted, subject to the approval of the Town Manager, his or her designee or the Planning and Zoning Commission.

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

(Ord. 2012-04, passed 12-5-2012)

SECTION 12: INDUSTRIAL ZONES

Section

12.0 Purposes

12.1 Permitted and conditional uses: Industrial Zones

12.2 Property development standards: Industrial Zones

12.3 Performance standards: Industrial Zones

12.4 Signs: Industrial Zones

12.5 Accessory structures: Industrial Zones

12.6 Walls and fences: Industrial Zones

§ 12.0 PURPOSES.

(A) *General.* In addition to the objectives outlined in § 1 (Purpose and Scope), the Industrial Zones are included in the Zoning Regulations to achieve the following purposes:

(1) To provide appropriately located areas for industrial uses and protect these areas from intrusion by dwellings and other inharmonious uses;

(2) 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;

(3) 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

(4) 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.

(B) *MP-20,000, Industrial Park Zone.* This zone is intended for modern industrial and research developments and administrative facilities that can meet high performance and development standards.

(C) *M-1-10,000, Light Industrial Zone.* This zone is intended for light industrial and limited service commercial uses that can meet high performance standards, but that frequently do not meet site development standards appropriate to planned research and development of industrial parks.

(D) *M-2-6,000, Heavy Industrial Zone*. This zone is intended for heavy industrial uses in those areas of the town which are designated for general industrial uses on the Tusayan Area Plan.

(Ord. 2012-04, passed 12-5-2012)

§ 12.1 PERMITTED AND CONDITIONAL USES: INDUSTRIAL ZONES.

(A) The following uses shall be permitted where the symbol “P” appears and shall be permitted uses, subject to a conditional use permit where the symbol “C” appears in the column beneath each zone designation.

(B) All uses not listed are prohibited. For uses similar to those listed, see § 20.1.

(1) *Manufacturing uses.*

	<i>MP-20,000</i>	<i>M-1-10,000</i>	<i>M-2-6,000</i>
Borrow pits	-	C	C
Bottling plants	P	P	P
Cement products manufacturing	-	C	C
Electronics: electrical and related parts; electrical appliances, motors and devices; radio; television and phonograph	P	P	P
Food and dairy products processing and manufacturing including frozen foods	-	C	C
Furniture manufacturing and upholstering	P	P	P
Instruments: scientific and precision; medical and dental; timing and measuring	P	P	P
Laboratories: dental, medical, electrical, optical and mechanical	P	P	P
Machine shop	C	C	P
Manufacture of novelty items, not including fireworks or other explosive-type items	P	P	P
Manufacturing and maintenance of electrical and other signs	P	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 yarns	P	P	P
Manufacturing of fireworks or other explosive-type items	-	-	C
Mineral extraction operations	-	C	C
Office and related machinery: audio machinery; computers, electrical and manual; visual and reproductive machinery	P	P	P
Oil pumping, distributing or storage facility	C	C	C
Packing houses	-	C	P

Pharmaceuticals: cosmetics, drugs, perfumes, toiletries and soap (not including refining or rendering of oils or fats)	P	P	P
Refining or rendering of oils or fats	-	-	C
Rubber and metal stamp manufacturing	P	P	P
Rubber products manufacturing	-	C	C
Stone quarries, gravel pits, mines and stone mills	-	C	C

(2) *Wholesale and warehousing.*

	<i>MP-20,000</i>	<i>M-1-10,000</i>	<i>M-2-6,000</i>
Mini- or self-serve warehouse uses	P	P	P
Warehousing operations	P	P	P
Wholesale uses and distribution centers	C	P	P

(3) *Services.*

	<i>MP-20,000</i>	<i>M-1-10,000</i>	<i>M-2-6,000</i>
Airports and heliports	C	C	C
Animal shelter or hospital	C	P	P
Automobile, truck and tractor repair and painting	-	P	P
Automobile wrecking yards	-	-	C
Automotive sales and services, including rental agencies	C	P	P
Blacksmith operations	-	P	P
Blueprinting and photocopying	P	P	P
Boat, camper and recreational vehicle sales and service	C	P	P
Business, professional and research offices	P	P	P
Cleaning and dyeing plants	-	C	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	-	C	P
Contractor's yards	-	C	P
Equipment rental yards	-	C	P
Food locker facilities	-	P	P
Fuel sales	-	C	C
Junk yards	-	-	C
Kennels and stables	-	C	P
Lumber and building material yards	-	C	P
Newspaper publishing	P	P	P

Plumbing shops	-	P	P
Printing and lithography	P	P	P
Restaurants	C	C	C
Rock, sand and gravel yards	-	C	C

	<i>MP-20,000</i>	<i>M-1-10,000</i>	<i>M-2-6,000</i>
Service stations	C	C	C
Solid waste hauler's yard	-	C	C
Tire retreading and recapping	-	C	C
Trucking yards and truck stops	-	C	C
Wireless telecommunications facilities, subject to the provisions of § 14.5	C	C	C

(4) *Public and semi-public uses.*

	<i>MP-20,000</i>	<i>M-1-10,000</i>	<i>M-2-6,000</i>
Post offices and postal terminals	C	C	C
Public utility pumping stations, electrical generating stations and sub-stations, equipment buildings and installations	C	C	C
Public utility service yards	-	C	C
Sanitary landfill operations	-	-	C

(5) *Agricultural and related uses.*

	<i>MP-20,000</i>	<i>M-1-10,000</i>	<i>M-2-6,000</i>
Agricultural and horticultural uses including the sale of products raised on the premises	P	P	P
Commercial fertilizer operations	-	C	C
Domestic animal ranch or farming operations	P	P	P
Lumber mills and processing plants	-	C	P
Medical marijuana off-site cultivation and infusion facilities, subject to the provisions of § 14.9	-	P	P

(6) *Accessory uses.*

	<i>MP-20,000</i>	<i>M-1-10,000</i>	<i>M-2-6,000</i>
Accessory uses and structures located on the same site	P	P	P

as a permitted or conditional use			
Incidental services for employees on a site occupied by a permitted or conditional use	P	P	P
Metal storage containers	See § 14.7		
Watchperson's or caretaker's living quarters only when incidental to and on the same site as a permitted or conditional use	P	P	P

(7) *Temporary uses.*

	<i>MP-20,000</i>	<i>M-1-10,000</i>	<i>M-2-6,000</i>
Temporary uses as prescribed in § 14.1	P	P	P

(8) *Other uses.* Other uses as may be determined by resolution of the Planning and Zoning Commission to be consistent with the purposes outlined in § 12.0 and similar to and no more detrimental than existing permitted or conditional uses in any Industrial Zone. Such other uses shall meet the performance standards outlined in § 12.3.

(Ord. 2012-04, passed 12-5-2012)

§ 12.2 PROPERTY DEVELOPMENT STANDARDS: INDUSTRIAL ZONES.

(A) *General.* The following property development standards shall apply to all land and buildings permitted in their respective Industrial Zones; except that, any lot for which a 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. For access purposes, each building site shall have a minimum 30-foot wide easement or right-of-way. A turnaround with a minimum radius of 25 feet shall be provided at the end of each easement over 150 feet in length. No fences or other obstructions shall be placed in the easement area, except with written permission of all other property owners served by the easement. For any parcel of land created after 1-3-1995, 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 an all weather standard.

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

(C) *General requirements.* The following requirements are minimum unless otherwise noted.

	<i>MP-20,000</i>	<i>M-1-10,000</i>	<i>M-2-6,000</i>
Building height, in feet	40	40	40
Building site, in square feet	20,000	10,000	6,000
Front yard, in feet	20	10	10

Lot coverage, maximum	60%	60%	-
Lot depth, in feet	150	100	100
Lot width, in feet	100	100	60
Off-street parking	See § 15		

	<i>MP-20,000</i>	<i>M-1-10,000</i>	<i>M-2-6,000</i>
Rear yard, in feet	20	-	-
Side yard, in feet	15	-	-
Side yard - street side, in feet	20	10	10

(Ord. 2012-04, passed 12-5-2012)

§ 12.3 PERFORMANCE STANDARDS: INDUSTRIAL ZONES.

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

(B) *Landscape maintenance.* All required landscaping shall be permanently maintained in a neat and orderly condition.

(C) *Enclosures.* Trash receptacles enclosed with solid masonry walls and with gates shall be provided for each industrial use. Said receptacles shall be set back a minimum of 20 feet from any G, AR, RR, RS or RM Zone boundary and shall be maintained in a neat and sanitary condition in order to safeguard the health, safety and general welfare of adjacent properties, subject to the approval of the Town Manager or designee.

(D) *Screening.* All mechanical equipment, including heating and air conditioning units, and trash receptacle areas shall be completely screened from surrounding properties by use of a wall or fence or shall be enclosed within a building. Facilities for the operation of solar or other alternate energy systems may be exempted from this requirement, subject to the approval of the Town Manager or designee.

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

(F) *Fire and explosion hazards.* All storage of and activities involving inflammable and explosive materials shall be provided with adequate safety and fire fighting devices to the specifications of the Tusayan Fire District. All incineration is prohibited.

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

(H) *Radioactivity.* In all Industrial Zones, the use of radioactive materials shall be limited to measuring, gauging and calibration devices.

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

(J) *Fencing.* Outdoor storage areas shall be entirely fenced with a material not less than six feet in height. Those areas visible from a public street shall be adequately screened by masonry walls or a substitute acceptable to the Town Manager or designee.

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

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

(M) *Solid waste disposal.* All solid waste generated by an industrial use which is not disposed on-site shall be transported to a county landfill site for proper disposition.

(N) *Solar and alternate energy systems.* Apparatus needed for the operation of active or passive solar energy systems or other alternate energy systems, including, but not limited to, overhangs, movable insulating walls and roofs, attached or detached solar collectors, reflectors and piping may be permitted for any use, subject to the approval and specifications of the Town Manager or designee.

(O) *Lighting.*

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

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

(3) The operation of searchlights or similar lighting sources for advertising, display or any other commercial purpose is prohibited.

(4) Ground-mounted floodlighting or light projection above the horizontal plane is prohibited between midnight and sunrise.

(P) *Conformance testing.* Whenever there is a question of conformance with the performance standards of this section, the Town Manager or designee shall require the property owner or operator to engage the services of a certified testing firm. Copies of all such tests shall be furnished to the Town Manager or designee.

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

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

(Ord. 2012-04, passed 12-5-2012)

§ 12.4 SIGNS: INDUSTRIAL ZONES.

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

(Ord. 2012-04, passed 12-5-2012)

§ 12.5 ACCESSORY STRUCTURES: INDUSTRIAL ZONES.

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

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

(C) In any Industrial Zone, architectural features, canopies, eaves or stairways may project not more than one-half the width of the required setback. Greater projections may be permitted when it is demonstrated that such additional projections are needed for solar or alternate energy purposes, subject to the approval of the Town Manager or designee.

(D) In any Industrial Zone, accessory structures used for the selling of agricultural products shall be subject to the review and approval of the Town Manager or designee.

(E) Metal storage containers may be permitted; refer to § 14.7.

(Ord. 2012-04, passed 12-5-2012)

§ 12.6 WALLS AND FENCES: INDUSTRIAL ZONES.

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

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

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

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

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

(F) Barbed wire, electrical fences, broken glass or other similar hazardous objects on top of walls and fences in Industrial Zones may be permitted, subject to the approval of the Town Manager or designee.

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

(Ord. 2012-04, passed 12-5-2012)

SECTION 13: SPECIAL PURPOSE ZONES

Section

13.0 Purposes

13.1 MHP - Manufactured Home Park Zone

13.1-1 Purpose

13.1-2 Property development standards: MHP Zone

- 13.1-3 Screening and landscaping: MHP Zone
- 13.1-4 Permitted and conditional uses: MHP Zone
- 13.1-5 General requirements
- 13.1-6 Interior site development standards: MHP Zone
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- 13.1-8 Accessory structures: MHP Zone
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- 13.1-10 Pre-application procedure: MHP Zone
- 13.1-11 Application requirements: MHP Zone
- 13.1-12 Adoption of development plans and maps: MHP Zone
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 - 13.2-2 Uses permitted: PRD Zone
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13.4-1 Purposes

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13.4-3 Property development standards: PS Zone

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13.5 OS - Open Space and Conservation Zone

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13.6 FPM - Floodplain Management Overlay Zone

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13.8 P - Parking Zone

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13.9-1 Purposes

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13.11-5 Signs: RMH Zone

13.11-6 Accessory structures: RMH Zone

13.11-7 Walls and fences: RMH Zone

§ 13.0 PURPOSES.

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

<i>Section</i>	<i>Zone</i>
13.1	MHP, Manufactured Home Park

13.2	PRD, Planned Residential Development
13.3	PC, Planned Community
13.4	PS, Public and Semi-Public
13.5	OS, Open Space and Conservation
13.6	FPM, Floodplain Management Overlay
13.7	RC, Resort Commercial
13.8	P, Parking
13.9	MR, Mineral Resource

<i>Section</i>	<i>Zone</i>
13.10	DR, Design Review
13.11	RMH, Residential and Manufactured Home

(Ord. 2012-04, passed 12-5-2012)

§ 13.1 MHP - MANUFACTURED HOME PARK ZONE.

§ 13.1-1 PURPOSE.

(A) The MHP, Manufactured Home Park Zone, is intended for the exclusive development of manufactured home parks.

(B) All manufactured home parks hereinafter shall be developed in accordance with the provisions of this section.

(Ord. 2012-04, passed 12-5-2012)

§ 13.1-2 PROPERTY DEVELOPMENT STANDARDS: MHP ZONE.

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

Density, maximum	10 units per acre
Minimum frontage	200 feet, continuous frontage
Minimum yards	20 feet adjoining a street; 15 feet adjoining an interior lot line
	Minimum of 250 square feet of recreation area for each manufactured home space.

Recreation area	This requirement shall be increased to 300 square feet per manufactured home space if children under the age of 18 are permitted within the development
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(Ord. 2012-04, passed 12-5-2012)

§ 13.1-3 SCREENING AND LANDSCAPING: MHP ZONE.

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

(Ord. 2012-04, passed 12-5-2012)

§ 13.1-4 PERMITTED AND CONDITIONAL USES: MHP ZONE.

(A) The following uses shall be permitted where the symbol “P” appears and shall be permitted uses, subject to a conditional use permit where the symbol “C” appears in the column to the right.

(B) All uses not listed are prohibited. For uses similar to those listed, see § 20.1.

(1) *Residential uses.*

	<i>MHP Zone</i>
Manufactured home	P
Modular home	P
Park model	P

(2) *Public and semi-public uses.*

	<i>MHP Zone</i>
Churches, convents and other religious institutions	C
Day care centers	P
Group homes	C
Preschools	C

	<i>MHP Zone</i>
Public parks and recreational facilities	C
Public utility and public service substations, reservoirs, water storage tanks, pumping plants or similar installations (not including public utility offices)	C
Schools, educational institutions, public or private	C

(3) *Home occupations.*

	<i>MHP Zone</i>
Home occupations, subject to provisions of § 14.2	P

(4) *Accessory uses.*

	<i>MHP Zone</i>
Accessory uses and structures located on the same site as a conditional use	C
Accessory uses and structures located on the same site as a permitted use	P

(5) *Temporary uses.*

	<i>MHP Zone</i>
Model homes and sales offices	C
Temporary uses as per § 14.1	P

(Ord. 2012-04, passed 12-5-2012)

§ 13.1-5 GENERAL REQUIREMENTS.

(A) The following are minimum unless otherwise noted:

Distance between buildings	10 feet
Dwelling units per lot, parcel or manufactured home space, maximum	1
Front yard	10 feet

Lot coverage, maximum	40%
Lot or space size in square feet	
Parks and rental spaces	4,000
Subdivided lots	5,000
Maximum height	20 feet
Off-street parking spaces	2 spaces
Rear yard	10 feet
Side yard	
Interior	5 feet
Street	10 feet
Subdivided lot	
Minimum width	50 feet
Minimum depth	100 feet

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

(Ord. 2012-04, passed 12-5-2012)

§ 13.1-6 INTERIOR SITE DEVELOPMENT STANDARDS: MHP ZONE.

(A) The following requirements shall apply to development of manufactured home spaces and to facilities within a manufactured home park.

(B) Additional requirements may be specified as conditions of design review or as conditions of approval for the establishment of an MHP Zone.

(1) *Manufactured home space.* Each space shall contain a minimum of 4,000 square feet for exclusive use by the occupants of the space. Each space shall have at least 40 feet of width adjoining an access drive. Each space shall have dimensions capable of accommodating a rectangle with minimum dimensions of 45 feet by 65 feet.

(2) *Manufactured home placement.* Each manufactured home shall be located not less than five feet from the boundary of a manufactured home space; except that, carports, patio covers, storage buildings and similar structures accessory to a manufactured home may be located not less than four feet from the boundary of a manufactured home space.

(3) *Access drives.* All manufactured home access drives within a manufactured home park shall be privately owned, and shall have at least 28 feet of pavement width, exclusive of adjoining parking areas,

and shall be constructed to town standards.

(4) *Sidewalks.* Sidewalks at least five feet in width shall be provided to serve each manufactured home space and to serve all central or common facilities within the manufactured home park. Sidewalks need not adjoin access drives.

(5) *Landscaping.* Not less than 20% of each manufactured home space shall be landscaped, including at least one tree (minimum five-gallon size) on each space. Credit will be given for existing landscaping.

(6) *Minimum size manufactured home.* The minimum size for a manufactured home established within a manufactured home park shall be 400 square feet.

(7) *Accessory buildings and uses.* Accessory buildings and uses serving the entire manufactured home park, including recreation facilities, laundry areas, manufactured home park offices and maintenance or storage buildings, shall be located at least 50 feet from the boundary of the manufactured home park site. All exterior maintenance or storage areas shall be enclosed by a six-foot high masonry wall.

(8) *Parking.* Two on-site parking spaces shall be provided for each manufactured home space.

(9) *Guest parking.* Guest parking or recreational vehicle storage areas shall be provided as required by the Commission.

(10) *Skirting.* Skirting shall be required for each manufactured home, which skirting shall be complimentary to the design and coloration of the manufactured home.

(11) *Building permits.* A building permit shall be required for the establishment of a manufactured home or park model within a manufactured home park.

(12) *Cabanas.* A cabana may be attached to a manufactured home; providing, the cabana shall be complimentary to the design and coloration of the manufactured home.

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

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

(c) *A cabana is a room, enclosure or other building.* This shall be interpreted to mean that stick-built type of additions constructed on-site shall be in conformance with the applicable Building Codes as it pertains to other conventional structures built in the town.

(Ord. 2012-04, passed 12-5-2012)

§ 13.1-7 PERFORMANCE STANDARDS.

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

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

driveway, but not elsewhere in the front or street side setback areas.

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

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

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

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

(G) Apparatus needed for the operation of active or passive solar energy systems or other alternative energy systems, including, but not limited to, overhangs, movable insulating walls and roofs, attached or detached solar collectors, reflectors and piping shall be permitted for any use, subject to the approval and specifications of the Town Manager or designee.

(H) In the MHP Zone, as a precaution against unauthorized use, swimming pools when located within 300 feet of a neighboring residence shall be enclosed by a wall or fence not less than five feet in height in accordance with the requirements of the town.

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

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

(Ord. 2012-04, passed 12-5-2012)

§ 13.1-8 ACCESSORY STRUCTURES: MHP ZONE.

(A) *Attached structures.* An accessory structure that is attached to a main structure shall meet all of the requirements for location of the main structure, except as provided in division (C) below.

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

(1) Shall not exceed 15 feet in height, nor project closer than five feet to an interior side or rear lot line; and

(2) Shall be entirely open on at least three sides, except for necessary supporting columns; except that, a roof connecting a main building and an accessory building shall be open on at least two sides.

(C) *Detached structures.*

(1) A detached structure shall meet the setback requirements of the main building for the front and street side yard areas.

(2) Although not requiring a building permit, accessory structures that have a floor area of 120 square feet or less on parcels of one-half acre or smaller shall meet the front and street side setbacks, but may be within six feet of the main dwelling and three feet from any interior side or rear property line. Structures that are 64 square feet or less and eight feet or less in height measured to the highest peak may have a zero-foot separation from the main dwelling and a one-foot interior side or rear setback as long as the roof does not drain onto an adjacent property. If there is more than one shed on a property, there must be at least a six-foot separation between sheds.

(3) A detached accessory structure which does not exceed 15 feet in height or 600 square feet in area may be located within an interior side yard or rear yard; provided, however, that, such structure shall not be located closer than five feet to an interior side or rear lot line unless said structure meets one-hour fire wall construction as specified in the International Building Code.

(4) A detached accessory structure which exceeds 15 feet in height, or 600 square feet in area, shall maintain the same minimum side and rear setbacks as required for the main dwelling.

(5) A detached accessory structure (over 120 square feet) shall maintain a minimum ten-foot separation from the main structure.

(6) For the purpose of administering this section, swimming pools shall be considered to be a detached structure.

(7) The use of mobile homes, semi-trailers, railroad cars, shipping containers, travel trailers, camper shells or similar units as accessory structures is prohibited.

(8) Bathroom facilities shall be limited to one sink and one toilet.

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

(D) *Other structures.*

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

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

(3) For the purpose of this section, swimming pools shall be considered to be a detached structure. Swimming pools, including all accessory or appurtenant structures and equipment, shall maintain a minimum setback of five feet from all property lines and buildings. As a precaution against unauthorized use, swimming pools shall be enclosed by a wall or fence not less than five feet in height to the in accordance with the requirements of the town.

(Ord. 2012-04, passed 12-5-2012)

§ 13.1-9 WALLS AND FENCES: MHP ZONE.

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

(B) (1) A wall or solid fence not more than six feet in height, as measured from the highest adjacent grade, may be maintained along the interior side or rear lot lines; provided that, such wall or fence does

not extend into a required front or street side yard.

(2) Extensions of walls or solid fences into required front or street side yards may not exceed three feet in height. Stacking firewood along a property line shall be considered a wall or fence and must meet height limits.

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

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

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

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

(Ord. 2012-04, passed 12-5-2012)

§ 13.1-10 PRE-APPLICATION PROCEDURE: MHP ZONE.

Prior to submitting an application for a manufactured home park, the applicant or prospective developer should hold preliminary consultations with the town staff to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data. Such preliminary consultations should be relative to a general plan which expresses the concepts to be embodied in the proposed development.

(Ord. 2012-04, passed 12-5-2012)

§ 13.1-11 APPLICATION REQUIREMENTS: MHP ZONE.

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

- (1) Access drives, sidewalks and parking spaces;
- (2) Walls and fences;
- (3) Lighting;
- (4) Drainage and sanitary sewer facilities;
- (5) Electrical and water service;
- (6) Fire protection facilities;
- (7) Refuse collection facilities; and
- (8) Landscape plan.

(B) Water and drainage reports prepared by a registered professional engineer shall be submitted with the application. A report on the proposed wastewater system prepared by a registered sanitary engineer shall also be submitted (may be waived based on a commitment from an approved wastewater treatment provider).

(Ord. 2012-04, passed 12-5-2012)

§ 13.1-12 ADOPTION OF DEVELOPMENT PLANS AND MAPS: MHP ZONE.

Prior to the development of the manufactured home park, the development plans and maps submitted with the application for a manufactured home park shall be approved and adopted by the Town Council.

(Ord. 2012-04, passed 12-5-2012)

§ 13.1-13 AMENDMENTS TO THE DEVELOPMENT PLAN: MHP ZONE.

All development within the MHP Zone shall comply substantially with the development plans as approved and adopted by the Town Council. Any amendments to the development plans shall be accomplished in the same manner as an amendment to the zoning regulations as prescribed in § 20.4.

(Ord. 2012-04, passed 12-5-2012)

§ 13.1-14 PRE-EXISTING MANUFACTURED HOME PARKS: MHP ZONE.

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

(Ord. 2012-04, passed 12-5-2012)

§ 13.1-15 SIGNS: MHP ZONE.

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

(Ord. 2012-04, passed 12-5-2012)

§ 13.1-16 MANUFACTURED HOME PARK SUBDIVISION.

The division of land for the establishment of a manufactured home subdivision shall comply with all of the requirements of this section and the town's Subdivision Ordinance.

(Ord. 2012-04, passed 12-5-2012)

§ 13.2 PRD - PLANNED RESIDENTIAL DEVELOPMENT ZONE.

§ 13.2-1 PURPOSES.

(A) Planned residential development regulations are intended to facilitate development of areas designated for residential use by the Tusayan Area Plan by permitting greater flexibility and, consequently, more creative and imaginative designs for the development of such residential areas than generally is possible under conventional zoning and subdivision regulations.

(B) These regulations are further intended to promote more economical and efficient use of the land while providing a harmonious variety of housing choices, a higher level of urban amenities and

preservation of natural and scenic qualities of open spaces.

(Ord. 2012-04, passed 12-5-2012)

§ 13.2-2 USES PERMITTED: PRD ZONE.

- (A) Planned residential developments;
- (B) Parks, playgrounds, riding and hiking trails, recreational buildings, structures and facilities; clubhouses, community centers and similar uses; provided, all such uses are designed for and limited to use by residents of the planned development and their guests;
- (C) Public utility installations;
- (D) Accessory uses and structures incidental to permitted uses;
- (E) Temporary uses as prescribed in § 14.1;
- (F) Model home and subdivision sales offices, subject to the granting of a conditional use permit;
- (G) Guest houses and accessory living quarters shall be permitted, subject to the provisions of § 10.1(B)(1)(b);
- (H) Day care centers;
- (I) Keeping of horses and other farm-type animals shall be permitted, subject to the provisions of §§ 10.1(B)(1)(b) and 10.2(B)(5);
- (J) Home occupations, subject to the provisions of § 14.2;
- (K) Cottage industries, subject to the granting of a conditional use permit and the provisions of § 14.3; and
- (L) Wireless telecommunications facilities, subject to the provisions of § 14.5.

(Ord. 2012-04, passed 12-5-2012)

§ 13.2-3 PROPERTY DEVELOPMENT STANDARDS: PRD ZONE.

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

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

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

(C) The maximum number of dwelling units permitted in a planned residential development shall be determined by dividing the total land area within the boundaries of the proposed development by the density restrictions designated by the existing zone classification or by the action of the Town Council.

(D) (1) The following specific site development requirements shall apply to a PRD in any zone; these requirements are minimum unless otherwise noted:

Building height, maximum, in feet	35
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Dwelling unit size, square feet	1,150
Front yard, in feet	25
Guest parking spaces per unit, uncovered	1
Parking spaces per unit, covered	1
Rear yard, in feet	20
Side yard - interior, in feet	20
Side yard - street side, in feet	25
Site area, in acres	10
Site coverage, maximum	40%
Site frontage on public street, in feet	200

(2) Where a property is adjacent to the national forest, the required side or rear yard minimum setback shall be 80% of the setback shown in division (D)(1) above; except that, in no case shall the setback be less than five feet.

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

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

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

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

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

(J) No garage or carport having straight-in access from a public or private street shall be located closer than 25 feet from the nearest edge of the sidewalk of such street, or, where no sidewalk exists, from the nearest edge of the street right-of-way or road easement, unless automatic garage door openers are provided in the case of a garage; but in no case shall a garage or carport be located closer than five feet.

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

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

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

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

(O) The type, number and location of fire hydrants and other fire protective devices shall be subject to the specifications of the Tusayan Fire District.

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

(Ord. 2012-04, passed 12-5-2012)

§ 13.2-4 SIGNS: PRD ZONE.

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

(Ord. 2012-04, passed 12-5-2012)

§ 13.2-5 ACCESSORY USES AND STRUCTURES: PRD ZONE.

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

(Ord. 2012-04, passed 12-5-2012)

§ 13.2-6 PRE-APPLICATION PROCEDURE: PRD ZONE.

Prior to submitting an application for a planned residential development, the applicant or prospective developer should hold preliminary consultations with town staff to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data. Such preliminary consultations should be relative to a general plan which expresses the concepts to be embodied in the proposed development.

(Ord. 2012-04, passed 12-5-2012)

§ 13.2-7 APPLICATION-DEVELOPMENT PLANS AND MAPS: PRD ZONE.

(A) An application for a planned residential development must be for a parcel or parcels of land which is under the control of the person or corporation proposing the development.

(B) The application shall be accompanied by the following plans and maps:

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

(2) Topography of the property and the preliminary proposed finished grade shown at contour intervals of not to exceed five feet;

(3) The gross land area of the development, the present zoning classification thereof, and the zoning classification and land use of the area surrounding the proposed development, including the location of structures and other improvements;

(4) A general development plan with at least the following details shown to scale and dimensioned:

(a) Location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, the gross building and floor areas, approximate location of entrances and loading points thereof;

(b) All streets, curb cuts, driving lanes, parking areas, loading areas, public transportation points and illumination facilities for the same;

(c) All pedestrian walks, malls and open areas for the use of occupants and members of the public;

(d) Location and height of all walls, fences and screen planting, including a plan for the landscaping of the development and the method by which such landscaping is to be accomplished;

(e) Types of surfacing, such as paving, turfing or gravel to be used at the various locations;

(f) A preliminary grading plan of the area; and

(g) A preliminary report and overall plan describing proposed provisions for storm drainage, sewage disposal, water supply and such other public improvements and utilities as the town may require.

(5) Plans and elevations of buildings and structures sufficient to indicate the architectural style and construction standards;

(6) The proposed means for assuring continuing existence, maintenance and operation of the various common elements and facilities. If a community association or similar governing structure is to be established, a copy of the covenants, conditions and restrictions (CC&Rs) shall be made a part of the record. If the Town Council deems it necessary, upon advice of the Town Attorney, the town shall be a party to such CC&Rs in order to ensure their continuance and enforceability; and

(7) Such other information as may be required by town staff to permit complete analysis and appraisal of the planned development.

(Ord. 2012-04, passed 12-5-2012)

§ 13.2-8 ADOPTION OF DEVELOPMENT PLANS AND MAPS: PRD ZONE.

The development plans and maps submitted with the application for a planned residential development shall be approved and adopted by the Town Council and included in the ordinance establishing the PRD Zone.

(Ord. 2012-04, passed 12-5-2012)

§ 13.2-9 AMENDMENTS TO THE DEVELOPMENT PLANS: PRD ZONE.

All development within the PRD Zone shall comply substantially with the development plans as approved and adopted by the Town Council. Any amendments to the development plans shall be accomplished in the same manner as an amendment to the zoning regulations as prescribed in § 20.4.

(Ord. 2012-04, passed 12-5-2012)

§ 13.2-10 FINDINGS.

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

(A) The development at the location proposed is consistent with and conforms to the goals, objectives and policies of the Tusayan Area Plan or specific plan for the area;

(B) The development and proposed location is consistent with the objectives and standards of the PRD Zone and the Subdivision Ordinance;

(C) The development at the location proposed and the development standards to be followed or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

(D) The development will promote or preserve environmental qualities and conserve energy usage and energy resources including the protection of adequate sunlight for use of solar energy systems; and

(E) The development will promote any design standards established by the Commission for the area in which the project is to be established.

(Ord. 2012-04, passed 12-5-2012)

§ 13.3 PC - PLANNED COMMUNITY ZONE.

§ 13.3-1 PURPOSES.

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

(A) To provide for the classification and development of parcels of land as coordinated, comprehensive projects so as to take advantage of the superior environment which can result from large-scale community planning;

(B) To allow diversification of land uses as they relate to each other in a physical and environmental arrangement, while ensuring substantial compliance with the provisions of this code; and

(C) To provide for a zone encompassing various types of land uses, such as single- or two-family residential developments, multiple-housing developments, professional and administrative office areas, commercial centers, industrial parks or any public or semi-public use or combination of uses through the adoption of a development plan and text materials which set forth land use relationships and development standards.

(Ord. 2012-04, passed 12-5-2012)

§ 13.3-2 USES PERMITTED: PC ZONE.

(A) Those uses designated on the development plan for the particular PC Zone as approved by the Town Council. Mobile homes are not permitted in a PC Zoning District;

(B) The continuation of all land uses which existed in the zone at the time of adoption of the development plan. Existing land uses shall either be incorporated as part of the development plan or shall be terminated in accordance with a specific abatement schedule submitted and approved as part of the development plan;

(C) Public utility installations;

(D) Accessory uses and structures incidental to permitted uses;

(E) Temporary uses as prescribed in § 14.1;

(F) Wireless telecommunications facilities, subject to the provisions of § 14.5;

(G) Medical marijuana dispensaries, subject to the provisions of § 14.9; and

(H) Medical marijuana off-site cultivation and infusion facilities, subject to the provisions of § 14.9.

(Ord. 2012-04, passed 12-5-2012)

§ 13.3-3 GENERAL REQUIREMENTS: PC ZONE.

The following requirements shall apply to all PC zoned areas.

(A) An application for a zone change to permit the establishment of a PC Zone shall include and be accompanied by a development plan for the entire property.

(B) An application for a zone change to establish a PC Zone must be for a parcel or parcels of land under control of the person or corporation proposing the development.

(C) The area contained within a proposed PC Zone shall not be less than ten acres.

(D) A conditional use permit may be required for any land use designation on the development plan.

(E) If ambiguity exists as to the specific dimensions or extent of any designated area on the development plan, the specific boundaries shall be set by the filing of a legal description and map of the parcel in question in conjunction with the filing of a conditional use permit, tentative subdivision or construction permits.

(Ord. 2012-04, passed 12-5-2012)

§ 13.3-4 PRE-APPLICATION PROCEDURE: PC ZONE.

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

(Ord. 2012-04, passed 12-5-2012)

§ 13.3-5 DEVELOPMENT PLAN: PC ZONE.

The development plan of a proposed PC Zone should consist of maps, plans, reports, schedules, development standards and schematic drawings and such other documents deemed necessary by the Town Manager or designee in accordance with the following requirements.

(A) The development plan shall be submitted in a form approved by the Town Manager or designee.

(B) The development of sections or areas within the PC Zone may be permitted, subject to one of the following or any combination thereof:

- (1) The uses and requirements of any zone classifications established by this code;
- (2) The uses and standards of development set forth in the development plan as approved by the Town Council;
- (3) Approval of a conditional use permit by the Planning Commission prior to development; and
- (4) Approval of a tentative subdivision or parcel map.

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

- (1) The type and design of buildings or structures and the number of dwelling units per gross acre proposed for each residential area;
- (2) A statement of the standards of population density for the various proposed residential land uses;
- (3) The general location of school sites, recreational areas and other public and semi-public sites and the approximate area of each; and
- (4) The general location of all major, primary, secondary and local collector streets.

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

- (1) A general land use map setting forth the proposed uses of all sections or areas within the subject property and the approximate acreage of each;
- (2) An accompanying text setting forth the land use regulations which constitute the standards of development designed to govern those sections or areas specified in the development plan. Such standards shall contain definitions and information concerning requirements for building site coverage, building heights, building setbacks, off-street parking, vehicular access, signing, lighting, storage, screening and landscaping, and any other information which the Town Manager or designee shall require to ensure substantial compliance with the purpose of the PC Zone;
- (3) A topographic map and conceptual grading plan of the property;
- (4) A preliminary report and overall plan describing proposed provisions for storm drainage, sewage disposal, water supply and such other public improvements and utilities as the Town Manager or designee may require; and
- (5) A written statement of standards as they relate to the allocation of land within the development plan to all proposed types of land uses.

(Ord. 2012-04, passed 12-5-2012)

§ 13.3-6 ADOPTION OF DEVELOPMENT PLAN: PC ZONE.

(A) The development plan and supporting statements and documents submitted with the application for a planned community shall be approved and adopted by the Town Council and included in the ordinance establishing the PC Zone.

(B) All development within the PC Zone shall comply with the development plan as approved and adopted by the Town Council.

(Ord. 2012-04, passed 12-5-2012)

§ 13.3-7 AMENDMENTS TO THE DEVELOPMENT PLAN: PC ZONE.

Any amendments to the development plans shall be accomplished in the same manner as an amendment to the zoning regulations as prescribed in § 20.4.

(Ord. 2012-04, passed 12-5-2012)

§ 13.3-8 APPLICATION FOR CONDITIONAL USE PERMIT DEVELOPMENT: PC ZONE.

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

- (A) A map showing the location of the project in relation to the approved development plan;
- (B) A boundary survey of the property; a tentative subdivision map may be substituted if the applicant proposes to subdivide the property;
- (C) A topographic map of the property and the preliminary proposed finished grade shown in contour intervals of not to exceed two feet;
- (D) Location, grades, widths and types of improvements proposed for all streets and general plan of water, sewer and drainage systems;
- (E) Preliminary concept or design drawings indicating proposed walkways, driveways or service areas;
- (F) Location and number of residential units, if any, for each proposed structure;
- (G) Location and design of automobile parking areas;
- (H) Preliminary landscaping concept plan;
- (I) Location of public or quasi-public buildings or areas, including, but not limited to, schools, recreation facilities, parking and service areas if any;
- (J) Preliminary elevations of structures and a written description indicating architectural theme or type of development;
- (K) Irrevocable offers to dedicate those areas shown on the plan as public property;
- (L) (1) The proposed means for assuring continuing existence, maintenance, and operation of the various common elements and facilities. If a community association or similar governing structure is to be established, a copy of the covenants, conditions and restrictions (CC&Rs) shall be made a part of the record.

(2) If the Town Council deems it necessary, upon advice of the Town Attorney, the town shall be a party to such CC&Rs in order to ensure their continuance and enforceability.
- (M) Such other information as may be required by town staff to enable a complete analysis and appraisal of the planned development.

(Ord. 2012-04, passed 12-5-2012)

§ 13.3-9 BUILDING PERMITS: PC ZONE.

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

(Ord. 2012-04, passed 12-5-2012)

§ 13.4 PS - PUBLIC AND SEMI-PUBLIC ZONE.

§ 13.4-1 PURPOSES.

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

(Ord. 2012-04, passed 12-5-2012)

§ 13.4-2 PERMITTED AND CONDITIONAL USES: PS ZONE.

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

(A) Agricultural uses:

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
Keeping of animals, except as prescribed herein; dairies and feeding lots	C
Raising and grazing of horses, sheep, goats or cattle; provided that, no animal shall be kept on a site of less than 1 acre. No more than 2 such animals may be kept for each acre of land	P

(B) Agricultural experimental facilities: P;

(C) Animal shelters: C;

(D) Cemeteries, crematoriums and columbariums and related facilities: C;

(E) Maintenance yards operated by a public agency: C;

(F) Flood control facilities: C;

(G) Historical landmarks: P;

(H) Horse race tracks: C;

(I) Hospitals: C;

(J) Public buildings and grounds: P;

(K) Public or private non-profit schools and colleges: C;

(L) Public or private parks, golf courses, golf driving ranges, zoos, swim clubs, and other recreation facilities: C;

(M) Public utility installations: C;

(N) Riding academies or commercial stables: C;

(O) Fairgrounds and accessory uses and entertainment: C;

(P) Accessory uses and structures incidental to permitted or conditional uses: P;

(Q) Commercial uses incidental, accessory to or in conjunction with the above permitted or conditional uses: P; and

(R) Wireless telecommunications facilities, subject to the provisions of § 14.5: C.

(Ord. 2012-04, passed 12-5-2012)

§ 13.4-3 PROPERTY DEVELOPMENT STANDARDS: PS ZONE.

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

Front yard	30 feet
Maximum coverage	40%
Rear yard	25 feet

Side yard	25 feet
Site area	1 acre
Site depth	160 feet
Site width	160 feet

(Ord. 2012-04, passed 12-5-2012)

§ 13.4-4 SCREENING AND LANDSCAPING: PS ZONE.

Screening and landscaping for a conditional use shall be specified in the use permit.

(Ord. 2012-04, passed 12-5-2012)

§ 13.4-5 OFF-STREET PARKING: PS ZONE.

Off-street parking facilities shall be provided for each use as prescribed in § 15 (Off-Street Parking) or as specified in a conditional use permit.

(Ord. 2012-04, passed 12-5-2012)

§ 13.4-6 SIGNS: PS ZONE.

No sign, or outdoor advertising structure, or display of any character shall be permitted, except as prescribed in § 16 (Signs) or as authorized in a conditional use permit.

(Ord. 2012-04, passed 12-5-2012)

§ 13.5 OS - OPEN SPACE AND CONSERVATION ZONE.

§ 13.5-1 PURPOSES.

In addition to the objectives outlined in § 1 (Purpose and Scope), 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 such are necessary to safeguard the public health, safety and general welfare and to provide for the location and preservation of scenic areas and recreation areas. This zone classification is intended to be applied primarily to lands held under public ownership.

(Ord. 2012-04, passed 12-5-2012)

§ 13.5-2 PERMITTED AND CONDITIONAL USES: OS ZONE.

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

(A) Agricultural uses:

Farms or ranches for orchards, tree crops, field crops, berry and bush crops, truck gardening, flower gardening and the growing of nursery plants	P
Keeping of animals, except as prescribed below	C
Raising of horses, sheep, goats or cattle; provided that, no animal shall be kept on a site of 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	C

(B) Agricultural experimental facilities: P;

(C) Cemeteries, crematories, columbariums and related facilities: C;

(D) Flood control facilities: C;

(E) Forestry products and the removal thereof; not including processing plants or lumber mills: P;

(F) Historical landmarks: P;

(G) Public or private parks, golf courses, golf driving ranges, zoos, swim clubs and other outdoor recreation facilities: C;

(H) Public utility installation and facilities: C;

(I) Public or private non-commercial campgrounds and picnic areas: P;

(J) Accessory uses and structures incidental to permitted or conditional uses: P; and

(K) Wireless telecommunications facilities, subject to the provisions of § 14.5: C.

(Ord. 2012-04, passed 12-5-2012)

§ 13.5-3 SCREENING AND LANDSCAPING: OS ZONE.

Screening and landscaping requirements for a conditional use shall be specified in the use permit.

(Ord. 2012-04, passed 12-5-2012)

§ 13.5-4 OFF-STREET PARKING: OS ZONE.

Off-street parking facilities shall be provided for each use as prescribed in § 15 (Off-Street Parking) or as specified in a conditional use permit.

(Ord. 2012-04, passed 12-5-2012)

§ 13.5-5 SIGNS: OS ZONE.

No sign, or outdoor advertising structure or display of any character, shall be permitted, except as prescribed in § 16 (Signs) or as authorized in a conditional use permit.

(Ord. 2012-04, passed 12-5-2012)

§ 13.6 FPM - FLOODPLAIN MANAGEMENT OVERLAY ZONE.

§ 13.6-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS.

(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. Therefore, the Board of Directors of the Flood Control District of Coconino County, Arizona, does ordain as follows.

(B) *Findings of fact.*

(1) The flood hazard areas of Coconino County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

(C) *Statement of purpose.* It is the purpose of this code to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard;
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
- (9) To maintain eligibility for disaster relief.

(D) *Methods of reducing flood losses.* In order to accomplish its purposes, this code includes methods and provisions for:

- (1) Restricting and prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels and natural protective barriers, which help accommodate or channel floodwaters;
- (4) Controlling filling, grading, dredging and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

(Ord. 2012-04, passed 12-5-2012)

§ 13.6-2 DEFINITIONS.

Unless specifically defined below, words or phrases used in this code shall be interpreted so as to give them the meaning they have in common usage and to give this code its most reasonable application.

ACCESSORY USE. A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

ALLUVIAL FAN FLOODING. Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport and deposition; and, unpredictable flow paths.

APEX. A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

APPEAL. A request for a review of the Floodplain Administrator's interpretation of any provision of

this code or a request for a variance.

AREA OF SHALLOW FLOODING. A designated AO, AH or VO Zone on the Flood Insurance Rate Map (FIRM) with a 1% or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community, subject to a 1% or greater chance of flooding in any given year. These areas are designated as Zone A, AO, AH and A1-30 on the FIRM and other areas determined by the criteria adopted by the Director of Water Resources.

BACKFILL. The placement of fill material within a specified depression, hole or excavation pit below the surrounding adjacent ground level as a means of improving floodwater conveyance or to restore the land to the natural contours existing prior to excavation.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides.

BREAKAWAY WALL. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building supporting foundation system.

COMMUNITY. Any state or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization which has authority to adopt and enforce floodplain management regulations for the area within its jurisdiction.

CRITICAL FEATURE. An integral and readily identifiable part of a flood protection system without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT. Any human-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, and storage of materials and equipment located within the area of special flood hazard.

ENCROACHMENT. The advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

EROSION. The process of the gradual wearing away of land masses. This peril is not per se covered under the program. (See **FLOOD-RELATED EROSION.**)

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete slabs) is completed before the effective date of the floodplain management regulations adopted by the community.

FINANCIAL ASSISTANCE. Any form of loan, grant, guaranty, insurance, payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect federal assistance, other than general or special revenue sharing or formula grants made to states.

FLOOD or FLOODING. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of floodwaters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source; and/or
- (3) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or

suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in **FLOODING**, as defined in this definition.

FLOOD BOUNDARY AND FLOODWAY MAP (FBFM). The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazard and the floodway.

FLOOD HAZARD BOUNDARY MAP (FHBM). The official map on which the Federal Emergency Management Agency of Federal Insurance Administration has delineated the areas of flood hazards.

FLOOD INSURANCE RATE MAP (FIRM). The official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map and the water surface elevation of the base flood.

FLOODPLAIN or FLOOD-PRONE AREA. Any land area susceptible to being inundated by water from any source. (See definition of **FLOOD**.)

FLOODPLAIN ADMINISTRATOR. The Director of Community Development who is hereby authorized by the Floodplain Board to administer and enforce the provisions of this code.

FLOODPLAIN BOARD. The Board of Directors of the Flood Control District of Coconino County at such times as it is engaged in the enforcement of this code.

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.

FLOODPLAIN MANAGEMENT REGULATIONS. This code and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications or police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage.

FLOOD PROTECTION SYSTEM. Those physical structural works for which funds have been authorized, appropriated and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community, subject to "special flood hazard" and the extent of the depths of associated flooding. Such a **SYSTEM** typically includes dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPROOFING. Any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOOD-RELATED EROSION. The collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

FLOOD-RELATED EROSION AREA MANAGEMENT. The operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including, but not limited to, emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as **REGULATORY FLOODWAY**.

FLOODWAY FRINGE. The area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

FREEBOARD. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. **FREEBOARD** tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

FUNCTIONALLY DEPENDENT USE. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

GOVERNING BODY. The local governing unit (i.e., county or municipality) that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

HARDSHIP. As related to § 13.6-8, Variances, of this code means the exceptional hardship that would result from a failure to grant the requested variance. The governing body requires that the hardship be exceptional, unusual and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior; or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

LEVEE. A human-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

LEVEE SYSTEM. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's **LOWEST FLOOR**; provided that, such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this code.

MANUFACTURED HOME. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term **MANUFACTURED HOME** does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent.

MARKET VALUE. Determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the Floodplain Administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

MEAN SEA LEVEL. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

MUDSLIDE. (i.e., mudflow) A condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A **MUDSLIDE** (i.e., mudflow) may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

MUDSLIDE (i.e., mudflow) **AREA MANAGEMENT.** The operation of an overall program of corrective and preventive measures for reducing mudslide (i.e., mudflow) damage, including, but not limited to, emergency preparedness plans, mudslide control works and floodplain management regulations.

MUDSLIDE (i.e., mudflow) **PRONE AREA.** An area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

NEW CONSTRUCTION. For the purposes of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after 12-31-1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, **NEW CONSTRUCTION** means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the Flood Control District and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

OBSTRUCTION. Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into anywatercourse which may alter, impede, retard or change the direction and/or velocity of the flow of

water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

ONE-HUNDRED YEAR FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year. (See **BASE FLOOD**.)

PERSON. An individual or his or her agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

PROGRAM. The National Flood Insurance Program authorized by 42 U.S.C. §§ 4001 through 4128.

PROGRAM DEFICIENCY. A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the NFIP standards.

RECREATIONAL VEHICLE. A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel or seasonal use.

REGULATORY FLOOD ELEVATION. An elevation one foot above the base flood elevation for a watercourse for which the base flood elevation has been determined and shall be as determined by the criteria developed by the Director of Water Resources for all other watercourses.

REGULATORY FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

REMEDY A VIOLATION. To bring the structure or other development into compliance with state or local floodplain management regulations or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provision of this code or otherwise deterring future similar violations or reducing federal financial exposure with regard to the structure or other development.

REPETITIVE LOSS STRUCTURE. A structure, covered by a contract for flood insurance issued pursuant to the National Flood Insurance Act, that has incurred flood-related damage on two occasions during any ten-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

RIVERINE. Relating to, formed by or resembling a river (including tributaries), stream, brook and the like.

SHEET FLOW AREA. See **AREA OF SHALLOW FLOODING**.

SPECIAL FLOOD HAZARD AREA. An area having special flood or flood-related erosion hazards, and shown on a FHBM or FIRM as Zone A, AO, A1-30, AE, A99 or AH.

START OF CONSTRUCTION. Includes substantial improvement, and means the date the building permit was issued; provided, the actual **START** of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement was within 180 days of the permit date. The actual **START** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of

streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual **START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

(2) Any alteration of a “historic structure”; provided that, the alteration will not preclude the structure’s continued designation as a “historic structure”.

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

VIOLATION. The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in this code is presumed to be in **VIOLATION** until such time as that documentation is provided.

WATER SURFACE ELEVATION. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

WATERCOURSE. A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. **WATERCOURSE** includes specifically designated areas in which substantial flood damage may occur.

WATERCOURSE MASTER PLAN. A hydraulic plan for a watercourse that examines the cumulative impacts of existing development and future encroachment in the floodplain and future development in the watershed on potential flood damages, and establishes technical criteria for subsequent development so as to minimize potential flood damages for all flood events up to and including the 100-year flood.

(Ord. 2012-04, passed 12-5-2012)

§ 13.6-3 GENERAL PROVISIONS: FPM ZONE.

(A) *Lands to which this code applies.* This code shall apply to all areas of special flood hazards within the boundaries of Coconino County, except those incorporated cities and town which have adopted a resolution in accordance with A.R.S. § 48-3610.

(B) *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled The Flood Insurance Study for Coconino County, dated 11-16-1983, with accompanying Flood Insurance Rate Maps (FIRMs) and Flood

Boundary and Floodway Maps (FBFM), dated 11-16-1983 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this code. This Flood Insurance Study (FIS) and attendant mapping is the minimum area of applicability of this code and may be supplemented by studies for other areas which allow implementation of this code and which are recommended to the Floodplain Board by the Floodplain Administrator. The Board, within its area of jurisdiction, shall delineate (or may by rule require developers of land to delineate) for areas where development is on-going or imminent, and thereafter as development becomes imminent, floodplains consistent with the criteria developed by the Federal Emergency Management Agency and the Director of Water Resources. The FIS, FIRMs and FBFMs are on file at the Department of Community Development, 2500 N. Fort Valley Road, Flagstaff.

(C) *Compliance.* All development of land, construction of residential, commercial or industrial structures or future development, or uses of any kind conducted on land areas located within the Floodplain Management Overlay Zone shall be accomplished in complete conformance with the provisions of this section and other applicable regulations. Proposed actions which may divert, retard or obstruct floodwaters or in any way threaten public health, safety or the general welfare must first be reviewed and approved by the County Engineer and may be initiated only after a finding has been made that serious detrimental impacts will not occur.

(D) *Abrogation and greater restrictions.* This code is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this code and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(E) *Interpretation.* In the interpretation and application of this code, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit, nor repeal, any other powers granted under state statutes.

(F) *Warning and disclaimer of liability.* The degree of flood protection required by this code is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This code does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This code shall not create liability on the part of Coconino County, any officer or employee thereof, the state, the Federal Insurance Administration or the Federal Emergency Management Agency, for any flood damages that result from reliance on this code or any administrative decision lawfully made thereunder.

(G) *Statutory exemptions.*

(1) In accordance with A.R.S. § 48-3609.H, regulations herein adopted for the FPM Zone shall not affect:

(a) Existing legal uses of property or the right to continuation of such legal uses. However, if a non-conforming use of land, building or structure is discontinued for 12 months or destroyed to the extent of 50% of its value, as determined by a competent appraiser, any further use shall comply with this code and regulations of Coconino County;

(b) Reasonable repair or alteration of property for the purposes for which the property was legally used on 5-6-1987, or the effective date of any regulations affecting such property; except that, any alteration, addition or repair to a non-conforming building or structure which would result in increasing its flood damage potential by 50% or more shall be either floodproofed or elevated to or above the regulatory flood elevation;

(c) Reasonable repair of structures constructed with the written authorization required by A.R.S. § 48-3613; and

(d) Facilities constructed or installed pursuant to a certificate of environmental compatibility issued pursuant to A.R.S. Title 40, Ch. 2, Art. 6.2.

(2) In accordance with A.R.S. § 48-3613, written authorization shall not be required, nor shall the Floodplain Board prohibit:

(a) The construction of bridges, culverts, dikes and other structures necessary to the construction of public highways, roads and streets intersecting or crossing a watercourse;

(b) The construction of storage dams for watering livestock or wildlife, structures on banks of a watercourse to prevent erosion of or damage to adjoining land if the structure will not divert, retard or obstruct the natural channel of the watercourse or dams for the conservation of floodwaters as permitted by A.R.S. Title 45, Ch. 21;

(c) Construction of tailing dams and waste disposal areas for use in connection with mining and metallurgical operations. This division (G)(2)(c) does not exempt those sand and gravel operations which will divert, retard or obstruct the flow of waters in any watercourse from complying with and acquiring authorization from the Board pursuant to regulations adopted by the Board under this section;

(d) Other construction if it is determined by the Board that written authorization is unnecessary;

(e) Any flood control district, county, city, town, or other political subdivision, from exercising powers granted to it under A.R.S. Title 48, Ch. 21, Art. 1;

(f) The construction of streams, waterways, lakes and other auxiliary facilities in conjunction with development of public parks and recreation facilities by a public agency or political subdivision; and

(g) The construction and erection of poles, towers, foundations, support structures, guy wires and other facilities related to power transmission as constructed by any utility whether a public service corporation or a political subdivision.

(3) Before any construction authorized by division (G)(2) above may begin, the responsible person must submit plans for the construction to the Floodplain Board for review and comment.

(4) In addition to other penalties or remedies otherwise provided by law, this state, a political subdivision or a person who may be damaged or has been damaged as a result of the unauthorized diversion, retardation or obstruction of a watercourse has the right to commence, maintain and prosecute any appropriate action or pursue any remedy to enjoin, abate or otherwise prevent any person from violating or continuing to violate this section or regulations adopted pursuant to A.R.S. Title 45, Ch. 10, Art. 4. If a person is found to be in violation of this section, the court shall require the violator to either comply with this section if authorized by the board or remove the obstruction and restore the watercourse to its original state. The court may also award such monetary damages as are appropriate to the injured parties resulting from the violation, including reasonable costs and attorney fees.

(H) *Declaration of public nuisance.* Every new structure, building, fill, excavation or development located or maintained within any area of special flood hazard after 8-8-1973 in violation of this code is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.

(I) *Abatement of violations.* Within 30 days of discovery of a violation of this code, the Floodplain Administrator shall submit a report to the Floodplain Board which shall include all information available to the Floodplain Administrator which is pertinent to said violation. Within 30 days of receipt of this report, the Floodplain Board shall either:

(1) Take any necessary action to effect the abatement of such violation;

(2) Issue a variance to this code in accordance with the provisions of § 13.6-8 herein;

(3) Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the Floodplain Administrator within 30 days of such order, and he or she shall submit an amended report to the Floodplain Board within 20 days. At their next regularly scheduled public meeting, the Floodplain

Board shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions herein established; or

(4) Submit to the Administrator of the Federal Insurance Administration a declaration for denial of insurance, stating that the property is in violation of a cited state or local law, regulation or ordinance, pursuant to § 1316 of the National Flood Insurance Act of 1968 as amended.

(J) *Unlawful acts.*

(1) It is unlawful for any person to divert, retard or obstruct the flow of waters in any watercourse whenever it creates a hazard to life or property without securing the written authorization of the Floodplain Board. Where the watercourse is a delineated floodplain, it is unlawful to excavate or build any structure affecting the flow of waters without securing written authorization of the Floodplain Board.

(2) Any person violating the provisions of this section shall be guilty of a Class 2 misdemeanor.

(K) *Severability.* This Floodplain Management Overlay Zone and the various parts thereof are hereby declared to be severable. Should any section of this § 13.6 be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the section as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. 2012-04, passed 12-5-2012)

§ 13.6-4 PERMITTED AND CONDITIONAL USES: FPM ZONE.

Within the floodplain overlay zone, the following uses shall be permitted where the symbol “P” appears and shall be permitted, subject to the granting of a conditional use permit where the symbol “C” appears.

(A) *Agricultural uses.*

Agricultural experimental facilities	P
Agricultural uses conducted for commercial purposes	C
Agricultural uses wherein a building or structure is proposed within a floodplain	C
Farms or ranches for orchards, field crops, tree crops, truck gardening, berry and bush crops, flower gardening and the growing of nursery plants	P
Keeping of animals other than as prescribed herein	C
Raising of horses, sheep, goats or cattle; provided that, no animal shall be kept on a site of less than 1 acre and no more than 2 such animals may be kept for each acre of land	P

(B) *Other uses.*

Dredging and filling, subject to the	
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approval of the County Engineer on federal designated waterways, such operations also shall be subject to the approval of the Army Corps of Engineers	P
Flood control facilities (subject to the conditions as outlined in § 13.6-3(E))	P
Parking lots	P

Parks and open recreational facilities	P
All other uses permitted in the underlying zone with which the FPM Zone is combined, except that single-family residences in the G, AR, RR and RS Zones shall be permitted, subject to compliance with these regulations	C

(Ord. 2012-04, passed 12-5-2012)

§ 13.6-5 ADMINISTRATION.

(A) *Establishment of development permit.* A development permit shall be obtained before construction or development, including the placement of manufactured homes, begins within any area of special flood hazard established in § 13.6-3. Application for a development permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing or proposed structures, fill, storage of materials and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (1) Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures provided by a certified professional engineer or registered land surveyor; in Zone AO, elevation of existing highest adjacent natural grade and proposed elevation of lowest floor of all structures;
- (2) Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in § 13.6-6(A)(3)(c); and
- (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(B) *Designation of the Floodplain Administrator.* The Director of the Department of Community Development is hereby appointed to administer, implement and enforce this code by granting or denying development permits in accordance with its provisions.

(C) *Duties and responsibilities of the Floodplain Administrator.* Duties of the Floodplain Administrator shall include, but not be limited to:

(1) Review all development permits to determine that:

- (a) The permit requirements of this code have been satisfied;
- (b) All other required state and federal permits have been obtained;
- (c) The site is reasonably safe from flooding; and

(d) The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined, but a floodway has not been designated. For purposes of this code, **ADVERSELY AFFECTS** means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will increase the water surface elevation of the base flood more than one foot at any point.

(2) Use of other base flood data. When base flood elevation data has not been provided in accordance with § 13.6-3, for example in A Zones for which detailed studies have not been done, or areas subject to flooding which have not been designated by FEMA on FIRMs, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer § 13.6-6. The Floodplain Administrator may require that a hydrologic study which determines base flood elevation be prepared by a professional engineer and be submitted by the property owner prior to the submission of a development or building permit application. Any such information shall be consistent with the requirements of the Federal Emergency Management Agency and the Director of Water Resources and shall be submitted to the Floodplain Board for adoption;

(3) Obtain and maintain for public inspection and make available as needed for flood insurance policies or effecting increased cost of construction coverage for repetitive loss structures:

- (a) The certified elevation required in § 13.6-6(A)(3)(a);
- (b) The certification required in § 13.6-6(A)(3)(b);
- (c) The floodproofing certification required in § 13.6-6(A)(3)(c);
- (d) The certified elevation required in § 13.6-7; and

(e) Permit records for repair of flood-related damage to structures on a cumulative basis over the life of the structure.

(4) (a) Whenever a watercourse is to be altered or relocated:

1. Notify adjacent communities and the Arizona Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration through appropriate notification means; and

2. Require that the flood-carrying capacity of the altered or relocated portion of said watercourse is maintained.

(b) Prior to the alteration of any watercourse, the County Engineer shall review and revise as necessary all plans for proposed stream modifications.

(5) Within 120 days after completion of construction of any flood control protective works which change the rate of flow during the flood or the configuration of the floodplain upstream or downstream from or adjacent to the project, the person or agency responsible for installation of the project shall provide to the governing bodies of all jurisdictions affected by the project a new delineation of all floodplains affected by the project. The new delineation shall be done according to the criteria adopted by the Director of Water Resources;

(6) Advise in writing and provide a copy of any development plan, to any city or town which has assumed jurisdiction over its floodplains in accordance with A.R.S. § 48-3610, of any application for a floodplain use permit or variance to develop land in a floodplain or floodway within one mile of the corporate limits of such city or town. The District shall also advise such city or town in writing and

provide a copy of any development plan of any major development proposed within a floodplain or floodway which could affect floodplains, floodways or watercourses within such city's or town's area of jurisdiction. Written notice and a copy of the plan of development shall be sent to such city or town no later than three working days after having been received by the District;

(7) Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 13.6-8;

(8) Take actions on violations of this code as required in § 13.6-3(I) herein; and

(9) Notify the Administrator and Director of Water Resources of acquisition by means of annexation, incorporation or otherwise, of additional areas of jurisdiction.

(Ord. 2012-04, passed 12-5-2012)

§ 13.6-6 PROVISIONS FOR FLOOD HAZARD REDUCTION.

(A) *Standards of construction.* In all areas of special flood hazards, the following standards are required.

(1) *Anchoring.*

(a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

(b) All manufactured homes shall meet the anchoring standards of division (E) below.

(2) *Construction materials and methods.*

(a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(c) All new construction, substantial improvement and other proposed new development shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(d) Require, within Zones AH or AO, that adequate drainage paths around structures on slopes guide floodwaters around and away from proposed or existing structures.

(3) *Elevation and floodproofing.*

(a) New construction and substantial improvement of any structure shall have the lowest floor, including basement, elevated to or above the regulatory flood elevation. Non-residential structures may meet the standards of division (A)(3)(c) below. Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered professional engineer or registered land surveyor and provided to the Floodplain Administrator.

(b) New construction and substantial improvement of any structure in Zone AO shall have the lowest floor, including basement, higher than the highest adjacent grade at least one foot higher than the depth number on the FIRM, or at least two feet if no depth number is specified. Non-residential structures may meet the standards in division (A)(3)(c) below. Upon completion of the structure, a registered professional engineer or registered land surveyor shall certify to the Floodplain Administrator that the elevation of the structure meets this standard.

(c) Non-residential construction shall either be elevated in conformance with divisions (A)(3)(a) and (A)(3)(b) above or together with attendant utility and sanitary facilities:

1. Be floodproofed so that below the regulatory flood level the structure is water-tight with walls substantially impermeable to the passage of water;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
3. Be certified by a registered professional engineer or architect that the standards of this division are satisfied. Such certifications shall be provided to the Floodplain Administrator.

(d) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by either a registered professional engineer or architect to meet or exceed the following minimum criteria.

1. A minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, valves or other coverings or devices; provided that, they permit the automatic entry and exit of floodwaters.

(e) Manufactured homes shall meet the above standards and also the standards in division (E) below.

(B) Standards for storage of materials and equipment.

- (1) The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive or could be injurious to human, animal or plant life is prohibited.
- (2) Storage of other material or equipment may be allowed if not subject to major damage by floods, and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

(C) Standards for utilities.

- (1) All new or replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.
- (2) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (3) All new and replacement sanitary sewage systems for development projects in identified floodplain areas shall meet all requirements of the State and/or County Health Departments and shall be designed to minimize or eliminate infiltration of floodwaters. On-site effluent disposal systems shall not be installed wholly or partially within the designated regulatory floodway. On-site waste disposal systems shall be located so as to avoid their impairment during flood conditions as well as to preclude contamination from them during flooding. Waste disposal systems shall not be installed in a regulatory floodway.

(D) Standards for subdivisions.

- (1) All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.
- (2) All final subdivision plans will provide the elevation(s) of proposed structure(s) and pads. If the site is filled above the base flood, the final lowest floor and pad elevation shall be certified by a

registered professional engineer or surveyor and provided to the Floodplain Administrator.

(3) All subdivision proposals shall be consistent with the need to minimize flood damage.

(4) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(5) All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

(E) *Standards for manufactured homes.* All manufactured homes that are placed or substantially improved shall:

(1) Be elevated so that the bottom of the structural frame or the lowest point of any attached appliances, whichever is lower, is at or above the regulatory flood elevation; and

(2) Be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(F) *Standards for recreational vehicles.* All recreational vehicles placed on site will either:

(1) Be on site for fewer than 180 consecutive days, and be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

(2) Meet the permit requirements of § 13.6-5 of this code and the elevation and anchoring requirements for manufactured homes in division (E) above (or division (A)(3)(e) above).

(G) *Floodways.* Located within areas of special flood hazard established in § 13.6-3 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

(1) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge; and

(2) If division (G)(1) above is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of this section.

(H) *Flood-related erosion-prone areas.*

(1) The Floodplain Administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas as known to the community.

(2) Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.

(3) If a proposed development is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvements shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.

(4) (a) Within Zone E on the Flood Insurance Rate Map, a setback is required for all new development from the lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip.

(b) This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated "useful life" of structures, and depending upon the geologic, hydrologic,

topographic and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

(Ord. 2012-04, passed 12-5-2012)

§ 13.6-7 PROPERTY DEVELOPMENT STANDARDS: FPM ZONE.

(A) All performance, development and maintenance standards, including screening and landscaping, off-street parking and sign regulations, shall be as set forth in the underlying zone with which the FPM Zone is combined.

(B) Such other performance, development and maintenance standards as may be specified in a conditional use permit required for any use also shall be applicable.

(C) In a floodplain where no floodway is identified, all structures, except as authorized by § 13.6-3 (C), shall be set back five feet from the bank(s) of the watercourse as determined by the County Engineer.

(D) All development proposals for land areas greater than five acres, wherein at least a portion of the subject property is located in an identified floodplain area, shall clearly indicate the base flood elevation data as shown on the Flood Insurance Rate Maps (FIRMs).

(E) Flood retarding or protection structures such as walls or berms may be constructed in identified floodplain areas if, in the opinion of the County Engineer, such structures will ensure the protection of properties, buildings and public safety. Such structures shall be constructed in accordance with plans and specifications prepared by an engineer registered and licensed to practice in the state and as approved by the County Engineer. Such structures shall not create any detrimental impact or increase flood hazards on upstream or downstream properties.

(Ord. 2012-04, passed 12-5-2012)

§ 13.6-8 VARIANCE PROCEDURE.

(A) *Nature of variances.*

(1) The variance criteria set forth in this section of the zoning code are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this code would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants or the property owners.

(2) It is the duty of Coconino County to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below the regulatory flood elevation are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this code are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(3) Variances from the provisions of this section shall be issued only upon consideration and review of technical documentation, prepared by a registered engineer and acceptable to the Floodplain Administrator showing that the objectives of flood hazard reduction would not be contradicted by the granting of a variance and that the variance is the minimum necessary, considering the flood hazard, to

afford relief.

(B) *Appeal Board.*

(1) Application procedures for a variance shall be on a form prescribed by the Floodplain Administrator and shall be accompanied by a variance application fee as set by the Board of Supervisors.

(2) The Floodplain Board of Coconino County shall hear and decide appeals and requests for variances from the requirements of this code.

(3) The Floodplain Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this code.

(4) In passing upon such applications, the Floodplain Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this code, and:

- (a) The danger that materials may be swept onto other lands to the injury of others;
- (b) The danger of life and property due to flooding or erosion damage;
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (d) The importance of services provided by the proposed facility to the community;
- (e) The necessity to the facility of a waterfront location, where applicable;
- (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (i) The safety of access to the property in time of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water system, and streets and bridges.

(5) Upon consideration of the factors of division (B)(4) above and the purposes of this code, the Floodplain Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this code.

(6) (a) Any applicant to whom a variance is granted shall be given written notice over the signature of a county official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

2. Such construction below the base flood level increases risks to life and property.

(b) Such notification shall be maintained with a record of all variance actions as required in division (B)(7) below. Such notice will also state that the land upon which the variance is granted shall be ineligible for exchange of land pursuant to any flood relocation and land exchange program. A copy of the notice shall be recorded by the Floodplain Board in the office of the Coconino County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(7) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

(C) *Conditions for variances.*

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level; providing, the procedures of §§ 13.6-5 and 13.6-6 of this code have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the repair, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(5) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to the applicant;

(c) A showing that the use cannot perform its intended purpose unless it is located or carried out in close proximity to water. This includes only facilities defined in § 13.6-2 of this code in the definition of "functionally dependent use"; and

(d) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

(Ord. 2012-04, passed 12-5-2012)

§ 13.7 RC - RESORT COMMERCIAL ZONE.

§ 13.7-1 PURPOSES.

In addition to the objectives outlined in § 1 (Purpose and Scope), the RC, Resort Commercial Zone is designed to achieve the following purposes:

(A) To provide for the exclusive development of resort facilities in a more creative and imaginative fashion than generally is possible under conventional zoning; and

(B) To provide for a zone wherein various styles of residential uses designed for occupancy by guests of limited duration can be established in conjunction with service commercial and recreational uses in a coordinated, comprehensive and harmonious design.

(Ord. 2012-04, passed 12-5-2012)

§ 13.7-2 USES PERMITTED: RC ZONE.

(A) Those uses designated on the development plan for the particular RC Zone as approved by the Town Council including residential units of various types, commercial uses designed to serve and provide for the convenience of resort guests, and recreational facilities designed primarily for and limited to use by guests of the resort. Mobile homes are not a permitted use in the RC Zoning District;

(B) The continuation of all land uses which existed in the zone at the time of adoption of the development plan. Existing land uses shall be either incorporated as part of the development plan or shall be terminated in accordance with a specific abatement schedule submitted and approved as part of the development plan;

(C) Public utility installations;

(D) Accessory uses and structures incidental to permitted uses;

(E) Temporary uses as prescribed in § 14.1; and

(F) Wireless telecommunication facilities, subject to the provisions of § 14.5.

(Ord. 2012-04, passed 12-5-2012)

§ 13.7-3 GENERAL REQUIREMENTS: RC ZONE.

The following requirements shall apply to all RC Zoned areas.

(A) An application for a zone change to permit the establishment of an RC Zone shall include and be accompanied by a development plan for the entire property.

(B) An application for a zone change to establish an RC Zone must be for a parcel or parcels of land under the control of the person or corporation proposing the development.

(C) The area proposed to be contained within an RC Zone shall be not less than five acres.

(Ord. 2012-04, passed 12-5-2012)

§ 13.7-4 DEVELOPMENT PLAN: RC ZONE.

The development plan of a proposed RC Zone should consist of maps, plans, reports, schedules, development standards and schematic drawings and such other documents deemed necessary by the Town Manager or designee in accordance with the following requirements:

(A) The development plan submitted in a form approved by the Town Manager or designee;

(B) Location of each existing and each proposed structure in the development area, the use or uses to be contained therein, the number of stories, the gross building and floor areas, approximate location of entrances and loading points thereof;

(C) All streets, curb cuts, driving lanes, parking areas, loading areas, public transportation points and illumination facilities for the same;

(D) All pedestrian walks, malls and open areas;

(E) Location and height of all walls, fences and screen planting, including a plan for the landscaping of the development and the method by which such landscaping is to be accomplished;

(F) Types of surfacing, such as paving, turf or gravel to be used at the various locations;

(G) The location and type of proposed recreational facilities and utility facilities;

(H) A preliminary report and plan describing proposed provisions for storm drainage, sewage disposal, water supply and such other improvements and utilities as the Town Manager or designee may require;

(I) A topographic map and conceptual grading plan of the subject property; and

(J) A plan of the proposed signing program.

(Ord. 2012-04, passed 12-5-2012)

§ 13.7-5 ADOPTION OF DEVELOPMENT PLAN: RC ZONE.

The development plan and supporting statements and documents submitted with the application for a resort commercial use shall be approved and adopted by the Town Council and included in the ordinance establishing the RC Zone. All development within the RC Zone shall comply substantially with the development plan as approved and adopted by the Town Council.

(Ord. 2012-04, passed 12-5-2012)

§ 13.7-6 AMENDMENTS TO THE DEVELOPMENT PLAN: RC ZONE.

Any amendments to the adopted development plan shall be accomplished in the same manner as an amendment to the zoning regulations as prescribed in § 20.4.

(Ord. 2012-04, passed 12-5-2012)

§ 13.7-7 BUILDING PERMITS: RC ZONE.

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

(Ord. 2012-04, passed 12-5-2012)

§ 13.8 P - PARKING ZONE.

§ 13.8-1 PURPOSES.

In addition to the objectives outlined in § 1 (Purpose and Scope), the P, Parking Zone is intended to provide and identify areas reserved and developed exclusively for public or private off-street parking areas and to accommodate the establishment of parking districts which provide an alternate means of meeting the off-street parking requirements for multiple businesses in a defined area.

(Ord. 2012-04, passed 12-5-2012)

§ 13.8-2 PERMITTED AND CONDITIONAL USES: P ZONE.

(A) Public or private open parking lots including incidental control gates, pay boxes or guard sheds shall be permitted as a matter of right.

(B) Public or private garages or other parking structures including incidental appurtenances shall be

permitted, subject to the granting of a conditional use permit.

(C) Wireless telecommunication facilities, subject to the provisions of § 14.5 and the granting of a conditional use permit.

(Ord. 2012-04, passed 12-5-2012)

§ 13.8-3 PROPERTY DEVELOPMENT AND PERFORMANCE STANDARDS: P ZONES.

(A) A minimum ten-foot wide front and street side setback area shall be required in the P, Parking Zone. Said setback areas shall be landscaped, except for necessary walks and drives.

(B) The design and configuration of the parking lot shall comply with the site development standards prescribed in § 15.3.

(C) The design and configuration of the parking garage or structure shall comply with the site development standards prescribed in § 15.3 or as specified in the conditional use permit.

(D) Wherever off-street parking lots abut property in any General, Agricultural Residential, Rural Residential or Residential Zone, a masonry wall six feet in height as measured from the highest adjacent grade and screen landscaping shall be erected and maintained between the parking lot and said zones.

(E) Wherever off-street parking lots are situated across the street from property in any General, Agricultural Residential, Rural Residential or Residential Zone, a masonry wall or berm three feet in height shall be erected and maintained between the parking lot and the required front yard setback area.

(F) All required landscaping shall consist predominantly of plant materials and shall be permanently maintained in a neat and orderly condition.

(G) A parking garage or structure shall maintain a minimum setback of five feet from any property in a General, Agricultural Residential, Rural Residential or Residential Zone.

(Ord. 2012-04, passed 12-5-2012)

§ 13.8-4 SIGNS: P ZONES.

No sign, outdoor advertising structure or display of any character shall be permitted, except as prescribed in § 16 (Signs) or as authorized under a conditional use permit.

(Ord. 2012-04, passed 12-5-2012)

§ 13.9 MR - MINERAL RESOURCE ZONE.

§ 13.9-1 PURPOSES.

In addition to the objectives outlined in § 1 (Purpose and Scope), the MR, Mineral Resource Zone is intended for application to those areas of the town where it is desirable and necessary to provide for the extraction of minerals and other natural resources.

(Ord. 2012-04, passed 12-5-2012)

§ 13.9-2 PERMITTED AND CONDITIONAL USES: MR ZONE.

The following uses shall be permitted where the symbol “P” appears and shall be permitted, subject to

the granting of a conditional use permit where the symbol “C” appears opposite the use.

(A) Agricultural uses:

Agricultural experimental facilities	C
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
Keeping of animals, except as prescribed in this section; dairies, feeding lots and ranches	C
Raising and grazing of horses, sheep, goats or cattle; provided that, no animal shall be kept on a site of less than 1 acre. No more than 2 such animals may be kept for each 1 acre of land	P

(B) Excavation, processing and stockpiling of minerals and the back-filling or resultant excavations with inert materials: C;

(C) Concrete batching plants: C;

(D) Flood control facilities: C;

(E) Manufacture of block, brick, pipe, tile, cement or asphalt: C;

(F) Public or private parks, golf courses, golf driving ranges and other similar open recreational facilities: P;

(G) Public utility installations: C;

(H) Rock crushing plants, aggregate washing, screening and drying facilities and equipment: C;

(I) Accessory uses:

Offices and maintenance buildings or structures	P
Residences for caretakers or watchpersons	P
Retail or wholesale commercial operations incidental or accessory to or in conjunction with permitted or conditional uses	P
Storage of materials or machinery used in conjunction with permitted or conditional uses	P
Weigh stations	P

(J) Wireless telecommunications facilities, subject to the provisions of § 14.5: C.

(Ord. 2012-04, passed 12-5-2012)

§ 13.9-3 PROPERTY DEVELOPMENT STANDARDS: MR ZONE.

(A) When a MR Zone abuts or is situated across the street from property in any G, AR, RR, RS or RM Zone, a minimum building setback of 100 feet shall be required from such Residential Zone; provided, however, that, the 20 feet of said setback nearest the street or zone boundary line shall be landscaped and the remainder may be used for off-street parking purposes as provided in § 15. A three-foot high wall, fence or berm shall be constructed in back of the landscaped area along street setbacks; along all other lot lines adjacent to G, AR, RR, RS or RM Zones, a six-foot high wall or fence as measured from the highest adjacent grade and screen landscaping shall be erected and maintained.

(B) Additional property development standards such as, setbacks, lot coverage requirements, height restrictions, screening and landscape requirements may be imposed by the Commission or Town Council in their approval of a conditional use permit.

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

(Ord. 2012-04, passed 12-5-2012)

§ 13.9-4 PERFORMANCE STANDARDS: MR ZONE.

(A) *Trash receptacles.* Trash receptacles enclosed with solid masonry walls and with gates shall be provided for each industrial use. Said receptacles shall be set back a minimum of 20 feet from any G, AR, RR, RS or RM Zone boundary and shall be maintained in a neat and sanitary condition in order to safeguard the health, safety and general welfare of adjacent properties, subject to the approval of the Town Manager or designee.

(B) *Mechanical equipment.* All mechanical equipment, including heating and air conditioning units, and trash receptacle areas shall be completely screened from surrounding properties by use of a wall or fence or shall be enclosed within a building.

(C) *Electrical disturbance, heat and cold, glare.* No use, except a temporary construction operation, shall be permitted which creates changes in temperature or direct glare, detectable by the human senses without the aid of instruments, beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affect the operation of any equipment beyond the boundaries of the site.

(D) *Fire and explosive hazards.* All storage of and activities involving inflammable and explosive materials shall be provided with adequate safety and firefighting devices to the specifications of the Tusayan Fire District. All incineration is prohibited.

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

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

(G) *Fencing.* Outdoor storage areas shall be entirely fenced with a material not less than six feet in height. Those areas visible from a public street shall be adequately screened by masonry walls or a substitute acceptable to the Town Manager or designee.

(H) *Noise.* Noise shall not be generated by any use to the point of disturbing the peace and comfort of neighboring residences.

(I) *Rehabilitation.* Any pit resulting from depletion of the mineral resource, or from abandoned or terminated mineral extraction operations shall be filled to ground level and such pits or any depleted hillside areas shall be treated in accordance with the following standards.

(1) *Filling.*

(a) On property where the mineral resource thereon is in fact depleted by reason of extraction operations, or on property where the production of any such resource is in fact abandoned or terminated, said property shall be filled and landscaped to conform with the surrounding properties.

(b) Said filling and landscaping treatment shall be commenced within one month from the date of depletion, abandonment or termination of mineral resource production on the property and diligently prosecuted to the completion thereof.

(2) *Grading.*

(a) Slopes, overburden stockpiles, abandoned spoil piles and the general premises shall be graded and smoothed so as to control erosion, prevent the creation of potentially dangerous areas and present a neat and orderly appearance.

(b) No hillside shall remain with an average grade steeper than one foot horizontal to one foot vertical with a ten-foot wide terrace for not more than each 50 feet of vertical height, unless a permanent steeper slope, without terraces, is approved by the town staff.

(3) *Water-filled areas.*

(a) Upon termination of operations, all excavations made to a level below the existing ground water table shall be filled with inert materials as approved by the town staff to a level above the existing ground water table. This requirement shall not apply, however, to any water-filled excavations scheduled to be in an integral part of future development of the property.

(b) All such water-filled areas remaining shall be treated with effective mosquito- control measures, as required by the County Health Department.

(J) *Hazardous and non-hazardous waste materials.* No hazardous material shall be disposed on the premises. All such materials shall be transported to a landfill site officially designated by the state for hazardous materials disposal. Only non-hazardous materials produced on the premises may be disposed of on the premises; provided that, such disposal be contained in a manner so as to prevent entry of such materials into the surface water system.

(K) *Conformance testing.* Whenever there is a question of conformance with the performance standards of this section, the Town Manager or designee shall require the property owner or operator to engage the services of a certified testing firm. Copies of all such tests shall be furnished to the Town Manager.

(L) *Solid waste disposal.* All solid waste which is not disposed on-site shall be transported to an authorized landfill for proper disposition.

(Ord. 2012-04, passed 12-5-2012)

§ 13.9-5 OFF-STREET PARKING: MR ZONE.

Off-street parking facilities shall be provided for each use as prescribed in § 15 (Off-Street Parking) or as specified in a conditional use permit.

(Ord. 2012-04, passed 12-5-2012)

§ 13.9-6 SIGNS: MR ZONE.

No sign or outdoor advertising structure shall be permitted in a MR, except as provided in § 16 (Signs).
(Ord. 2012-04, passed 12-5-2012)

§ 13.10 DESIGN REVIEW.

§ 13.10-1 PURPOSES.

In order to protect and enhance the visual quality of the town, the Town Council requires the approval of a site plan for all development, except single-family and two-family dwellings in all areas of the town to accomplish the following purposes:

(A) To ensure that the development, buildings or structures will conserve the values of adjacent properties and will not prove detrimental to the character of buildings or uses already established in the area;

(B) To ensure that the proposed development will be properly related to its site and to surrounding sites and structures, and to prevent the construction of structures that would be inharmonious with their surroundings;

(C) To ensure that sites, projects and structures, subject to design review are developed with due regard for the environmental qualities of the natural terrain and landscape and that trees and shrubs are not indiscriminately destroyed;

(D) To ensure that the design and exterior architecture of proposed structures will not be so at variance with either the design or exterior architecture of the structures already constructed or being constructed in the immediate neighborhood as to cause a substantial depreciation of property values in the neighborhood;

(E) To ensure that open spaces, parking areas and landscaping are designed to enhance the visual and physical use of the property and to screen deleterious uses; and

(F) To ensure that the proposed development complies with all of the provisions of this code and the goals and objectives of the Tusayan Area Plan or any amendment or element thereof.

(Ord. 2012-04, passed 12-5-2012)

§ 13.10-2 SPECIAL PROVISIONS.

(A) The provisions of this section shall be applicable to all developments, and all signing for such uses, except single-family and two-family dwellings. This exception does not apply to new or existing manufactured home parks, but does apply to new or existing individual manufactured homes or other permitted types of dwellings within manufactured home parks.

(B) (1) All development or redevelopment described in division (A) above, including buildings, structures, signs, landscaping, site layout and use relationships, shall be first approved under the provisions of this section by the Planning and Zoning Commission prior to the letting of permits for and/or initiation of such development. Redevelopment shall include a substantial change in appearance of the exterior of any structure, or a substantial change in the appearance of any site. A substantial change would include, without limitation, any of the following:

- (a) More than 25% change in the facade of a building;
- (b) Any change in the size of a building;
- (c) A change of 250 square feet or more in site layout;

- (d) A change in the color of a building on more than 5% of the exterior;
- (e) Any new sign or change in existing sign size or location;
- (f) A change of 5% or more in the number of parking spaces;
- (g) A change in landscaping, other than replacing dead/dying plants or landscape maintenance, effecting 200 square feet or more; and
- (h) Any new fencing/walls over three feet in height or change of 25% or more to existing fencing/walls.

(2) Any change in the appearance of the exterior of any structure or change in the appearance of any site that is not a substantial change shall be subject to these design standards and review and approval by the Town Manager or designee. A decision by the Town Manager or designee with regard to a non-substantial change may be appealed to the Planning and Zoning Commission in the manner of a substantial change.

(C) Approval of a site plan for development shall be based upon a finding by the Commission that such development conforms to the applicable design guidelines in this section and other provisions and requirements of this code.

(Ord. 2012-04, passed 12-5-2012)

§ 13.10-3 DESIGN STANDARDS AND GUIDELINES.

(A) This section includes guidelines for development and standards of design to be incorporated into the site plan. Other sections of this code include requirements specific to zoning districts that should also be shown on a site plan for development.

(B) (1) Architectural styles shall be respectful and compatible with the unique location of this community as a gateway to the south rim of the Grand Canyon. Architectural building forms should express sensitivity to this unique environmental setting, while respecting the indigenous cultures. The goal is for designs which contribute to the character and quality of the built environment while in harmony with the natural environment.

(2) Examples of undesirable designs include whimsical architecture which have no relationship to the surrounding natural, cultural or historical environment. Modernist architecture which clashes with the natural environment is also undesirable.

(C) Scale and mass of developments should be compatible with the natural environment in which the community is located and not dominate over it. Architectural features which serve to break up the massive appearance of a structure should be utilized. These features can include variation in roof forms, the use of dormers, covered walkways and patios. All features should be in proportion to the building. All sides of a structure shall receive design considerations. In some cases, it may be deemed more appropriate and desirable to use smaller buildings which are clustered rather than a single massive structure.

(D) External building materials should be predominantly those that fit the natural landscape, such as native stone, logs, wood, broken faced block, exposed aggregate concrete and stucco. The use of other materials such as synthetic or reprocessed stone and wood may be considered, but will require that information be provided regarding manufacturing specifications, product samples and examples of where the product has previously been utilized.

(E) Earthtone colors that blend with local soils and vegetation are highly desirable. Various shades of browns and tans, subtle greens, as well as sandstone and limestone are encouraged. Bright colors such as oranges, limes, aqua blue and white, which call undue attention to the buildings, are discouraged. Color schemes should be coordinated to complement the architectural style and mass of the buildings.

(F) Roofs must meet the color requirements of the building. Aluminum, white or reflective roofs are not acceptable. Screening of mechanical equipment is encouraged to maintain desirable aesthetic quality from street level or from adjacent structures.

(G) The use of materials and colors to enhance the building design and break up the monotony of massive structures is encouraged.

(H) Sufficient setbacks providing access to light, air, landscaping and views shall be incorporated into site design. The 50-foot right-of-way flanking Highway 64 shall be fully landscaped in conjunction with all new development and redevelopment. If this area is abandoned by ADOT in the future, it shall remain as a landscape buffer/transition zone between the highway and commercial businesses. The use of this transition zone for meeting some parking requirements may be appropriate, but preferably not within the 30 feet closest to the highway.

(I) Vehicle and pedestrian ways shall be clearly delineated to prevent congestion and conflicts. Service vehicle and delivery areas shall be located such that they are screened from view and don't interrupt the flow of traffic.

(J) Parking lots shall be designed to include adequate landscaping within the periphery and interior to break up the impermeable surface coverage. Methods for achieving this include the use of landscape islands within the parking lot, clustering parking spaces into islands rather than long rows and utilizing a variety of landscape materials, including a mix of vegetation types and sizes, and decorative fencing.

(K) Where bus and RV traffic is anticipated, site design should take into consideration the maneuverability constraints, parking and passenger unloading needs associated with these vehicles.

(L) Orientation of buildings on the site should be "user-friendly". Components which will be considered for meeting this standard include entrances which are well marked and located with a logical relationship to the parking area, pedestrian walks from parking areas to businesses and outdoor areas for the public to sit and rest.

(M) Signs with highly reflective surfaces or bright metal shall not be permitted.

(N) The use of lighting as an attention-getting device which is not related to an approved sign or for architectural illumination shall not be permitted.

(O) Signs shall utilize and emphasize the same materials specified in these design standards and guidelines for buildings. Signs and the color of signs shall be compatible and consistent with the architectural style of the building or portion thereof to which it relates.

(P) Outdoor light poles and fixtures should be compatible to the architectural styles of the development.

(Q) Lighting should be designed to fit the development; poles should not be higher or lighting more extensive than is necessary.

(R) (1) Parking lot light standards should only be as high as required to accomplish the necessary illumination while being in scale with the surrounding landscape and structures.

(2) For example, light poles should be 25 to 30 feet in areas where existing tree stands effectively camouflage the poles; lower standards would be more appropriate in open areas.

(S) Light fixtures illuminating pedestrian walks or plazas should not exceed 12 to 15 feet in height in order to be appropriately scaled to the pedestrian and still out of reach of vandals.

(T) Low level bollard type light fixtures should be considered where they can be effective without becoming too dominant in the landscape.

(U) The use of these guidelines in designing development plans shall not be interpreted as discouraging or prohibiting designs which are environmentally sensitive. Developments which incorporate energy conservation measures, water reuse and material recycling are strongly encouraged.

(Ord. 2012-04, passed 12-5-2012)

§ 13.10-4 APPLICATION REQUIRED.

(A) Any proponent, agent or sponsor of development or redevelopment shall first file a design review application for consideration by the Commission.

(B) Said application shall contain the following:

(1) A site plan, drawn to scale, showing the proposed location of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking areas, landscaped areas, fences and walls. The site plan shall indicate the locations of off-street parking areas including entrances and exits and the direction of traffic flow into and out of off-street parking areas;

(2) A landscape plan, drawn to scale, showing the locations of existing trees proposed to be removed and proposed to be retained on the site, the location and design of landscaped areas and the varieties and sizes of plant materials to be planted therein, and other landscape features including sprinkler and irrigation systems;

(3) Architectural drawings or sketches, drawn to scale, including floor plans in sufficient detail to permit computation of yard requirements and showing all elevations (all sides of all buildings) of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified;

(4) Accurate scale drawings of all signs indicating their size, height, material, color and illumination, if any;

(5) Grading and drainage plans; and

(6) Such other data as may be required to permit the Planning and Zoning Commission to ensure that the purposes of this section are satisfied.

(Ord. 2012-04, passed 12-5-2012)

§ 13.10-5 ACTION BY THE PLANNING AND ZONING COMMISSION.

Within 45 days of the date the drawings are submitted, the Planning and Zoning Commission shall act on the proposal. Failure of the Commission to act within 45 days shall be deemed approval of the drawings unless the applicant shall consent to an extension of time.

(Ord. 2012-04, passed 12-5-2012)

§ 13.10-6 EFFECTIVE DATE OF DESIGN REVIEW DECISION.

A decision of the Planning and Zoning Commission on a design review shall be effective immediately upon receipt by the Town Manager of a signed agreement to the conditions of approval; provided, however, that, the applicant may appeal said decision to the Town Council within 15 days from the date of such decision.

(Ord. 2012-04, passed 12-5-2012)

§ 13.10-7 APPEAL TO THE TOWN COUNCIL.

A decision of the Planning and Zoning Commission on a Design Review may be appealed to the Town Council by the applicant as prescribed in § 20.6-1 (Appeal of Decision of Planning and Zoning

Commission).

(Ord. 2012-04, passed 12-5-2012)

§ 13.10-8 ACTION BY TOWN COUNCIL ON APPEAL.

At its next regular meeting following the filing of an appeal from a decision of the Planning and Zoning Commission on a design review, the Town Council shall approve, conditionally approve or disapprove the plans and drawings or shall request the applicant to revise the plans and drawings. Failure of the Council to act within the time period prescribed by this section shall be deemed approval of the plans and drawings unless the applicant shall consent to an extension of time.

(Ord. 2012-04, passed 12-5-2012)

§ 13.10-9 LAPSE OF DESIGN REVIEW APPROVAL.

Design review approval shall lapse and shall be void one year following the date upon which the plans and drawings were approved unless, prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion.

(Ord. 2012-04, passed 12-5-2012)

§ 13.11 RMH - RESIDENTIAL AND MANUFACTURED HOME ZONE.

§ 13.11-1 PURPOSES.

In addition to the objectives outlined in § 1 (Purpose and Scope), the RMH, Residential and Manufactured Home Zone is intended to provide and identify residential areas and developments where either conventionally constructed single-family residences or manufactured homes may be located within the same subdivision and thereby provide for opportunity for a greater range of housing styles for existing and future residents.

(Ord. 2012-04, passed 12-5-2012)

§ 13.11-2 PERMITTED AND CONDITIONAL USES: RMH ZONE.

(A) The following uses shall be permitted where the symbol “P” appears and shall be permitted uses, subject to the granting of a conditional use permit where the symbol “C” appears.

(B) All uses not listed are prohibited. For uses similar to those listed, see § 20.1.

(1) *Residential uses.*

	<i>RMH Zone</i>
Conventionally constructed single-family dwellings	P
Manufactured or modular homes	P

(2) *Agricultural related uses.*

	<i>RMH Zone</i>
All types of agriculture and horticulture	P
Sale of products raised on the premises	P
Soil and water conservation projects	C

(3) *Public and semi-public uses.*

	<i>RMH Zone</i>
Churches, convents, monasteries and other religious institutions	C
Day care centers	P
Educational institutions, public or private	C
Hospitals	C
Libraries and museums	C
Preschools	C
Public parks and recreational facilities	P
Public utility and public service substations, reservoirs, pumping plants and similar installations, not including public utility offices	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

(4) *Home occupations.*

	<i>RMH Zone</i>
Home occupations, subject to the provisions of § 14.2	P

(5) *Accessory uses.*

	<i>RMH Zone</i>
Accessory uses and structures located on the same site as a conditional use	C
Accessory uses and structures located on the same site as a permitted use	P

(6) *Temporary uses.*

	<i>RMH Zone</i>
Model homes and subdivision sales offices	C
Temporary uses as prescribed in § 14.1	P

(Ord. 2012-04, passed 12-5-2012)

§ 13.11-3 PROPERTY DEVELOPMENT STANDARDS: RMH ZONE.

(A) *General.* The following property development standards shall apply to all land and buildings, other than accessory buildings; except that, any lot shown on an official subdivision map duly approved and recorded, or any lot for which a 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. For access purposes, each building site shall have a minimum 30-foot wide easement or right-of-way. A turnaround with a minimum radius of 25 feet shall be provided at the end of each easement over 150 feet in length. No fences or other obstructions shall be placed in the easement area except with written permission of all other property owners served by the easement. For any parcel of land created after 1-3-1995, 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 an all weather standard.

(B) *Special requirements.*

(1) In the RMH Zone, front yard setbacks in subdivision developments may be reduced by 25%. provided, the average of all such setbacks is not less than the minimum required for the zone.

(2) In the RMH Zone, a building used for public or semi-public uses shall maintain a minimum setback of 50 feet from any single-family uses.

(3) In the RMH Zone, as a precaution against unauthorized use, swimming pools when located within 300 feet of a neighboring residence shall be enclosed by a wall or fence not less than five feet in height in accordance with the requirements of the town.

(4) 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.

(C) *General requirements.*

(1) The following requirements are minimum unless otherwise noted:

Building height	35 feet
Building site, net area in square feet	6,000
Density, maximum dwelling units per acre	6.0
Distance between buildings	10 feet
Front yard	15 feet
Lot coverage, maximum	40%
Lot depth	100 feet
Lot width	50 feet
Off-street parking	2 spaces
Rear yard	10 feet
Side yard	5 feet
Side yard, street side	10 feet

(2) Where a property is adjacent to the national forest, the required side or rear yard minimum setback shall be 80% of the setback shown in division (C)(1) above; except that, in no case shall the setback be less than five feet.

(Ord. 2012-04, passed 12-5-2012)

§ 13.11-4 PERFORMANCE STANDARDS: RMH ZONE.

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

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

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

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

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

(F) Apparatus needed for the operation of active or passive solar energy systems or other alternative energy systems, including, but not limited to, overhangs, movable insulating walls and roofs, attached or detached solar collectors, reflectors and piping shall be permitted for any use, subject to the approval and specifications of the Town Manager or designee.

(Ord. 2012-04, passed 12-5-2012)

§ 13.11-5 SIGNS: RMH ZONE.

No sign or outdoor advertising structure shall be permitted in any RMH Zone, except as provided in § 16.

(Ord. 2012-04, passed 12-5-2012)

§ 13.11-6 ACCESSORY STRUCTURES: RMH ZONE.

(A) *Attached structures.* An accessory structure that is attached to a main structure shall meet all of the requirements for location of the main structure, except as provided in division (C) below.

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

(1) Shall not exceed 15 feet in height nor project closer than five feet to an interior side or rear lot line; and

(2) Shall be entirely open on at least three sides except for necessary supporting columns; except that, a roof connecting a main building and an accessory building shall be open on at least two sides.

(C) *Detached structures.*

(1) A detached structure shall meet the setback requirements of the main building for the front and street side yard areas.

(2) Although not requiring a building permit, accessory structures that have a floor area of 120 square feet or less on parcels one-half acre or smaller shall meet the front and street side setbacks but may be within six feet of the main dwelling and three feet from any interior side or rear property line. Structures that are 64 square feet or less and eight feet or less in height measured to the highest peak may have a zero-foot separation from the main dwelling and a zero-foot interior side or rear setback as long as the roof does not drain onto an adjacent property. If there is more than one shed on a property, there must be at least a six-foot separation between sheds.

(3) A detached accessory structure which does not exceed 15 feet in height and 600 square feet in area may be located within an interior side yard or rear yard; provided, however, that, such structure shall not be located closer than five feet to an interior side or rear lot line.

(4) A detached accessory structure which exceeds 15 feet in height, or 600 square feet in area, shall maintain the same side and rear setbacks for the main dwelling.

(5) A detached structure (over 120 square feet) shall maintain a minimum ten-foot separation from the main structure.

(6) For the purpose of administering this section, swimming pools shall be considered to be a detached structure.

(7) The use of mobile homes, semi-trailers, railroad cars, shipping containers, travel trailers, camper shells or similar units as accessory structures is prohibited.

(D) *Other structures.*

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

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

(3) For the purpose of this section, swimming pools shall be considered to be a detached structure. Swimming pools including all accessory or appurtenant structures and equipment shall maintain a minimum setback of five feet from all property lines and buildings. As a precaution against unauthorized use, swimming pools shall be enclosed by a wall or fence not less than five feet in height in accordance with the requirements of the town.

(Ord. 2012-04, passed 12-5-2012)

§ 13.11-7 WALLS AND FENCES: RMH ZONE.

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

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

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

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

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

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

(Ord. 2012-04, passed 12-5-2012)

SECTION 14: SPECIAL USES AND CONDITIONS

Section

14.0 General

14.1 Temporary uses

14.1-1 Permits and bonds

- 14.1-2 Performance standards
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- 14.1-4 Extension or modification of limitations
- 14.1-5 Condition of site following temporary uses
- 14.2 Home occupations
- 14.3 Cottage industries
- 14.4 Bed and breakfast establishments
- 14.5 Wireless telecommunication facilities
- 14.6 Group homes for the handicapped
- 14.7 Metal storage container boxes
- 14.8 Accessory wind energy systems
- 14.9 Medical marijuana dispensaries and off-site cultivation and infusion facilities

§ 14.0 GENERAL.

The provisions of this section shall apply to the uses and conditions hereinafter enumerated. Where this section prescribes regulations more restrictive than the zone in which a use or conditional use is permitted, the provisions of this section shall apply.

(Ord. 2012-04, passed 12-5-2012)

§ 14.1 TEMPORARY USES.

(A) All time requirements are consecutive days per calendar year unless specifically stated otherwise. Only one temporary use permit is to be issued for a parcel at any one time. Permits shall not have overlapping time frames;

(B) (1) Special events shall include such outdoor activities as:

- (a) Transient amusement activities (carnivals, circuses);
- (b) Tent revivals, seasonal festivals;
- (c) Outdoor sales events (sidewalk, parking lot sales); and
- (d) Outdoor art and craft shows, exhibits (art, craft, RV, boat).

(2) Events shall be limited to a maximum of five times per calendar year not to exceed a maximum duration of five days per event.

(C) Christmas tree sales lots, subject to not more than 40 days of site occupation and operation per year;

(D) Campaign offices, subject to not more than 70 continuous days of site occupation and operation;

(E) Religious, patriotic, historic or similar displays or exhibits within yards, parking areas or landscaped areas, subject to not more than 30 days of display in any one year period for each exhibit;

(F) Contractor's office and storage yards on the site of an active construction project;

(G) Manufactured home residences or trailers for security purposes on the site of an active construction site of major development projects, but for not more than a total of 12 months;

(H) Stands for the sale of jewelry, furs, rugs and similar home-type products, subject to not more than 30 days per year;

(I) Stands for the sale of produce, subject to not more than 30 days per year. The provisions of this division (I) do not apply to the sale of produce raised on the premises;

(J) Temporary retail food sales, subject to not more than 30 days per year. This shall include stands for sales at one-day special events;

(K) Establishment of batch plants in conjunction with road construction projects, subject to Planning and Zoning Commission approval;

(L) Temporary occupancy of a recreational vehicle or a travel trailer in the G, AR, RR or MHP Zone for a period not to exceed 100 consecutive days per calendar year; provided that, the lot or parcel is not already occupied by a dwelling or other residential structure;

(M) Upon the issuance of a building permit, temporary occupancy of a recreational vehicle or a travel trailer in the G, AR or RR Zone for a period not to exceed six months; provided that, the lot or parcel is not already occupied by a dwelling or other residential structure. The temporary use permit may be renewed only if the building permit is issued for a dwelling, and if the building permit remains active;

(N) Metal storage containers, refer to § 14.7;

(O) Temporary banner signs and community banner signs not permitted elsewhere in this code, subject to Planning and Zoning Commission approval. The maximum length of time for any such sign shall be 60 days. For guidance in the determination of size, number of signs, height, location and other criteria, the Commission shall refer to those parts of § 16 of this code that deal with banner signs; and

(P) Additional uses determined to be similar to the foregoing in the manner prescribed in § 20.1, Determination as to Uses Not Listed, may be granted permits by either the Town Manager or Planning and Zoning Commission.

(Ord. 2012-04, passed 12-5-2012)

§ 14.1-1 PERMITS AND BONDS.

(A) All temporary uses shall be subject to the issuance of a temporary use permit. Issuance may be through the action of the Town Manager or the Planning and Zoning Commission. Upon application for a temporary use permit, written authorization of the property owner for the property on which the temporary use is proposed shall be provided. Said authorization shall include reference to the requested use and acknowledgment of proposed time frame for operation of said use.

(B) Prior to the issuance of a temporary use permit a cash bond shall be deposited with the town. This deposit shall be used to defray the costs of cleanup of the property by the town in the event the permittee fails to do same.

(Ord. 2012-04, passed 12-5-2012)

§ 14.1-2 PERFORMANCE STANDARDS.

(A) *General.* Approval of a temporary use permit application shall require compliance with the following performance standards and any further conditions deemed necessary by the Town Manager, his or her designee or Planning and Zoning Commission in order to reduce possible detrimental effects to surrounding developments and to protect the public health, safety and welfare.

(B) *Noise.* Noise shall not be generated by any use to the point of disturbing the peace, quiet and comfort of neighboring residences or businesses. The permit application shall clearly identify all of the potential sources of excessive noise and the measures proposed by the applicant to control excessive noise. The town may require additional measures to control excessive noise including a curfew.

(C) *Parking.* Adequate parking shall be provided. All parking shall be located on the same property as the temporary use; public rights-of-way shall not be used for parking.

(D) *Location.* No permit shall be issued for a use the location of which is deemed to be potentially hazardous to the public. This includes, but is not limited to, heavily congested and/or trafficked areas where the use may impede or inconvenience the public. No use shall be permitted in a public right-of-way.

(E) *Sanitation.* All requirements of the County Health Department and/or other regulatory health authorities shall be met. Provisions for disposal of solid waste shall be required for all uses.

(F) *Signs.* One freestanding or wall mounted sign not exceeding six square feet in area and six feet in height is permitted. A diagram of the sign indicating size, text, location on site is required. Color and materials shall be reviewed by town staff. No off- site sign is permitted. Additional signing may be permitted at the discretion of the Planning and Zoning Commission.

(G) *Lighting.* All lighting sources shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the light source. The operation of searchlights or similar lighting sources is prohibited.

(H) *Other permits.* Any required Health Department and Sheriff's office permits or licenses shall be obtained.

(Ord. 2012-04, passed 12-5-2012)

§ 14.1-3 APPEAL.

If a permit is denied by the Town Manager, the applicant may appeal his or her decision within 30 days to the Planning and Zoning Commission. The decision of the Commission shall be final 15 days from the date of the decision unless an appeal is filed. The Commission's decision may be appealed within 15 calendar days to the Town Council by the applicant or any other person as prescribed in § 20.6, Appeals: Town Council Review.

(Ord. 2012-04, passed 12-5-2012)

§ 14.1-4 EXTENSION OR MODIFICATION OF LIMITATIONS.

Upon written application, the Town Manager may extend the time within which temporary uses may be operated (up to a period of 90 days), or may modify the limitations under which such uses may be conducted if the Town Manager determines that such extension or modification is in accord with the purposes of the zoning regulations.

(Ord. 2012-04, passed 12-5-2012)

§ 14.1-5: CONDITION OF SITE FOLLOWING TEMPORARY USES.

Each site occupied by a temporary use shall be left free of debris, litter or any other evidence of the temporary use upon completion or removal of the use, and shall thereafter be used only in accord with the provisions of the zoning regulations.

(Ord. 2012-04, passed 12-5-2012)

§ 14.2 HOME OCCUPATIONS.

Home occupations, where permitted by the provisions of this code, shall be subject to the approval of the Town Manager and shall comply with the following regulations.

(A) (1) A home occupation shall be conducted in a dwelling and shall be clearly incidental to the use of the structure as a dwelling.

(2) In no way shall the appearance of the structure or the premises be so altered or the conduct of the occupation within the structure be such that the structure or premises may be reasonably recognized as serving a non-residential use (either by color, materials or construction, lighting, signs, sounds or noises, vibrations, display of equipment and the like).

(3) No one other than a resident of the dwelling shall be employed in the conduct of a home occupation.

(4) No motor or mechanical equipment shall be permitted other than normally incidental to the use.

(5) The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.

(6) No storage of materials and/or supplies, including vehicles or equipment used in the occupation, indoors or outdoors, shall be permitted which will be hazardous to surrounding neighbors or detrimental to the residential character of the neighborhood.

(7) No building or space outside of the main building shall be used for home occupational purposes, except approved agricultural/horticultural related activities.

(8) There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.

(9) A home occupation shall not create any radio or television interference or noise audible beyond the boundaries of the site.

(10) No smoke, odor, liquid or solid waste shall be emitted.

(11) There shall be no outdoor storage or display of materials or equipment maintained on the premises.

(12) The conduct of the home occupation shall not interfere with the maintenance of the required off-street parking spaces on the property.

(13) The application shall be subject to review each year by the Town Manager. Violation of any criteria listed above shall result in cancellation of the home occupation permit.

(B) A decision of the Town Manager regarding the approval, disapproval or conditions imposed may be appealed in writing to the Planning and Zoning Commission within 15 days of notice of the decision.

(C) The Planning and Zoning Commission shall review newly issued home occupation permits on a regular basis.

(Ord. 2012-04, passed 12-5-2012)

§ 14.3 COTTAGE INDUSTRIES.

Cottage industries may be permitted subject to the granting of a conditional use permit by the Planning and Zoning Commission and, if approved, shall comply with the following restrictions.

- (A) The entrepreneur of the cottage industry shall reside on the property.
- (B) The number of persons employed in connection with the cottage industry and who are not residents of the dwelling shall not exceed three.
- (C) The cottage industry may be conducted either within the dwelling or an accessory structure, or both; provided that, not more than 50% of the combined floor area shall be used in the conduct of the cottage industry.
- (D) One non-illuminated sign not exceeding six square feet in area and six feet in height shall be permitted. Colors of sign background, sign lettering and support structure shall be earth tones complementary to the natural surroundings.
- (E) Adequate off-street parking shall be provided according to the provisions of § 15. There shall be a maximum of five parking spaces.
- (F) Any outdoor storage shall be as permitted in the underlying zone or as specified by the Commission. Outdoor storage shall be completely enclosed with a solid six-foot high fence or wall.
- (G) Parking of commercial vehicles shall be as permitted in the underlying zone.
- (H) Property for which a conditional use permit for a cottage industry is approved shall front on and have direct access on a road accepted for maintenance by the town or other governmental agency.
- (I) Outdoor lighting shall conform to § 17.
- (J) Direct sales of products is allowed if such sales are specifically provided for in the use permit.
- (K) The business shall not generate any noise, vibration, smoke, dust, odor, heat, glare or electrical interference with radio or television reception that would exceed that normally produced by a dwelling unit.
- (L) The Commission may grant a conditional use permit for up to three years. If all requirements of this section and of the use permit have been consistently met, and if no complaints have been filed with the town, the use permit may be renewed for up to five years.

(Ord. 2012-04, passed 12-5-2012)

§ 14.4 BED AND BREAKFAST ESTABLISHMENTS.

Bed and breakfast establishments, where permitted by the provisions of this code through the issuance of a conditional use permit, shall be subject to the approval of the Planning and Zoning Commission and shall comply with the following regulations.

- (A) All provisions of § 14.2(A) pertaining to home occupations shall be met.
- (B) Applicants for a use permit shall be the property owners.
- (C) No more than two bedrooms shall be used at any one time.
- (D) No more than five boarders may be accommodated at any one time.
- (E) The maximum duration of stay of any one guest shall be ten days.
- (F) The boarders must enter through the main entrance of the dwelling to get to their rooms, with no separate entrances allowed.
- (G) All parking must be accommodated on site.
- (H) The conditional use permit shall have a time limit of two years, after which time the Town Manager and the Commission shall review compliance with the conditions listed above. Compliance shall result in automatic renewal for another two-year period, while violation shall result in suspension

and revocation according to § 20.3-14 of this code.

(I) For the use of two bedrooms, State and County Health Department approval and permits are required.

(J) State business and sales tax licenses are also required.

(Ord. 2012-04, passed 12-5-2012)

§ 14.5 WIRELESS TELECOMMUNICATION FACILITIES.

(A) *Purpose.* The purpose of this section is to establish a process, rules and standards for the construction of wireless telecommunication facilities to:

- (1) To protect and promote the public health, safety and welfare;
- (2) To provide guidelines for the siting and design of wireless communication facilities;
- (3) To protect the town's environmental resources and to minimize adverse impacts on visual resources;
- (4) To ensure that wireless telecommunication facilities are compatible with adjacent land uses;
- (5) To minimize the number of towers by encouraging the joint use (co-location) of facilities and by maximizing the use of existing towers and structures;
- (6) To allow competition in telecommunications service; and
- (7) To enhance the ability to provide wireless telecommunication services to town residents, businesses and visitors.

(B) *Definitions.*

ANTENNA. Any exterior device for transmitting and receiving wireless communication that is mounted on a tower, building or structure and that is used to send and receive signals for cellular telephone, personal communication service (PCS), mobile radio, paging, wireless Internet access and similar communication services. **ANTENNAS** may include panels, microwave dishes, satellite dishes, whip antennas or other devices that may be affixed to a tower, pole or other structure.

ANTENNA, ATTACHED. An antenna mounted on the exterior of an existing building, silo, smokestack, water tower, utility or power pole, existing wireless communication tower, or an alternative support structure.

ANTENNA, CONCEALED (STEALTH). An antenna with a support structure that screens or camouflages the presence of antennas and/or towers from public view in a manner appropriate to the site's context and surrounding environment. Examples include human-made trees, flagpoles that do not exceed ten feet above the maximum allowable building height for the zone, utility poles, light poles, water tanks, steeples and architectural and facade features.

CO-LOCATION. Use by two or more wireless communication providers on the same tower or other alternative structure.

HEIGHT. The vertical distance from the preexisting grade at the base of the tower to the highest point of the tower including antennas.

TOWER. A self-supporting structure such as a lattice tower or monopole, a guyed tower, or a structure affixed to or mounted on an existing or newly constructed building or other permanent structure, together with associated equipment, designed to support one or more antenna.

WIRELESS TELECOMMUNICATION FACILITIES. Any combination of one or more antennas, towers and/or structures with equipment used for the transmission of wireless communication.

(C) *Where allowed.* Wireless telecommunication facilities require the granting of a conditional use permit by the Planning and Zoning Commission except as specified in division (H) below. Facilities are preferred in the industrial (M-1-10,000, M-2-6,000 and MP) and commercial (CG-10,000, CH-10,000 and CN-2/A) zones, but are also permitted with a conditional use permit in the AR, RR, G, PRD, PC, PS, OS, RC, P and MR zones. Facilities are not permitted in the Residential (RS-6,000, RS-10,000 and the like, RM-10/A, RM-20/A, MHP and RMH) Zones.

(D) *Preferred facilities.*

(1) Site location and development of wireless telecommunication facilities shall preserve the existing character of the surrounding land uses and buildings and the aesthetic visual character of the area. If technically feasible, new facilities shall use the most preferred facility type. The order of preference for new facilities is as follows (from most preferred to least preferred):

- (a) Co-location on an existing tower;
- (b) Antennas attached to existing structures such as buildings, light poles, utility poles;
- (c) Concealed or camouflaged facilities;
- (d) New sites on previously disturbed areas;
- (e) New towers/facilities under 100 feet in Commercial or Industrial Zones;
- (f) New towers/facilities 100 feet to 175 feet in Commercial or Industrial Zones;
- (g) New towers/facilities under 100 feet in G, AR or RR Zones;
- (h) New towers/facilities 100 feet to 199 feet in G Zones;
- (i) New towers/facilities 100 feet to 150 feet in AR or RR Zones; and
- (j) New tower in other zones as described in division (C) above.

(2) New facilities shall use the most preferred facility type and location where technically feasible, even if it results in an increase in the number of facilities or a higher cost. A lesser-preferred facility type may be permitted only if the applicant presents substantial evidence to show that it will have a lesser visual impact or is more technically necessary than the use of more preferred facilities.

(E) *Disfavored facilities.*

- (1) Any site that is within a state or federal designated scenic corridor such as Highway 64;
- (2) Any site within a visual corridor or scenic vista, for example along a ridgeline exposed to view from highway travelers or to residential areas, along a public trail, in a park or recreation area, unless the facility blends with the surrounding natural and human-made environment;
- (3) Sites adjacent to or very close to residential areas; and
- (4) Sites adjacent to or very close to sacred sites.

(F) *Performance standards and design requirements.*

- (1) *Height.* New facilities shall not exceed 199 feet in height.
- (2) *Setbacks.* The setback for towers is 105% of the tower height from all property lines so that in case of collapse or failure the tower would be contained on the property. Setbacks may be allowed to extend onto adjacent properties if there are dedicated fall zone easements. The setbacks may be reduced if a registered engineer can certify that in case of failure the tower would be contained on site. In Commercial and Industrial Zones, the setbacks may be reduced to 30% of the tower height if a registered engineer can prove that, in case of failure, the tower would be contained on site. Guys and accessory buildings must meet the setbacks of the underlying zoning classification. Facilities that are located on new or replaced utility poles, street lights or traffic signal poles are exempt from the setback

requirements.

(3) *Color and materials.* Towers and attached antennas must be painted or coated in a color that blends with the surrounding environment. Muted colors, earthtones and subdued hues, such as gray, shall be used. All associated structures such as equipment buildings, including the roofs, shall be painted with earthtone colors.

(4) *Fencing.* New towers, other than flagpoles, utility poles or other camouflaged facilities, shall be fenced to prevent trespass.

(5) *Lighting.* Lighting on any new tower is prohibited unless required by the Federal Aviation Administration or by other applicable state or federal requirements. Motion detector security lighting may be approved if the lights are fully shielded. Any outdoor lighting requires a separate lighting permit.

(6) *Landscaping.* Perimeter landscaping may be required as a condition of approval of the facility, depending on the location. Existing vegetation shall be preserved to the maximum extent possible.

(7) *Signs.* No advertising is permitted anywhere upon or attached to the facility. Signage is limited to small non-illuminated warning and identification signs.

(8) *Permits.* A building permit is required for the construction of any new tower and for accessory structures.

(9) *Storage.* Long-term vehicle storage and other outdoor storage are prohibited.

(10) *Term of use permit.* The conditional use permit shall have a time limit of no more than five years. Prior to the end of the five-year period, the applicant and/or structure owner shall be responsible for submitting a new application for renewal. The applicant shall demonstrate that changes in technology have not eliminated the need for the facility as approved. Renewal of a conditional use permit shall be based on compliance with the conditions of approval.

(G) *Application process.* Prior to the submittal of a conditional use permit application, the applicant shall schedule a pre-application conference with town staff. Staff will review the ordinance requirements and submittal requirements to ensure a complete application. In addition, for facilities located within one-half mile of a residential area, the applicant shall hold a neighborhood meeting prior to the submittal of an application. Staff will attend the meeting and utilize the comments of neighbors in the analysis presented to the Planning and Zoning Commission. The requirement for a neighborhood meeting may be waived by the Town Manager. The application shall include all of the requirements for any conditional use permit, including 15 copies of a detailed site plan and elevations, landscape and fencing plans and the like, plus the following.

(1) *Site plan.* The site plan shall show existing improvements on the property, adjacent roads and access roads, parking, fencing, lighting, existing trees that will be retained and those that will be removed, setbacks from all property lines and all proposed improvements including those on the ground.

(2) *Elevation drawings.* The drawings shall show the tower and proposed attached antenna(s), as well as proposed structures on the ground. Materials and colors shall be indicated and color samples shall be provided.

(3) *Photo images.* Photo simulations of the proposed facility from each direction shall be provided showing the tower, all antennas, structures and equipment facilities, demonstrating the true impact of the facility on the surrounding visual environment. Town staff will assist in specifying recommended vantage points and the requested number of photo simulations at the pre-application conference.

(4) *Communication plan.* Each applicant shall provide a plan of its facilities to the town prior to or in conjunction with any application for the installation of a wireless telecommunication facility. The plan shall cover the entire town extending five miles beyond the town limits. The plan shall include the following. These shall be in general terms and are not meant to require submittal of confidential or proprietary information:

(a) All of the applicant's existing wireless facilities by size, type and coverage area;

(b) All presently anticipated future service areas, anticipated dates of development, and types and heights of facilities desired for each of the service areas;

(c) The various types of wireless telecommunication facilities used by the applicant to furnish service and when they are used. This includes drawings providing the sizes and shapes of the antennas and other equipment as well as written materials describing their application;

(d) The applicant's policy direction for the mitigation and/or reduction of existing and proposed towers to avoid the proliferation of such facilities;

(e) The applicant's policy direction on the mitigation and/or reduction of the negative visual impacts created by new towers, including any proposals to conceal or disguise such facilities designed to be architecturally and/or environmentally compatible with their surroundings;

(f) The applicant's policy direction on co-location of antennas on their own facilities, on facilities from other applicants or tower companies, or on other structures that provide the verticality required for the antennas; and

(g) Designation of an agent (contact person) of the applicant who is authorized to receive communications and notices pursuant to this section.

(5) *Written narrative.* A written narrative shall be submitted with the application explaining why the proposed site has been chosen, why the proposed telecommunication facility is necessary, why the requested height was chosen, ability of the facility to accommodate other providers, and any other information requested at the pre-application conference.

(6) *Existing structures.* Evidence shall be submitted demonstrating that no existing verticality can be utilized within the targeted search area, defined generally as a one mile radius, to meet the applicant's requirements.

(7) *Property owner list.* A typewritten list of the names and addresses of all property owners, keyed to assessor's parcel numbers, within 500 feet of the outside boundaries of the subject property for towers up to 99 feet, and within 1,000 feet for towers from 100 to 199 feet.

(8) *Evidence of notification.* For facilities within one quarter mile of residential areas, defined as neighborhoods or subdivisions, evidence of notification of property owners within one quarter mile, map indicating tower site and residential area, and evidence of neighborhood meeting including sign-in sheet and a description of how the design addresses the residents' concerns.

(H) *Exemptions.* This code does not apply to HAM radio towers, which are regulated elsewhere in the zoning code, or to satellite dishes for television reception at individual single-family residences. In addition, a conditional use permit is not required to co-locate additional antennas on already approved towers unless it results in a substantial change in the approval, such as an increase in tower height. A conditional use permit is not required for attached antennas where the height of the structure the antenna is being attached to is not increased. Examples would be antennas on existing utility or light poles, water towers or on the fascia of existing buildings. A conditional use permit is also not required for a stealth design that meets the height restriction of the zone in which the tower is proposed to be located. Co-locations are subject to the same conditions of approval as the original conditional use permit.

(I) *Abandonment.* The provisions of § 19, Non-Conforming Situations, shall apply to wireless telecommunications facilities. Pursuant to § 19.11, a tower shall be considered abandoned and the use discontinued if it is not utilized (i.e., there are no providers/antennas on the tower) for a continuous period of 180 days.

(J) *Obsolescence and removal.* In addition to all other remedies available to the Town of Tusayan, if a facility is abandoned pursuant to division (I) above and § 19 of the zoning code, or if a facility becomes obsolete due to changing technology, it shall be the responsibility of the tower owner and/or property owner to remove the tower and to restore the site to its original condition within 60 days. If the tower is not removed within this 60-day period, the town may notify the tower owner that it will contract for removal at the cost of the owner.

§ 14.6 GROUP HOMES FOR THE HANDICAPPED.

(A) *Purpose.* The purpose of these regulations is to permit handicapped persons to reside in single-family residential neighborhoods in compliance with the Fair Housing Act, while preserving the residential character of the neighborhood.

(B) *Zoning confirmation.* Prior to registration, a request for zoning confirmation may be submitted to the Town Manager or designee to confirm that the proposed location of the group home is permitted under this section.

(C) *Standards.* Group homes for the handicapped shall be located, developed and operated in compliance with the following standards.

(1) *Separation.* The minimum separation between group homes shall be 1,200 feet, as measured from the closest property lines. No separation is required when group homes are separated by a utility right-of-way of at least 300 feet in width, or by a freeway, arterial street, canal or railroad.

(2) *Occupancy.* The number of residents, excluding staff, shall not exceed ten.

(3) *Exterior appearance.* There shall be no sign or other exterior indication of a group home visible from a street.

(4) *Compliance with all applicable building and fire safety regulations.* If a group home has one or more non-ambulatory residents, Building Code requirements in addition to those applicable to group homes with no non-ambulatory residents, shall apply.

(5) *Licensing.* Group homes shall comply with applicable licensing requirements.

(6) *Parking.* Any parking for the group home shall be on site.

(7) *Tenancy.* No group home shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.

(D) *Additional requirements of state law.* Notwithstanding the foregoing, if the state has adopted laws or rules for the regulation of a specific type of home, such as a group home for the developmentally disabled pursuant to A.R.S. § 36-582 or an assisted living home pursuant to A.R.S. Title 36, Ch. 4, then any such state law or rule shall apply in addition to the conditions listed herein and shall preempt any conflicting condition listed herein.

(E) *Request for accommodation.*

(1) If a group home owner believes any requirement of the zoning 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:

(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.

§ 14.7 METAL STORAGE CONTAINER BOXES.

(A) The purpose of this section is to establish the criteria, process, rules and standards for the use of metal storage container boxes.

(B) **METAL STORAGE CONTAINERS** are defined as prefabricated, portable metal containers used for storage of personal property.

(C) Temporary uses in the G, AR, RR and RS Zones.

(1) Upon the issuance of a building permit, two 160 square foot metal storage containers may be established with a no-fee temporary use permit. A temporary use permit is required prior to the storage containers being located on site and may be issued for up to 18 months at a time. Temporary use permits may be renewed so long as building permit remains in active status.

(2) For non-permit projects (emergency situations related to fire or flood, or remodels), two 160 square foot metal storage containers may be established with temporary use permit for up to nine months. Emergency related projects are subject to a no fee permit. Temporary use permits may be renewed for an additional nine-month period.

(3) Metal storage containers shall be located at least ten 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 90 days.

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

(5) Any deviations from these standards may be approved through the issuance of a conditional use permit.

(D) Temporary uses in the CG, CH, M1 and M2 Zones.

(1) Upon the issuance of a building permit, metal storage containers may be established with a temporary use permit. A no fee temporary use permit is required prior to the storage container being located on site and may be issued for up to 18 months at a time. Temporary use permits may be renewed so long as building permit remains in active status.

(2) For non-permit projects metal storage containers may be established with a temporary use permit for up to six 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 90 days.

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

(E) Permanent uses in the G, AR, RR and RS Zones.

(1) One 160 square foot metal storage container may be established with an approved building permit, subject to the following standards.

(a) There shall be no signage on the metal storage container.

(b) The only utilities permitted shall be electricity for lights and outlets (i.e., there shall be no plumbing or mechanical). The addition of electricity requires an electric permit.

(c) All containers shall be painted and maintained either the primary structure color or a pre-approved earthtone color consistent with the surrounding terrain prior to placement.

(d) Metal storage containers are required to meet all development standards of the zoning district

in which they are located including setbacks, building separation and structure height.

(e) Use of the unit is for the storage of personal effects owned by the property owner or tenant. There shall be no commercial use of the unit (e.g., rental of the unit to people not residing on the property).

(f) The unit shall not be used for residential use or for the keeping of animals.

(g) Nothing shall be stored on top of the unit.

(2) Any deviations from these standards may be approved through the issuance of a conditional use permit.

(3) Metal storage containers existing prior to the adoption of this code will have until 1-1-2009 to meet these requirements.

(F) Permanent uses in the CG and CH Zones.

(1) The equivalent of one 320 square foot metal storage container (e.g., two eight-foot by 20-foot containers, or one eight-foot by 40-foot) may be established with an approved building permit, subject to the following standards.

(a) There shall be no signage on the metal storage containers.

(b) Electric utility may be permitted as part of the building permit.

(c) All containers shall be painted and maintained either the primary structure color or a pre-approved earthtone color consistent with the surrounding terrain prior to placement.

(d) Metal storage containers are required to meet all development standards of the zoning district in which they are located including setbacks.

(2) Any deviations from these standards may be approved through the issuance of a conditional use permit.

(3) Metal storage containers existing prior to the adoption of this code will have until 1-1-2009 to meet these requirements.

(G) Permanent uses in the M1 and M2 Zones.

(1) Metal storage containers are permitted with an approved building permit, subject to the following standards.

(a) There shall be no signage on the metal storage containers.

(b) Electric utility may be permitted as part of the building permit.

(c) All containers shall be painted and maintained either the primary structure color or a pre-approved earthtone color consistent with the surrounding terrain prior to placement.

(d) Metal storage containers are required to meet all development standards of the zoning district in which they are located including setbacks.

(2) Any deviations from these standards may be approved through the issuance of a conditional use permit.

(3) Metal storage containers existing prior to the adoption of this code will have until 1-1-2009 to meet these requirements.

(Ord. 2012-04, passed 12-5-2012)

§ 14.8 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 center of the turbine hub.

TOTAL 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 useable form of electrical energy.

(C) *Where allowed.*

(1) Accessory wind energy systems shall be considered a permitted use in the following zoned areas G, AR, RR, RS, RM, PC, PRD, PS, RC, CG, CH, MR, MP, M1 and M2 Zones that are a minimum of one acre in size. Roof mounted systems may be permitted in any of the above mentioned zoned areas that are a minimum of one-half acre in size.

(2) Any deviation from the required standards of this 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 acre is required for the installation of an accessory wind energy system.

(4) No more than two systems are permitted per parcel.

(5) Maximum height shall be that of the underlying zoning district measured from preexisting natural grade to the center of the turbine hub for horizontal and vertical systems.

(6) Setback requirements shall be 100% of the total height of the accessory wind energy system from all property lines, access easements, residential structures and public electric power or telephone lines. No part of the wind system structure, including guy wire anchors, may extend into the minimum setback area of the underlying zoning district or into any access or utility easements.

(7) All portions of the energy system shall be a non-reflective, non-obtrusive color, subject to the approval of the 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 sub-stations 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 50 decibels (50 dBA), as measured from the nearest property line, except during short-term events including utility outages and severe wind storms.

(12) Building permits shall be obtained for any accessory wind energy system prior to installation.

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

(Ord. 2012-04, passed 12-5-2012)

§ 14.9 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 condition.

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-10,000 (Commercial General) and CH-10,000 (Commercial Heavy) Zones or in the PC (Planned Community) Zone in areas designated for development, subject to CG-10,000 and CH-10,000 uses and development standards, subject to the following performance standards and design requirements.

(2) Medical marijuana off-site cultivation and infusion facilities shall be considered permitted uses in the M-1-10,000 (Light Industrial), and M-2-6,000 (Heavy Industrial) Zones or in the PC (Planned Community) Zone in areas designated for development, subject to the M-1-10,000 and M-2-6,000 uses and development standards, subject to the following performance standards and design requirements. Off-site cultivation and infusion facilities shall be considered conditional uses in the CH-10,000 (Commercial Heavy) Zone or in the PC (Planned Community) Zone in areas designated for development, subject to CH-10,000 uses and development standards.

(D) *Performance standards and design requirements.*

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

(2) Medical marijuana dispensaries shall have a single secure entrance and shall implement appropriate security measures to deter and prevent the theft of marijuana and unauthorized entrance into

areas containing marijuana pursuant to A.R.S. § 36-2806(C).

(3) Medical marijuana dispensaries shall be a maximum of 2,500 gross square feet.

(4) Medical marijuana dispensaries and cultivation/infusion facilities shall not be located within 500 feet of a public or private preschool, kindergarten, elementary, secondary or high school, place of worship or public park existing before the date of application for the medical marijuana dispensary or cultivation/infusion facility. This distance shall be measured in a straight line from the exterior walls of the building or portion thereof in which the business is conducted or proposed to be conducted to the property line of the protected use.

(5) Medical marijuana dispensaries and cultivation/infusion facilities shall not be located within 500 feet of another medical marijuana dispensary or cultivation or infusion facility. This distance shall be measured in a straight line between the exterior walls of the buildings or portions thereof in which the businesses are conducted or proposed to be conducted.

(6) Any medical marijuana dispensaries and cultivation/infusion facilities lawfully operating shall not be rendered in violation of these provisions by the subsequent location of a public or private preschool, kindergarten, elementary, secondary or high school, place of worship or public park.

(7) Retail sales and dispensing of medical marijuana and related products is prohibited at off-site medical marijuana cultivation and infusion facilities.

(8) Operating hours of medical marijuana dispensaries are limited to 8:00 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 facility that incorporates medical marijuana by means of cooking, blending or incorporation into consumable/edible goods shall obtain applicable food service permits from the County Health Department.

(8) If the measured distance is within 25 feet of the required limits identified in 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.

(Ord. 2012-04, passed 12-5-2012)

SECTION 15: OFF-STREET PARKING

Section

15.0 Purposes

15.1 Basic requirements for off-street parking

15.2 Parking spaces required

15.3 Site development standards for off-street parking areas

§ 15.0 PURPOSES.

In order to alleviate or to prevent traffic congestion and shortage of curb spaces, off-street parking facilities shall be provided incidental to new uses and major alterations and enlargements of existing uses. The number of parking spaces prescribed in this section shall be in proportion to the need for such facilities created by the particular type of use. Off-street parking is to be laid out in a manner that will ensure its usefulness, protect the public safety and, where appropriate, insulate surrounding land uses from its impact.

(Ord. 2012-04, passed 12-5-2012)

§ 15.1 BASIC REQUIREMENTS FOR OFF-STREET PARKING.

(A) Off-street parking shall be provided for any new building constructed and for any new use established; for any addition or enlargement of an existing building or use; and for any change in the occupancy of any building or the manner in which any use is conducted that would result in additional parking spaces being required, subject to the provisions of this section.

(B) No existing use of land or structure shall be deemed to be non-conforming solely because of the lack of off-street parking facilities prescribed in this section; provided that, facilities being used for off-street parking on the effective date of this zoning code shall not be reduced in capacity to less than the minimum standards prescribed in this section.

(C) For additions or enlargements of existing buildings or uses, or any change of occupancy or manner of operation that would increase the number of parking spaces required, the additional parking shall be required only for such addition, enlargement or change and not for the entire building or use; provided that, no additional parking shall be required where the total number of spaces prescribed for the

addition, enlargement or change is less than 10% of the number of spaces prescribed for the use as conducted prior to such addition, enlargement or change.

(D) Parking required by this section for any building or use shall not be considered as providing parking for any other building or use, except where a joint parking facility serves more than one building or use or where the Planning and Zoning Commission determines that overlapping parking requirements will not conflict with each other.

(E) (1) All off-street parking spaces and areas required by this section shall be maintained for the duration of the use requiring such areas.

(2) Required parking spaces and areas shall not be used for the sale, display or repair of motor vehicles or other goods and services.

(F) No use shall be required to provide more spaces than prescribed by this section or prescribed by any conditional use permit.

(Ord. 2012-04, passed 12-5-2012)

§ 15.2 PARKING SPACES REQUIRED.

(A) *General.*

(1) In the CN Zone, off-street parking for a shopping center shall be provided on the same site at a ratio of five spaces for each 1,000 square feet of gross floor area.

(2) In all Residential Zones, for residential uses, off-street parking shall be provided in accordance with § 10.2(C).

(3) In all other zones and for all other uses, off-street parking shall be provided in accordance with the standards prescribed in § 15.2(B). The requirement for any use not specifically listed shall be determined by the Town Manager or designee on the basis of the requirement for similar uses.

(4) Where the application of the off-street parking requirements result in a fractional number of spaces, a fraction of one-half or greater shall be resolved to the next higher whole number.

(5) All required off-street parking spaces shall be located on the same lot as the use to be served unless a joint parking facility or parking district is established and approved by the Planning and Zoning Commission.

(B) *Schedule of off-street parking requirements.*

<i>Use</i>	<i>Minimum Off-Street Parking Required</i>
Art gallery	1 space for each 250 square feet of gross floor area
Automobile, boat, camper or similar vehicle sales, display or rental uses	1 space for each 500 square feet of gross floor area, but not less than 5 spaces
Automobile car wash	Spaces or reservoir parking equal to 5 times the capacity of the car wash
Bank, financial institution, public or private utility office	1 space for each 200 square feet of gross floor area
Barber or beauty shop	1 space for each 200 square feet of gross floor area
Bed and breakfast	1 space for each guest room, plus 2 spaces for permanent residents
Boarding or rooming house	1 space for each guest room or guest dwelling
Bowling alleys	3 spaces for each alley

Camp	1 space for each employee on largest shift, plus 1 space for each camp vehicle normally parked on the premises plus 1 visitor space for each 10 campers
Church, chapel or mortuary	1 space for each 3 seats in the main assembly room; or 1 space for each 20 square feet in the main assembly room
Cleaning or laundry use or similar personal service use	1 space for each 250 square feet of gross floor area

<i>Use</i>	<i>Minimum Off-Street Parking Required</i>
Clubs or lodges	1 space for each 3 seats in the main assembly room; or 1 space for each 20 square feet in the main assembly room
College or university, including auditoriums, stadiums and housing facilities; vocational schools	0.75 space for each full-time equivalent student, less the number of spaces provided for on-campus housing facilities according to this schedule
Commercial service uses, repair shops, garages, wholesale uses	1 space for each 200 square feet of gross floor area (including display)
Community center	1 space for each 250 square feet of gross floor area or 1 space for each 4 patrons to the maximum capacity, plus 1 space for each employee on the largest shift
Contractor's yard	2 spaces, plus one space for each employee
Convalescent home	1 space for each 3 patient beds
Convenience markets	1 space for each 200 square feet of gross floor area
Country club, swim club or recreation use	1 space for each 3 persons based on the maximum anticipated capacity of all facilities capable of simultaneous use as determined by the Town Manager
Day nursery or nursery school	1 space for each staff member, plus 1 space for each 10 students
Dormitories and other student housing	2 spaces for each 3 guest rooms
Drive-in restaurants	1 space for each 100 square feet of gross floor area, but not less than 10 spaces for each such establishment
Elementary or junior high school	2 spaces for each teaching station
Fire station	1 space for each 200 square feet of gross floor area
Food store, supermarket or similar use	1 space for each 150 square feet of gross floor area (including display)
Furniture or appliance stores	1 space for each 750 square feet of sales display area
Government buildings	1 space for each 200 square feet in addition to the parking required for employees
High school, including auditoriums and stadiums on site	7 spaces for each teaching station
Horse stable	1 space for each employee plus 1 space for each 4 stalls
Hospital	1 space for each 2 patient beds
Hotels and motels	1 space for each guest room
Kennel	1 space for each employee, plus 1 space for each 1,000

	square feet, but no less than 4 spaces
Manufacturing or industrial uses, including office or other incidental operations on the site	2 parking spaces for each 3 employees, but in no event less than 2 spaces for each 1,000 square feet of gross floor area
Medical or dental office	5 spaces for each doctor
Mineral extraction operations	1 space for each employee on the maximum shift
Other business, technical service, administrative or professional office or commercial building	1 space for each 250 square feet of gross floor area

<i>Use</i>	<i>Minimum Off-Street Parking Required</i>
Plant nursery, garden shop	5 spaces, plus additional space for each 1,000 square feet of sales or display area
Post office	1 space for each employee, plus 1 space for each 500 square feet of gross floor area
Recycling center	1 space for each employee, plus 1 space for each 500 square feet of gross floor area
Restaurant, cocktail lounge or similar use for sale or consumption of food or beverage	1 space for each 100 square feet of gross floor area, (including outdoor dining areas), but not less than 10 spaces for each such establishment
Retail, general	1 space for each 200 square feet of gross floor area
Retail, outdoor	1 space for each 500 square feet of open sales and display area, plus 1 space for each employee
Retail, showroom	1 space for each 500 square feet of showroom/display area, plus 1 space for each employee; additional parking required for associated warehouse area
Self-service storage	2 spaces, plus 1 space for each 100 units
Service station	5 spaces
Skating rinks	1 space for each 3 seats; or 1 space for each 50 square feet of rink area
Theater or auditorium not on a school site	1 space for each 3 seats in main assembly room; or 1 space for each 20 square feet in main assembly room
Warehouse and distribution industry	2 parking spaces for each 3 employees, but in no event less than 1 space for each 2,000 square feet for the first 20,000 square feet; 1 space for each 4,000 square feet of floor area of the remaining building area. If there is more than 1 shift, the number of employees on the largest shift may be used in determining parking requirements

(C) *Tour bus parking.* For hotels and motels with more than 60 guest rooms, parking for up to four tour buses will be allowed in lieu of automobile parking spaces at a ratio of one tour bus space for every 16 automobile parking spaces; provided that, in no event shall the number of automobile parking spaces be less than 75% of that otherwise required. Additional tour bus parking spaces may be provided, but no additional credit will be given.

§ 15.3 SITE DEVELOPMENT STANDARDS FOR OFF-STREET PARKING AREAS.

(A) Each off-street parking space shall consist of a rectangular area not less than nine feet wide by 18 feet long, together with drives, aisles, turning and maneuvering areas and having access at all times to a public street or alley. All parallel parking stalls shall be a minimum of eight feet by 24 feet.

(B) Each off-street parking area shall provide an area or areas landscaped equivalent to ten square feet for each parking space. Such landscaping shall be provided along the periphery of the parking area and shall consist of trees and plant material; provided, however, that, such landscaped area shall include at least one minimum 15- gallon tree for each ten parking spaces. In addition, one minimum 15-gallon tree shall be provided in the interior portions of the parking area for each 10,000 square feet of parking area. Required landscaped yard or setback areas shall not be construed as satisfying any portion of the landscaped area required by this section unless authorized and accepted by the Planning and Zoning Commission.

(C) Any unused space resulting from the design of the parking area shall be used for landscape purposes.

(D) All required landscaped areas shall be provided with a permanent and adequate means of irrigation and shall be adequately maintained.

(E) All off-street parking areas, except for single-family dwellings and two-family dwellings, shall be constructed and maintained to provide the following:

(1) Grading, drainage and a minimum of two inches of asphaltic concrete paving over a four-inch aggregate base or other acceptable paving design prepared by a registered professional engineer to the specifications of the town staff unless a paving waiver is approved by the Planning and Zoning Commission or a variance is granted by the Hearing Officer;

(2) Internal spacing, circulation and dimensions as indicated on the sample parking lot plan at the end of this section;

(3) Bumpers, wheel stops, stall markings and other vehicular controls to the specifications of the Town Manager or designee;

(4) Lighting may be required to the specifications of the Town Manager or designee. In all cases, such lighting shall be arranged and shielded so that direct rays do not shine onto adjacent property and so that no light is projected above the horizontal;

(5) Drainage shall be provided to the specifications of the town staff; and

(6) Parking lot turn-outs shall be a minimum of 100 feet from the nearest street intersection.

(F) Parking area design dimensions shall be as follows. (See sample parking lot plan.) In the event practical difficulties and hardships result from the strict enforcement of the following standards due to existing permanent buildings or an irregularly shaped parcel, an administrative variance by the Town Manager may be given for Standards Nos. 1 through 4 inclusive, not to exceed 10%. Note: The number in the left-hand column of the following listing refers to the numbers on the attached sample parking lot plot plan.

1.	30 degrees	45 degrees	60 degrees	90 degrees
2.	16 feet	17 feet	18 feet	18 feet
3.	14 feet	16 feet	19 feet	24 feet
4.	46 feet	50 feet	55 feet	60 feet

5.	14 feet for one-way traffic; 24 feet for two-way traffic (2-way aisles shall be permitted only on 90-degree parking designs).
6.	Islands shall have a maximum length of 180 feet.
7.	Islands shall have a minimum width of 5 feet. The minimum average width of islands at the extremities of 90-degree parking islands shall be 5 feet.
8.	Curbs shall be installed at a minimum of 5 feet from walls, fences, buildings or other structures. This requirement excepts driveways that are not a part of the maneuvering area for parking. A curb shall be installed a minimum of 3 feet from the edge of driveways that are parallel to block walls or fences.
9.	Curb radius shall be 3-foot minimum.
10.	Driveway widths shall be 24 feet minimum and constructed to town standards.
11.	First parking space shall be 10 feet minimum distance from front and street side property lines.
12.	Walk openings 4 feet wide shall be permitted in the island every 5 spaces.
13.	Parking stall length may include allowance for vehicle overhang of a curb or planter area up to a maximum of 3 feet.
14.	All parallel parking stalls shall be a minimum of 8 feet x 24 feet.

(G) Where off-street parking facilities are provided, but not required by § 15, such facilities shall comply with the development standards of this section.

(H) Loading spaces shall be provided to the specifications of the Town Manager or designee.

(I) Parking for the handicapped shall be provided in accordance with the requirements of A.R.S. § 34-405-C.

(J) At the discretion of the Town Manager or designee, designated bus parking may be required for uses subject to tour bus traffic. Where required, minimum dimensions for bus parking spaces shall be 12 feet by 42 feet for angle parking and ten feet by 48 feet for parallel parking.

(K) At the discretion of the Town Manager or designee, off-street parking facilities providing more than 40 parking spaces may contain an on-site traffic circulation and parking plan to accommodate both full-size and compact car spaces. Said optional parking plans shall meet the following criteria.

(1) Not more than 40% of the total number of parking spaces shall be designed for compact and sub-compact vehicles.

(2) Compact spaces must be designed for 90-degree parking and located opposite a 45-degree or 30-degree full-sized aisle and parking stall.

(3) Compact car parking spaces shall measure at least eight feet by 15 feet in size.

(Ord. 2012-04, passed 12-5-2012)

SECTION 16: SIGNS

Section

16.0 Purpose

16.1 Definitions

- 16.3 Exempt signs
- 16.4 Special purpose signs
- 16.5 Signs in General, Agricultural Residential and Rural Residential Zones
- 16.6 Signs in Residential Zones
- 16.7 Signs in Commercial Zones
- 16.8 Signs in Industrial Zones
- 16.9 Signs in Special Purpose Zones
 - 16.9-1 Signs in the MHP Zone
 - 16.9-2 Signs in the PRD Zone
 - 16.9-3 Signs in the PC Zone
 - 16.9-4 Signs in the PS Zone
 - 16.9-5 Signs in the OS Zone
 - 16.9-6 Signs in the FPM Zone
 - 16.9-7 Signs in the RC Zone
 - 16.9-8 Signs in the P Zone
 - 16.9-9 Signs in the MR Zone
- 16.10-1 Cash deposit on certain signs
- 16.10-2 Elimination of non-conforming signs
- 16.11 Sign permit requirements

§ 16.0 PURPOSE.

The location, height, size and illumination of signs are regulated in order to maintain the attractiveness and environmental qualities of the town to protect business sites from loss of prominence resulting from excessive signs on nearby sites; and, to protect the public safety and welfare.

(Ord. 2012-04, passed 12-5-2012)

§ 16.1 DEFINITIONS.

The following definitions are also found in § 8, Definitions. They are repeated here for convenience and clarity.

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 and which is visible from any area outside a building. **ADVERTISING DEVICES** include, but are not limited to, vehicles, vehicle parts, wagons, trailers, railroad cars, shipping containers and goods for sale.

BANNER. A temporary sign made of pliable material that may or may not be located in a rigid frame.

BANNER, COMMUNITY. A banner that provides notice of a community event or celebration.

BILLBOARD. Any sign designated for use with changing advertising copy and which is normally

used for the advertisement of goods produced or services rendered at locations other than the premises on which the sign is located.

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

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

PROJECTING SIGN. A sign attached to a building wall or structure that extends horizontally more than 12 inches from the face of the wall.

ROOF SIGN.

(1) A sign erected over or on, and wholly or partially dependent upon the roof of any building for support, or attached to the roof in any way.

(2) This definition shall also include any sign painted directly on a roof.

SIGN.

(1) Any notice, advertising device or advertisement, pictorial or otherwise, used as an outdoor display or visible from outside a building for the purpose of advertising the property or the establishment or enterprise, including goods and services, upon which the sign is exhibited, or for use for off-site directional purposes.

(2) This definition shall not include official notices issued by any court or public body or officer or directional warning or information sign or structure required by or authorized by law.

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

TEMPORARY BUSINESS IDENTIFICATION SIGN. A banner that is installed on the wall of a new business during the period of time that the permanent business identification sign is in the town's sign approval process.

WINDOW SIGN. A sign, which is displayed in a window so as to be visible beyond the boundaries of the parcel upon which such signs are displayed.

(Ord. 2012-04, passed 12-5-2012)

§ 16.2 GENERAL PROVISIONS.

(A) (1) All sign illumination shall be from the interior or from top mounted, downward directed floodlight projection.

(2) Signs may not be illuminated between the hours of 11:00 p.m. and sunrise, unless the use they advertise is open to the public during those hours.

(3) If illumination is provided, all lights must be installed and used in conformance with § 17, Lighting, of this zoning code.

(4) A banner sign may only be illuminated if it is installed over a legally lighted sign.

(B) No sign shall rotate or simulate movement by means of fluttering, spinning or reflective devices.

(C) (1) No sign may encroach upon or overhang any adjacent property.

(2) No sign shall be attached to any tree.

(3) No sign shall be attached to any utility pole, light standard or any other public facility and no sign may be placed in any public right-of-way without the approval of the town and the government with

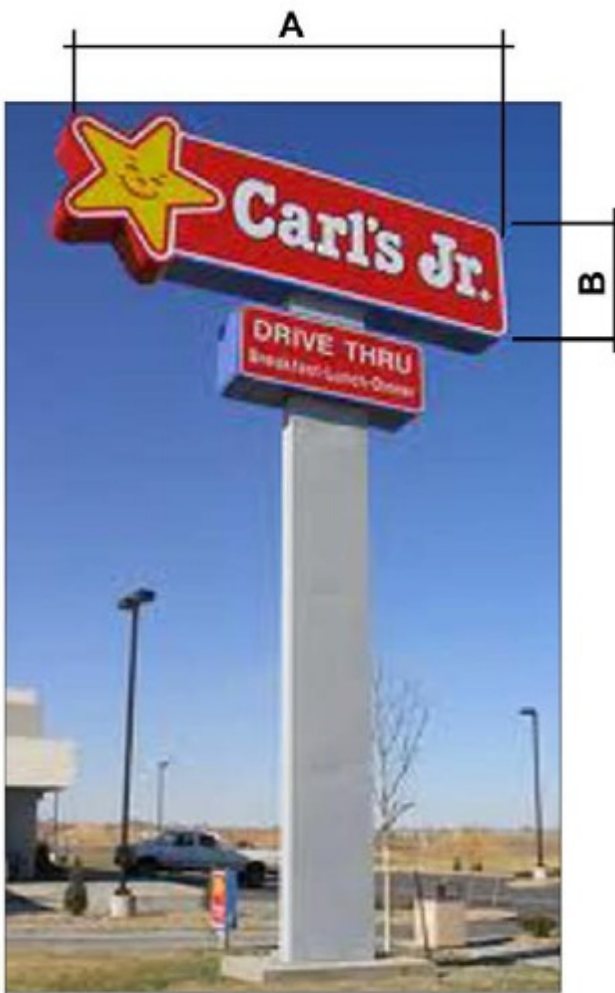
jurisdiction.

(D) Canopy signs shall not project above the canopy; signs attached to a building shall not project above the eave line, except as approved by the Planning and Zoning Commission.



Canopy Signs

(E) The square footage of a sign made up of letters, words or symbols within a frame shall be determined from the outside edge of the frame itself. The square footage of a sign composed of only letters, words or symbols shall be determined from imaginary straight lines drawn around the entire copy or grouping of such letters, words or symbols. Only those portions of the construction elements that are an integral part of the sign itself shall be considered in the allocation of square footage allowed.



Square Footage of Signs (AxB)

(F) All signs shall be structurally safe and shall be maintained in good condition in the opinion of the Town Manager or designee. Furthermore, it shall be the responsibility of the owner of the land and/or improvements to remove any sign or signs on premises where the use has been discontinued for a period of six months. The Town Manager or designee may allow the owner of the land and/or improvements to remove the sign message in lieu of removing the structure that contains the sign message.

(G) (1) All signs, together with all of their supports, braces, guys and anchors shall be kept in good condition.

(2) The display surfaces of all signs shall be kept neatly painted or posted at all times. Also, all weeds shall be removed periodically as necessary.

(3) The Town Manager or designee may order the removal of any sign that is not maintained in accordance with the provisions of the Town Building Code.

(H) No cloth, paper, plastic or similar advertising signs, banners or devices other than in rigid frames shall be permitted, except as permitted herein.

(I) For retail commercial uses in any zone where such uses are listed as permitted or conditional uses, window signs may be permitted. Signage exceeding 25% of the window area is prohibited. Window signs above the ground floor shall be considered equivalent to a wall sign and shall be included in the overall signage calculation.

(J) No roof signs shall be permitted. However, where no building setback is provided, roof signs may

be permitted, subject to the approval of the Planning and Zoning Commission.



Roof Signs

(K) Projecting signs shall not extend out more than 32 inches from the wall to which they are attached and shall not exceed ten square feet in area. A minimum of eight feet of clearance between the ground and the bottom edge of the sign shall be provided.



Projecting Signs

(L) No person shall exhibit, post or display upon any sign or wall any statement, symbol or picture of an obscene nature.

(M) No person, firm or corporation shall erect, construct, enlarge, modify or relocate any sign in the town without first obtaining a building permit, as applicable, for each such sign. Where said sign is electrical or illuminated by electricity, a separate electrical permit shall be obtained.

(N) The following signs shall not require a sign permit: real estate for sale, rental and open house

signs (see § 16.4(A)(2)), residential nameplates (see §§ 16.5(A) or 16.6(A)(1) as applicable) and residential construction signs (see § 16.4(A)(2)(c)). A sign permit shall be obtained for all other signs prior to their installation.

(O) Signs shall not blink, flash or be animated by lighting in any fashion.

(P) The operation of searchlights or similar lighting sources for advertising, display or any other commercial purpose is prohibited.

(Q) No sign shall be located in such a manner as to obstruct or otherwise interfere with an official traffic sign, signal or device or obstruct or interfere with a driver's view of approaching, merging or intersecting traffic. A clear sight triangle shall be maintained at all street intersections and driveway entrances. Such clear sight triangle shall be determined by measuring 25 feet along each property line at street intersections, and along the property line and the driveway for driveway entrances. Signs that are to be located in such clear sight triangle shall not exceed three feet in height.

(R) Signs that are placed on gasoline pumps or on spanners above gasoline pumps that do not exceed one-quarter square foot in area shall not be counted toward the maximum number of wall signs allowed for each use. One such sign may be placed on each side of a gasoline pump or spanner. If such signs exceed one-quarter square foot in area they shall be considered wall signs and will be counted toward the maximum number of wall signs allowed for each use.

(S) Fluorescent signs or signs with fluorescent lettering, illustrations or features are prohibited.

(T) The base of a freestanding sign shall be located in a planter box or other landscaped area.

(U) Sign height:



(Ord. 2012-04, passed 12-5-2012)

§ 16.3 EXEMPT SIGNS.

The following signs shall be exempt from the provisions of this section:

- (A) Official notices authorized by a court, public body or public safety official;
- (B) Directional, warning or information signs authorized by federal, state, county or town authority;
- (C) Memorial plaques and building cornerstones when cut or carved into a masonry surface or when made of incombustible material and made an integral part of the building or structure;
- (D) Commemorative symbols, plaques and historical tablets; and
- (E) Political signs; provided, however, that, such signs shall be displayed no more than 60 calendar days prior to the election to which they refer, and shall be removed within three calendar days following the date of the election to which they refer. Political signs shall not be placed in any public right-of-way.

(Ord. 2012-04, passed 12-5-2012)

§ 16.4 SPECIAL PURPOSE SIGNS.

(A) The following special purpose signs shall be permitted:

(1) *Directional signs.* In any zone, one parking directional sign not exceeding ten square feet in area or six feet in height at each parking area entrance or exit. Directional signs painted on paved parking areas shall be permitted. No advertising message of any kind shall be displayed on a parking directional sign;

(2) *Real estate and development signs.*

(a) *For sale or rental signs.* In any zone, one on-site unlighted sign not exceeding six square feet on each street frontage adjoining a site. Freestanding signs shall not exceed six feet in height. Parcels of 40 acres or more shall be allowed one freestanding sign not exceeding 20 square feet in area and eight feet in height. All sale and rental signs shall be removed within 30 days from the date of sale;

(b) *Open house signs.* Open house signs shall be limited to four square feet and shall not exceed three feet in height. They shall be limited to no more than two days per week for any given property. One on-site and no more than three off-premise signs are permitted. The signs shall be placed no more than 30 minutes prior to the beginning of the open house and shall be removed within 30 minutes of the end of the open house. Off-premise signs placed in public rights-of-way shall be placed such that they do not obstruct traffic or visibility at the intersection. They shall not obstruct multi-purpose paths or sidewalks. When placed on private easements, they shall be placed with the property owner's permission;

(c) *Construction signs.* On the site of a property actively under construction, one unlighted sign not exceeding 20 square feet in area and six feet in height in a Residential Zone or 40 square feet in area and eight feet in height in a Commercial or Industrial Zone to identify each contractor, architect or engineer engaged in the project. Said signs shall be removed within five days after the issuance of a certificate of occupancy by the town;

(d) *Directional subdivision signs.* In any zone, unlighted signs advertising subdivisions containing only the name of the subdivision, the name of the developer and/or agent, an identification emblem and directional message shall be permitted; provided:

1. There shall be no more than three such signs for each subdivision;
2. The total area of all signs shall not exceed 30 square feet;
3. The total height of each sign shall not exceed eight feet;
4. Directional subdivision signs may be displayed during the two years following the date of recordation of the final plat for the subdivision, or until 100% of the lots have been sold, whichever occurs first; and
5. Directional subdivision signs may be located outside the boundaries of the subdivision, but no further than the closest intersection of a public street.

(e) *Temporary on-site subdivision signs.* Temporary on-site subdivision signs shall be permitted; provided, there shall be no more than 100 square feet of total sign area for each subdivision and a total of five signs. Freestanding signs shall not exceed 15 feet in height in a commercial subdivision and eight feet in height in a residential subdivision. Such on-site signs shall be permitted to remain for two years from the date the required sign permit is issued. An extension beyond the two-year limitation may be granted for a one-year period, subject to the approval of the Planning and Zoning Commission. However, if a conditional use permit is approved for a sales office, any temporary on-site subdivision signs may remain for the term of the conditional use permit;

(f) *Subdivision entrance signs.* At the major street entrance(s) to a subdivision or development, not more than two signs, each not exceeding 20 square feet in area per sign, shall be permitted. Such

signs shall be attached to and shall not extend above a wall or fence, and shall indicate only the name and/or the address of the subdivision or development. Design, color scheme and height of entrance signs are subject to the approval of the Town Manager or designee. Such signs shall be constructed of materials and shall be affixed to the wall or fence in such a manner as to render them not readily susceptible to vandalism; and

(g) *Leasing and rental signs.* Office buildings and shopping centers and industrial subdivisions may display leasing and rental signs for a period of one year following final construction inspection. These signs shall be limited to one freestanding sign and two building-mounted signs not to exceed a total of 150 square feet in area. Freestanding signs shall not exceed eight feet in height.

(3) *Special sale signs.*

(a) For retail commercial uses in any zone where such uses are listed as permitted or conditional uses, special sale signs or banners may be permitted while a special sale of goods or services is being conducted.

(b) Signs shall be professionally made, attached to a building wall or installed over an existing freestanding sign and shall be limited to one per street frontage.

(c) The display of the signs shall be limited to 14 days per calendar quarter.

(d) The size of special sale signs shall not exceed 32 square feet each.

(4) *Other special signs.*

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

1. If the height exceeds 30 feet, such signs shall be subject to the approval of the Town Manager or designee.

2. With the exception of a public space such as a transportation center, visitor center or roadway median, a maximum of one U.S. and one Arizona flag shall be allowed per property.

3. Flag poles shall not exceed 40 feet in height.

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

(b) Temporary business identification sign for new businesses only and subject to the following.

1. A sign permit from the town is required.

2. If design review is required, it shall be done by the town staff and approved by the Town Manager.

3. A temporary business identification sign shall be removed within two weeks of the issuance of a permit(s) for the permanent business signage, but no longer than 60 days from the date of the issuance of the permit for the temporary business identification sign. One 30-day extension of time may be approved by town staff. A second 30-day extension may be approved by the Town Manager. No further extensions are authorized. An extension of time will only be approved upon a finding that the business owner has been diligent in pursuing approval of permanent signage.

4. Only one sign mounted on a building wall or over an existing wall sign is permitted.

5. If the temporary identification sign is installed over an existing sign, the new business owner may also apply for a banner sign as provided in § 16.7(A)(5) of this regulation.

6. Sign must be maintained in good condition.

7. Maximum size shall be 32 square feet or if the sign is to be installed over an existing sign, it may be the same size as the existing sign.

8. The sign shall be professionally made.

(5) *House of worship announcement banner sign.*

(a) One banner sign may be placed on the site of the future construction/location of a house of worship. The purpose of the sign shall be to announce the future location of a house of worship on the site. The sign may be free standing and if so, shall be vented to withstand wind. It shall be setback from the closest property line at least ten feet. It shall be a maximum area of 32 square feet and a maximum height of eight feet.

(b) One banner sign may be placed on the wall of a building announcing an event, classes or other temporary occurrence at a house of worship. The banner shall be a maximum area of 32 square feet and be professionally made. It shall remain on site for a maximum of 14 days.

(6) *Community banner signs.*

(a) A community banner sign larger than 32 square feet requires approval of the Town Council.

(b) A community banner sign located partially or entirely within the public right-of-way requires the approval of the government with jurisdiction.

(c) A community banner sign shall not obstruct or impair the visibility of the driver of a vehicle.

(d) A community banner sign need not be in a rigid frame, but it shall be maintained in good condition while it is being used.

(e) A community banner sign may remain in any one location for a maximum of three weeks unless approved for a longer period of time by the Town Council.

(B) The following special purpose signs shall be prohibited.

(1) *Billboards.*

(a) Billboards and off-premise signs shall not be permitted in any zone. All existing billboards and off-premise signs are non-conforming uses, subject to the provisions of § 19 of this zoning code.

(b) If any billboard contains copy advertising a use, business or product no longer in existence, or is left blank, or is maintained without paid copy for a period of 180 days or more, such billboard shall be removed immediately unless a conditional use permit is approved for its reuse.

(2) *Portable signs.* Portable and sandwich board signs are prohibited. Temporary real estate “open house” signs shall be exempt.

(3) *Vehicle signs.* Signs painted on or attached to vehicles parked on public or private premises that are displayed in view of vehicular or pedestrian traffic for a period in excess of 24 hours shall be prohibited.

(Ord. 2012-04, passed 12-5-2012)

§ 16.5 SIGNS IN GENERAL, AGRICULTURAL RESIDENTIAL AND RURAL RESIDENTIAL ZONES.

Except as prescribed in § 16.4, Special Purpose Signs, only the following signs shall be permitted in a General, Agricultural Residential or Rural Residential Zone:

(A) *Residential uses.* One nameplate not exceeding one square foot in area indicating the name of the occupant;

(B) *Agricultural uses.*

(1) One unlighted sign not exceeding six square feet in area or six feet in height pertaining to the sale of products raised on the premises;

(2) One unlighted identification sign not exceeding ten square feet in area or six feet in height identifying an agricultural or related use conducted on the premises; and

(3) Only one sign pertaining to the agricultural or related use of the premises shall be permitted.

(C) *Public and semi-public uses.* One freestanding sign not to exceed 15 square feet in area and six feet in height, and one unlighted wall sign not to exceed six square feet in area;

(D) *Other uses.* One sign not to exceed 15 square feet in area. Freestanding signs shall not exceed six feet in height; and

(E) *Special uses.* Signs identifying special uses shall be as authorized by the conditional use permit required for the establishment of special uses within the G, AR and RR Zones.

(Ord. 2012-04, passed 12-5-2012)

§ 16.6 SIGNS IN RESIDENTIAL ZONES.

Except as prescribed in § 16.4, Special Purpose Signs, only the following signs shall be permitted in a Residential Zone.

(A) *Residential uses.*

(1) Single-family dwelling units and two- family dwelling units: one nameplate per dwelling not exceeding one square foot in area indicating the name of the occupant. On a site with more than one dwelling unit, nameplates shall not be combined.

(2) Multi-family dwellings, apartment developments, boarding or rooming houses, dormitories: one unlighted identification sign not exceeding 15 square feet in area. Freestanding signs shall not exceed six feet in height.

(B) *Agricultural uses.* One unlighted sign not exceeding six square feet in area or six feet in height pertaining to the sale of products raised on the premises.

(C) *Public and semi-public uses.* One freestanding sign not to exceed 15 square feet in area and six feet in height, and one unlighted wall sign not exceeding six square feet in area. Lighting requirements for signs shall be as specified in the required conditional use permit.

(Ord. 2012-04, passed 12-5-2012)

§ 16.7 SIGNS IN COMMERCIAL ZONES.

Except as prescribed in § 16.4, Special Purpose Signs, only the following signs shall be permitted in a Commercial Zone.

(A) *Commercial uses in the CN-2/A and CG-10,000 Zones.*

(1) One freestanding identification sign may be placed on each lot or parcel of land. Freestanding signs shall not exceed 15 feet in height. The maximum area of freestanding signs shall be as follows.

(a) In the CN-2/A Zone, freestanding signs shall not exceed 75 square feet in area.

(b) In the CG-10,000 Zone, freestanding signs shall not exceed 75 square feet in area; provided, however, that, for each lineal foot of property frontage in excess of 75 feet, an additional one square foot

of sign area shall be permitted to a maximum of 100 square feet. Where more than one business is being conducted on a single lot or parcel of land, the permitted sign area for each business may be combined into one freestanding sign up to a maximum combined area of 125 square feet, however, for each lineal foot of property frontage in excess of 125 feet, an additional one square foot of sign area shall be permitted to a maximum of 175 square feet.

(2) Wall signs shall be allowed as follows.

(a) The total area of all wall signs shall not exceed one square foot of area for each lineal foot of property frontage up to a maximum of 300 square feet.

(b) The maximum size of any one sign shall be 150 square feet.

(c) A maximum of two wall signs may be placed on any side of a building.

(d) The total area of signs displayed on any side of a building shall not exceed 150 square feet.

(e) A maximum of six wall signs may be displayed for each use.

(f) Should a portion of a parcel be leased for development the dimensions and orientation of the leased portion shall be used to determine frontage and total sign face square footage.

(g) Property with frontage on more than one street shall get credit for the total amount of street frontage.

(3) Wall signs on multiple tenant commercial buildings shall be allowed as follows.

(a) One tenant directory wall sign may be displayed. The maximum size of the directory sign shall be 75 square feet. The directory sign may be located on any wall of the building.

(b) One wall sign may be displayed for each tenant. The maximum size of the wall sign shall be 40 square feet. Each wall sign shall be located on a wall of the space occupied by the tenant that is advertised.

(c) One projecting sign may be displayed for each tenant. The maximum size of each projecting sign shall be as prescribed in § 16.2(K). Each projecting sign shall be attached to a wall of the space occupied by the tenant that is advertised.

(d) Property with frontage on more than one street shall get credit for the total amount of street frontage.

(4) Signs on canopies above gasoline pump islands shall be allowed as follows.

(a) The total area of signs placed on such canopies shall be deducted from the total area allowed by division (A)(2)(a) above.

(b) A maximum of two signs may be placed on such canopies. The number of signs placed on such canopies shall be deducted from the total number of signs allowed by division (A)(2)(e) above.

(c) A maximum of two signs that do not exceed six square feet in area (i.e., franchise logos) may be placed on such a canopy. No more than one such sign may be placed on any one side of a canopy. Such signs shall not be counted toward the maximum total area allowed or the maximum number of signs allowed.

(5) Banner signs for the following business purposes: grand opening, change of business name or change of business management, subject to the following requirements:

(a) Thirty-two square feet maximum size;

(b) Fourteen days maximum length of time;

(c) Must be maintained in good condition;

- (d) Must be located on a building wall, below the roof line;
- (e) Must be professionally made;
- (f) Only one banner permitted per street frontage at any one time for a business purpose;
- (g) A sign permit issued by the town is required; and

(h) Banner will be allowed for up to two business purposes per year. A banner for a third business purpose in one year will require approval of a temporary use permit.

(B) *Commercial uses in the CH-10,000 Zone.* Signs identifying commercial uses in the CH-10,000 Zone shall be permitted to the same extent as in the CG-10,000 Zone; provided, however, additional signing may be approved under design review when applicable.

(C) *Public and semi-public uses: Commercial Zones.* One sign not exceeding 30 square feet in area. Freestanding signs shall not exceed six feet in height. Lighting requirements for signs shall be as specified in the required conditional use permit.

(Ord. 2012-04, passed 12-5-2012)

§ 16.8 SIGNS IN INDUSTRIAL ZONES.

Except as prescribed in § 16.4, Special Purpose Signs, only the following signs shall be permitted in an Industrial Zone.

(A) *Industrial uses in the MP-20,000 Zone.*

(1) One single-faced wall or canopy sign per use, not exceeding one square foot of area for each lineal foot of building or portion thereof, may be placed on the side of the building facing the major street frontage up to a maximum of 100 square feet.

(2) One monument-type sign per use may be permitted providing the maximum area shall not exceed 20 square feet and the maximum height shall not exceed six feet.

(B) *Industrial uses in the M-1-10,000 Zone.*

(1) One single-faced wall or canopy sign per use, not exceeding one square foot of area for each lineal foot of building or portion thereof, may be placed on the side of the building facing the major street frontage up to a maximum of 100 square feet.

(2) One freestanding sign not exceeding 100 square feet in area; provided, however, that, there be no more than one such sign per lot or parcel of land. Where more than one use is being conducted on a single lot or parcel of land, the permitted sign area for each business may be combined into one freestanding sign up to a maximum of 125 square feet. Freestanding signs shall not exceed 15 feet in height.

(C) *Industrial uses in the M-2-6,000 Zone.* Signs identifying industrial uses in the M-2-6,000 Zone shall be permitted to the same extent as in the M-1-10,000 Zone.

(D) *Public and semi-public uses: Industrial Zones.* One sign not exceeding 30 square feet in area. Freestanding signs shall not exceed six feet in height.

(E) *Frontage and square footage.* Should a portion of a parcel be leased for development the dimensions and orientation of the leased portion shall be used to determine frontage and total sign face square footage.

(Ord. 2012-04, passed 12-5-2012)

§ 16.9 SIGNS IN SPECIAL PURPOSE ZONES.

Except as prescribed in § 16.4, Special Purpose Signs, only the following signs shall be permitted in the following Special Purpose Zones.

(Ord. 2012-04, passed 12-5-2012)

§ 16.9-1 SIGNS IN THE MHP ZONE.

At the major street entrance(s) to the manufactured home park or manufactured home subdivision, not more than two lighted signs, each not exceeding 20 square feet in area, attached to and not extending above a wall or fence, indicating only the name and/or the address of the manufactured home park or subdivision.

(Ord. 2012-04, passed 12-5-2012)

§ 16.9-2 SIGNS IN THE PRD ZONE.

At the major street entrance(s) to the planned residential development, not more than two signs, each not exceeding 20 square feet in area, attached to and not extending above a wall or fence, identifying only the name and/or the address of the planned residential development.

(Ord. 2012-04, passed 12-5-2012)

§ 16.9-3 SIGNS IN THE PC ZONE.

Signs in the PC Zone shall be as specified in the text which constitutes the standards of development as approved by the Town Council.

(Ord. 2012-04, passed 12-5-2012)

§ 16.9-4 SIGNS IN THE PS ZONE.

Except as prescribed in § 16.4, Special Purpose Signs, only the following signs shall be permitted in the PS Zone:

(A) *Agricultural uses.* One unlighted sign not exceeding six square feet in area or six feet in height pertaining to the products raised on the premises; and

(B) *All other uses.* Signs shall be as specified in the conditional use permit required for all uses, except agricultural uses.

(Ord. 2012-04, passed 12-5-2012)

§ 16.9-5 SIGNS IN THE OS ZONE.

(A) *Permitted uses.* One unlighted sign not exceeding ten square feet in area or six feet in height; and

(B) *Conditional uses.* Signs identifying uses permitted, subject to the granting of a conditional use permit shall be as specified in the approved use permit.

(Ord. 2012-04, passed 12-5-2012)

§ 16.9-6 SIGNS IN THE FPM ZONE.

Signs in the FPM Zone shall be in accordance with the regulations applicable to the underlying zone in which the FPM Zone is combined or as authorized under a conditional use permit required for specified uses.

(Ord. 2012-04, passed 12-5-2012)

§ 16.9-7 SIGNS IN THE RC ZONE.

Signs in the RC Zone shall be as specified on the development plan as approved by the Town Council.

(Ord. 2012-04, passed 12-5-2012)

§ 16.9-8 SIGNS IN THE P ZONE.

Only those signs as specified in § 16.4(A)(1), Directional Signs, shall be permitted in the P Zone; except that, additional signing may be permitted as authorized under a conditional use permit required for specified uses.

(Ord. 2012-04, passed 12-5-2012)

§ 16.9-9 SIGNS IN THE MR ZONE.

(A) *Permitted uses.* One unlighted sign not exceeding ten square feet in area or six feet in height.

(B) *Conditional uses.* Signs identifying uses permitted, subject to the granting of a conditional use permit shall be as specified in the approved use permit.

(Ord. 2012-04, passed 12-5-2012)

§ 16.10-1 CASH DEPOSIT ON CERTAIN SIGNS.

(A) Applications for permits for directional subdivision signs shall be accompanied by a cash deposit of \$250 for each sign which shall be posted with the town. Such \$250 cash deposit shall be used to defray the costs of sign removal by the town in the event the permit holder defaults upon the agreement to remove same.

(B) Before any permit for any such sign is issued, the applicant and the record owner(s) of the property shall furnish the Town Manager or designee written authority granting the town permission to enter upon the premises to remove such sign.

(Ord. 2012-04, passed 12-5-2012)

§ 16.10-2 ELIMINATION OF NON- CONFORMING SIGNS.

The elimination of non-conforming signs shall be as prescribed in § 19.5, Non-Conforming Signs.

(Ord. 2012-04, passed 12-5-2012)

§ 16.11 SIGN PERMIT REQUIREMENTS.

The following information shall be submitted when applying for a sign permit:

(A) Plot plan showing improvements, accurate dimensions, landscaped areas, ingress/egress, traffic flow and parking area(s);

(B) Indicate proposed and/or existing location of each sign of any type, as per allowances indicated in the section for the applicable zoning district; and

(C) Provide specific signage information (sketch or photographs) indicating color scheme, lettering or graphic style, lighting and material. Each proposed or existing sign shall have a sketch provided.

(Ord. 2012-04, passed 12-5-2012)

SECTION 17: LIGHTING

Section

- 17.0 Purpose and intent
- 17.1 Conflicting regulations
- 17.2 Approved materials and methods of construction or installation/operation
- 17.3 Definitions
- 17.4 Preferred sources
- 17.5 General requirements
- 17.6 Special requirements, outdoor advertising signs
- 17.7 Special requirements, special uses
- 17.8 Exemptions
- 17.9 Temporary lighting permits
- 17.10 Non-conforming uses
- 17.11 Variances
- 17.12 Permits and development plan reviews

§ 17.0 PURPOSE AND INTENT.

(A) (1) It is hereby found that the topography and atmospheric conditions of the Town of Tusayan, Arizona, and the surrounding area are uniquely suited for astronomical observation.

(2) It is further recognized that naturally dark landscapes and star-filled skies are valued by many residents and visitors, and that poor lighting practices in outdoor lighting not only unnecessarily impede views of the starry night sky but also waste energy, hamper the use and enjoyment of property and can endanger the public welfare by producing unnecessary glare.

(B) (1) Accordingly, it is the intent of this zoning 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.

(2) To conserve energy, the Tusayan Town Council encourages the users of outdoor lighting to transition from high energy consumptive lighting to more energy efficient, low wattage lighting.

(Ord. 2012-04, passed 12-5-2012)

§ 17.1 CONFLICTING REGULATIONS.

In the event of conflict between the regulations set forth in this zoning code and any other regulations the more stringent limitation and requirement shall govern.

(Ord. 2012-04, passed 12-5-2012)

§ 17.2 APPROVED MATERIALS AND METHODS OF CONSTRUCTION OR INSTALLATION/OPERATION.

(A) The provisions of this zoning 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.

(B) The Town Manager may approve such proposed alternate; provided, he or she finds that it:

(1) Provides at least approximate equivalence to the applicable specific requirements of this zoning code; and

(2) Is otherwise satisfactory and complies with the intent of this zoning code.

(Ord. 2012-04, passed 12-5-2012)

§ 17.3 DEFINITIONS.

As used in this zoning code, unless the context clearly indicates otherwise, certain words and phrases shall mean the following.

ABANDONMENT. The discontinuation of use for a period of 12 months.

ACREAGE, NET. The remaining ground area in acres after deleting all portions for proposed and existing public streets and roadways within a development project or subdivision.

AIRPORT NAVIGATION LIGHTING SYSTEMS. The airport tower beacon, runway lights, guidance lights for landings, taxiway lighting and any other lighting on airport property required by the state or the Federal Aviation Administration.

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, equipment yards, parking lots, emergency exits and outdoor security where general illumination of the grounds is the 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 (abbreviated as K) of the apparent hue of white light sources such as metal halide, fluorescent and white LED. Higher *CCT* sources appear bluer or cooler; lower *CCT* sources appear yellower or warmer.

DEVELOPMENT PROJECT. Any residential, commercial, industrial or mixed use subdivision plan or development plan which is submitted to the town for approval.

DIRECT ILLUMINATION. Illumination resulting from light emitted directly from a lamp or luminaire, not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.

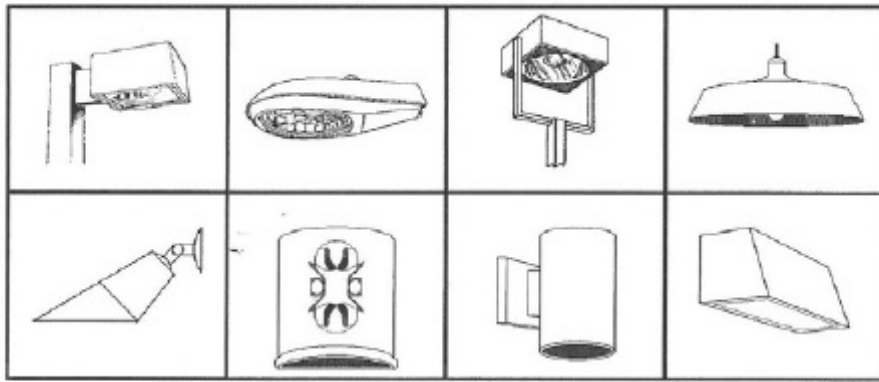
FULLY-SHIELDED FIXTURE.

(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.

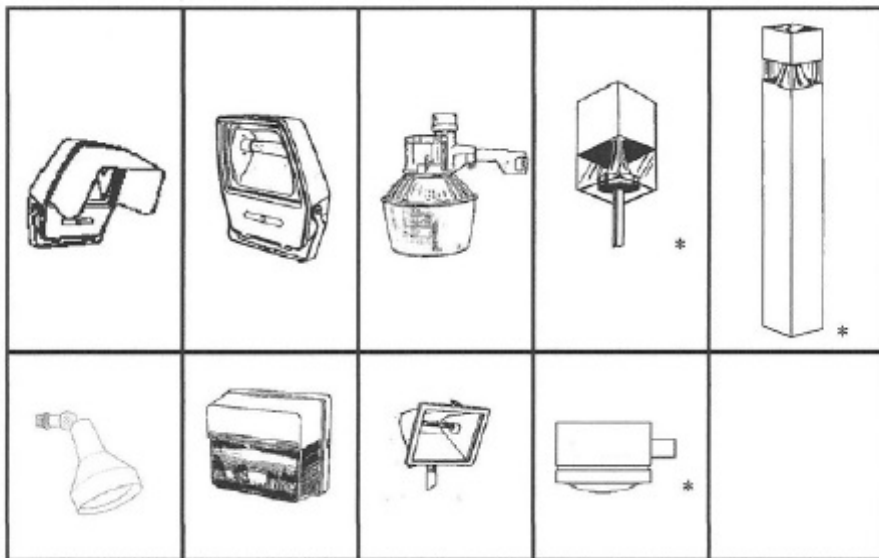
(2) A practical working way to determine if a fixture or tube is fully shielded: if the lamp or tube, any reflective surface, or lens cover (clear or prismatic) is visible when viewed from above or directly from the side, from any angle around the fixture or tube, the fixture or tube is not fully shielded.

(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 from the side and therefore be unshielded.

Examples of fixtures that are Fully Shielded (Note: to be fully shielded these fixtures must be closed on top and mounted such that the bottom opening is horizontal):



Examples of fixtures that are NOT Fully Shielded:



* Note: even though the lamp in these fixtures is shielded from direct view when viewed from the side or above, reflective surfaces and/or lens covers *are* directly visible from the side.

HIGH-PRESSURE SODIUM (HPS). A type of lamp using sodium and mercury vapor at high pressure to produce a yellow or golden-hued light.

INSTALLED. Attached, or fixed in place, whether or not connected to a power source.

LED. A light emitting diode.

LIGHT POLLUTION. Any adverse effect of human-made lighting, light where it is not needed or wanted or wasted light.

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, shields, lenses 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 (ten to 15 millimeter), caused to emit light by the passage of an electric current, and commonly bent into various forms for use as decoration or signs; a “neon” tube. A **LUMINOUS TUBE** does not include common fluorescent tubes.

METAL HALIDE (MH). A type of lamp using mercury and metal halide(s) to produce light.

NARROW-SPECTRUM AMBER LED. An LED light source that emits only yellow light at and near a wavelength of 590 nanometers (nm); the intensity at 580 and 600 nm must be no higher than 50% of the peak intensity.

NEON TUBE. See **LUMINOUS TUBE**.

OUTDOOR LIGHT FIXTURE. An outdoor electrically-powered illuminating device, lamp, luminous tube or and similar devices, either permanently installed or portable, which is used for illumination or advertisement. Such devices shall include, but are not limited to, searchlights, spotlights and floodlights for:

- (1) Buildings and structures;
- (2) Recreational areas;
- (3) Parking lot lighting;
- (4) Landscape and architectural lighting;
- (5) Billboards and other signs (advertising or other);
- (6) Street lighting;
- (7) Product display area lighting;
- (8) Building overhangs and open canopies;
- (9) Pedestrian walkways or areas; and
- (10) Building or landscape decoration.

OUTDOOR RECREATION FACILITY. An area designed for active recreation, whether publicly or privately owned, including, but not limited to, baseball diamonds, soccer and football fields, golf courses, tennis courts and swimming pools.

PERSON. Any individual, lessee, owner or any commercial entity including, but not limited to, firm, business, partnership, joint venture or corporation.

TEMPORARY LIGHTING. Lighting which does not conform to the provisions of this zoning code and which will not be used for more than one 30-day period within a calendar year. **TEMPORARY LIGHTING** is intended for uses which, by their nature, are of limited duration (e.g., civic events or construction projects).

TOTAL OUTDOOR LIGHT OUTPUT. The maximum total amount of light, measured in lumens, from all outdoor lighting installed on a development project. Includes all lights and luminous tubing used for Class 1, Class 2, Class 3 lighting and lights used for external illumination of signs, but does not include lights used to illuminate internally illuminated signs or luminous tubing used in neon signs. For lamp types that vary in their output as they age (such as metalhalide), the initial output, as defined by the manufacturer, is the value to be considered. For determining compliance with § 17.5(C) of this zoning code, the light emitted from outdoor light fixtures is to be included in the total output as follows.

(1) Outdoor light fixtures installed in the open such as on poles or on the sides of buildings or other structures, when not shielded from above by the structure itself, as defined in divisions (2) and (3) of this definition, are to be included in the total outdoor light output by simply adding the lumen outputs of the

lamps used.

(2) Outdoor light fixtures installed under canopies, building overhangs or roof eaves where the center of the lamp or luminaire is located at least five feet, but less than ten feet, from the nearest edge of the canopy or overhang are to be included in the total outdoor light output as though they produced only one-quarter of the lamp's rated lumen output.

(3) Outdoor light fixtures under the canopy and ten or more feet from the nearest edge of a canopy, building overhang or eave are to be included in the total outdoor light output as though they produced only one-tenth of the lamp's rated lumen output.

(Ord. 2012-04, passed 12-5-2012)

§ 17.4 PREFERRED SOURCES.

Due to their reduced dark sky impacts, low-pressure sodium (LPS) lamps and narrow spectrum amber LED are the preferred lighting sources; their use is to be encouraged, when not required, for outdoor illumination whenever their use would not be detrimental to the use of the property.

(Ord. 2012-04, passed 12-5-2012)

§ 17.5 GENERAL REQUIREMENTS.

(A) *Upward-directed floodlighting.* Outdoor floodlighting by floodlight projection above the horizontal plane is prohibited.

(B) *Lamp source and shielding.* The requirements for lamp source and shielding of light emissions for outdoor light fixtures are as follows.

(1) *Class 1 lighting.*

Low-pressure sodium	Allowed, fully shielded
Narrow-spectrum amber LED	Allowed, fully shielded
Others above 2,000 lumens	Allowed, fully shielded*
Others below 2,000 lumens	Allowed, fully shielded

(2) *Class 2 lighting.*

Low-pressure sodium	Allowed, fully shielded
Narrow-spectrum amber LED	Allowed, fully shielded
Others above 2,000 lumens	Prohibited
Others below 2,000 lumens	Prohibited

(3) *Class 3 lighting.*

Low-pressure sodium	Allowed, fully shielded
Narrow-spectrum amber LED	Allowed, fully shielded
Others above 2,000 lumens	Prohibited
Others below 2,000 lumens	Allow, fully shielded

(4) *Residential lighting (all classes).*

All types	Allowed, fully shielded
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(5) *Examples.* Examples of lamp types of 2,000 lumens and below. The acceptability of a particular light is decided by its lumen output, not wattage; values listed are approximate; check manufacturer's specifications:

- (a) One-hundred 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 watt fluorescent and less; and
- (e) Twenty-six watt compact fluorescent and less.

*Metal Halide, fluorescent, LED or other white light sources must have CCT of 3,200K or less

(C) *Total outdoor light output.* Total outdoor light output, excluding streetlights used to illuminate public rights-of-way, shall not exceed the following limits averaged over the entire project (values listed are total initial lamp lumens per acre and per residence):

- (1) Commercial, industrial and multi-family land use (lumens per net acre):

Non-LPS/narrow-spectrum amber LED	5,000
Total	50,000
Unshielded	0

- (2) Single-family residential (lumens per residence):

Total	10,000
Unshielded	0

(D) *Effective shielding.* All light fixtures which are required to be shielded shall be installed in such a manner that the shielding is effective, as defined in § 17.3, under fully-shielded fixture and partially-shielded fixture.

(E) *Direct lighting on site.* All light fixtures, except street lamps, shall be aimed or shielded so that the direct illumination shall be confined to the property boundaries of the source as much as is feasible.

(F) *Direct lighting off roadways.* All light fixtures, except streetlamps, shall be installed in such a manner that the direct illumination does not fall onto any public or private street or road as much as is feasible.

(G) *Curfew.*

(1) Class 1 and Class 3 lighting and lighted signs must be extinguished at 11:00 p.m., or no later than 30 minutes after the business closes, whichever is later. (For holiday decoration exemption, see § 17.8(B).)

(2) Class 2 lighting located 75 feet or more from a building or outdoor sales or merchandise storage area must be extinguished at 11:00 p.m., or no later than 30 minutes after the business closes, whichever is later.

(H) *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.

(I) *Mercury vapor sales.* The installation, sale, offering for sale, lease or purchase of any mercury vapor light fixture or lamp for use as outdoor lighting is prohibited.

(J) *Ornamental luminaries.* Ornamental luminaries with exposed light sources are not permitted.

(Ord. 2012-04, passed 12-5-2012)

§ 17.6 SPECIAL REQUIREMENTS, OUTDOOR ADVERTISING SIGNS.

(A) *Externally illuminated sign standards.* External illumination for signs shall be limited to signs constructed of natural materials and shall conform to all provisions of this zoning code. In particular, such lighting shall be treated as Class 1 lighting and shall conform to the lamp source, shielding restrictions and lumen caps of § 17.5. All upward-directed sign lighting is prohibited.

(B) *Internally illuminated sign and neon sign standards.*

(1) *Illumination of copy and background; colors.* The sign face of an outdoor internally illuminated advertising sign must be composed of illuminated text and symbols against an opaque (not illuminated) background. The colors of these elements are not restricted.

(2) *Exclusion of lamp outputs.* Lamps used for internal illumination of signs shall not be counted toward the lumen caps in § 17.5(C).

(3) *Neon signs.* Neon signs shall be treated as internally illuminated signs for the purposes of this zoning code, and shall not have their luminous outputs counted toward the lumen caps in § 17.5(C). Neon lighting extending beyond the area considered to be the sign area (as defined in the Sign Code of this jurisdiction) shall conform to all provisions of this zoning code. In particular, such lighting shall be treated as Class 3 (decorative) lighting and shall conform to the lumen caps and shielding standards of § 17.5.

(4) *Non-sign lighting.* Other internally-illuminated panels or decorations not considered to be signage according to the sign code of this jurisdiction (such as illuminated canopy margins or building faces), shall be considered decorative (Class 3) lighting, and shall be subject to the standards applicable for such lighting, including, but not limited to, the lamp source, shielding standards and lumens per acre

caps of § 17.5.

(C) *Curfews.* Illumination for all advertising signs, both externally and internally illuminated, shall be turned off no later than the curfew times listed in § 17.5(G). Signs subject to curfews are required to have functioning and properly adjusted automatic shut-off timers.

(D) *Curfews for pre-existing signs.* Light background (white, off-white, light gray, cream or yellow) internally illuminated signs, installed legally before enactment of this code may continue to be used and illuminated, but must conform to the curfews of § 17.5(G).

(Ord. 2012-04, passed 12-5-2012)

§ 17.7 SPECIAL REQUIREMENTS, SPECIAL USES.

(A) *Service station canopies.*

(1) *Lighting class.* Lighting for service station canopies shall be considered Class 1 lighting.

(2) *Shielding.* All luminaires mounted on or recessed into the lower surface of service station canopies shall be fully shielded and utilize flat lenses.

(3) *Total under-canopy output.* In addition to the standards for total outdoor light output in § 17.5 (C), the total light output used for illuminating service station canopies, defined as the sum of all under-canopy initial bare-lamp outputs in lumens, shall not exceed 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 any lighting within signage or illuminated panels over the pumps, is to be included toward the total at full lumen output.

(a) Fixtures installed such that all parts of the fixture are located at least five feet, but less than ten feet, from the nearest edge of the canopy are to be included in the total outdoor light output as though they produced only one-quarter of the lamp's rated lumen output.

(b) Fixtures installed such that all parts of the fixture are located ten or more feet from the nearest edge of a canopy are to be included in the total outdoor light output as though they produced only one-tenth of the lamp's rated lumen output.

(B) *Outdoor recreational facilities.*

(1) *Lighting class.* Lighting for field/track/arena areas only shall be considered Class 1.

(2) *Lumen cap exemption.* Lighting for field/track/arena areas only is not subject to the lumens per acre limit set in § 17.5(C).

(3) *Shielding.* Fixtures used for field/track/ arena areas must be fully shielded.

(4) *Curfew.* No such facility shall be illuminated after the curfew times listed here except to conclude a scheduled recreational or sporting event in progress prior to the curfew, and prevented from concluding before the curfew by unforeseeable circumstances.

(Ord. 2012-04, passed 12-5-2012)

§ 17.8 EXEMPTIONS.

(A) *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 zoning code. All other lighting at airports, including that used for loading areas, hangars, terminal aprons, parking areas and the like shall conform to all applicable standards of this zoning code.

(B) *Holiday decorations.* Low-wattage holiday decorations are exempt from the provisions of this

zoning code from November 11 through February 8 and for a period of two weeks before and after any national holiday. Such lighting and all associated wiring used outdoors must be certified for outdoor use by Underwriters Laboratories.

(C) *Street lamps.* Street lamps installed in the public right-of-way and with the approval of the Town Council are exempt from lumens per net acre standards of § 17.5(C), but must adhere to all other standards including, but not limited to, the lamp type and shielding standards of § 17.5(B).

(Ord. 2012-04, passed 12-5-2012)

§ 17.9 TEMPORARY LIGHTING PERMITS.

(A) *Findings.* The Town Manager may grant a permit for temporary lighting if he or she finds the following:

- (1) The purpose for which the lighting is proposed is not intended to extend beyond 30 days;
- (2) The proposed lighting is designed in such a manner as to minimize light pollution as much as is feasible;
- (3) The proposed lighting will comply with the general intent of this zoning code; and
- (4) The permit will be in the public interest.

(B) *Application contents.* The application for the temporary lighting permit shall include the following information:

- (1) Name and address of applicant and property owner;
- (2) Location of proposed fixtures;
- (3) Type, wattage and lumen output of lamp(s);
- (4) Type, shielding and use of proposed fixtures;
- (5) Intended use of the lighting;
- (6) Duration of time for requested exemption;
- (7) The nature of the exemption; and
- (8) Such other information as the Town Manager may request.

(C) *Ruling.* The Town Manager shall endeavor to rule on the application within five business days from the date of submission of the request and notify the applicant in writing of his or her decision. The Town Manager may grant one renewal of the permit for an additional 30 days if he or she finds that, because of an unanticipated change 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 calendar year. A denial by the Town Manager may be appealed to the Planning and Zoning Commission within 30 days.

(Ord. 2012-04, passed 12-5-2012)

§ 17.10 NON-CONFORMING USES.

(A) *Mercury vapor.* Mercury vapor lamps are not allowed in use for outdoor lighting after the effective date of this zoning code.

(B) *Bottom-mounted sign lighting.* Bottom-mounted outdoor advertising sign lighting shall not be used after the effective date of this zoning code.

(C) *Pre-existing non-conforming lighting.* No outdoor lighting fixture which was lawfully installed prior to the enactment of this zoning code shall be required to be removed or modified, except as expressly provided herein; however, no modification or replacement shall be made to a non-conforming fixture unless the fixture thereafter conforms to the provisions of this zoning code.

(D) *Conformance after abandonment/damage.* In the event that an outdoor lighting fixture is abandoned or is damaged to the point of requiring repairs for safe operation, the repaired or replacement fixture shall comply with the provisions of this zoning code.

(Ord. 2012-04, passed 12-5-2012)

§ 17.11 VARIANCES.

Any person desiring to install an outdoor lighting fixture in violation of this zoning code may apply to the Hearing Officer for a variance from the regulation in question. Such variances shall be allowed due to special circumstances applicable to the subject property and where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the regulations and this zoning code; provided that, any variance may be allowed, subject to any reasonable conditions that the Hearing Officer may deem necessary to effectuate the purpose of this section.

(Ord. 2012-04, passed 12-5-2012)

§ 17.12 PERMITS AND DEVELOPMENT PLAN REVIEWS.

(A) *Non-single or two-family residential lighting.*

(1) *Permit required.* Whenever a person plans to install outdoor lighting, an outdoor lighting permit must be applied for and granted. The applicant shall, as a part of said application, submit sufficient information to enable a determination as to whether the proposed lighting will comply with this zoning code.

(2) *Application contents.* The application shall include the following:

(a) A site plan indicating any existing lighting fixtures and the proposed location of all new outdoor lighting fixtures, indicating which of the existing fixtures, if any, are to be retained and which, if any, removed;

(b) A description of each illuminating device, fixture, lamp, support and shield. This description may include, but is not limited to, manufacturer's catalog cuts and drawings (including sections where required), lamp types and lumen outputs. For existing lighting, photographs of the fixtures will be accepted if original manufacturer's information is not available; and

(c) Such other information as may be necessary to determine compliance with this zoning code.

(3) *Permit issuance.* If the Town Manager or representative of the Town Manager acting on behalf of the town determines that the proposed lighting does not comply with this zoning code, the permit shall not be issued or the plan approved.

(B) *Single- and two-family residential lighting.* Lighting on single-family and two-family residential sites will be reviewed on-site, and compliance with this zoning code verified before issuance of the certificate of occupancy. A lighting permit separate from the building permit is not required.

(Ord. 2012-04, passed 12-5-2012)

SECTION 18: LANDSCAPING

Section

- 18.1 Purpose and scope
- 18.2 Conflicting regulations
- 18.3 Definitions
- 18.4 General provisions
- 18.5 Landscape plan requirements
- 18.6 Preservation of existing vegetation
- 18.7 Standard plant units
- 18.8 Parking lot landscaping
- 18.9 Buffer and screen landscaping
- 18.10 Site landscaping
- 18.11 Installation and maintenance
- 18.12 Modification to landscaping standards

§ 18.1 PURPOSE AND SCOPE.

(A) The purpose of this section is to establish landscaping standards and guidelines in order to maintain and enhance the environmental qualities of the town; to mitigate the impacts of adjacent uses; and to enhance the quality and appearance of new or existing development in the town.

(B) By requiring adequate and environmentally compatible landscaping, the visual quality of the environment will be enhanced, and other environmental qualities will be improved by promoting conservation of water used for landscaping, addressing wildfire safety concerns, providing erosion and storm water runoff control, providing control of noxious weeds and invasive plants, requiring native plants and encouraging the preservation of existing trees and vegetation.

(Ord. 2012-04, passed 12-5-2012)

§ 18.2 CONFLICTING REGULATIONS.

In the event of conflict between the regulations set forth in this section and any other regulations applicable to the same area, the more stringent requirement shall govern.

(Ord. 2012-04, passed 12-5-2012)

§ 18.3 DEFINITIONS.

As used in this zoning code, unless the context clearly indicates otherwise, certain words and phrases shall mean the following.

CALIPER. The diameter of a tree trunk measured four and one-half feet above the ground. Also known as **DIAMETER AT BREAST HEIGHT (DBH)**.

CONIFER. A plant that produces cones such as a plant belonging to the family Coniferae, such as pines, cypresses, junipers and cedars.

DECIDUOUS. A plant that loses its leaves annually at the end of the growing season.

DEFENSIBLE SPACE. The area between a structure and a potential oncoming wildfire where the vegetation has been modified to reduce the wildfire threat and which provides an opportunity to effectively defend the structure. This is also known as **SURVIVABLE SPACE**.

DRIP LINE. An area around the tree trunk that generally includes the spread of the tree branches. It also may refer to that area around a structure that is beneath the roof overhang.

DROUGHT TOLERANT. Non-native species that can survive extended periods of time with little or no water.

EVERGREEN. A plant that retains its needles or leaves all year long, although losing some of the older leaves regularly throughout the year.

GROUND COVER. Low growing plant materials intended to spread over the ground, and which typically grow to a height of two and one-half feet or less. Also, organic or inorganic materials such as bark, crushed rock, cinders or other similar materials typically use in landscaped areas between plantings.

INVASIVE SPECIES. An alien (non-native) species whose introduction does or is likely to cause economic or environmental harm or harm to human health and which tend to disrupt natural ecosystems by displacing native species.

LANDSCAPE AREA. The part of the property exclusively set aside for living plant materials and associated non-living ornamental materials such as mulch, fencing, walls or decorative rock.

NATIVE PLANTS. Plant species occurring naturally and native to a given ecosystem or plant community.

NOXIOUS WEEDS. Plant species designated as such by the Secretary of Agriculture, Secretary of the Interior or by state law or regulation. Generally, **NOXIOUS WEEDS** will possess one or more of the characteristics of being aggressive and difficult to manage, parasitic, a carrier or host of serious insects or disease, and being non-native or new to or not common to the United States or parts thereof. **NOXIOUS WEED** species have extensive and costly impacts on human health, safety, commerce, recreation and general well-being. **NOXIOUS WEEDS** can adversely affect food production, wilderness values, wildlife habitat, visual quality, forage production, reforestation, recreational opportunities, natural wildfire regimes and land values.

PLANT UNIT. A method of identifying landscaping requirements. Alternative plant units are set forth in § 18.7.

(Ord. 2012-04, passed 12-5-2012)

§ 18.4 GENERAL PROVISIONS.

(A) All landscaped areas shall be permanently maintained in a neat and orderly manner and all plants shall be maintained in a healthy, living condition. Dead plants, weeds and non-plant materials must be removed and replaced as necessary.

(B) All landscaped areas shall be provided with a permanent means of irrigation pursuant to § 18.5(A)(2)(e).

(C) In all areas of the town, the required landscaping materials are native plants as defined by the

Native Plants for Northern Arizona Landscapes compiled by The Arboretum at Flagstaff. The use of specifically identified invasive species and noxious weeds is prohibited.

(D) All portions of a site where existing vegetative cover is damaged or removed, or consists primarily of weeds, and are not otherwise covered with new improvements, must be successfully re-vegetated with a substantial mix of native and/or drought tolerant grasses and ground covers. The density of the reestablished vegetation must be adequate to prevent soil erosion and invasion of weeds after one growing season.

(E) All required landscaping must be located on the property it serves. Elements such as plants, walls, fences, buffering and screening located on adjacent properties or public rights-of-way shall not count toward the landscaping requirements.

(F) Additional landscaping may be established in public rights-of-way with the approval of the appropriate jurisdiction (i.e., ADOT or the town).

(G) Retention of existing native vegetation and natural features is encouraged. Special consideration may be given to developments which retain existing trees, vegetation and natural features of the site where possible and which are replaced and enhanced when necessary.

(H) All landscape design shall take into consideration the need for defensible space.

(I) Lighting used in the landscape plan must comply with the provisions of § 17 of this zoning code.

(Ord. 2012-04, passed 12-5-2012)

§ 18.5 LANDSCAPE PLAN REQUIREMENTS.

(A) *Landscape plan required.*

(1) An approved landscape plan is required prior to any site clearing for any use other than single-family and two-family residential. A landscape plan designed in accordance with this section shall be provided for all new development and redevelopment, except for single-family and two-family residential. The landscape plan shall be prepared by a landscape architect, a professional landscape designer or a plant nursery, unless a waiver is approved by the Town Manager. Additions to an existing building, or substantial improvements comprising 25% of the value of the building prior to the improvements, as determined by the Town Manager or designee, shall prompt compliance with these requirements for that portion of the site affected by the improvements. Additions to an existing building, or substantial improvements comprising over 50% of the value of the building prior to the improvements, as determined by the Town Manager or designee, shall prompt compliance with these requirements for the entire site. In calculating the amount of landscaping required, credit will be given for existing landscaping that meets the requirements of this section.

(2) The plan shall include the following:

(a) A site plan providing sufficient detail to evaluate the features of landscaping and irrigation required by this section. The site plan shall show the location of property lines, proposed contours, drainage structures, existing and proposed development including all buildings, parking, pedestrian and circulation areas. If phased development is proposed, the phasing plan shall be identified. The plan shall show the location of all proposed landscaped areas, and the dimensions and total area (in square feet) for each interior parking lot landscaped area;

(b) The location, design and materials of all landscape areas including planting strips along all streets, earth berms, retaining walls, fences, water features, retention areas, trash enclosures, lighting and paved areas. Where fencing is used for required screening, a scaled elevation drawing of the fence must be included;

(c) The location, size and type of all proposed plant and non-plant materials, including any existing vegetation to be retained and existing trees over six-inch caliper proposed to be removed;

(d) A chart comparing the landscaping requirements to the proposed materials and area covered, including, but not limited to, the following information:

1. Total parking lot and circulation areas, including interior drives and driveways (in square feet);
2. Total number of parking stalls required and total provided;
3. Total parking lot landscaped area required and total provided (in square feet);
4. Total buffer and screen landscaped area required and total provided (in square feet);
5. Total site landscaped area required and total provided (in square feet);
6. Total quantity and size of plant material required and the total provided;
7. Size, type and quantity of non-plant material to be provided; and
8. Any other information as the town staff may determine is necessary to ensure compliance with this zoning code.

(e) All landscape plans must provide an irrigation plan. Irrigation systems shall be designed to maximize efficient water use and minimize the waste of water. An automatic irrigation system designed to provide efficient irrigation coverage is required.

1. The irrigation system should be designed to correlate to the organization of plants into zones with similar watering requirements.

2. The use of treated effluent is required, a collection system to capture runoff and other alternatives for irrigation purposes are encouraged.

3. A waiver from the automatic irrigation system requirement and/or the requirement to use treated effluent may be approved by the Town Manager, who shall consult with the Sanitary District in making his or her decision. If an alternative means of watering is proposed, a specific plan must be provided.

(B) *Preferred materials.*

(1) All landscape plans must use native plant materials appropriate for their location. Invasive plants and noxious weeds are prohibited. Required landscaping materials are native plants as defined by the *Native Plants for Northern Arizona Landscapes* compiled by The Arboretum at Flagstaff. A detailed plant list shall be included with all plans. The list shall include both the botanical and common names.

(2) If turf areas are included, they must use a sod or seed mix specifically cultivated to thrive in the conditions present at the particular site. The use of non-native and/or high water consumptive turf such as Kentucky Blue Grass is prohibited. The applicant must provide information regarding the composition of a sod or seed mix as part of the detailed plant list as required.

(3) Rock material used in landscaping shall be subordinate to and not a substitute for plant material. When used, rock material must be compatible and appropriate.

(4) The use of artificial trees, shrubs, turf or plants shall not be permitted as landscaping.

(C) *Design.*

(1) Plants should be grouped in strategic areas and not spread thinly around the site.

(2) Trees must be planted to allow for maximum growth in height and shape without the need for pruning in excess of that required to maintain the health of the plant.

(3) New vegetation shall be selected, planted and maintained so that at maturity it will not interfere with utility lines, snow storage areas, vehicular parking, pedestrian circulation, traffic sight visibility at driveways and street intersections, and will not cause damage and upheaval of sidewalks and pavement.

(4) All landscape designs shall take into consideration the need for defensible space.

(5) All landscaped areas shall incorporate a ground cover to tie the landscaping together and to discourage weed growth.

(6) A mix of deciduous and evergreen plant materials shall be used to provide a year-round effect.

(7) A clear sight triangle shall be maintained at all street intersections and driveway entrances. Such clear sight triangle shall be determined by measuring 25 feet along each property line at street intersections, and along the property line and the driveway for driveway entrances. Landscape materials in this area shall have a clear trunk height of six feet from grade level; mature shrubs, groundcover or other materials shall not exceed three feet in height from grade level.

(D) *Plan not approved.* If the Town Manager or designee determines that the proposed landscaping does not comply with this zoning code, the plan will not be approved.

(Ord. 2012-04, passed 12-5-2012)

§ 18.6 PRESERVATION OF EXISTING VEGETATION.

(A) The preservation of healthy existing trees and shrubs shall be provided wherever possible. These trees and shrubs must be shown on the landscape plan and labeled as “existing”. They must also be listed on the plant list with their current size shown.

(B) All landscape plans must identify methods for protecting existing vegetation that will remain. Construction materials and debris may not be stockpiled within one and one-half times the drip line perimeter outside the drip line of all trees and shrubs being retained. This protection area must be clearly marked with temporary fencing or similar material.

(Ord. 2012-04, passed 12-5-2012)

§ 18.7 STANDARD PLANT UNITS.

(A) All landscaping requirements are stated in terms of the number of standard plant units required. This section defines three alternative plant units. All landscaping shall conform to one or more of the plant unit alternatives of this section.

(B) The following table specifies plant unit alternatives. In general, the three alternative plant mixes are interchangeable. In some instances, the Director of Community Development may require the use of a specific plant unit to achieve a particular result.

<i>Plant Unit Alternatives</i>	<i>Quantity Required</i>	<i>Type and Size at Time of Installation</i>
Alternative A	3	8 feet high evergreen trees
	10	2 feet high shrubs (or 5-gallon minimum)
Alternative B	2	6 feet high evergreen trees
	1	3-inch caliper deciduous tree (minimum 10-foot to 12-foot height)*
	4	2 feet high shrubs (or 5-gallon minimum)
Alternative C	1	3-inch caliper deciduous tree (minimum 8-foot to 10-foot height)
	2	1-1/2-inch caliper deciduous trees (minimum 6-foot to 8-foot height)

NOTES TO TABLE:

* Clump or cluster planting which will achieve a total diameter of 4 inches may be considered in lieu of a 3-inch caliper tree.

(C) When applied through the zoning code, and where the resulting number of required plant units is expressed in a fraction, the required number of plant units shall be rounded off to the nearest whole number (rounding is done at the end of calculations).

(Ord. 2012-04, passed 12-5-2012)

§ 18.8 PARKING LOT LANDSCAPING.

(A) Landscaping shall be proportionally distributed throughout parking and driveway areas, including the perimeter and interior of the parking area. Where islands are required or provided, they shall be landscaped.

(B) Parking lot landscaping shall be provided according to the following table.

<i>Parking Spaces</i>	<i>Minimum Landscaped Area Required</i>	<i>Min. Plant Units</i>
0-5	none	none
6-20	324 square feet	1 unit
21-32	27 square feet/space	2 units
33-44	27 square feet/space	3 units
45+	40 square feet/space	3+units ¹

NOTES TO TABLE:

Note 1 - The number of plant units required shall be pro-rated for parking lots over 44 spaces at the rate of 1 plant unit per 324 square feet of landscaped area.

(1) Where parking lots are adjacent to side or rear property lines, a minimum five-foot wide perimeter strip of landscaping shall be provided.

(2) All landscaped areas adjacent to vehicular parking and access shall be protected by six-inch vertical concrete curbing, six-inch bumper stops or similar materials in order to control storm water flows and minimize damage by vehicular traffic.

(3) The curb or barrier around landscaped areas may be utilized as a wheel stop provided the area of vehicle overhang does not exceed two and one-half feet and does not damage or interfere with the landscaping. A minimum five-foot wide planter is required for a single vehicle overhang and an eight-foot wide planter for a double vehicle overhang.

(4) Parking, buildings and display or storage of equipment of vehicles is not permitted in required landscaped areas.

(5) To ensure that landscape materials do not constitute a driving hazard, trees used to landscape parking islands shall have a clear trunk height of six feet from grade level; mature shrubs, groundcover or other landscaping material shall not exceed three feet in height from grade level.

(Ord. 2012-04, passed 12-5-2012)

§ 18.9 BUFFER AND SCREEN LANDSCAPING.

(A) All required front and street side landscape areas shall be fully landscaped in accordance with a minimum of one plant unit for every 100 lineal feet of frontage. In areas where greater buffer or screening is desirable, additional plant units may be required by the Planning and Zoning Commission.

(B) Where detention basins and/or drainageways are constructed partially or entirely within setback areas or other high-visibility areas on sites, they must be adequately landscaped. A minimum of two plant units shall be required for every 100 feet of the perimeter of the basin, measured at the top of the basin. All detention basin surfaces shall be treated with a native groundcover seed mix or lawn mix as required. River rock or similar non-plant alternative may be allowed, subject to the approval of the town staff.

(C) (1) Where landscape screening is required by the zoning code or through Commission or Town Council action, such landscaping shall be in addition to the general landscaping requirements.

(2) Required fences and walls adjacent to public roads and highways shall have a unifying theme and provide variation by using changes in height, different material combinations, offset angles, articulation and/or plant materials.

(Ord. 2012-04, passed 12-5-2012)

§ 18.10 SITE LANDSCAPING.

(A) In addition to the required buffer and screen landscaping and parking lot landscaping, the building site shall include landscaping designed to visually integrate the structure(s) with the site.

(1) The site landscaping shall include one plant unit for every 100 lineal feet of perimeter of the building foot print, and located within 50 feet of, and adjacent to, the perimeter of the building. In situations where the use or building design makes planting within 50 feet impractical, such as mini storage warehousing, it may be permitted to place some or all of their on-site building landscaping beyond the 50- foot limit, subject to the approval of the town staff.

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

(B) For manufactured home parks or multi- family developments, one plant unit per single residential unit or lot is required.

(Ord. 2012-04, passed 12-5-2012)

§ 18.11 INSTALLATION AND MAINTENANCE.

(A) (1) Landscaping and irrigation devices shall be installed in accordance with the approved landscape plan prior to issuance of a certificate of occupancy or commencement of the use.

(2) If approved landscaping and irrigation cannot be installed prior to occupancy or commencement of the use, a temporary certificate of occupancy may be issued upon posting of an approved financial assurance based on a contractor's estimate for completing the work, plus 10% contingency.

(3) The work shall be completed prior to the end of the next planting season.

(B) It is the responsibility of the property and/or business owner to maintain the site as approved and provide for replacement of plant materials that have died or otherwise been damaged or removed, and maintenance of all landscape materials including, but not limited to, fencing, paving, rocks and retaining walls.

(Ord. 2012-04, passed 12-5-2012)

§ 18.12 MODIFICATION TO LANDSCAPING STANDARDS.

The Town Manager may grant minor modifications to the standards set forth in this section if it is determined that:

(A) The strict application of these standards is not possible due to existing physical conditions;

(B) The modification is consistent with the purpose of this section; and

(C) The modification is the minimum modification that would afford relief and would be the least modification of the applicable provisions of this section.

(Ord. 2012-04, passed 12-5-2012)

SECTION 19: NON-CONFORMING SITUATIONS

Section

19.0 Purposes

19.1 Definitions

19.2 Continuation of non-conforming situations

19.3 Completion of non-conforming projects

19.4 Non-conforming lots

19.5 Non-conforming signs

19.6 Non-conforming mobile homes and mobile home parks

19.7 Extension or enlargement of non- conforming situations

19.8 Repair, maintenance and reconstruction

19.9 Change in use of property where a non-conforming situation exists

19.10 Non-conforming uses authorized by conditional use permits

19.11 Abandonment and discontinuance of non-conforming situations

§ 19.0 PURPOSES.

(A) This section is intended to limit the number and extent of non-conforming situations by prohibiting or limiting their enlargement, their reestablishment after abandonment and the alteration or restoration after destruction.

(B) The overall purpose is the gradual elimination of non-conforming uses or conversion to conforming uses in order to further the goals of the Tusayan Area Plan and this zoning code.

(Ord. 2012-04, passed 12-5-2012)

§ 19.1 DEFINITIONS.

As used in this zoning code, unless the context clearly indicates otherwise, certain words and phrases shall mean the following.

NON-CONFORMING SITUATION. A situation that occurs when, on the effective date of adoption of this zoning code or a previous ordinance or on the effective date of a zoning ordinance text amendment or a zoning map change, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. A **NON-CONFORMING SITUATION** may be any of the following.

(1) **NON-CONFORMING LOT.** A lot, the area or dimensions of which was lawful prior to the adoption, revision or amendment of the zoning ordinance or zoning map, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

(2) **NON-CONFORMING PROJECT.** Any structure, development or undertaking that is incomplete on the effective date of this zoning code or any amendment thereto or any zoning map change which would be inconsistent with any regulation applicable to the zone in which it is located if completed as proposed or planned.

(3) **NON-CONFORMING SIGN.** Any sign lawfully existing on the effective date of the zoning code or any amendment thereto which fails by reason of such adoption or amendment to conform to all standards and regulations of the zoning code.

(4) **NON-CONFORMING STRUCTURE OR BUILDING.** A structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning code, but which fails by reason of such adoption, revision or amendment to conform to the present regulations applicable to the zone in which the property is located.

(5) **NON-CONFORMING USE.** A use or activity which was lawful prior to the adoption, revision or amendment of the zoning code or zoning map, but which is unlawful by the use regulations applicable to the district in which the property is located.

(Ord. 2012-04, passed 12-5-2012)

§ 19.2 CONTINUATION OF NON- CONFORMING SITUATIONS.

Non-conforming situations that were lawful when created or established may be continued.

(Ord. 2012-04, passed 12-5-2012)

§ 19.3 COMPLETION OF NON- CONFORMING PROJECTS.

(A) Non-conforming projects which have been approved or permitted before the effective date of this zoning code or any amendment thereto or of any zoning map change may be completed in accordance with the terms of their permits, so long as these approvals or permits were validly issued and remain unrevoked and unexpired.

(B) Non-conforming projects approved by conditional use permit shall be allowed to be completed so long as the use is commenced or a building permit is obtained within one year of approval.

(C) Applicable zoning regulations for a non- conforming project are those in place at the time of a building permit application or at the time of application for a zone change or conditional use permit.

(D) For projects designed to be completed in stages, construction may be completed according to regulations in effect on the date of approval pursuant to schedules of development approved by the Planning and Zoning Commission or Town Council.

(Ord. 2012-04, passed 12-5-2012)

§ 19.4 NON-CONFORMING LOTS.

(A) Lots that were legally established and in conformance with the zoning code when created shall be considered usable.

(B) When the use proposed for a non-conforming lot is one that conforms in all other respects, but the applicable setback requirements cannot be reasonably complied with, the Hearing Officer may grant variances from the applicable setback requirements if it finds that:

- (1) The property cannot reasonably be developed for the use proposed without such variance;
- (2) The variance is necessitated by the size and shape of the non-conforming lot; and
- (3) The property can be developed as proposed without any significantly adverse impact on surrounding properties or the public health or safety.

(C) For the purpose of division (B) above, compliance with applicable building setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the non-conforming lot cannot practicably be constructed and located on the lot in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

(D) This section only applies to undeveloped non-conforming lots. A lot is undeveloped if it has no substantial structures on it. A change in use of a developed non-conforming lot may be accomplished in accordance with § 19.9.

(Ord. 2012-04, passed 12-5-2012)

§ 19.5 NON-CONFORMING SIGNS.

(A) Subject to the remainder of this section, non-conforming signs that were lawful when established may be continued.

(B) No non-conforming sign may be enlarged or altered in such a manner as to increase the extent of the non-conformity nor may illumination be added to any non-conforming sign.

(C) A non-conforming sign may not be moved or replaced except to bring the sign into complete conformity with this zoning code.

(D) Restoration of a damaged sign may be accomplished in accordance with § 19.8.

(E) The message of a non-conforming sign may be changed so long as this does not create any new non-conformities (for example, by creating an off-premise sign where such sign would not be allowed).

(F) Routine maintenance and repairs may be done so long as the cost of such work does not exceed 50% of the value of such sign within any 12-month period.

(G) If a non-conforming sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that has not been offered or conducted for a period of six months, that sign shall be considered abandoned and shall be removed within 30 days after such abandonment. If the business is resumed following the abandonment, all signs shall conform to this zoning code.

(H) If a non-conforming billboard remains blank for a continuous period of 180 days, that billboard

shall be deemed abandoned and shall be removed within 30 days after such abandonment. For the purpose of this section, a sign is blank if:

- (1) It advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted;
- (2) The advertising message it displays becomes illegible in whole or substantial part; or
- (3) The advertising copy paid for by a party other than the sign owner or promoting an interest other than the rental of the sign has been removed.

(Ord. 2012-04, passed 12-5-2012)

§ 19.6 NON-CONFORMING MOBILE HOMES AND MOBILE HOME PARKS.

(A) Within non-conforming mobile home parks, mobile homes may be replaced, subject to the following.

- (1) The total number of spaces in the mobile home park shall not be increased over the number existing at the time the park became non-conforming.
- (2) There shall be a minimum ten-foot front setback.
- (3) There shall be a minimum ten-foot spacing between mobile homes.
- (4) Setbacks around the perimeter of the park shall not be reduced from those existing at the time the park became non-conforming.

(B) There shall be no expansion of a non-conforming mobile home park.

(C) Individual non-conforming mobile homes may not be replaced with other non-conforming mobile homes. Minor additions or improvements, such as decks, porches and cabanas with a cost up to 25% of the appraised value of the non-conforming mobile home, are permitted.

(Ord. 2012-04, passed 12-5-2012)

§ 19.7 EXTENSION OR ENLARGEMENT OF NON-CONFORMING SITUATIONS.

(A) Except as otherwise specifically allowed in this section, no increase in the extent of non-conformity of a non-conforming situation is permitted. In particular, no non-conforming use shall be enlarged or extended in such a way as to occupy any part of the structure or site or another structure or site which it did not occupy at the time it became a non-conforming use, or in such a way as to displace any conforming use occupying a structure or site, except as permitted in this section.

(B) No non-conforming use or structure shall be enlarged or extended so as to increase the non-conformity with respect to setbacks, height, density or number of units, distance between structures, parking or other requirements such as performance standards.

(C) Extension of hours or seasons of use, addition of new uses and changes in character of the non-conforming use are considered to be extensions and are not permitted.

(Ord. 2012-04, passed 12-5-2012)

§ 19.8 REPAIR, MAINTENANCE AND RECONSTRUCTION.

(A) Minor repairs and routine maintenance of property where non-conforming situations exist are permitted and encouraged. Major renovation (i.e., work estimated to cost more than 25% of the appraised

value of the structure to be renovated) may only be done with the granting of a conditional use permit. Cost shall mean the fair market value of the materials and services necessary to accomplish the repair or maintenance.

(B) If a structure located on a parcel where a non-conforming situation exists is damaged to an extent of 50% or less of the appraised value of the damaged structure, then it may be repaired and replaced and the non-conforming use may be resumed, provided that restoration is started within one year and diligently pursued to completion. For damaged non-conforming signs, restoration must be initiated within three months and completed within six months. If the damage exceeds 50% or the structure is voluntarily razed or is required by law to be razed, the structure shall not be restored except in full conformity with the regulations for the zone in which it is located, and the non-conforming use shall not be resumed. Structure, as used in this division (B), includes on-premise signs and billboards. Non-conforming structures used for single-family or two-family residential purposes, if damaged to an extent exceeding 50% may be reconstructed and restored, subject to the granting of a conditional use permit.

(C) For the purpose of division (B) above, the extent of damage shall be based on the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage. Estimates for this purpose shall be reviewed and approved by the Town Manager or designee and shall be based on the minimum cost of construction in compliance with adopted building codes.

(Ord. 2012-04, passed 12-5-2012)

§ 19.9 CHANGE IN USE OF PROPERTY WHERE A NON-CONFORMING SITUATION EXISTS.

(A) A change in use of property where a non-conforming situation exists to a principal use that is permissible in the zone in which the property is located shall be accomplished in the same manner as establishing the use on a vacant lot. Once conformity with this zoning code is achieved, the property may not revert to its non-conforming status.

(B) If the change is to a permissible use, but all requirements of this zoning code (for example, property development and performance standards) cannot be met then the change may be allowed, subject to the Hearing Officer granting a variance for the waivers. In addition to other findings required for a variance, the Hearing Officer must find that:

(1) The change will not result in a violation of § 19.7; and

(2) All of the requirements that can reasonably be met will be met. Compliance is not reasonably possible if compliance cannot be achieved without the addition of land or without moving a substantial structure that is on a permanent foundation. Mere financial hardship related to such requirements as paving a parking lot may not constitute grounds for granting a variance.

(Ord. 2012-04, passed 12-5-2012)

§ 19.10 NON-CONFORMING USES AUTHORIZED BY CONDITIONAL USE PERMITS.

(A) Uses approved by conditional use permit which have become non-conforming because of a zoning ordinance text amendment or a zoning map change may continue until the expiration date of the permit.

(B) At that time, the Planning and Zoning Commission may grant a use permit for renewal if all of the original conditions of approval have been met, even if the use is no longer a permitted or conditional use in the zoning district in which the property is located.

(C) The Commission may impose reasonable improvements to bring the property into closer conformity or to mitigate the use.

(Ord. 2012-04, passed 12-5-2012)

§ 19.11 ABANDONMENT AND DISCONTINUANCE OF NON-CONFORMING SITUATIONS.

Whenever a non-conforming use has been discontinued, or changed to a conforming use, for a consecutive period of 180 days, use of the structure or site thereafter shall be in conformity with the regulations for the zone in which the property is located.

(Ord. 2012-04, passed 12-5-2012)

SECTION 20: ADMINISTRATION

Section

- 20.1 Determination as to uses not listed
 - 20.1-1 Purpose and initiation
 - 20.1-2 Application
 - 20.1-3 Investigation and report
 - 20.1-4 Determination
 - 20.1-5 Appeal to Town Council
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- 20.2 Citizen participation
 - 20.2-1 Purposes
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 - 20.3-1 Purposes
 - 20.3-2 Application: data and maps to be furnished
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 - 20.3-4 Public hearing
 - 20.3-5 Investigation and report
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 - 20.3-7 Findings
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 - 20.3-11 Lapse of conditional use permit
 - 20.3-12 Pre-existing conditional uses

- 20.3-13 Modification of conditional use
- 20.3-14 Suspension and revocation
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20.4 Amendments

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- 20.4-2 Initiation
- 20.4-3 Conformity with Tusayan Area Plan
- 20.4-4 Application: data and maps to be furnished
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20.5 Public hearing time and notice

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20.7 Variances and appeals

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- 20.8 Board of Adjustment
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 - 20.10-2 Application: data and maps to be furnished
 - 20.10-3 Fees
 - 20.10-4 Findings
 - 20.10-5 Site area: additional findings
 - 20.10-6 Decision of Town Manager
- 20.11 Animal husbandry activities or projects

§ 20.1 DETERMINATION AS TO USES NOT LISTED.

§ 20.1-1 PURPOSE AND INITIATION.

(A) In order to ensure that the zoning regulations will permit all similar uses in each zone, the Planning and Zoning Commission, upon its own initiative or upon written request shall determine whether a use not specifically listed as a permitted or conditional use in any zone shall be deemed a permitted use or a conditional use in any one or more zones on the basis of similarity to uses specifically listed.

(B) The procedures of this section shall not be substituted for the amendment procedure as a means of adding new uses to the list of permitted or conditional uses.

(Ord. 2012-04, passed 12-5-2012)

§ 20.1-2 APPLICATION.

Application for determination of similar uses shall be made in writing to the Town Manager or designee and shall include a detailed description of the proposed use and such other information as may be required by the Town Manager or designee to facilitate the determination.

(Ord. 2012-04, passed 12-5-2012)

§ 20.1-3 INVESTIGATION AND REPORT.

The Town Manager or designee shall make such investigations of the application as necessary to compare the nature and characteristics of the proposed use with those uses specifically listed and shall make a report of his or her findings to the Planning and Zoning Commission.

(Ord. 2012-04, passed 12-5-2012)

§ 20.1-4 DETERMINATION.

The determination of the Planning and Zoning Commission shall be final 15 days from the date of the decision unless an appeal is filed.

(Ord. 2012-04, passed 12-5-2012)

§ 20.1-5 APPEAL TO TOWN COUNCIL.

A decision of the Planning and Zoning Commission may be appealed within 15 days to the Town Council by the applicant or any other person, as prescribed in § 20.6, Appeals: Town Council Review, or by any member of the Town Council without fee.

(Ord. 2012-04, passed 12-5-2012)

§ 20.1-6 DETERMINATION BY TOWN COUNCIL.

The Town Council shall make a determination as prescribed in § 20.6-3, Town Council Action on Appeal, if an appeal has been filed within the prescribed 15-day appeal period. The decision of the Town Council shall be final.

(Ord. 2012-04, passed 12-5-2012)

§ 20.2 CITIZEN PARTICIPATION.

§ 20.2-1 PURPOSES.

In order to maximize the opportunity for citizen involvement in the rezoning and conditional use permit process that is described in the following sections, and to resolve any neighborhood issues at an early stage in the process, the following requirements shall be included in the public hearing process.

(Ord. 2012-04, passed 12-5-2012)

§ 20.2-2 CITIZEN PARTICIPATION PLAN.

(A) Every zone change and conditional use permit application shall include a citizen participation plan that must be implemented prior to the first public hearing.

(B) The purpose of the citizen participation plan is to achieve the following:

(1) Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community or on the neighborhood;

(2) Ensure that the citizens and property owners of Tusayan have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and

(3) Facilitate ongoing communication between the applicant, interested citizens and property owners, town staff and elected officials throughout the application review process.

(C) The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.

(D) At a minimum, the citizen participation plan shall include the following:

(1) Which residents, property owners, interested parties and public and private agencies may be affected by the application;

(2) How those interested in and potentially affected by an application will be notified that an application has been made;

(3) How those interested and potentially affected parties will be informed of the substance of the zone change, amendment or development proposed by the application;

(4) How those interested and affected parties will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues or problems they may have with the proposal in advance of the public hearing;

(5) The applicant's schedule for completion of the citizen participation plan; and

(6) How the applicant will keep the town staff informed on the status of citizen participation efforts.

(E) Applicants must conduct a neighborhood community meeting prior to submitting an application for a zone change or a conditional use permit.

(1) The meeting must be conducted in the general vicinity of the property involved in the application. The meeting serves as a forum for information exchange between applicants and affected members of the public.

(2) An applicant may make a written request and receive a written determination whether, due solely to impractical circumstances, the requirement for a community meeting should be waived by the Town Manager. At a minimum the request must explain why the applicant's citizen participation plan provides other adequate, alternative opportunities for citizens to express any concerns, problems or issues they may have with the proposal in advance of the public hearing. The Town Manager shall make his or her determination a part of the written record in the case.

(F) The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The target area for notification will be determined by the applicant after consultation with town staff. At a minimum, the target area shall include the following:

(1) Property owners within the public hearing notice area required by other sections of this ordinance;

(2) The head of any property owners' association within the notice area required by other sections of this zoning code;

(3) Other potentially affected property owners outside of the legal notice area as determined by town staff; and

(4) Other interested parties who have requested that they be placed on a list of interested parties maintained by the town staff.

(G) These requirements apply in addition to any notice provisions required elsewhere in this zoning code.

(H) (1) The applicant may submit a citizen participation plan and begin implementation prior to formal application at his, her or their discretion.

(2) This shall not occur until after a pre-application meeting and consultation with town staff.

(Ord. 2012-04, passed 12-5-2012)

§ 20.2-3 CITIZEN PARTICIPATION REPORT.

(A) This section applies only when a citizen participation plan is required by this zoning code.

(B) The applicant shall provide a written report on the results of his, her or their citizen participation effort prior to the notice of public hearing. This report shall be attached to the staff report submitted to the Planning and Zoning Commission.

(C) At a minimum, the citizen participation report shall include the following information:

(1) Details of the techniques the applicant used to involve the public, including:

(a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;

(b) Content, dates mailed and numbers of mailings, including letters, meeting notices, newsletters and other publications;

(c) Where residents, property owners and interested parties receiving notices, newsletters or other written materials are located;

(d) The number of people that participated in the process; and

(e) The percentage of those notified that participated in the process.

(2) A summary of concerns, issues and problems expressed during the process, including:

(a) The substance of the concerns, issues and problems;

(b) How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and

(c) Concerns, issues and problems the applicant is unwilling or unable to address and why.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3 CONDITIONAL USES.

§ 20.3-1 PURPOSES.

In order to give the use regulations the flexibility necessary to achieve the objectives of this section, in certain zones conditional uses are permitted, subject to the granting of a conditional use permit. Because of their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning regulations and with respect to their effects on surrounding properties. In order to achieve these purposes, the Planning and Zoning Commission is empowered to grant and to deny applications for use permits for such conditional uses in such zones as are prescribed in the zone regulations and to impose reasonable conditions upon the granting of conditional use permits, subject to the right of appeal to the Town Council.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3-2 APPLICATION: DATA AND MAPS TO BE FURNISHED.

Application for a conditional use permit shall be filed with the Town Manager or designee on a form prescribed by the town and shall include the following data and maps:

(A) Name and address of the applicant;

(B) Statement that the applicant is the plaintiff in any action in eminent domain to acquire the property or the owner or the authorized agent of the property on which the use is proposed to be located. This provision shall not apply to a proposed public utility right-of-way;

(C) Address and legal description of the property;

(D) Statement indicating the precise manner of compliance with each of the applicable provisions of this section, together with any other data pertinent to the findings prerequisite to the granting of a use permit, prescribed in § 20.3-7;

(E) A list of all owners of property located within 300 feet of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties;

(F) Plot plans and elevations, fully dimensioned, indicating the type and location of all buildings and structures, parking and landscape areas and signs. Elevation plans shall be of sufficient detail to indicate the type and color of materials to be employed and methods of illumination for signs. Screening, landscape and irrigation plans shall be included in the plans; and

(G) Plans and/or a preliminary report describing the proposed provisions for storm drainage, sewage disposal and such other public improvements and utilities as the Town Manager or designee may require in order to give a full evaluation of the project.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3-3 FEE.

The application shall be accompanied by a fee established by resolution of the Town Council to cover to cost of handling the application as prescribed in this section.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3-4 PUBLIC HEARING.

The Planning and Zoning Commission shall hold at least one public hearing on each application for a conditional use permit. The hearing shall be set and notice given as prescribed in § 20.5, Public Hearing Time and Notice. At the public hearing, the Commission shall review the application and drawings submitted therewith and shall receive pertinent evidence concerning the proposed use and the proposed conditions under which it would be operated or maintained, particularly with respect to the findings

prescribed in § 20.3-7.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3-5 INVESTIGATION AND REPORT.

The Town Manager or designee shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning and Zoning Commission and made available to the applicant prior to the public hearing.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3-6 ACTION OF THE PLANNING AND ZONING COMMISSION.

Within 21 days following the closing of the public hearing on a conditional use permit application, the Planning and Zoning Commission shall act on the application. The Commission may grant, by resolution, a conditional use permit as the permit was applied for or in modified form, or the application may be denied. A conditional use permit may be revocable, may be granted for a limited time period or may be granted, subject to such conditions as the Commission may prescribe. Conditions may include, but shall not be limited to, drainage, sewage, water and other utility requirements, requiring special yards, open spaces, buffers, fences and walls; requiring installation and maintenance of landscaping; requiring street dedications and improvements; regulation of points of vehicular ingress and egress; regulation of traffic circulation; regulation of signs; regulation of hours of operation and methods of operating; control of potential nuisances; prescribing standards for maintenance of buildings and grounds; prescription of development schedules and development standards; and such other conditions as the Commission may deem necessary to ensure compatibility of the use with surrounding developments and uses and to preserve the public health, safety and welfare. The Commission may grant waivers from the Zoning Ordinance in conjunction with the approval of a conditional use permit for such property development standards and performance standards as: fences, walls, screening and landscaping; site area; width and depth; front, rear and side setbacks; lot coverage; height of structures; distance between structures; usable open space; signs; off-street parking facilities or parking lot standards; or frontage on a public street.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3-7 FINDINGS.

The Planning and Zoning Commission shall make the following findings before granting a conditional use permit:

(A) The proposed location of the conditional use is in accord with the objectives of this zoning code and the purpose of the zone in which the site is located;

(B) The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity;

(C) The proposed conditional use will comply with each of the applicable provisions of this zoning code, except for approved variances; and

(D) The proposed conditional use is consistent with and conforms to the goals, objectives and policies of the Tusayan Area Plan.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3-8 EFFECTIVE DATE OF THE USE PERMIT.

The decision of the Planning and Zoning Commission shall be final 15 days from the date of the decision and upon receipt by the Town Manager or designee of a signed agreement to the conditions of approval, unless prior to the expiration of said 15-day period an appeal has been filed with the Town Council.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3-9 APPEAL TO TOWN COUNCIL.

A decision of the Planning and Zoning Commission may be appealed within 15 days to the Town Council by the applicant or any other person as prescribed in § 20.6, Appeals: Town Council Review; or by appeal of an individual member of the Town Council without fee.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3-10 DETERMINATION BY THE TOWN COUNCIL.

The Town Council shall hold a public hearing on a conditional use permit as prescribed in § 20.6-3 if an appeal has been filed within the prescribed 15-day appeal period. The decision of the Town Council shall be final.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3-11 LAPSE OF CONDITIONAL USE PERMIT.

(A) A conditional use permit shall lapse and shall become void one year following the date on which the use permit became effective, unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a certificate of occupancy is issued for the structure which was the subject of the use permit application, or the site is occupied if no building permit or certificate of occupancy is required; provided that, a use permit for a public utility installation may be valid for a longer period if specified by the Planning and Zoning Commission.

(B) A conditional use permit subject to lapse may be renewed; provided that, prior to the expiration date, an application for renewal of the use permit is filed with the Commission.

(C) The Planning and Zoning Commission may grant or deny an application for renewal of a conditional use permit, subject to the modification of existing conditions of approval and/or the addition of new conditions of approval.

(D) A conditional use permit shall also lapse if the use for which the permit is approved is terminated for a period of two years. Recommencement of the use after the two-year period of inactivity shall require filing a new application following the requirements and processes specified in §§ 20.3-2 through 20.3-10.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3-12 PRE-EXISTING CONDITIONAL USES.

(A) A conditional use legally established prior to the effective date of this zoning code or prior to the effective date of subsequent amendments to the regulations or zone boundaries, shall be permitted to continue; provided that, it is operated and maintained in accord with the conditions prescribed at the time of its establishment, if any.

(B) Alteration or expansion of a pre-existing conditional use shall be permitted only upon the granting of a use permit as prescribed in this section; provided that, alterations not exceeding in value 25% of the valuation of the existing use or building as determined by the town staff shall be permitted without the granting of a conditional use permit.

(C) A conditional use permit shall be required for the reconstruction of a structure housing a pre-existing conditional use if the structure is destroyed by fire or other calamity, by act of God or by the public enemy to a greater extent than 50%. The extent of damage or partial destruction shall be based upon the ratio of the estimated cost of restoring the structure to its condition prior to such damage or partial destruction to the estimated cost of duplicating the entire structure as it existed prior thereto. Estimates for this purpose shall be made by or shall be reviewed and approved by the town staff and shall be based on the minimum cost of construction in compliance with the Building Code.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3-13 MODIFICATION OF CONDITIONAL USE.

Sections 20.3-2 through 20.3-11 shall apply to an application for modification, expansion or other change in a conditional use; provided that, minor revisions or modifications may be approved by the Town Manager if he or she determines that the changes would not affect the findings prescribed in § 20.3-7, Findings.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3-14 SUSPENSION AND REVOCATION.

(A) Upon violation of any applicable provision of this zoning code or, if granted subject to conditions, upon failure to comply with conditions, a conditional use permit shall be suspended automatically. The Planning and Zoning Commission shall hold a public hearing within 60 days, in accordance with the procedure prescribed in § 20.3-4, Public Hearing, and if not satisfied that the regulation, general provisions or conditions are being complied with, may revoke the conditional use permit or take such action as may be necessary to ensure compliance with the regulation, general provisions or condition.

(B) The decision shall become final 30 days following the date on which the use permit was revoked unless an appeal has been filed within the prescribed 15-day appeal period, in which case § 20.6-3, Town Council Action on Appeal, shall apply.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3-15 NEW APPLICATIONS.

Following the denial of a use permit application or the revocation of a use permit, no application for a use permit for the same or substantially the same use on the site shall be filed within one year from the date of denial or revocation of the use permit.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3-16 USE PERMIT TO RUN WITH THE LAND.

A use permit granted pursuant to the provisions of this section shall run with the land and shall continue to be valid upon a change in ownership of the site or structure which was the subject of the use permit application.

(Ord. 2012-04, passed 12-5-2012)

§ 20.3-17 USE PERMIT AND CHANGE OF ZONE FILED CONCURRENTLY.

(A) Application for a conditional use permit may be made at the same time as an application for a change in zone boundaries including the same property, in which case the Planning and Zoning Commission shall hold the public hearing on the zoning reclassification and the use permit at the same meeting and may combine the two hearings.

(B) For the purposes of this section, the date of the Commission decision on the use permit application shall be deemed to be the same as the date of enactment by the Town Council of an ordinance changing the zone boundaries; provided that, if the Town Council modifies a recommendation of the Commission on a zoning reclassification, the use permit application shall be reconsidered by the Commission in the same manner as a new application.

(Ord. 2012-04, passed 12-5-2012)

§ 20.4 AMENDMENTS.

§ 20.4-1 PURPOSE.

The zoning map and zoning regulations may be amended by changing the boundaries of any zone or by changing any zone regulation or any other provision of this zoning code in accord with the procedure prescribed in this section.

(Ord. 2012-04, passed 12-5-2012)

§ 20.4-2 INITIATION.

(A) A change in the boundaries of any zone may be initiated by a property owner or authorized agent of a property owner by filing an application for a change in zone boundaries as prescribed in this section.

(B) A change in the boundaries of any zone or change in the regulations may be initiated by the Planning and Zoning Commission or the Town Council.

(Ord. 2012-04, passed 12-5-2012)

§ 20.4-3 CONFORMITY WITH TUSAYAN AREA PLAN.

An application for a change in zone classification which is not consistent with the land use goals and policies as identified in the Tusayan Area Plan shall not be processed until an amendment to the Tusayan Area Plan has been filed, as prescribed in § 21, Tusayan Area Plan.

(Ord. 2012-04, passed 12-5-2012)

§ 20.4-4 APPLICATION: DATA AND MAPS TO BE FURNISHED.

A property owner desiring to propose a change in the boundaries of the zone in which his or her property is located, or his or her authorized agent, may file with the Town Manager or designee an application for a change in zone boundaries on the form prescribed by the town and shall include the following data:

- (A) Name and address of the applicant;
- (B) Signature of the property owners;
- (C) Address and legal description of the property;

(D) An accurate scale drawing of the site and the surrounding area showing existing streets and property lines for a distance determined by the town staff to be necessary to illustrate the relationship to and impact on the surrounding area;

(E) The town staff may require additional information or maps if they are necessary to enable the Commission to determine whether the change is consistent with the objectives of this zoning code. The Town Manager or designee may authorize omission of the map required by this section if it is not necessary; and

(F) A list of all owners of properties located within 300 feet of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.

(Ord. 2012-04, passed 12-5-2012)

§ 20.4-5 FEE.

The application shall be accompanied by a fee established by resolution of the Town Council to cover the cost of processing the application as prescribed in this section.

(Ord. 2012-04, passed 12-5-2012)

§ 20.4-6 PUBLIC HEARING.

The Planning and Zoning Commission shall hold at least one public hearing on each application for a change in zone boundaries or for a change of the zoning regulations. The hearing shall be set and notice given as prescribed in § 20.5, Public Hearing Time and Notice.

(Ord. 2012-04, passed 12-5-2012)

§ 20.4-7 INVESTIGATION AND REPORT.

The Town Manager or designee shall make an investigation of the application or proposal and shall prepare a report thereon which shall be submitted to the Planning and Zoning Commission and to the applicant prior to the public hearing.

(Ord. 2012-04, passed 12-5-2012)

§ 20.4-8 PUBLIC HEARING PROCEDURE.

At the public hearing, the Planning and Zoning Commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is consistent with the objectives of this zoning code, the Tusayan Area Plan and the development policies of the town.

(Ord. 2012-04, passed 12-5-2012)

§ 20.4-9 ACTION BY THE PLANNING AND ZONING COMMISSION.

(A) Within 21 days following the closing of the public hearing, the Planning and Zoning Commission shall make a decision based on the following findings:

(1) The change is consistent with the goals, objectives and policies of the Tusayan Area Plan and this zoning code;

(2) The change is in the interest of or will further the public health, safety, comfort, convenience and welfare; and

(3) The change will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties.

(B) Based on these findings, the Commission shall recommend that the application be approved, approved in modified form or denied. Said recommendation shall be transmitted to the Town Council for final hearing and disposition.

(Ord. 2012-04, passed 12-5-2012)

§ 20.4-10 ALTERNATE CLASSIFICATION IN LIEU OF PROPOSED CLASSIFICATION.

When the Planning and Zoning Commission determines, following a public hearing on a change in the boundaries of any zone, that a change to a zone classification other than the proposed classification specified in the hearing notice is desirable, the Commission may recommend alternate classifications to a proposed classification in accord with the following schedule:

<i>Proposed Zone Described in Public Hearing Notice</i>	<i>Alternate Zones That May be Considered</i>
AR	Any AR or RR requiring equal or larger lot sizes
CG-10,000	CN-2/A
CH-10,000	CG-10,000, CN-2/A
CN-2/A	None
G	None
M-1-10,000	MP-20,000
M-2-6,000	MP-20,000, M-1-10,000
MP-20,000	None
RM-10/A	Any Single-Family Zone
RM-20/A	Any other Residential Zone
RS-10,000	Any Single-Family Zone requiring larger lot sizes
RS-18,000	Any Single-Family Zone requiring larger lot sizes
RS-36,000	Any Single-Family Zone requiring larger lot sizes
RS-6,000	Any other Single-Family Zone
Special Purpose Zones	None

(Ord. 2012-04, passed 12-5-2012)

§ 20.4-11 ACTION BY THE TOWN COUNCIL.

(A) The Town Council shall hold at least one public hearing on an application or a proposal within 40 days after receipt of the resolution or report of the Planning and Zoning Commission. The hearing shall be set and notice given as prescribed in § 20.5, Public Hearing Time and Notice. Within 21 days following the closing of a public hearing, the Town Council shall make a decision based on the findings required by § 20.4-9.

(B) If the Town Council finds that the change is consistent with the findings required by § 20.4-9, it shall approve an ordinance amending the zoning map or zoning regulations, whichever is appropriate.

(C) The Town Council may modify a decision of the Planning and Zoning Commission recommending the granting of an application or adoption of a proposal. However, prior to making a final decision on the amendment or proposal, the Town Council may, but shall not be required to, submit any or all modifications to the Commission for reconsideration at a public meeting. The Commission may, but is not required to, provide supplemental comments on the modifications to the Town Council. The Town Council may consider any supplemental comments from the Commission before making the findings required by § 20.4-9 and rendering a final decision. Failure of the Commission to report within 30 days after receipt of the Town Council request shall be deemed concurrency.

(D) (1) If the Town Council finds that the change is not consistent with the findings required by § 20.4-9, it shall deny the application or reject the proposal. In accordance with A.R.S. § 9-462 if 20% or more either of the area of the lots included in a proposed change, or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective, except by the favorable vote of three-fourths of all members of the Town Council. If any members of the Town Council are unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the Town Council; provided that, such required number of votes shall in no event be less than a majority of the full membership of the Town Council.

(2) In calculating the owners by number or area, town property and public rights-of-way shall not be included.

(Ord. 2012-04, passed 12-5-2012)

§ 20.4-12 NEW APPLICATION.

Following the denial of an application for change in zone boundaries or a change in the zoning regulations, an application or request for the same or substantially the same change on the same or substantially same property shall not be filed within one year of the date of denial.

(Ord. 2012-04, passed 12-5-2012)

§ 20.4-13 CONDITIONAL ZONING.

The Town Council may approve a change of zone conditioned on a schedule for development of the specific use or uses for which the rezoning is requested. If, at the expiration of this period, the property has not been improved for the use for which it was conditionally approved, the Town Council after notification by registered mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to grant an extension, determine compliance with the schedule for development or cause

the property to revert to its former zoning classification.

(Ord. 2012-04, passed 12-5-2012)

§ 20.4-14 CHANGE OF ZONE ACCOMPANIED BY A SUBDIVISION PLAT.

When a zone change request is accompanied by a preliminary subdivision plat, the change of zoning shall not vest or become effective until recordation of a final plat.

(Ord. 2012-04, passed 12-5-2012)

§ 20.5 PUBLIC HEARING TIME AND NOTICE.

(A) The Town Manager shall set the time and place of public hearings required by this code to be held by the Planning and Zoning Commission or Hearing Officer; provided that, the Commission or Hearing Officer may change the time or place of a hearing. However, the Planning and Zoning Commission or Hearing Officer shall hold a public hearing within 75 days after the appropriate application has been filed.

(B) The Town Clerk shall set the time and place of public hearings required by this zoning code to be held by the Town Council; provided that, the Town Council may change the time or place of a hearing. The Town Council shall hold a public hearing on a rezoning request, or an amendment approved by the Commission not less than 60 days after notice of such decision or appeal has been filed with the Town Clerk unless the applicant or appellant shall consent to an extension of time. Notice of a public hearing shall be given not less than 15 days, nor more than 30 days, prior to the date of the hearing by publication in a newspaper of general circulation. When the hearing concerns a matter other than an amendment to the text of this zoning code, the property shall be posted at least 15 days prior to the hearing. Notices of public hearings before the Planning and Zoning Commission, Hearing Officer or Town Council shall be mailed to all persons whose names appear on the latest adopted tax roll of Coconino County as owning property within 300 feet of the exterior boundaries of the property that is the subject of the hearing.

(C) In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by division (D) below:

(1) A 10% or more increase or decrease in the number of square feet or units that may be developed;

(2) A 10% or more increase or reduction in the allowable height of buildings;

(3) An increase or reduction in the allowable number of stories of buildings;

(4) A 10% or more increase or decrease in the setback or open space requirements; and/or

(5) An increase or reduction in permitted uses.

(D) In proceedings governed by division (C) above, the town shall provide notice to real property owners pursuant to at least one of the following notification procedures:

(1) Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes;

(2) If the town issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the town shall include notice of such changes in such utility bills or other mailings; and

(3) The town shall publish such changes prior to the first hearing on such changes in a newspaper of

general circulation in the town. The changes shall be published in a “display ad” covering not less than one-eighth of a full page.

(E) If notice is provided pursuant to divisions (D)(2) or (D)(3) above, the town shall also send notice by first class mail to persons who register their names and addresses with the town as being interested in receiving such notice. The town may charge a fee not to exceed \$5 per year for providing this service.

(F) Notwithstanding the notice requirements set forth in division (C) above, failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the town for which notice was given.

(Ord. 2012-04, passed 12-5-2012)

§ 20.6 APPEALS: TOWN COUNCIL REVIEW.

§ 20.6-1 APPEAL OF DECISION OF PLANNING AND ZONING COMMISSION.

Where this zoning code provides for appeal to the Town Council of a decision of the Planning and Zoning Commission, the appeal shall be made within 15 days of the date of the decision by filing a letter of appeal with the Town Manager. The appeal shall state in writing the reasons for the appeal.

(Ord. 2012-04, passed 12-5-2012)

§ 20.6-2 FEE.

An appeal shall be accompanied by a fee established by resolution of the Town Council to cover the cost of processing the appeal.

(Ord. 2012-04, passed 12-5-2012)

§ 20.6-3 TOWN COUNCIL ACTION ON APPEAL.

The Town Council shall hold at least one public hearing on a decision of the Planning and Zoning Commission which has been appealed. The hearing shall be held within 60 days from the filing of the appeal; the time and place of the hearing shall be set by notice given as prescribed in § 20.5. The Town Council shall render a decision on an appeal within 21 days following the closing of the public hearing on the appeal. Failure of the Town Council to act within the time period prescribed by this section shall be deemed approval of the Planning and Zoning Commission action. The Town Council may affirm, reverse or modify a decision of the Planning and Zoning Commission. The decision of the Town Council shall be final.

(Ord. 2012-04, passed 12-5-2012)

§ 20.7 VARIANCES AND APPEALS.

§ 20.7-1 PURPOSES AND AUTHORIZATION.

(A) Variances from the terms of the zoning code shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning code deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any variance granted shall be subject to such

conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

(B) The power to grant variances does not extend to use regulations. Flexibility to the zoning regulations is provided in the conditional use provisions of this zoning code.

(C) The Hearing Officer may grant variances to the regulations prescribed by this section, in accord with the procedure prescribed in this section, with respect to fences, walls, hedges, screening and landscaping; site area, width, and depth; front, rear and side yards; coverage, height of structures; distances between structures; usable open space; signs, off-street parking facilities or frontage on a public street.

(D) The Hearing Officer shall hear and decide appeals in which it is alleged that there is an error in an order, requirement or decision made by the Zoning Administrator in the administration of this zoning code.

(Ord. 2012-04, passed 12-5-2012)

§ 20.7-2 APPLICATION: DATA AND MAPS TO BE FURNISHED.

(A) Application for a variance shall be filed with the Town Manager or designee on a form prescribed by the town and shall include the following data and maps:

(1) Name and address of the applicant(s);

(2) Statement that the applicant(s) is the plaintiff in any action in eminent domain to acquire the property or the owner or the authorized agent of the owner of the property on which the variance is being requested;

(3) Address and legal description of the property;

(4) Statement indicating the precise nature of the variance requested and the practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning regulations that would result from a strict or literal interpretation and enforcement of the specified regulations, together with any other data pertinent to the findings prerequisite to the granting of a variance, prescribed in § 20.7-7, Findings;

(5) An accurate scale drawing of the site and any adjacent property affected, showing, when pertinent, the contours at intervals of not more than two feet, and all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off-street parking facilities and landscaped areas;

(6) A list of all owners of property located within 300 feet of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties; and

(7) The town staff may require additional information or plans, if they are necessary to enable a determination as to whether the circumstances prescribed for the granting of a variance exist. The Town Manager or designee may authorize omission of any or all of the plans and drawings required by this section if they are not necessary.

(B) An appeal from a decision of the Zoning Administrator shall be filed with the Town Hearing Officer and should cite the specific decision or action being appealed as well as the reasons and justification for the appeal.

(Ord. 2012-04, passed 12-5-2012)

§ 20.7-3 FEES.

An application for a variance or an appeal of a decision of the Zoning Administrator shall be accompanied by a fee established by resolution of the Town Council to cover the cost of handling the variance application as prescribed in this section or responding to an appeal. A single application for a variance may include requests for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent sites with similar characteristics.

(Ord. 2012-04, passed 12-5-2012)

§ 20.7-4 PUBLIC HEARING.

(A) The Hearing Officer shall hold a public hearing on an application for a variance or an appeal of a decision made by the Zoning Administrator. The hearing shall be set and notice given as prescribed in § 20.5, Public Hearing Time and Notice.

(B) At a public hearing for a variance, the Hearing Officer shall review the application, statements and drawings submitted therewith and shall receive pertinent evidence concerning the variance, particularly with respect to the findings prescribed in § 20.7-7, Findings.

(C) At a public hearing on an appeal from a decision of the Zoning Administrator, the Hearing Officer shall review the written appeal and statements and evidence in support of the appeal.

(Ord. 2012-04, passed 12-5-2012)

§ 20.7-5 INVESTIGATION AND REPORT.

The Town Manager or designee shall make an investigation of each application that is the subject of a public hearing and shall prepare a report thereon which shall be submitted to the Hearing Officer and made available to the applicant prior to the public hearing.

(Ord. 2012-04, passed 12-5-2012)

§ 20.7-6 ACTION BY THE HEARING OFFICER.

(A) Within 21 days following the close of the public hearing on a variance application, the Hearing Officer shall act on the application. The Hearing Officer may grant, by resolution, a variance as the variance was applied for or in modified form, or the application may be denied. A variance may be revocable, may be granted for a limited time period, or may be granted, subject to conditions as the Hearing Officer may prescribe.

(B) Within 21 days following the close of the public hearing on an appeal from a decision of the Zoning Administrator, the Hearing Officer shall reverse, affirm or modify, wholly or partly, any order, requirement or decision of the Zoning Administrator properly appealed to the Hearing Officer, and make such order, requirement, decision or determination as is necessary.

(Ord. 2012-04, passed 12-5-2012)

§ 20.7-7 FINDINGS.

The Hearing Officer may grant a variance to a regulation prescribed by this zoning code with respect to fences, walls, hedges, screening or landscaping; site area, width or depth; front, rear or side yards; coverage, height of structures, distances between structures, usable open space or frontage on a public street, as the variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Hearing Officer makes findings of fact that establish that the circumstances prescribed in divisions (A), (B) or (C) below and in divisions (D) and (E) below do apply.

(A) The strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this zoning code.

(B) There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the same zone.

(C) Strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.

(D) The granting of the variance as conditioned will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the same zone.

(E) 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.

(Ord. 2012-04, passed 12-5-2012)

§ 20.7-8 SIGNS: ADDITIONAL FINDINGS.

The Hearing Officer may grant a variance to a regulation prescribed in this zoning code with respect to signs as the variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Hearing Officer makes findings of fact that establish that the circumstances prescribed in § 20.7-7, Findings, apply and the following circumstances also apply.

(A) The granting of the variance will not detract from the attractiveness or orderliness of the surrounding neighborhood or infringe on the similar rights of others.

(B) The granting of the variance will not create a hazard to public safety.

(Ord. 2012-04, passed 12-5-2012)

§ 20.7-9 PARKING: ADDITIONAL FINDINGS.

The Hearing Officer may grant a variance to a regulation prescribed by this zoning code with respect to off-street parking facilities as the variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Hearing Officer makes findings of fact that establish that the circumstances prescribed in § 20.7-7 apply and the following circumstances apply.

(A) Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.

(B) The granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

(C) The granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of this zoning code.

(Ord. 2012-04, passed 12-5-2012)

§ 20.7-10 APPEALS OF DECISIONS BY HEARING OFFICER.

A decision of the Hearing Officer on a variance or an appeal of a decision made by the Zoning Administrator may be appealed within 30 days to the Board of Adjustment by the applicant or any other aggrieved person.

(Ord. 2012-04, passed 12-5-2012)

§ 20.7-11 EFFECTIVE DATE OF VARIANCE.

A decision of the Hearing Officer on a variance shall be final 30 days after the date of the decision and upon receipt by the Town Manager of a signed agreement to the conditions of approval, unless an appeal has been filed.

(Ord. 2012-04, passed 12-5-2012)

§ 20.7-12 LAPSE OF VARIANCE.

(A) A variance shall lapse and shall become void one year following the date on which the variance became effective unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a permit is issued authorizing occupancy of the site or structure which was the subject of the variance application, or the site is occupied if no building permit or certificate of occupancy is required.

(B) A variance may be renewed for an additional period of one year; provided that, prior to the expiration of one year from the date when the variance or the renewal became effective, an application for renewal of the variance is filed with the Town Manager or designee.

(C) The Hearing Officer may grant or deny an application for renewal of a variance, subject to the modification of existing conditions and/or the addition of new conditions of approval.

(D) A variance shall also lapse if the use for which the variance is approved is terminated for a period of one year. Recommencement of the use after the one year period of inactivity shall require filing a new variance application according to the process and requirements listed in §§ 20.7-1 through 20.7-15.

(Ord. 2012-04, passed 12-5-2012)

§ 20.7-13 REVOCATION.

A variance granted by the Hearing Officer subject to conditions shall be revoked by the Hearing Officer if the applicant has not complied with the conditions. The decision of the Hearing Officer revoking a variance shall become effective 15 days following the date on which it was revoked unless an appeal has been filed.

(Ord. 2012-04, passed 12-5-2012)

§ 20.7-14 NEW APPLICATION.

Following the denial or revocation of a variance application, no application for the same or substantially the same variance on the site or substantially the same site shall be filed within one year from the date of denial or revocation of the variance.

(Ord. 2012-04, passed 12-5-2012)

§ 20.7-15 VARIANCE RELATED TO PLANS SUBMITTED.

Unless otherwise specified at the time a variance is granted, it shall apply only to the plans and drawings submitted as part of the application.

(Ord. 2012-04, passed 12-5-2012)

§ 20.8 BOARD OF ADJUSTMENT.

§ 20.8-1 PURPOSE AND AUTHORITY.

Pursuant to A.R.S. § 9-462.06, the town shall have a Board of Adjustment which shall be appointed by the Town Council. In lieu of appointing a separate Board of Adjustment, the Mayor, with the consent of the Town Council, may establish the Town Council as the Board of Adjustment.

(Ord. 2012-04, passed 12-5-2012)

§ 20.8-2 MEMBERSHIP.

The Board shall consist of five members who shall be residents of the town. The members of the Board shall be appointed by the Mayor, subject to the approval of the Town Council. The members of the Board shall serve without compensation.

(Ord. 2012-04, passed 12-5-2012)

§ 20.8-3 TERM OF OFFICE.

Whenever the Town Council is not serving as the Board, the term of office of the members of the Board shall be two years, with the terms of members so staggered that the terms of no more than four members shall expire in any one year. In the event of a death, resignation or removal from the Board, the vacancy shall be filled by the Council for the unexpired term. Three unexcused absences during a calendar year from any regular or special meeting may be considered inefficiency or neglect of duty and may be grounds for termination at the will and pleasure of the Town Council.

(Ord. 2012-04, passed 12-5-2012)

§ 20.8-4 ORGANIZATION OF THE BOARD OF ADJUSTMENT.

(A) Whenever the Town Council is serving as the Board, the Mayor and Vice Mayor shall serve as the Chairperson and Vice Chairperson respectively. Otherwise, the Board shall elect a Chairperson and Vice Chairperson from the members of the Board at the first meeting held in each calendar year. The Chairperson shall preside at all meetings. The Vice Chairperson shall perform the duties of the Chairperson in the latter's absence or disability.

(B) Meetings of the Board shall be open to the public and notice to the public of items on the agenda shall be provided as required by state law and by § 20.5 of this zoning code. The minutes of the proceedings showing the votes of each member and records of its examinations and other official actions shall be kept and filed in the office of the Town Clerk as a public record.

(C) Three members of the Board shall constitute a quorum for the purpose of transacting business. The affirmative vote of a majority of the Board shall be required to pass a motion. A member may abstain from voting only upon a declaration that he or she has a conflict of interest, in which case such member shall take no part in the deliberation on the matter in question.

(Ord. 2012-04, passed 12-5-2012)

§ 20.8-5 GRANT OF AUTHORITY.

Pursuant to A.R.S. § 9-462.06, the Town Board of Adjustment hereby grants authority for hearing and deciding variance requests and appeals of decisions made by the Zoning Administrator to the Hearing Officer. The Board of Adjustment will hear and decide appeals from the decisions of the Hearing Officer on these matters.

(Ord. 2012-04, passed 12-5-2012)

§ 20.8-6 APPEALS OF BOARD OF ADJUSTMENT DECISION.

A person aggrieved by a decision of the Board of Adjustment may, at any time within 30 days after the Board has rendered its decision, file a complaint for special action in Superior Court to review the Board or Town Council decision.

(Ord. 2012-04, passed 12-5-2012)

§ 20.9 ZONING ADMINISTRATOR.

§ 20.9-1 ESTABLISHMENT AND PURPOSE.

(A) The staff position of Zoning Administrator is hereby created for the administration of this zoning code. The Zoning Administrator shall possess all powers of a Zoning Administrator under this zoning code and state law and shall perform such duties as are set forth under this zoning code. The Town Manager or his or her designee shall serve as the Zoning Administrator. The Zoning Administrator shall not be the Town Hearing Officer.

(B) The Zoning Administrator shall have the following duties:

(1) Establish rules, procedures and forms to provide for the processing of applications or requests for action under the provisions of this ordinance;

(2) Accomplish all administrative actions required by this zoning 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 Town Planning and Zoning Commission, Board of Adjustment, Hearing Officer and Town Council with respect to applications and requests for approvals as required by this zoning code;

(4) Interpret the zoning code to the public, subject to policies established by the Town Council;

(5) Determine the location of any zoning district boundary shown on the zoning map adopted as part of this zoning code when such location is in dispute;

(6) Enforce the provisions of the zoning code as set forth in § 7 of this zoning code; and

(7) The Zoning Administrator shall not make any changes in the uses permitted in any zoning classification or make any changes in the terms of the zoning code.

(Ord. 2012-04, passed 12-5-2012)

§ 20.10 ADJUSTMENTS.

§ 20.10-1 PURPOSE AND AUTHORITY.

(A) The purpose of this section is to grant authority to the Town Manager to take action on requests for minor modifications or adjustments to certain requirements of this zoning code when such requests constitute a reasonable use of property not permissible under a strict literal interpretation of the regulations.

(B) For the purpose of administering this section, an adjustment is any variance to the terms or requirements of this zoning code, which, if granted, would allow the following:

- (1) A decrease of not more than 10% of the required building site area, width or depth;
- (2) A decrease of not more than 20% of the required width of a side yard or the yard between buildings;
- (3) A decrease of not more than 20% of the required front or rear yard;
- (4) An increase of not more than 20% in the permitted height of a fence or wall;
- (5) An increase of not more than 10% of the permitted projection of steps, stairways, landings, eaves, overhangs, masonry chimneys and fireplaces into any required front, rear, side or yard between buildings;
- (6) An increase of not more than 10% of the permitted height or areas of signs;
- (7) A decrease in the number of required parking spaces of not more than 10%;
- (8) An increase of not more than 10% in the maximum allowable lot coverage; and
- (9) An increase of not more than 10% in the permitted height of buildings.

(Ord. 2012-04, passed 12-5-2012)

§ 20.10-2 APPLICATION: DATA AND MAPS TO BE FURNISHED.

Application for an adjustment shall be filed with the Town Manager or designee on a form prescribed by the town and shall include the following data and maps:

- (A) Name and address of the applicant;
- (B) Statement that the applicant is the plaintiff in any action in eminent domain to acquire the property or the owner or the authorized agent of the owner of the property on which the adjustment is being requested;
- (C) Address and legal description of the property;
- (D) Statement of the precise nature of the adjustment;
- (E) An accurate scale drawing of the site and any adjacent property affected, showing all existing and proposed property lines, locations of structures, parking areas, driveways, other improvements or facilities and landscaped areas;
- (F) Other plans, drawings or information which the staff deems necessary to enable proper consideration of the application; and
- (G) If the request is for a setback reduction, a letter approving the adjustment from the affected adjacent property owner.

(Ord. 2012-04, passed 12-5-2012)

§ 20.10-3 FEES.

The application shall be accompanied by a fee established by resolution of the Town Council to cover the cost of handling the application as prescribed in this section. A single application may include requests for adjustments from more than one regulation applicable to the same site, or for similar adjustments on two or more adjacent sites having the same characteristics.

(Ord. 2012-04, passed 12-5-2012)

§ 20.10-4 FINDINGS.

In granting an adjustment, the Town Manager shall make findings of fact that establish that the circumstances necessary for granting a variance by the Hearing Officer, as prescribed in § 20.7-7, Findings, do apply.

(Ord. 2012-04, passed 12-5-2012)

§ 20.10-5 SITE AREA: ADDITIONAL FINDINGS.

In order to grant approval of an administrative adjustment allowing a reduction in minimum site area the Town Manager must make the following additional finding: the property cannot otherwise meet the minimum site area requirement of its current zoning classification.

(Ord. 2012-04, passed 12-5-2012)

§ 20.10-6 DECISION OF TOWN MANAGER.

If the Town Manager denies an application for an adjustment or, if the applicant disagrees with the conditions imposed on the granting of an adjustment, if any, the applicant may file for a variance in accordance with § 20.7, Variances.

(Ord. 2012-04, passed 12-5-2012)

§ 20.11 ANIMAL HUSBANDRY ACTIVITIES OR PROJECTS.

(A) FFA, 4-H or any agricultural or recognized animal husbandry activity or project conducted primarily for educational purposes or school credits may be permitted in any zone.

(B) The following criteria shall be met.

(1) Active membership, including enrollment in the specific livestock project, must be maintained, the project must be operated in compliance with all requirements of the organization having jurisdiction over the project, and verification of such shall be required.

(2) The keeping of all animals shall be subject to *The Rules and Regulations of the Coconino County Health Department*, §§ 11-1 (General), 11-2 (Piggeries) and 11-3 (Sanitary Requirements), as applicable.

(3) Under this exemption the setback and number of animals per acre do not apply for animals utilized in animal husbandry projects. However, the setback exemption shall not apply to any piggery, which is required by *The Rules and Regulations of the Coconino County Department of Public Health* to be located at least 300 feet from an inhabited house on an adjoining property.

(4) An application for the animal husbandry exemption must be approved by the Town Manager before more animals than the number permitted in the zoning district are brought to the property, or before any required setbacks are waived.

(5) The setback exemption and/or the number of animals per acre exemption may be revoked by the Town Manager if the animal husbandry activity or project is found to be out of compliance with any rules or regulations of the organization having jurisdiction over the project (i.e., the University of Arizona Cooperative Extension and the like). The finding of said lack of compliance must be made by the organization with jurisdiction.

(6) The setback exemption and/or the number of animals per acre exemption may be revoked by the Town Manager if a violation of §§ 11-1, 11-2 or 11-3 of *The Rules and Regulations of the Coconino County Department of Public Health* is found to exist on the property. The finding of a violation must be made by the Coconino County Hearing Officer for Environmental Services.

(7) The setback exemption and/or the number of animals per acre exemption may also be revoked by the Town Manager if a violation of A.R.S. § 13-2910, Cruelty to Animals, is found to exist on the property. The finding of a violation must be made by a Justice of the Peace.

(8) A revocation of an exemption may be appealed to the Planning and Zoning Commission. A written appeal must be filed within 30 days of the revocation.

(9) A decision by the Planning and Zoning Commission may be appealed to the Town Council. A written appeal must be filed within 15 days of the Commission's decision.

(Ord. 2012-04, passed 12-5-2012)

SECTION 21: TUSAYAN AREA PLAN

Section

21.1 Applicability of state law

21.2 Amendments to Tusayan Area Plan

§ 21.1 APPLICABILITY OF STATE LAW.

Except as otherwise specifically provided herein, the provisions of the A.R.S. Title 9 relating to the adoption, amendment, effect and all other aspects of general plans shall apply to the town.

(Ord. 2012-04, passed 12-5-2012)

§ 21.2 AMENDMENTS TO TUSAYAN AREA PLAN.

(A) The Tusayan Area Plan or any part or element thereof may be amended as frequently in any calendar year as may be determined by the Town Council to be in the public interest.

(B) (1) An amendment to the Tusayan Area Plan or any part or element thereof may be initiated by:

- (a) The Town Council;
- (b) The Planning and Zoning Commission; or
- (c) The owner of the property in question.

(2) However, any amendment initiated by the property owner shall be made by application filed

with the town on a form prescribed by the Town Manager. Such application shall be accompanied by a fee as prescribed by resolution of the Town Council.

(C) Any hearing held in conjunction with an amendment to the zoning code for the purpose of bringing zoning into consistency with the Tusayan Area Plan may be held at any time after the date on which an amendment to the Tusayan Area Plan or any part or element thereof has been recommended for adoption by the Planning and Zoning Commission; provided, however, that, no such amendment to the Zoning Ordinance shall be adopted by the Town Council until the Council has first adopted the appropriate amendment to the Tusayan Area Plan.

(Ord. 2012-04, passed 12-5-2012)

PARALLEL REFERENCES

References to Arizona Revised Statutes

References to Ordinances

REFERENCES TO ARIZONA REVISED STATUTES

<i>A.R.S. Cites</i>	<i>Code Section</i>
Title 9	21.1
9-240	7.0, 7.3
9-462	20.4-11
9-462.06	20.8-1, 20.8-5
9-500.21.4	7.3
13-2910	20.11
34-405-C	15.3
Title 36, Ch. 4	14.6
36-582	14.6
36-2801(11)	14.9
36-2804(B)	14.9
36-2804(B)(1)(b)(ii)	14.9
36-2806(C)	14.9
36-2806.01	14.9
Title 40, Ch. 2, Art. 6.2	13.6-3
Title 45, Ch. 10, Art. 4	13.6-3
Title 45, Ch. 21	13.6-3
Title 48, Ch. 21, Art. 1	13.6-3
48-3601 through 48-3627	13.6-1
48-3609.H	13.6-3
48-3610	13.6-3, 13.6-5
48-3613	13.6-3

REFERENCES TO ORDINANCES

<i>Ord. No.</i>	<i>Date Passed</i>	<i>Description</i>
2012-04	12-5-2012	1, 2, 3, 4, 5, 6, 7.0—7.5, 8, 9.0—9.7, 10.0—10.7, 11.0—11.6, 12.0—12.6, 13.0, 13.1-1—13.1-16, 13.2-1—13.2-10, 13.3-1—13.3-9, 13.4-1—13.4-6, 13.5-1—13.5-5, 13.6-1—13.6-8, 13.7-1—13.7-7, 13.8-1—13.8-4, 13.9-1—13.9-6, 13.10-1—13.10-9, 13.11-1—13.11-7, 14.0, 14.1, 14.1-1—14.1-5, 14.2—14.9, 15.0—15.3, 16.0—16.9, 16.9-1—16.9-9, 16.10-1, 16.10-2, 16.11, 17.0—17.12, 18.1—18.12, 19.0—19.11, 20.1-1—20.1-6, 20.2-1—20.2-3, 20.3-1—20.3-17, 20.4-1—20.4-14, 20.5, 20.6-1—20.6-3, 20.7-1—20.7-15, 20.8-1—20.8-6, 20.9-1, 20.10-1—20.10-6, 20.11, 21.1, 21.2