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General Provisions

Article 01 - Interpretation, Scope and Definitions

§ 154-01.01 Interpretation, Purpose and Conformity.

(A) In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements adopted for the promotion of a comprehensive plan designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote the health, safety, morals or general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other requirements. Except as herein provided to the contrary, it is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law or ordinances or any rules, regulations or permits previously adopted, except that any structures or uses of land or buildings commenced after the enactment of this chapter shall be subject to its provisions, and where there is a conflict between any previous law or ordinance, rule or regulation which might otherwise affect such structure or use, the provisions of this chapter shall control.

(B) Where any action in regard to a structure or use is regulated or controlled by more than one provision of this chapter, such action shall comply with all applicable provisions of both regulations, except that if a conflict exists the limitation or requirement which is most restrictive shall govern.

(C) The land use conformity matrix shall be used to determine consistency with the General Plan for zoning district changes. Arizona state law requires all zoning or rezoning ordinances, regulations or specific plans to be consistent with and conform to the land use element of the General Plan. The City General Plan land use element prescribes a range of land uses. This chapter prescribes a range of allowable uses and development standards for zoning districts of the city. The land use conformity matrix identifies the appropriate city zoning districts that are consistent with and conform to each land use designation identified in the General Plan land use element. The land use conformity matrix meets the purpose and intent of the General Plan to provide a guide for land use, development and on-going planning activities.

('80 Code, App. A, § 10) (Ord. 583, passed 9-16-1952; Ord. 1979, passed 1-7-1981; Ord. O2001-83, passed 10-3-2001; Ord. O2010-32, passed 7-7-2010)

§ 154-01.02 General Provisions for Buildings and Uses.

(A) *Future changes; zoning effects, every structure and use.* Except as hereinafter provided, no building, structure or premises shall hereafter be used, and no building or structure or part thereof shall be constructed, erected, leased, reconstructed, extended, moved, enlarged or materially altered except in conformity with the provision of this chapter for the district in which it is located.

(B) *Ordinance not retroactive.* If, at the time of the enactment of this chapter, any lot, building or structure is being used in a manner or for a purpose which does not conform to the provisions of this chapter and which is not prohibited by some other ordinance, such manner or use or purpose may be continued.

(Ord. O2010-32, passed 7-7-2010)

§ 154-01.03 Enforcement.

(A) *Officials and employees.* All officials and employees of the city vested with the authority or duty to issue permits shall conform to the provisions of this chapter and shall issue no permit, certificate or license for uses, purposes, buildings or structures in conflict with the provisions of this chapter; any such permit, certificate or license issued in conflict with the provisions of this chapter shall be null and void.

(B) *Violations.* Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this chapter, and any use of any land, building or premise established, conducted, operated or maintained contrary to the provisions of this chapter shall be, and the same is hereby, declared to be unlawful and a public nuisance; the Zoning Administrator shall immediately commence action or proceedings to abate, to remove or to enjoin occupancy of such building, structure or land in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant relief as will abate and remove such buildings or structures, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining, occupying or using any such building or structure or using property contrary to the provisions of this chapter. The remedies provided for herein shall be cumulative and not exclusive.

('80 Code, App. A, § 200) (Ord. 583, passed 9-16-1952; Ord. 1378, passed 9-4-1974; Ord. O2010-32, passed 7-7-2010)

§ 154-01.04 Building Permits Already Issued.

Nothing herein contained shall require any change in the plans, construction, size or designated use of any building, structure or part

thereof for which a building permit has been granted before this chapter becomes effective and the construction of which from such plans shall have been started within 60 days after this chapter becomes effective; except that if the building operation in question is discontinued for a period of not less than 60 days, any further construction shall be in conformity with the provisions of this chapter.

('80 Code, App. A, § 220) (Ord. 583, passed 9-16-1952; Ord. O2010-32, passed 7-7-2010)

§ 154-01.05 Fees and Charges.

There is hereby established the following fees.

(A) *Zoning applications.*

	Fee
Airport district waiver	$500 for the first acre or portion thereof, plus an additional $50 for each additional acre, or portion thereof
All residential districts	$300 for the first acre or portion thereof, plus an additional $20 for each additional acre, or portion thereof
Amendment to an approved development plan	25% of original fee
Commercial and industrial districts	$500 for the first acre or portion thereof, plus an additional $50 for each additional acre, or portion thereof
PUD/planned unit shopping center	$500 for the first acre or portion thereof, plus an additional $50 for each additional acre, or portion thereof

(B) *General Plan or text amendment applications.*

	Fee
To amend land use plan map	$400 + $50/acre
To amend land use plan text	$400 per chapter of text
To amend zoning or subdivision regulation text	$400 per chapter of text

(C) *Conditional use permit applications.*

	Fee
All residential districts	$275
Commercial and industrial districts	$875

Downtown improvement district	$300

(D) *Variance or appeal applications.*

	Fee
All residential districts	$125 for the first acre or portion thereof, plus an additional $20 for each additional acre, or portion thereof
Appeal of ordinance interpretation	$200
Commercial/industrial districts	$500 for the first acre or portion thereof, plus an additional $20 for each additional acre, or portion thereof
Exception request	50% of variance fee
Minor variance	50% of variance fee

(E) *Subdivision review applications.*

	Fee
Amendment to an approved lot tie/lot split plat	$100 per request plus $15 per modification
Amendment to an approved subdivision plat	$500 per request plus $45 per modification
Extension of a preliminary plat approval	$95
Final plat	$300 + $2 per lot
Lot tie/lot split - multi-family or nonresidential	$300
Lot tie/lot split - single-family residential	$100
Preliminary plat	$1,000 + $5 per lot

(F) *Miscellaneous applications.*

	Fee
Aesthetic Overlay District design review	$100
Right-of-way or alley abandonment	$250
Street name change	$745

Written verification of zoning	$45

(G) *Continuations for any of the above processes.*

	Fee
Continued public hearing at request of applicant for 0-90 days (these fees are cumulative)	10% of original fee
Continued public hearing at request of applicant for 91-365 days (these fees are cumulative)	50% of original fee
Reconsideration of approved rezoning	75% of original fee
Request for changes to conditions of approved rezoning	60% of original fee
Time extension of approval	75% of original fee
Any property owner of land annexed into the city may file an application for rezoning, variance or conditional use permit at no charge within six months subsequent to the effective date of annexation. This provision does not include applications for a Planned Unit Development, Planned Unit Shopping Center or Airport District waiver.	
If an application for rezoning and a planned unit development or planned unit shopping center designation are processed concurrently, only the planned unit development or planned unit shopping center fee shall be applicable.	
All fees shall be due and payable at the time of filing any application for the Planning and Zoning Commission, Board of Adjustment or City Council agenda. The fee for a continued public hearing to a specific date shall be due and payable at the time of the request for continuance.	
An annual increase in the above planning and zoning fees is to be done each subsequent July 1 based on the previous year's West B/C Cost of Living Index.	

(H) *Engineering fees.* There is hereby established the following engineering fees.

	Fee
Encroachment permit fees	
Annual utility maintenance permit*	$100
Multi-family residential and all other permits	$40
Single-family residential permit	$15
Public infrastructure oversight fees**	
1-25 lots	$75 per lot

26-60 lots	$60 per lot
61 + lots	$45 per lot
All after the fact permits	Double the normal fee
*This fee does not apply to APS, Southwest Gas or Century Communications.	
** The public infrastructure oversight fees cover the following services:	
(1) Review and approval of materials submittals;	
(2) Oversight of utilities (water/sewer) construction;	
(3) Inspection of stormwater drainage facilities construction;	
(4) Inspection of street construction (streets, curb, gutter, sidewalks, pathways); and	
(5) Inspection of non-water/sewer utilities in the public right-of-way.	
These public infrastructure oversight fees do not cover the following services:	
(1) ADEQ water and sewer related requirements;	
(2) Surveying and construction staking;	
(3) Landscape inspection;	
(4) Inspection of non-water/sewer utilities in the public utility easements;	
(5) Meter/service connection for water and sewer; and	
(6) Inspection of private fire suppression underground lines.	
An annual increase in the above planning and zoning fees is to be done each subsequent July 1 based on the previous year's West B/C Cost of Living Index.	

(Ord. O98-52, passed 7-1-1998; Ord. O2010-32, passed 7-7-2010)

§ 154-01.06 Repealed.

§ 154-01.07 Definitions.

(A) For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Where a land use is presented to the city and it is not defined below, then the presented land use shall be classified to the defined land use to which it is the most reasonably related.

(B) If the word or term is not defined in the zoning code, it shall be defined according to the most recent edition of *Webster's New International Dictionary of the English Language, Unabridged*.

(Ord. O2009-54, passed 10-21-2009)

ACCESSIBLE PEDESTRIAN ROUTE. A pedestrian route designed in compliance with the Arizonians with Disabilities Act Accessibility Guidelines (ADAAG).

ACCESSORY BUILDING OR STRUCTURE. An accessory building or structure is one which:

(a) Is subordinate and incidental to the principal building or principal use;

(b) Is subordinate in building area, intensity of use or purpose to the principal building or principal use;

(c) Contributes to the comfort, convenience and necessity of the occupants of the principal building or principal use; and

(d) Is located on the same lot with the same zoning as the principal building or principal use.

ACCESSORY USE. Any use which serves a principal use or building and is subordinate to the principal use or building in terms of either area, extent or purpose.

ADULT ORIENTED BUSINESS. This term is synonymous with "sexually oriented business" and means an adult arcade, adult bookstore, adult cabaret, adult motel, adult theater, adult motion picture theater, adult video store, escort agency, nude model studio or sexual encounter center.

(a) ***ADULT ARCADE.*** Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matters exhibiting "specified sexual activities" or "specified anatomical areas".

(b) ***ADULT BOOKSTORE, ADULT NOVELTY STORE*** or ***ADULT VIDEO STORE.*** A commercial establishment which has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter or photographs, films, computer simulations, holograms, motion pictures, video reproductions, compact discs, slides or other visual representations which are characterized by their emphasis upon the exhibition or display of "specified sexual activities" or "specified anatomical areas"; or

2. Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.

(c) ***ADULT CABARET.*** A nightclub, bar, restaurant or similar commercial establishment which regularly features:

1. Persons who appear semi-nude;

2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

3. Films, motion pictures, computer simulations, holograms, video cassettes, slides or other photographic reproductions, which are characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas".

(d) ***ADULT MOTEL.*** A hotel, motel or similar commercial establishment which:

1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, computer simulations, holograms, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;

2. Offers a sleeping room for rent for a period of time that is less than ten hours; or

3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

(e) ***ADULT MOTION PICTURE THEATER.*** A commercial establishment where, for any form of consideration, films, holograms, computer simulations, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

(f) ***ADULT THEATER.*** A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear nude or semi-nude, or in live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

(g) ***ADULT VIDEO STORE.*** See ***ADULT BOOKSTORE, ADULT NOVELTY STORE*** or ***ADULT STORE***.

(h) ***ESCORT.*** A person who, for consideration, and for another person, agrees or offers to act as a companion, guide, date or to privately model lingerie or to privately perform a striptease.

(i) ***ESCORT AGENCY.*** A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration.

(j) ***NUDE, NUDITY*** or ***A STATE OF NUDITY.*** The showing of the human male or female genitals, pubic area, vulva, anus

or anal cleft with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple or the showing of the covered male genitals in a discernibly turgid state.

(k) ***NUDE MODEL STUDIO.*** Any place where a person who appears in a state of nudity or displays "specified anatomical areas"; a commercial establishment which regularly features a person (or persons) who appears semi-nude and is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration. A ***NUDE MODEL STUDIO*** does not mean a modeling class or the facility for such class, operated:

1. By a proprietary school licensed by the State Of Arizona; a college, junior college or university supported entirely or partly by taxation; or

2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation.

(l) ***SEMI-NUDE*** or in ***A SEMI-NUDE CONDITION.*** The showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit or other wearing apparel, provided the areola is not exposed in whole or in part.

(m) ***SEXUAL ENCOUNTER CENTER.*** A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate or consort for the purpose of "specified sexual activities". The definition of ***SEXUAL ENCOUNTER CENTER*** or any sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

(n) ***SPECIFIED ANATOMICAL AREAS.*** Human genitals in a state of sexual arousal.

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or

2. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

(o) ***SPECIFIED SEXUAL ACTIVITIES.*** Any of the following:

1. The fondling of another person's genitals, pubic region, anus or female breasts;

2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation or sodomy; or

3. Excretory functions as part of, or in connection with, any of the activities set forth in divisions 1. through 2. above.

AIRPORT. For the purpose of the Airport Overlay District (AD), the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(a) ***ACCIDENT POTENTIAL ZONE ONE (APZ-1).*** The area within a 3,000 foot wide by 5,000 foot long rectangle that starts at the end of each clear zone. It is centered and measured on the extended runway centerline, terminating 8,000 feet from the end of each main military runway(s).

(b) ***ACCIDENT POTENTIAL ZONE TWO (APZ-2).*** The area within a 3,000 foot wide by 7,000 foot long rectangle that starts at the end of each Accident Potential Zone One. It is centered and measured on the extended runway centerline, terminating 15,000 feet from the end of each main military runway(s).

(c) ***AIRPORT INDUSTRIAL OVERLAY DISTRICT 1 (AIOD-1).*** Area of intermediate intensity use; directly under some regular flight paths but not under straight-in approaches and departures to Runway 8-26. It consists of that property located within an area bounded by the north right-of-way line of 32nd Street on the north, the west right-of-way line of Avenue 3 E on the west, the east right-of-way line of Avenue 4 E on the east, and that area which is more than one-eighth of a mile (nominal) north of the extended centerline of Runway 8-26 following existing property lines. Additionally, this overlay district shall apply to property located within an area bounded by the future alignment of 36th Street (the east-west mid-section line) on the south, the west right-of-way line of Avenue 3 E on the west, the east right-of-way line of Avenue 4 E on the east and a northern boundary that is one-eighth of a mile (nominal) south of the extended centerline of Runway 8-26 following existing property lines.

(d) ***AIRPORT INDUSTRIAL OVERLAY DISTRICT 2 (AIOD-2).*** Most intensive use/least restrictive area, AIOD; areas which are not directly under either the regular straight-in approaches and departures to Runway 8-26 or other regular flight paths but whose proximity to flight paths demonstrates a need for enhanced public safety measures. It consists of that property located within an

area bounded by the future alignment of 36th Street (east-west mid-section line) on the south, the west right-of-way line of 4th Avenue on the west, the west airport property line on the east, and that area which is more than one-eighth of a mile (nominal) south of the extended centerline of Runway 8-26 following existing property lines.

(e) ***AIRPORT NOISE AND ACCIDENT POTENTIAL MAP.*** A map prepared by the Department of Development Services for the city in the vicinity of the Marine Corps Air Station and Yuma International Airport, dated March, 1979, as amended, from the data contained in Report No. 651-78 and map dated November, 1978, *Noise Contour Study, Marine Corps Air Station and Yuma International Airport for the City and County of Yuma*, prepared by J.J. Van Houten and Associates (Noise Contour Lines); and from data contained in Federal Aviation Regulations (FAR) Part 152, *Airport Aides Program*, 1974; and Part 77, *Objects Affecting Navigable Space*, 1971, for Runways 17-35 and 8-26 (FAA clear zones); and from data contained in *Facilities Planning Factor Criteria for Navy and Marine Corps Shore Installations*, NAVFAC P-80, Volume 1, (military clear zones) and Department of Navy, *Aircraft Accident Potential Zone Guidelines*, May, 1976 (APZ-1 and APZ-2), for Runways 3Left/21Right and 3Right/21Left. The provisions of this map hereby create and establish specific airport noise and accident potential zones and are hereby incorporated by this reference and are hereby a part of the official zoning ordinance of the city and a part of the official zoning map of the city for the purpose of establishing various land uses and design criteria within the Airport District.

1. ***65-70 dB NOISE ZONE.*** The area between the 65 Ldn noise contour lines developed by the application of the day-night average sound level methodology of sound measurement (Ldn).

2. ***70-75 dB NOISE ZONE.*** The area between the 70 Ldn and 75 Ldn noise contour lines developed by the application of the day-night average sound level methodology of sound measurement (Ldn), but, not within any accident potential zone (APZ) or clear zone as defined herein.

3. ***GREATER THAN 75 dB NOISE ZONE.*** The area within the 75 Ldn and greater noise contour line developed by the application of the day-night average sound level methodology of sound measurement (Ldn), but not within any accident potential zone (APZ) or clear zone as defined herein.

(f) ***AIRPORT RUNWAY APPROACH CLEARANCE MAP.*** A map prepared by the Department of Development Services for the city in the vicinity of the Marine Corps Air Station and Yuma International Airport, dated March, 1979, as amended, from the data contained in Federal Aviation Regulations (FAR), Part 77, *Objects Affecting Navigable Space*, 1971, for Runways 17-35 and 8-26, and from data contained in Naval Facilities (NAVFAC), P-80, *Runway Safety Clearances*, 1975, for Runways 3Left/21Right and 3Right/21Left. The provisions of this map hereby create and establish specific airport approach clearance zones consisting of the area on or underlying the primary, approach, transitional, horizontal and conical surfaces and are hereby incorporated by this reference and are hereby a part of the official zoning ordinance of the city and a part of the official zoning map of the city for the purpose of limiting the height of buildings and structures into the navigable airspace above and surrounding the Marine Corps Air Station and Yuma International Airport.

(g) ***CLEAR ZONE.***

1. ***MILITARY CLEAR ZONE.*** The area within a 3,000 foot long by 3,000 foot wide square measured along the extended runway(s) centerline beginning at the end of all main military runways and measured at right angles to the extended runway centerline.

2. ***CIVILIAN CLEAR ZONE.*** An area on either side of an extension of the centerline of a runway beginning at a line 200 feet from the end of the runway and 500 feet in width and flaring outward to a width of 650 feet for a utility runway (Runway 35), 700 feet for a greater-than-utility runway (Runways 8 and 26) and 800 feet for a utility runway with a nonprecision instrument approach (Runway 17) at a point 1,200 feet from the end of the runway. These clear zones are from data contained in Federal Aviation Regulations (FAR), Part 77, *Objects Affecting Navigable Space*, 1971.

(h) ***DAY-NIGHT SOUND LEVEL (LDN).*** The time-weighted day/night energy average of a noise level for a 24-hour time period. Weighting factors are included which place a penalty on noise events occurring at night between 10:00 p.m. and 7:00 a.m. and for those which occur on weekends. It has as its base the A-weighted sound level which is designed to approximate the response of the human ear to sound.

(i) ***DECIBEL (dB).*** The physical unit commonly used to describe noise levels as a measure of sound pressure levels.

(j) ***HIGH NOISE OR ACCIDENT POTENTIAL ZONE.*** The area within the noise contours established by the most recent air installation compatible use zone report, including Accident Potential Zone One and Two, plus the land starting 200 feet from the end points of the main military runways and at a width of 3,000 feet and symmetrical about a centerline between the runways extending outward to a point of 30,000 feet from the point of beginning. The outer width is 17,500 feet.

(k) ***HIGH NOISE LEVELS.*** Sound levels which equal or exceed that within the 65 Ldn noise contour line developed by the

application of the day-night average sound level methodology of sound measurement (Ldn).

(l) ***Ldn.*** The day-night sound level.

(m) ***RUNWAY.*** An artificially surfaced strip of ground that is designed and used at an airport for the landing and takeoff of aircraft.

(n) ***RUNWAY APPROACH DEPARTURE SAFETY AREA - (RADSA).*** Least intensive use/most restrictive area; directly under regular, straight-in approaches and departures to Runway 8-26 and/or directly under other regular flight paths.

1. ***EAST AREA.*** All property located in the area bounded by the west right-of-way line of Avenue 3 E on the west, east-west lines one-eighth of a mile (nominal) north and south of the extended centerline of Runway 8-26 following existing property lines and the east right-of-way line of Avenue 4 E on the east.

2. ***WEST AREA.*** All property located within one-eighth of a mile (nominal) north and south of the extended centerline of Runway 8-26 following existing property lines between the west property line of the airport and the west right-of-way line of 4th Avenue.

(o) ***TERRITORY IN THE VICINITY OF A MILITARY AIRPORT.*** The area five miles to the north, south and west and ten miles to the east of the center of the main runway of a military airport.

('80 Code, App. A, § 122) (Ord. 583, passed 9-16-1952; Ord. 1837, passed 6-20-1979; Ord. 2352, passed 3-18-1987; Ord. O2001-03, passed 1-3-2001; Ord. O2002-30, passed 8-7-2002)

ALLEYS. Any right-of-way dedicated to set aside for vehicular traffic, entering or going through a city block. After the enactment of this chapter no alley shall be less than 16 feet in width.

ALTERATION. Any aesthetic, architectural, mechanical or structural change to the exterior surface of any part of an existing building, structure or object.

('80 Code, App. A, § 114) (Ord. 583, passed 9-16-1952; Ord. 2125, passed 5-4-1983)

AMBIENT SOUND LEVEL. The composite noise from all sources near and far. In this context, the ambient noise level constitutes a normal or existing level of environmental noise at a given location and time.

ANTENNA. Any device on a tower, building or structure that radiates or captures electromagnetic waves for the purpose of communicating information.

(a) ***PANEL ANTENNA.*** A relatively flat rectangular device that transmits or receives communications signals in directional pattern of less than 360 degrees. See Article 19.

(b) ***PARABOLIC ANTENNA.*** A dish shaped device that transmits or receives communications signals in a specific directional pattern. See Article 19.

(c) ***WHIP ANTENNA.*** A long thin device that transmits or receives communications signals in a 360 degree radial pattern and is minimally viewable. See Article 19.

APPURTENANCES. Any architectural feature not used for human occupancy, consisting of spires, belfries, cupolas or dormers, silos, parapet walls and cornices without windows and mechanical and electronic equipment usually carried above the roof level and having no more than 25% total roof coverage, including, without limitation, chimneys, ventilators, skylights, antennas, microwave dishes and solar systems.

AUTOMOTIVE REPAIR. All aspects of the repair of motor vehicles including, but not limited to, lubrication, tune-up and preventive maintenance.

AVERAGE SOUND LEVEL. A sound level typical of the sound levels at a certain place during a given period of time, averaged by the general rule of combination for sound levels, said general rule being set forth in American National Standard Specifications for Sound Level Meters S1.4-1971. ***AVERAGE SOUND LEVEL*** is also called equivalent sound level (Leq).

BASE STATION/EQUIPMENT CABINET. The location of all mechanical and electronic devices, relay boxes, switch units, junctions or other devices used in the transmission of information on any personal wireless communication system.

BED AND BREAKFAST. A dwelling unit or guest house in which four or fewer guest rooms are rented on a nightly basis,

where at least one meal is offered in connection with the provision of sleeping accommodations, and a resident host lives on the site. Any dwelling in which more than four guest rooms are provided shall be deemed a hotel.

(Ord. O99-92, passed 1-5-2000)

BUILDING. Any covered structure averaging more than six feet in building height which is intended for the shelter, housing or enclosure of persons, animals, chattels or property of any kind.

BUILDING HEIGHT. The vertical distance between the mean sea level of the side yards immediately contiguous to the side of the building or structure and the mean level of its roof, except in the absence of a side yard, the vertical measurement shall be made from the mean original level of that portion of the lot built upon, provided that the measurement shall be made from not more than three feet below or six feet above the mean curb level, or in absence of curb level, the mean front street level.

CHILD DAY CARE SERVICES, SMALL. Establishments primarily engaged in the care of five or fewer infants or children under 18 years of age, or in providing prekindergarten education, where medical care or delinquency correction is not a major element. These facilities shall not include any persons whose occupancy 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 (SIC 8351).

(Ord. O2008-33, passed 8-6-2008)

CHILD DAY CARE SERVICES, LARGE. Establishments primarily engaged in the care of six or more infants or children under 18 years of age, or in providing prekindergarten education, where medical care or delinquency correction is not a major element. These facilities shall not include any persons whose occupancy 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. Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services (large), a nursing care facility, large or small or a residential care facility, large or small that are also located within any residential district (SIC 8351).

(Ord. O2008-33, passed 8-6-2008)

CLINIC. An institution in which a group of physicians and surgeons, with their allied professional assistants, offer therapeutic, diagnostic or preventive medical or dental care to ambulatory patients.

CO-LOCATION. The attaching of any additional antenna to an existing antenna structure.

CONCENTRATION. A group of sites, buildings, structures or objects, in proximity, which contribute to a pattern or sense of time and place, with relatively few intrusions (structures which detract from an areas sense of time and place).

('80 Code, App. A, § 114) (Ord. 583, passed 9-16-1952; Ord. 2125, passed 5-4-1983)

CONCEALED/DISGUISED. Any personal wireless communications device that is hidden within an architectural feature or made to appear to be a natural plant or feature.

CONDOMINIUM. A development consisting of real estate, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of the separate portions. Real estate is not a ***CONDOMINIUM*** unless the undivided interests in the common elements are vested in the unit owners.

(Ord. O2009-55, passed 9-16-2009)

CONTINUITY. The state or quality of being in order, forming a continuous or connected whole.

('80 Code, App. A, § 114) (Ord. 583, passed 9-16-1952; Ord. 2125, passed 5-4-1983)

CONVENIENCE MARKET. A commercial establishment having 5,000 square feet or less of gross ground floor area devoted to selling a variety of goods comprised primarily of food and beverages, generally purchased in small quantities. Accessory and other uses within the same building or on the same lot shall not be used to determine gross ground floor area for the ***CONVENIENCE MARKET***.

CPTED (CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN). Site development which provides for:

(a) Building forms; environments where provisions are designed to allow a belief that occupants are not vulnerable or isolated;

(b) Compatible building placement; environments where provisions are designed to provide placement of compatible building types together to enhance the safety of occupants;

(c) Lighting; environments where provisions are designed for natural, night and security lighting and the avoidance of unlighted areas;

(d) Natural surveillance; environments where provisions are designed to allow adequate public and police surveillance by such items as window placement, elimination of "blind" spots, and appropriate landscaping and positioning of entrance doors to maintain sight lines; and

(e) Territoriality; environments where provisions are designed to allow a "marking" of place to provide a boundary or perceived access control, including appropriate landscaping, fencing and screening.

CREMATORY. A service involving the cremation and reduction of the deceased by combustion and evaporation.

(Ord. O2013-02, passed 1-16-2013)

COLUMBARIUM. A structure lined with compartments for urns holding cremated remains.

(Ord. O2013-02, passed 1-16-2013)

DECIBEL. Decibel shall mean a unit for measuring the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals.

DEVELOPMENT PLAN. A plan submitted to and approved by the city pursuant to this chapter prior to December 31, 2000. Such plan shall describe with reasonable certainty the density and intensity of use for a specific parcel or parcels of property. Such plan may include a planned community development plan, planned area development plan, planned unit development plan, development plan approved pursuant to a development agreement, site plan, subdivision plat or any other land use approval designation adopted pursuant to this chapter.

DIRECT-TO-HOME SATELLITE SERVICES. The residential reception of video programming signals from direct broadcast satellite, multi-channel multipoint distribution (wireless cable and wireless internet) providers and television broadcast stations.

DISTURBING, EXCESSIVE OR OFFENSIVE NOISE.

(a) Any sound or noise which constitutes a nuisance involving discomfort to persons residing in an area located within a residential district; and/or

(b) Any sound or noise exceeding criteria standards, or levels as set forth in this chapter.

DRIVE-THROUGH FACILITY. An establishment which by design, physical facilities, service or by packaging encourages or permits customers to receive services, obtain goods or be entertained while remaining in their motor vehicles.

DWELLING. A structure or portion thereof which is used exclusively for human habitation.

DWELLING, SINGLE-FAMILY. A detached building arranged, intended or designed to be occupied by not more than one family.

DWELLING, TWO-FAMILY or ***DUPLEX.*** A detached building under one roof, arranged, intended or designed to be occupied by not more than two families, each apartment extending from basement to roof of the structure with a separate entrance to each dwelling, though there may be but one front door and vestibule or hall.

DWELLING, MULTI-FAMILY. A building arranged, intended or designed to be occupied by three or more families, or by three or more individuals or groups of individuals, living in separate apartments, including apartment houses and apartment hotels.

DWELLING UNIT. One or more rooms within a building used for residential purposes for one family and containing independent sanitary and cooking facilities. The presence of cooking facilities conclusively establishes the intent to use for residential purposes.

ENTRY FEATURE. A distinctive object or element located at or near the point at which entrance is made.

EXCEPTION. A change in a development standard or dimension granted by the Planning and Zoning Commission in conjunction with the granting of a conditional use permit.

EXTERIOR TRADE AND STORAGE. Goods being stored or services being conducted other than within an enclosed building.

FAMILY.

(a) An individual or two or more persons related by blood, marriage or adoption, living together within a single dwelling unit; or

(b) A group of not more than five persons, who need not be related, living together within a single dwelling unit.

FARMERS MARKET. A place of commercial activity that consists of the following elements:

(a) Open to the public for the purchase of fresh grown products, in an open-air setting, or in an enclosed building or structure;

(b) Composed of three or more booths, stalls, stands or spaces allotted to vendors, none of whom occupy the same booth, stall, stand or spaces on an uninterrupted continuous daily basis;

(c) Primary merchandise for sale is dispensed from individual booths and consists of fresh fruits and vegetables, food products, and flowers;

(d) As an auxiliary use, the market may allow the sale of secondary items such as arts and crafts (not including second hand goods), and jewelry; however, the booths for such vendors shall not comprise more than 20% of the total farmers market in number of booths or square footage.

FOOD TRUCK. A food vending unit operated by either a mobile food vendor or a transient food vendor. In any zoning district that a ***FOOD TRUCK*** is listed as an accessory use, it is recognized as accessory to any permitted principal use in that zoning district.

(Ord. O2014-20, passed 8-27-2014)

FOOD VENDING UNIT. Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, or stand, not permanently attached to the ground from which only food is peddled, vended, sold, served, displayed, offered for sale or given away. Each motorized or non-motorized vehicle, trailer, kiosk, pushcart, or stand is considered a separate ***FOOD VENDING UNIT*** .

(Ord. O2014-20, passed 8-27-2014)

FOOTCANDLE. The basic measure used to indicate illuminance (level of illumination). One ***FOOTCANDLE*** is equal to one unit light flux (one lumen) distributed evenly over a one-square-foot area.

FORM-BASED CODE (FBC). Comparing it to contemporary zoning district formats, a ***FORM-BASED CODE (FBC)*** can be described as follows: Combined with the requirements of the Smart Growth Overlay (SGO) District, an ***FBC*** is a stand-alone document integrated into the SGO land use ordinance addressing the district's allowed uses, development and design standards. Unlike standard zoning districts, SGO ***FBCs*** are site specific, concentrate more on building form than building use, and contain a regulating plan for reference. Regulating plans are equivalent to a Master Plan. ***FBCs*** are more flexible, more comprehensive and detailed, making them more equivalent to a zoning code rather than a zoning district. ***FBCs*** consolidate additional sections or standards into the district ordinance dealing with topics such as parking, landscaping, architecture and infrastructure. ***FBCs*** use an abundance of illustrations and tables to clearly and concisely convey the requirements of the code. At a minimum, ***FORM-BASED CODES*** consist of the following sections: Regulating Plan; Public Space Standards; Building Form Standards; Administration; and Glossary.

4H AND FFA ANIMAL PROJECT. A project in which an elementary school age through college age young person participates in and is an active member of 4-H or FFA, has an appropriately tagged or tattooed animal for an educational purpose during a specific period of time each year. Key components to an animal project include the proper feeding, nutrition, housing and grooming of the animals, as well as exhibiting the project animals at the annual county fair. 4-H and FFA members and animal projects must live within eligible boundaries to exhibit at the county fair.

(Ord. O2009-29, passed 10-7-2009)

FULLY SHIELDED. That fixtures are shielded in such a manner that light rays emitted by the fixture either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.

GARAGE, PRIVATE. A building devoted partially or wholly to the storage of a motor vehicle or motor vehicles in connection with which no public service is rendered and no business conducted.

GARAGE, PUBLIC. Any other than a private garage or a public storage garage.

GROCERY STORE. A retail establishment primarily selling food as well as other convenience and household goods. Also known as a ***SUPERMARKET***.

GUY WIRE TOWER. Any tower that uses guy wire to stabilize a tower structure.

HEIGHT. When referring to a freestanding monopole or lattice tower, the vertical distance measured from the lowest grade level adjacent to the structure to the highest point of the structure directly above the grade. For roof-mounted antennas, the height of the antenna is measured from the roof surface to the highest point of the structure directly above the roof surface. Total height of the roof-mounted antenna is the antenna height plus the building height.

HILLSIDE. Any land that has a slope greater than 10%.

HOME HEALTH CARE SERVICES. Establishments primarily engaged in providing skilled or medical care in the home, under supervision of a physician. These establishments do not include sales, renting or leasing of health care products (SIC 808).

HOME OCCUPATION. An occupation or profession which is customarily carried on in a dwelling unit or in an attached or detached enclosed building and is clearly incidental and subordinate to the use of the dwelling unit for residential purposes. All ***HOME OCCUPATIONS*** must comply with § 154-15.08.

HOSPITAL. Establishments primarily engaged in providing diagnostic services, extensive medical treatment including surgical services, and other hospital services, as well as continuous nursing services. These establishments have an organized medical staff, inpatient beds and equipment and facilities to provide complete health care. As defined, the term ***HOSPITAL*** shall not include convalescent homes with extended care facilities (SIC 806).

HOSPITAL, ANIMAL OR ANIMAL BOARDING PLACE. A building, lot or plot of ground in or on which sick, injured or well animals are housed or confined, except that this definition shall not apply to rooms in hotels, private dwellings or rooming houses not intended to be regularly occupied by sick, injured or well animals.

HOTEL. A facility offering transient lodging accommodations to the general public and providing additional services such as restaurants, meeting rooms and recreational facilities. Access to all lodging rooms is provided via the main lobby.

INDIVIDUAL AND FAMILY SOCIAL SERVICES. Establishments primarily engaged in providing one or more of a wide variety of individual and family social, counseling welfare or referral services, including refugee, disaster and temporary relief services. These facilities shall not include any persons whose occupancy 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 (SIC 8322).

LANDSCAPED AREA. Those areas which shall include trees, shrubs and ground cover but exclude vehicular and pedestrian areas as identified in an approved landscaping plan. Street yards, setbacks, parkways, screening areas between districts, interior parking area planters, other areas not used for buildings, paving or required landscape setbacks and stormwater detention/retention basins are the minimum areas within which landscaping shall be installed according to Article 20.

(a) ***ASSURANCE OF INSTALLATION.*** A contract secured by a bond, cash or surety in an amount satisfactory to guarantee the completion of approved landscaping plans.

(b) ***GROUND COVER; NONVEGETATIVE.*** Materials which are not living materials. They include: ground cover, nonvegetative (inorganic). Materials such as gravel, decomposed granite, crushed rock, river rock, boulders or other similar materials. Asphalt, gunite and concrete shall not be permitted as ***NONVEGETATIVE GROUND COVER*** . Examples of acceptable ***NONVEGETATIVE GROUND COVER*** include gravel, crushed granite, tile, brick, flagstone and river rock. Aggregate ranging in size from a minimum of "ź-inch minus" up to boulder size rocks, used to cover the entire ground surface of a lot or parcel.

1. ***NON-VEGETATIVE GROUND COVER, COLORED GRAVEL.*** Gravel of various colors, generally consisting of a palette of more colorful tans, browns, reds, rusts, golds and blond-colored gravel.

2. ***NON-VEGETATIVE GROUND COVER, YUMA GREY GRAVEL.*** Gravel generally referred to as Yuma grey, that has some variation in color but is basically shades of grey.

3. ***NON-VEGETATIVE GROUND COVER, RIP RAP.*** Rocks that are a minimum of three inches in diameter to eight inches in diameter.

4. ***NON-VEGETATIVE GROUND COVER, BOULDER.*** A large rock usually rounded by weathering or abrasion, with an average dimension of 12 inches or more and is too heavy to be lifted readily by hand.

(Ord. O2014-06, passed 2-19-2014)

(c) ***GROUND COVER; VEGETATIVE.*** Living plant materials characterized by horizontal as well as vertical growth and which generally do not exceed 18 inches in height. ***VEGETATIVE GROUND COVER*** shall include living plant material which are of one gallon size, planted from flats or turf from seed or sod.

(d) ***IRRIGATION SYSTEM.*** The method by which water is distributed to the plant materials in the landscaped area in order to sustain growth. Underground irrigation systems, controlled by automatic valves shall be provided for all required landscape areas. Any landscaped area to be maintained by the city shall have planting and irrigation plans approved by the Parks and Recreation Department and Public Works Department prior to installation.

(e) ***LANDSCAPING PLAN.*** A scaled drawing showing, at a minimum, the plant type(s) and location, size and area (location and square footage), plant counts for each type of plant, the means and location of irrigation and the maintenance schedule. These plans shall provide adequate detail so as to clearly show compliance with the minimum standards of Article 20. Landscape and irrigation plans shall be prepared by a qualified professional landscape architect, landscape designer or landscape contractor. Tree and shrub (vine) staking details shall be shown.

(f) ***MAINTENANCE.*** The following routine work to support viable, healthy and attractive landscaping shall be the responsibility of the property owner. Failure to perform the below noted work shall constitute a violation of the zoning code and will be subject to penalties as prescribed in this chapter.

1. Regular irrigation;
2. Pruning;
3. Fertilizing;
4. Clearing of debris and weeds;
5. Removal and replacement of dead plants; and
6. The repair and replacement of irrigation systems and architectural features within landscaped areas.

(g) ***MAINTENANCE SCHEDULE.*** A written statement identifying the frequency of irrigation, fertilization, trimming or pruning if appropriate, and replacement program for annuals or other short-lived plants.

(h) ***PARKWAY.*** The area located between the edge of pavement or back of the curb and the property line within the public street right-of-way.

(i) ***PUBLIC UTILITY.*** Shall include the city water and sewer facilities, Arizona Public Service (APS), cablevision companies, telecommunication companies, Southwest Gas, the Arizona Department of Transportation (ADOT), other publicly regulated utilities, railroads and irrigation districts.

(j) ***RETENTION BASIN.*** A basin designed for the retention and/or detention of stormwater, having a depth in excess of 18 inches and permeable surface. This definition shall be used in conjunction with Article 20 only.

(k) ***SHRUB.*** A woody plant which has several stems that rise from the ground level. For the purpose of this code, a vine may be substituted for a required shrub when located adjacent to a solid wall.

(l) ***TREE.*** A woody plant which has a single or multiple trunk(s) at ground level but generally produces branches at some height above the ground.

(m) ***VISIBILITY TRIANGLE (CITY).*** For lots adjoining city rights-of-way, a triangular area formed by two intersecting curblines and a line intersecting them at a point 33 feet from the intersection of those curblines. The ***VISIBILITY TRIANGLE*** shall also conform to the requirements of *A Policy on Geometric Design of Highways and Streets 1990* and its successors which is published by the American Association of State Highway and Transportation Officials (AASHTO).

(Ord. O2009-04, passed 1-21-2009)

(n) ***VISIBILITY TRIANGLE (ADOT).*** The visibility triangle as defined by the Arizona Department of Transportation (ADOT) which is required on all state routes within the city. For lots adjoining State of Arizona rights-of-way, a rectangular area formed to allow a clear line of sight in either direction for at least 400 feet from the front of a vehicle located ten feet behind the edge of the highway to be entered.

(o) ***XERISCAPE.*** Water-saving landscape practices comprised of seven basic principles:

1. Planning and design;
2. Use of low water use plants;

3. Reduced turf areas;

4. Efficient irrigation;

5. Soil improvement;

6. Use of mulches; and

7. Appropriate maintenance.

('80 Code, App. A, § 181) (Ord. 583, passed 9-16-1952; Ord. 2584, passed 9-16-1992; Ord. O96-77, passed 8-7-1996)

LATTICE TOWER. Any tower that uses three or more poles to form the base and lattice bracing to connect the poles and increase structural support.

LINE, REAR. A dividing line between two lots or between a lot and an alley or easement, provided it runs parallel to the shorter dimension of said lot. Any bounding line of a lot, which is not herein defined as a rear line or street line shall be deemed a side line.

LINE, SIDE. A dividing line between two lots, or a lot and a street, provided it runs parallel to the longer dimensions of said lot.

LINE, STREET. The dividing line between the street and the lot.

LINKAGE. The association or correlation of two or more sites, buildings, structures or objects because of location, setting and similarity of time, place and/or other characteristics.

('80 Code, App. A, § 114) (Ord. 583, passed 9-16-1952; Ord. 2125, passed 5-4-1983)

LIVE/WORK BUILDING.

(a) A structure in which a combination of permitted principal uses, including residential uses, is permitted provided that the building units are:

1. Separated by having separate entrances and are clearly independent of each other: or

2. Are live/work spaces with limited combinations of principal permitted uses and provide a minimum of residential facilities as defined under live/work space.

(b) A ***LIVE/WORK BUILDING*** may have a combination of separated units and live/work spaces.

(c) ***LIVE/WORK BUILDINGS*** are subject to the residential density limits of the zoning district in which it is located.

LIVE/WORK SPACE. A unit within a building that is jointly used for commercial and residential purposes where the residential use of the space is clearly secondary or accessory to the primary use as a place of work. As a minimum, a ***LIVE/WORK SPACE*** will need to provide residential facilities equivalent to those provided in what is variously described as an efficiency unit or a studio apartment.

LOT. A lot shall be considered as being a parcel of land surveyed or apportioned for sale or other purposes, as shown by the plat of the subdivision of which it is a part filed in the office of the County Recorder, or any tract of land the use of which is controlled or managed by any person or group of persons under a unified and specific plan. No parcel of land in a residence district shall be considered as being a ***LOT*** having an area less than 6,000 square feet.

LOT, CORNER. A lot which occupies the angle at the intersection of two streets.

LOT COVERAGE. The area of a lot covered by the footprint of all structures, including any area under roof and on the ground, expressed as a percentage of the total lot area. Driveways, walkways, swimming pools and other similar structures as determined by the Zoning Administrator shall not be considered when calculating ***LOT COVERAGE***.

(Ord. O2009-60, passed 10-21-2009)

LOT, DEPTH. The depth of a lot is the mean distance between its front street line and its rear line.

LOT OF RECORD. A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder; or a lot, parcel or tract of land, the deed of which has been recorded in the office of the County Recorder.

LOT, THROUGH. A lot having frontage on two parallel or approximately parallel streets. A ***THROUGH LOT*** having a depth

of 200 feet or more shall provide front yard setbacks on both parallel frontages.

LOT, WIDTH. The width of a lot is its mean width measurement at right angles to its depth.

MAINTAINED FOOTCANDLE. Predicted footcandles, at a given location, calculated through application of a light loss factor.

MANUFACTURED HOME PARK. Any parcel of land used or offered for use in whole or in part, with or without charge for parking manufactured homes for dwelling or sleeping purposes.

MANUFACTURED HOME SPACE. A parcel of land for rent which has been designed to accommodate a manufactured home and provides the required sewer and utility connections.

MANUFACTURED HOME SUBDIVISION. A subdivision designed and intended for residential use where residence is in manufactured homes exclusively, and lots are individually owned.

MANUFACTURED HOUSING. Any dwelling unit or units, to which is affixed a United States Department of Housing and Urban Development seal, which are fabricated either in whole or in large sections at a factory, are designed and constructed on a chassis for transportation to the site, do not require substantial assembly on site other than connection to utilities, and are installed with or without a permanent foundation for residential occupancy exclusively. For the purposes of this chapter, this category shall include manufactured homes and factory-built buildings which are constructed on a chassis for transportation to a building site, and designed to be installed with or without a permanent foundation for residential occupancy. A ***MANUFACTURED HOME*** means a factory assembled portable structure containing more than 400 square feet, and which exceeds eight feet in width and/or 40 feet in length, and designed to be used as a dwelling unit, made to be readily moveable on its own chassis and running gear. This category shall not include modular housing or any dwelling unit or units which require substantial assembly on site, nor shall this category include recreational vehicles as defined by this chapter.

MEDICAL AND DENTAL LABORATORIES. Establishments primarily engaged in providing professional analytic or diagnostic services to the medical profession, to the patient on prescription of a physician, or in making dental appliances to order for the dental profession, excluding establishments primarily engaged in manufacturing artificial teeth, except to order (SIC 807).

MEMBERSHIP-BASED LODGING. Dwelling unit or units operated by membership organizations for the benefit of their constituents, and not open to the general public. Included are fraternity and sorority residential houses (SIC 7041).

MINOR VARIANCE. In any district, a variance not exceeding a 20% reduction of a minimum, or increase of a maximum, zoning code required standard or dimension.

MISCELLANEOUS HEALTH AND ALLIED SERVICES. Establishments primarily engaged in various out-patient treatments and other medical services not elsewhere classified. Included are kidney dialysis centers, specialty outpatient facilities and blood banks (SIC 809).

MOBILE FOOD VENDOR.

(a) Any person who sells, serves, offers for sale, or gives away only food from a food vending unit which is parked or located on one lot of record throughout the day with customers traveling to the food vendor. This term does not include a person who operates as a transient food vendor.

(b) ***MOBILE FOOD VENDORS*** can be a primary use, an accessory use, or an interim use in a zoning district, as noted in each district.

1. If a primary use mobile food vendor, the owner must comply with all site improvement standards as required by code for new construction on a vacant site (including setbacks, lot coverage, paved parking, lighting, landscaping, storm drainage, etc.) and must provide permanent restroom facilities, permanent seating area, and a way to secure the site. Primary use mobile food vendors are exempt from the following regulation: § 154-15.13(B)(1)(b).

2. If an accessory use mobile food vendor, the owner must comply with regulations as outlined in § 154-15.13.

3. If an interim use mobile food vendor, the owner must comply with regulations as outlined in § 154-15.13. An interim use mobile food vendor shall be allowed for a period not to exceed one year and may be exempt from the following regulation: § 154-15.13(B)(1)(b).

4. If an interim use mobile food vendor is on a site longer than one year, the rules and requirements for the mobile food vendor as a primary use apply and shall be met in order to be a legal use on the site.

5. If an interim use mobile food vendor is on a site and the vacant building on-site becomes occupied (primary use), the mobile food vendor is then considered an accessory use on the site and all provisions of § 154-15.13 apply.

(Ord. O2014-20, passed 8-27-2014)

MOBILE HOME. See ***MANUFACTURED HOUSING***.

MOBILE VENDING SITE. The lot of record where the food vending unit is located.

(Ord. O2014-20, passed 8-27-2014)

MODULAR HOUSING. Any dwelling unit or units which are fabricated either in whole or in sections at a factory wherein such sections, or modules, are not constructed on a chassis. For the purposes of this chapter, this category shall not include manufactured housing as defined herein, but shall be considered equivalent to any dwelling or dwellings which require substantial assembly on-site.

MONOPOLE. A self-supporting singular pole structure that supports one or more antenna for communication purposes without the use of any guy wire or lattice bracing.

MORTUARY FUNERAL PARLOR or ***UNDERTAKING ESTABLISHMENT.*** A building or portion thereof which is designated, arranged or let to be used or which is used for purposes connected with funerals.

MOTEL. A facility providing transient lodging accommodations to the general public. At least 25% of all rooms shall have direct access to the outside without the necessity of passing through the main lobby of the building.

MOTOR FUEL DISPENSER. An above-ground housing which uses a remote submersible pump or other similar device, which is used for dispensing motor fuels. For the purpose of calculating the parking spaces required for motor fuel sales, the factor shall be the maximum number of vehicles which can be serviced by a dispenser at one time.

MOTOR FUEL PUMP. A self-contained siphon or other similar device which moves the fuel from the storage tank to the dispenser.

MOTOR FUEL SALES (RETAIL). A commercial establishment which engages in retail sales of small quantities of lubrication oils, gasoline or other motor vehicle for internal combustion engines from storage tanks above or below the ground.

MOTOR FUEL SALES (WHOLESALE). A commercial establishment which engages in wholesale motor fuel sales and which does not engage in motor fuel sales to the general public.

NATURAL SURVEILLANCE. The ability to clearly observe exterior spaces through thoughtful site design.

NET LOT AREA. The total lot area minus that area dedicated for public right-of-way.

NOISE LEVEL. Sound level and the terms may be used interchangeably herein.

NOISE LEVEL REDUCTION (NLR). The difference in decibels of the noise level from outside to inside of a building. Such reduction depends primarily upon the construction and materials in the walls, ceilings, windows, doors and vents. The design and construction criteria to achieve various noise level reductions are contained within the City of Yuma Uniform Building Code and successors.

NURSING AND PERSONAL CARE FACILITIES, LARGE. Establishments primarily engaged in providing inpatient nursing and health-related personal care to 11 or more residents, such as convalescent homes with health care and rest homes with health care. These facilities shall not include any persons whose occupancy 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. Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services (large), a nursing care facility, large or small or a residential care facility, large or small that are also located within any residential district (SIC 805).

NURSING AND PERSONAL CARE FACILITIES, SMALL. Establishments primarily engaged in providing inpatient nursing and health-related personal care to ten or fewer residents, such as convalescent homes with health care and rest homes with health care. These facilities shall not include any persons whose occupancy 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. Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services (large), a nursing care facility, large or small, or a residential care facility, large or small that are also located within any residential district (SIC 805).

OFFICES AND CLINICS, MEDICAL. Establishments of licensed practitioners primarily engaged in furnishing medical,

surgical and other health services to persons. These facilities are limited to outpatient services, and exclude nursing and personal care facilities, hospitals, medical and dental laboratories and home health care services (SIC 8011, 8021, 8031 and 804).

OFF-STREET PARKING SPACE. An area usable for the parking of a motor vehicle located entirely on private property consisting of a rectangle measuring no less than ten feet by 20 feet, exclusive of those additional areas required for safe ingress and egress to said space, whether enclosed or open to the sky, with a vertical clearance of at least seven feet, and provided with permanent access as designated by these regulations.

ORDINARY MAINTENANCE AND REPAIR. Regular customary or usual care, reconstruction or renewal of any part of an existing building, structure or object, for the purpose of preserving said property and maintaining it in safe and sanitary condition.

('80 Code, App. A, § 114) (Ord. 583, passed 9-16-1952; Ord. 2125, passed 5-4-1983)

OUTDOOR LIGHT FIXTURE. Outdoor artificial illuminating devices, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search, spot or flood lights for buildings and structures, recreational areas, parking lot lighting, landscape lighting, billboards and other signage and street lighting.

PARK MODEL. Any factory assembled portable unit, to which is affixed on Arizona recreational vehicle seal, mounted on a chassis and wheels, not more than 12 feet in width and no greater than 400 square feet nor less than 320 square feet in total area, and permanently connected to utilities that are necessary for the operation of the installed park model with no holding tank.

PARKING LOT. Any off-street parking facility designed to accommodate four or more required parking spaces as specified in this chapter. ***PARKING LOTS*** shall conform to the design standards contained herein as well as other applicable city standards.

PARTIALLY SHIELDED. That fixtures are shielded in such a manner that the bottom edge of the shield is below the plane of the centerline of the lamp reducing light above the horizontal.

PATTERN BOOK. Comparing it to contemporary zoning district formats, a ***PATTERN BOOK*** can be described as follows: Combined with the requirements of the Smart Growth Overlay (SGO) District, a ***PATTERN BOOK*** is a stand-alone document integrated into the SGO land use ordinance addressing the district's allowed uses, development and design standards. Unlike standard zoning districts, SGO ***PATTERN BOOKS*** are site specific and normally contain a Master Plan for reference. ***PATTERN BOOKS*** are more flexible, more comprehensive and detailed, making them more equivalent to a zoning code rather than a zoning district. ***PATTERN BOOKS*** consolidate additional sections or standards into the district ordinance dealing with topics such as parking, landscaping, architecture and infrastructure. ***PATTERN BOOKS*** use an abundance of illustrations, photographs and tables to clearly and concisely convey the requirements of the code. At a minimum, ***PATTERN BOOKS*** consist of the following required sections: Introduction; Community Patterns; and Architectural Patterns.

PERGOLA or ***SEMI-COVERED STRUCTURE.*** An accessory structure consisting of parallel colonnades supporting an open roof of girders and cross rafters over which climbing plants may be trained. Also known as an arbor, trellis or ramada.

PERSON. An individual, proprietorship, partnership, corporation, association or other legal entity.

PERSONAL WIRELESS COMMUNICATIONS FACILITY. A facility for the provision of personal wireless services as defined by the Federal Telecommunications Act of 1996. ***PERSONAL WIRELESS COMMUNICATIONS FACILITIES*** are composed of two or more of the following components:

(a) Antenna;

(b) Mount of the antenna (tower, wall, roof or other structure);

(c) Equipment cabinet/base station; and

(d) A wall or security barrier.

PERSONAL WIRELESS SERVICES. Per the Federal Telecommunications Act of 1996, commercial mobile services, unlicensed wireless services (excluding direct-to-home satellite service reception) and common carrier wireless exchange access services. ***PERSONAL WIRELESS SERVICES*** encompasses many services and includes, but is not limited to: PCS, cellular radio mobile services, paging systems, microwave systems, two-way radio services, common carrier wireless exchange access services (also known as local wireless loop telephone that provides an alternative to traditional wireline local exchange providers) and other communications systems defined by the FCC as a personal wireless service.

PLANNED UNIT DEVELOPMENT. A development having a common area owned by a homeowner's association, or in

common by the owners of the separate interests who possess appurtenant rights to the beneficial use and enjoyment of the common area.

(Ord. O2009-55, passed 9-16-2009)

PORCH, OPEN. A porch, deck or balcony, with or without a roof, which projects beyond the main wall of a building, but if roofed it shall be so constructed that the view sideways through the porch shall not be obstructed except by columns essential only for the support of the roof.

PREMISES. Any property or properties developed as a unit, including all building(s), off-street parking, points of access, common area and any other appurtenances, all of which allows the parcel to function as a whole.

PRE-SCHOOL. A facility engaged in educational work with four or more pre-school children not related to the proprietor. Children enrolled are not necessarily in need of supplemental parental care.

PRINCIPAL OR PRIMARY STRUCTURE OR BUILDING. A structure or building where the principal or primary use of the lot is conducted. In all residential zoning districts, the ***PRINCIPAL OR PRIMARY STRUCTURE OR BUILDING*** shall be a dwelling unit.

PRINCIPAL OR PRIMARY USE. The major or predominant use of any lot.

PROTECTED DEVELOPMENT RIGHT. A right granted to undertake and complete the development and use of property under the terms and conditions of a protected development right plan without compliance with changes in zoning regulations and development standards adopted during the period of the protected development right plan, except as provided in A.R.S. § 9-1204. In the event of a conflict between the City Code and A.R.S. §§ 9-1201 through 9-1205, as amended, the statutory provisions shall govern.

PROTECTED DEVELOPMENT RIGHT PLAN. A city-approved development plan or subdivision plat, identified as a ***PROTECTED DEVELOPMENT PLAN*** at the time of the landowner's submission or a master plan development which the City Council has identified as a phased development for purposes of protected development rights.

PUBLIC STREET. The land dedicated, accepted or condemned for use as a highway for the benefit of the public at large or established as such highway by the right of prescription of common user. However, any right-of-way as may be created after the enactment of this chapter shall not be considered to be a ***PUBLIC STREET*** unless it is 60 feet or more in width, except where streets are entirely local, when the width of 50 feet may be declared to be ***PUBLIC STREET*** if approved by the City Zoning Commission.

RECREATIONAL VEHICLE. A vehicular type unit 40 feet or less in length and eight feet or less in width, 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. Any parcel of land used or offered for use in whole or in part, with or without charge, for parking of travel trailers, pick-up campers, motor homes or similar devices used for temporary portable housing for a relatively short-term occupancy.

RECREATIONAL VEHICLE SPACE. A parcel of land for rent which has been designed to accommodate a recreational vehicle.

RESIDENT HOST. A person(s) that manages the bed and breakfast activity and that lives on the premises. A ***RESIDENT HOST*** does not have to be the property owner.

(Ord. O99-92, passed 1-5-2000)

RESIDENTIAL CARE FACILITY, LARGE. Establishments primarily engaged in the provision of residential social and personal care for 11 or more persons with some limits on ability for self-care, such as children, the elderly, but where medical care is not a major element. Included are establishments providing 24-hour year-round care for children. These facilities shall not include any persons whose occupancy 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. Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services, large, a nursing care facility, large or small or a residential care facility, large or small, that are also located within any residential district (SIC 8361).

RESIDENTIAL CARE FACILITY, SMALL. Establishments primarily engaged in the provision of residential social and personal care for ten or fewer persons with some limits on ability for self-care, such as children, the elderly, but where medical care is

not a major element. Included are establishments providing 24-hour year-round care for children. These facilities shall not include any persons whose occupancy 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. Establishments of this type located within any residential districts shall not be located within 1,320 feet of a child day care services (large), a nursing care facility, large or small, or a residential care facility, large or small that are also located within any residential district (SIC 8361).

RESIDENTIAL DISTRICT. The Suburban Ranch District, Residential Estate District, Low Density Residential (R-1), Medium Density Residential and High Density Residential (R-3), Manufactured Housing District and Residence-Manufactured Housing District of this chapter of their successors.

RESIDENTIAL USE. Any structure intended for permanent residency. This includes, but is not limited to, such residential structures as single-family homes, apartment complexes, boarding houses, bed and breakfasts, rental properties, nursing homes, group homes, residential care facilities and similar uses and accessory structures, but does not include hotels, motels or other temporary (a stay of less than 90 days) commercial lodging located in commercial or mixed use zoning districts.

RETAIL TRADE. Of, or relating to, the sale of commodities or goods in small quantities to the ultimate consumers.

ROOF-MOUNTED. Anything affixed to or located on the roof structure of an existing building.

ROOMING AND BOARDING HOUSES. Establishments primarily engaged in renting rooms, with or without board, on a fee basis. Included are boarding houses (except organizations) and commercially operated dormitories (SIC 7021).

SCHOOL. A place for instruction in the arts and sciences, but excluding institutions whose primary purpose is the teaching of dancing, physical culture, music (unless as a home occupation) trades or industries, riding academies or the combination of any two or more of these.

SEASONAL ITINERANT VENDOR. A vendor of specific products associated with certain civic, patriotic and/or religious holidays/events. The following are recognized:

(a) Halloween: Sales allowed between October 15 and November 5 inclusive. Products authorized: Pumpkins and related Halloween accessories.

(b) Christmas: Sales allowed between November 25 and December 25 inclusive. Products authorized: Christmas trees.

(c) Silver Spur Rodeo: Sales allowed for seven days prior to the start of the Silver Spur Rodeo and on each day of the rodeo. Products authorized: Rodeo attire and memorabilia.

(d) Independence Day and New Years Eve: Sales allowed for 14 days prior to each holiday. Products authorized: Permissible consumer fireworks as defined by Arizona state statute.

(Ord. O2013-28, passed 5-15-2013)

SETBACK BUILDING LINE. A line established by ordinance or official regulation as specified distance from any lot line.

SIGN. Any identification, description, illustration, symbol or device, which is affixed directly or indirectly upon a building, vehicle, structure or land and which identifies or directs attention to a product, place, activity, person, institution or business.

(a) ***ABANDONED SIGNAGE.*** Any sign, visible from a position on or off the property upon which erected, which attracts the attention of the public to something which existed at the time of its installation on the property, and which has subsequently ceased to exist on the property.

(Ord. O2010-09, passed 2-3-2010)

(b) ***ANIMATED SIGNS.*** Any sign which displays or employs action or movement, whether driven by mechanical means or wind actuated; signs which only rotate shall not be included in this category.

(c) ***BALLOONS/INFLATABLE DEVICES.*** One or more balloons or inflatable devices used as a permanent or temporary sign or as a means of directing attention to: any business or profession; a commodity or service sold, offered or manufactured; or to any entertainment.

(Ord.O2007-52, passed 10-3-2007)

(d) ***BANNER.*** Any sign consisting of paper, fabric, canvass, rubber, plastic or the like, with no other material for rigid structural support.

(e) ***BUILDING FACADE.*** An exterior elevation of a building, extending from the average grade level of the adjoining ground within five feet of the building wall to the top line of the roof or parapet wall, and also extending the entire width of the building elevation.

(f) ***BUSINESS PURPOSES.*** Pertaining to economic dealings or mercantile activity, which are engaged in as a means of livelihood.

(g) ***CANOPY.*** An architectural projection beyond the external wall of a building forming part of the building facade.

(h) ***COMMERCIAL MESSAGE.*** A message displayed or caused to be displayed before the public for business purposes involving or pertaining to the manufacture or sale of products, property, accommodations, services, attractions or activities, which:

1. Refers to the offer for sale or existence for sale of products, property, accommodations, services, attractions or activities; or

2. Attracts attention to a business or to products, property, accommodations, services, attractions or activities, that are offered or exist for sale or for hire.

(i) ***COPY.*** The words, letters, symbols, illustrations or other graphic characters used to convey the message of a sign.

(j) ***DEGREE OF NONCONFORMING.*** The extent to which any sign or sign structure does not conform to the standards and requirements of this chapter, such as the height, sign face area, setback, vertical clearance, number of signs or manner of keeping.

(k) ***FLASHING SIGN.*** Any sign which contains a source of light, internal or external, that intermittently cuts on and off, or which creates the illusion of flashing or intermittent light through animation or other means.

(l) ***FREESTANDING SIGN.*** Any sign permanently anchored to the ground which stands alone on its own foundation and structural supports and free of support from any building. Any signage mounted on the roof of any building shall not be considered as a ***FREESTANDING SIGN***.

(Ord. O2010-09, passed 2-3-2010)

(m) ***HEIGHT OF BUILDING.*** For the purpose of regulating sign locations, when a building facade has various elevations the height of the predominant elevation shall be the ***BUILDING HEIGHT***. Where a predominant elevation cannot be determined, the lowest height shall govern. In all situations, a sign shall not extend outside the silhouette of the wall/roof to which it is attached.

(n) ***INDEXING SIGN.*** Any sign designed with multi-sided sign faces which is operated by some mechanical device, thereby causing the faces to alternately turn and stop.

(o) ***MAXIMUM HEIGHT.*** The vertical distance measured from the uppermost point of the sign face or sign structure, whichever is higher, to the street grade of the nearest driving lane.

(p) ***MONUMENT SIGN.*** A permanent freestanding sign mounted on a base or other support, and where the entire bottom of the sign is affixed to the ground. Such sign shall provide a solid and continuous background for the sign face from ground level to the highest point of the sign. ***MONUMENT SIGNS*** are detached from a building, and the bottom edge of the sign face must be in continuous contact with the structural base and must be a minimum of 12 inches above the ground. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height. The sign shall be clad to the ground with a base not less than 75% of the total sign width. The height of the structure erected to support or ornament the sign shall be measured as part of the sign height. See illustration in § 154-17.03(G).

(Ord. O2009-54, passed 10-21-2009)

(q) ***NONCOMMERCIAL MESSAGE.*** A message that is not a commercial message.

(r) ***OFF-SITE SIGN.*** Any sign that may display a message, whether commercial or noncommercial, that does not necessarily relate to the premises upon which such sign is located.

(s) ***ON-SITE SIGN.*** Any sign which pertains to the business operated, activity conducted or products sold or manufactured, on the premises upon which such sign is located, or which displays a noncommercial message installed or caused to be installed only by the property owner and/or lessee of the property upon which the sign is located.

(t) ***PARAPET.*** A wall extending above the plateline of the building.

(u) ***PEDESTAL SIGN.*** A freestanding, ground mounted sign, detached from a building, and the support structure is a base constructed of a permanent material. The support structure of a ***PEDESTAL SIGN*** and sign face shall be designed as one architecturally unified and proportional element. The sign shall be clad to the ground with a base not less than 65% of the total sign width. The height of the structure erected to support or ornament the sign shall be measured as part of the sign height. See illustration in § 154-17.03.

(v) ***PERMANENT SIGN.*** Any sign set in the ground with its own foundation, or which is painted on or otherwise anchored to a building, wall or other permanent structure, and any of which are installed to achieve a lasting and enduring condition and location.

(w) ***PLATELINE.*** The point where the roof structure first touches an external wall.

(x) ***POLE SIGN.***

1. A freestanding sign which is supported by one or more structural elements that are either:

a. Architecturally dissimilar to the design of the sign; or

b. Which is less than one-fourth of the width of the sign face.

2. The bottom edge of the sign face is eight feet or more above finished grade. See illustration in § 154-17.03.

(y) ***PORTABLE SIGN SIGNAGE.*** Any signage which is designed to be placed upon the ground, rather than anchored to the ground or to any structure, and which may be moved without disassembly or excavation of the sign or sign structure

(Ord. O2010-09, passed 2-3-2010)

(z) ***PRIMARY BUILDING FACADE.*** The particular facade of a building which faces the street to which the address of the building pertains.

(aa) ***ROOF.*** The protective cover of a building.

(bb) ***ROOFLINE.*** The highest point of the main roof structure or parapet wall, not including cupolas, pylons, projections or minor raised portions of the roof.

(cc) ***SIGN FACE AREA.*** The area of the smallest single geometric figure or figures which entirely encloses both the copy and facing of the sign. The spaces between letters, symbols and numerals, which make words or elements of the sign, and contrasting backgrounds, illustrations, borders or other devices shall be included.

(dd) ***STREET ADDRESS FRONTAGE.*** The total linear dimension of the property line which coincides with the edge of the adjoining street right-of-way to which the address of the property pertains.

(ee) ***STREET FRONTAGE.*** The total linear dimension of all property lines which coincide with the edge of an adjoining street right-of-way.

(ff) ***SWINGING SIGN.*** Any sign face which is suspended at one or more points, but is not rigidly and permanently anchored to a building, wall, post or other support structure.

(gg) ***TEMPORARY SIGNAGE.*** Any signage which is set in the ground but not permanently set in its own footing or foundation, nor permanently anchored to a building, wall or other structure.

(Ord. O2010-09, passed 2-3-2010)

(hh) ***TRANSIT BENCH SIGN.*** A sign located on a bench at a designated public stop, in a city public right-of-way.

(ii) ***TRANSIT SHELTER SIGN.*** A sign located on a transit shelter at a designated public transit stop in a city public right-of-way.

(jj) ***UNAUTHORIZED SIGNAGE.*** Any signage, irrespective of the method of installation, which is erected on property without the permission of the property owner.

(Ord. O2010-09, passed 2-3-2010)

(kk) ***UNDER-CANOPY SIGN.*** Any sign suspended from the underside of a canopy, roof, covered walkway, porch or cantilever projection from a building.

(ll) ***VERTICAL CLEARANCE.*** The vertical distance measured from the bottom edge of a sign face to the street grade of the nearest driving lane.

(mm) ***WALL-MOUNTED SIGN.*** Any sign attached to a wall of a building, whether or not parallel to the wall surface, including any sign painted on a wall surface.

('80 Code, App. A, § 161) (Ord. 583, passed 9-16-1952; Ord. 2193, passed 3-21-1984; Ord. 2243, passed 12-19-1984; Ord. O2001-94, passed 11-20-2001; Ord. O2003-34, passed 8-6-2003; Ord. O2005-91, passed 10-5-2005; Ord. O2010-09, passed 2-3-2010)

SOLID WALL OR FENCE. A vertical barrier consisting of wood, masonry, metal or other exterior material customarily used in wall or fence construction, without openings in the material or spaces between members, other than gates for necessary walks and driveways, which totally and permanently blocks the horizontal view of any person, object or activity from any adjoining street or property at ground level. This category shall not include any barrier into which slats, plantings or other devices must be inserted in order to achieve a screening effect. Any ***SOLID WALL OR FENCE*** as may be required by this chapter shall be maintained in perpetuity by the property owner.

SOUND LEVEL. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1971, or the latest revision thereof). If the frequency weighting employed is not indicated, the A-weighting is implied.

SOUND LEVEL METER. An instrument, including a microphone, an amplifier, readout and frequency weighting networks for the measurement of sound levels, which meets or exceeds the requirements pertinent for type S2A meters in the American National Standards Institute Specifications for Sound Level Meters, S1.4-1971, or the latest revision thereof.

SPECIALTY FOOD STORE. A retail store specializing in a specific type or class of foods such as an appetizer store, bakery, butcher, delicatessen, fish, gourmet and similar foods.

SPECIALTY WATER STORE. A specialty retail business which consists of no more than one water dispensing unit onsite which sells fresh bulk water to walk-up and drive up customers from a self contained, mechanically operated, vending dispenser placed upon portland cement or asphalt slab.

STANDARD INDUSTRIAL CLASSIFICATION (SIC). A statistical classification standard underlying all establishment-based federal economic statistics classified by industry, published by the Executive Office of the President, Office of Management and Budget. The classification covers the entire field of economic activities and defines industries in accordance with the composition and structure of the economy. The classification is indicated by a two to four digit numerical code. Example: SIC 5932 represents "Used Merchandise Stores".

STOCK COOPERATIVE. A development in which a corporation is formed to hold title to improved real property, and in which all of the shareholders of the corporation receive a right of exclusive occupancy in a portion of the real property, title to which is held by the corporation.

(Ord. O2009-55, passed 9-16-2009)

STORAGE. The accumulation or keeping of goods, articles, vehicles, equipment or the like, whether for immediate or future purposes.

STREET, MAJOR ARTERIAL. The streets defined and classified as such by the 1982 *Yuma Circulation and Engineering Study*, prepared by Stephen George and Associates, and adopted as an amendment to the circulation element of the General Plan, and its successors.

STREET, PRIME ARTERIAL. Those streets defined and classified as such by the 1982 *Yuma Circulation and Engineering Study*, prepared by Stephen George and Associates, and adopted as an amendment to the circulation element of the General Plan, and its successors.

STREET FAIR. A place of commercial activity that consists of the following elements:

(a) Open to the public for the purchase of products, in an open-air setting, on a public street;

(b) Composed of three or more booths, stalls, stands or spaces allotted to vendors, none of whom occupy the same booth, stall, stand or spaces on an uninterrupted continuous daily basis.

(Ord. O2013-37, passed 8-7-2013)

STREETYARD SETBACK. An open space lying between the street line and the setback building line. This area may be located on any side of a lot but is always located adjacent to and parallel to a street.

STRUCTURE. Anything that is built, assembled or constructed to be vertical.

SUPERMARKET. A retail establishment primarily selling food as well as other convenience and household goods. Also known as ***GROCERY STORE***.

SUPPLEMENTARY DEFINITIONS OF TECHNICAL NOISE OR SOUND TERMS. Definitions of technical noise or sound terms not defined herein shall be obtained from the American National Standard, *Acoustical Terminology*, S1.1961 (R 1971) or latest revision thereof.

SWAP MEET. A retail activity, located on private property, that generally has a regional draw of customers, characterized by the barter or sale of merchandise to the general public by two or more vendors, from a leased or rented stall or booth. The leased or rented stall or booth can be located under a canopy or other roof structure, in an open-air setting, or in an enclosed building or structure. This term shall include a flea market, open-air market or similar commercial retail activity, but shall exclude farmer's markets.

SWIMMING POOL. A water-filled enclosure, permanently constructed or portable, having a depth of 18 inches or more which is designed, used and maintained for swimming, bathing or similar activity. This category shall include spas.

TEMPORARY MOBILE PERSONAL WIRELESS FACILITY. A monopole structure mounted to a chassis with a movable base station that requires no physical site alterations for installation.

TRANSIENT FOOD VENDOR. Any person who sells, serves, offers for sale, or gives away only food from a food vending unit that visits one or multiple lots of record on a daily basis for no more than three hours per site per day, changing locations throughout the day to transact with customers.

(Ord. O2014-20, passed 8-27-2014)

TRIPOD. A low impact structure consisting of a three-legged base (a tripod base height is less than 15% of the total structure height) that supports a single pole of no greater than a two-inch diameter and less than 20 feet in height, which supports a low impact, small antenna and is placed on a roof top.

UNLICENSED WIRELESS SERVICE. Per the Federal Telecommunications Act of 1996, the offering of telecommunications services using duly authorized devices which do not require individual licenses, but does not mean the consumer end user reception of direct-to-home satellite services (see "direct-to-home satellite services" above and as defined in § 303(v) of the Federal Act). Sites dedicated to the distribution of direct-to-home signal, such as, but not limited, to base stations and repeater stations, are governed by Article 19 of this chapter.

VISIBILITY TRIANGLE. A triangular area formed by two intersecting curb lines and a line intersecting them at a point 33 feet from the intersection of the curb lines.

WALL-MOUNTED. Anything located on an existing building wall.

WALL STRAPPING. The use of straps to support a monopole of a two-inch diameter or less or lattice structure of a 24-inch diameter, as circumscribed around the outside of the support poles, or less to wall of a building for support.

YARD, FRONT. An open space lying between the street line upon which a building or structure fronts and the front wall of said building, and running entirely across the lot to the two side lot lines.

YARD, REAR. The portion of the ***REAR YARD*** contiguous to the rear lot line having at no point a depth less than that required for the rear yard setback and excluding that area within the required side yard setback.

YARD, SIDE. An open space extending along the side line of a lot between the side line and any building or structure on said lot.

('80 Code, App. A, § 40) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995; Ord. O96-24, passed 3-6-1996; Ord. O96-35, passed 4-3-1996; Ord. 02000-32, passed 5-17-2000; Ord. O2000-35, passed 6-21-2000; Ord. O2001-77, passed 9-19-2001; Ord. O2002-08, passed 2-6-2002; Ord. O2003-22, passed 5-21-2003; Ord. O2003-38, passed 8-20-2003; Ord. O2004-52, passed 8-4-2004; Ord. O2010-32, passed 7-7-2010; O2012-20, passed 11-7-12; O2012-22, passed 11-21-12)

Article 02 - Administration

§ 154-02.01 Planning and Zoning Commission.

(A) *Created*. A City Planning and Zoning Commission is hereby established.

(1) *Charter reference*. Power to regulate land use for the public benefit, see Charter Art. III, § 12 and to engage in intergovernmental agreements, see Charter Art. III, § 13.

(2) *Statutory reference*. Municipal planning, see A.R.S. §§ 9-461 et seq. and open space preservation, see A.R.S. §§ 9-464 et seq.

('80 Code, § 23-16) (Ord. 766, passed 1-20-1959)

(B) *Responsibilities*. The Planning and Zoning Commission shall be responsible for:

(1) Identifying and evaluating the unique factors influencing the character and location of development within the city;

(2) Studying the quality of existing developments;

(3) Recommending to the Council desirable standards for guiding the development and rehabilitation of various sections of the community;

(4) Recommending to the Council standards for adequate public services and facilities throughout the city; and

(5) Through its member participation on the Joint Planning Council, the Commission shall give special consideration to the urbanizing area at the fringes of the city.

('80 Code, § 23-29) (Ord. 766, passed 1-20-1959)

(C) *Duties*. The City Planning and Zoning Commission shall:

(1) Formulate, approve and from time to time amend a long-term city plan to guide the development of the city. The Commission shall then recommend to the Council that the city adopt or amend the Council approved city plan;

(2) Recommend to the Council subdivision platting rules and regulations and amendments thereto;

(3) Submit annually to the Council and Joint Planning Council, not less than 120 days prior to the beginning of each fiscal year, a list of recommended capital improvements which in the opinion of the Commission are necessary or desirable during the forthcoming five-year period to facilitate the accomplishment of the city plan;

(4) Recommend to the Council the adoption or amendment of zoning regulations and maps;

(5) Recommend to the City Council an official map of the city and amendments thereto;

(6) Advise the Joint Planning Council of special problems and particular needs of the city; and

(7) Review and recommend to the Council all local area plans for re-planning, improvement, rehabilitation or redevelopment of neighborhoods.

('80 Code, § 23-30) (Ord. 766, passed 1-20-1959)

(D) *Powers*. The Commission shall be responsible to and act as an advisory body to the Council on all city planning and development matters. In the performance of its functions and duties the Commission shall have power to:

(1) Require information which shall be furnished within a reasonable time from other city departments and agencies in relation to its work;

(2) Enter upon any land and make examinations thereof;

(3) Prepare and recommend emergency plans and policies for the re-planning, reconstruction or redevelopment of any area or district which may be destroyed in whole or part or seriously damaged by fire, earthquake, flood or other disaster; and

(4) Exercise such additional powers as may be necessary to perform tasks assigned to it by the Council.

('80 Code, § 23-31) (Ord. 766, passed 1-20-1959)

(E) *Composition*. The Planning and Zoning Commission shall consist of seven members, who shall be electors and real property owners of the city, who shall be appointed by the Council.

('80 Code, § 23-17, § 23-18, § 23-19) (Ord. 929, passed 3-4-1964; Ord. 766, passed 1-20-1959; Ord. 1796, passed 12-6-1978)

(F) *Terms of members.* The term of office of the members of the Commission shall be for five years. Any member whose term expires shall be eligible for reappointment to another five-year term. If a vacancy on the Planning and Zoning Commission occurs other than by an expiration of term, it shall be filled by appointment for the unexpired term. Such appointment shall be made by the Council. Beginning July 1, 2011, all terms will expire on December 31.

('80 Code, § 23-21) (Ord. 929, passed 3-4-1964)

(G) *Organization.*

(1) *Officers.* The Commission each January shall elect a Chairperson and Vice Chairperson from among the appointive members. The Planning Director shall serve the Commission as executive secretary.

('80 Code, § 23-23) (Ord. 766, passed 1-20-1959)

(2) *Meetings.* The City Planning and Zoning Commission shall meet not less than once each month. Each January, the Commission shall hold an annual meeting for the review of its activities and accomplishments.

('80 Code, § 23-24) (Ord. 766, passed 1-20-1959)

(3) *Quorum.* Four members of the Planning and Zoning Commission shall constitute a quorum for transacting business.

('80 Code, § 23-25) (Ord. 766, passed 1-20-1959; Ord. 1540, passed 10-6-1976)

(4) *Voting.* A majority vote of those Planning and Zoning Commission members present and voting shall be required to take official action including, but not limited to, the adopting of policy or submitting recommendations. No member shall be excused from voting except on matters involving the consideration of his or her own official conduct. In all other cases a failure to vote shall be entered in the minutes as an affirmative vote.

('80 Code, § 23-26) (Ord. 766, passed 1-20-1959; Ord. 1540, passed 10-6-1976)

(5) *Official record.* The official records of the Planning and Zoning Commission shall include its rules and regulations, minutes of meetings, resolutions and its adopted reports, which shall be deposited with the Planning Department and which shall be available for public inspection during customary office hours.

('80 Code, § 23-27) (Ord. 766, passed 1-20-1959)

(6) *Reports.* The Planning and Zoning Commission shall submit to the Council such special reports as may be requested, and an annual report setting forth the state and progress of its work and such other information as the Council may desire.

('80 Code, § 23-28) (Ord. 766, passed 1-20-1959)

(H) *Removal.* Members of the Planning and Zoning Commission may be removed by the Council for inefficiency, neglect of duty or malfeasance in office, after a public hearing.

('80 Code, § 23-20) (Ord. 929, passed 3-4-1964)

(I) *Compensation; expenses.* The members of the Planning and Zoning Commission shall serve as such without compensation; however, the Council may allow such expenditures as are necessary for the performance of their duties.

('80 Code, § 23-22) (Ord. 929, passed 3-4-1964; Ord. O2010-32, passed 7-7-2010; Ord. O2010-66, passed 1-5-2011)

§ 154-02.02 Hearing Officer.

(A) *Establishment.* Pursuant to A.R.S. § 9-462.08, the position of Hearing Officer is hereby established to conduct public hearings on behalf of the city.

(1) *Appointment.* The Hearing Officer is appointed by the City Administrator subject to the approval of the City Council.

(2) *Qualifications.* The Hearing Officer is appointed on the basis of a demonstrated ability to perform the duties of the office, such as training and experience relevant to the conduct of administrative and adjudicative hearings and knowledge of the principles and practices of land use planning. The Hearing Officer shall not hold a city elective office concurrently with this position.

(3) *Term.* The Hearing Officer serves at the pleasure of the City Administrator. The City Administrator may designate a qualified person as a temporary Hearing Officer whenever the Hearing Officer is unable to perform the duties of the office due to illness, potential conflict of interest or similar reason.

(B) *Authority.* The Hearing Officer shall have the following authority:

(1) To hear and decide applications for:

(a) Variances;

(b) Temporary uses;

(c) Expansion of nonconforming uses or structures;

(d) Revocation of modification of variances;

(e) Conditional use permits for soil remediation, uses requiring a federal or state permit that are not otherwise listed and the location of multiple food vending units at a mobile vending site; and

(f) Time extension of conditional use permits (only if there are no changes made to the previously approved CUP).

(2) To hear and decide appeals of:

(a) Determinations of the Zoning Administrator;

(b) Determinations of the Floodplain Administrator;

(c) Decisions of the Landscape Committee;

(d) Decisions of the Minor Variance Committee; and

(e) Denial of any business license by planning staff.

(C) *Variances.* The Hearing Officer may vary from a development standard or dimension required by this chapter only if, because of special circumstances applicable to the property, building or use, including its size, shape, topography, location or surroundings, the strict application of this chapter will deprive such property of privileges enjoyed by other property of the same permitted use in the same zoning district. Any variance granted by the Hearing Officer is subject to such conditions as will assure that the authorized variance shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and in the district in which such property is located. The Hearing Officer has authority to revoke or modify a variance. All variance decisions from the Hearing Officer are appealable to the Planning and Zoning Commission for the purposes of A.R.S. § 9-462.06.A.

(D) *Temporary uses.* The Hearing Officer may approve a request for a temporary use, as permitted in this chapter. The approval may include conditions which address site improvements, traffic issues, length of time for use operation, daily hours of operation, temporary signage or any other condition deemed necessary for the public safety, health and welfare. All temporary use decisions are appealable to the City Planning and Zoning Commission.

(E) *Expansion of nonconforming uses or structures.* The Hearing Officer may expand a nonconforming use or structure as allowed in this chapter and state law, A.R.S. § 9-462.02. All nonconforming use/structure decisions are appealable to the City Planning and Zoning Commission.

(F) *Conditional use permits.*

(1) The Hearing Officer is responsible for the review and determination of conditional use permits related to soil remediation, time extension, and for any use that requires a state or federal permit.

(2) The Hearing Officer is responsible for the review and determination of conditional use permits for the location of multiple food vending units at a mobile vending site. The Hearing Officer may include conditions which address site improvements, traffic issues, daily operation hours or any other conditions deemed necessary for the public safety, health and welfare.

(3) All conditional use permit decisions are appealable to the City Planning and Zoning Commission.

(G) *Appeals.*

(1) The Hearing Officer shall hear all appeals of decisions made by the following:

(a) The Zoning Administrator;

(b) The Floodplain Administrator;

(c) The Landscape Committee;

(d) The Minor Variance Committee; and

(e) Business license determinations made by planning staff.

(2) The Hearing Officer shall also hear and decide appeals when it is alleged there is an error in any order, requirement, decision in the enforcement of this chapter or the floodplain regulations set forth in Chapter 151, or interpretation of the official zoning map made by the Zoning Administrator.

(3) Upon appeal, to reverse or affirm, wholly or partially, or modify the order, requirement or decision of the Zoning Administrator or Floodplain Administrator, Landscape Committee, Minor Variance Committee and planning staff decision related to business licenses, the Hearing Officer has the authority to make such alternate order, requirement, decision or determination as necessary, based on the findings of each case.

(H) *Hearing Officer*. The Hearing Officer shall not be authorized to:

(1) Make any change(s) in the uses permitted in any zoning district, or make any changes in the terms of this chapter or the floodplain regulations set forth in Chapter 151. The restriction in this section shall not affect the authority to grant a variance(s) to a development standard(s) or a dimension(s) required by this chapter; or

(2) Grant a variance(s) if the special circumstances(s) applicable to the property, building, or use is self-imposed by the property owner or applicant.

(Ord. O2006-20, passed 3-1-2006; Ord. O2010-32, passed 7-7-2010; Ord. O2011-10, 4-20-2011; Ord. O2014-20, passed 8-27-2014)

§ 154-02.03 Zoning Administrator.

(A) *Establishment*. Pursuant to A.R.S. § 9-462.05 the Planning Director, also known as Director of Planning, or an authorized deputy acting under his or her direction, shall be the Zoning Administrator.

(B) *Duties*. The Zoning Administrator, or his or her authorized deputy shall be charged with responsibility for enforcement of the zoning ordinance:

(1) Supply information about, and provide interpretations of, this chapter to the public, city departments and other agencies;

(2) Provide advice and assistance to all applicants for zoning actions;

(3) Accomplish all administrative actions required by this chapter; including receiving applications giving notice of hearings, preparation of reports and processing appeals;

(4) Enforce the provisions of this chapter pertaining to the erection, construction, moving, reconstruction, conversion, alteration or addition to any building or structure and the use of any land, building or premise;

(5) Inspect buildings, structures and lands as may be necessary or desirable for enforcement of this chapter;

(6) Determine other permitted uses consistent with the purpose of each Zoning District; and

(Ord. O2009-28, passed 5-6-2009)

(7) Notwithstanding the procedures set forth in § 154-03.04(D)(1)(a) through (D)(1)(c) for consideration of a variance application, the Zoning Administrator may approve a deviation in development standards and/or dimensional criteria upon the making of the findings required in § 154-03.04(D)(1)(a) through (D)(1)(d), when the following conditions are satisfied:

(a) The application requests a deviation from code not exceeding a 10% reduction or increase of a development standard and/or dimension required by the zoning code; and

(b) The Zoning Administrator determines that the request complies with the four findings of fact required by § 154-03.04(D)(1)(a) through (D)(1)(d).

(Ord. O2010-32, passed 7-7-2010)

§ 154-02.04 Design and Historic Review Commission (DHRC).

(A) *Establishment.* The Design and Historic Review Commission (DHRC) is hereby created. The Design and Historic Review Commission is the merger of the formerly known Design Review Commission and Historic District Review Commission. The Commission shall consist of an odd number of members no fewer than five and no more than seven to be appointed by the Mayor and Council. The Design and Historic Review Commission shall be organized to conduct business in a manner specified in the Commission bylaws.

(Ord. O97-45, passed 7-2-1997; Ord. O98-44, passed 5-20-1998; Ord. O2007-61, passed 11-20-2007; Ord. O2008-31, passed 8-6-2008; Ord. O2009-54, passed 10-21-2009)

(B) *Organization of the Design and Historic Review Commission.*

(1) *Terms.* Members shall serve a term of five years. Beginning July 1, 2011, all terms will expire on December 31. Elections for positions of Commission Chairperson and Commission Vice-Chairperson shall be on an annual basis at the first meeting of the calendar year.

(2) *Meetings.* The Design and Historic Review Commission shall meet bi-monthly, or at the call of the Chairperson as specified in the Commission bylaws, to be amended as required.

(3) *Rules.* The Commission shall adopt rules for the conduct of its business. The Commission may delegate certain responsibilities and/or tasks to be performed by a sub-commission or subcommittees of the Commission.

(4) *Compensation.* Members shall serve without compensation.

(5) *Composition.* Appointed member shall meet these qualifications:

(a) All must be residents of the city and should have a demonstrated interest in the history of this city with a desire to promote building and site design that is of high aesthetic and functional quality while in harmony with the surrounding community;

(b) At least one member must be an architect, architectural designer, planner or design professional who demonstrate an interest in local historic preservation as well as the design, image and appearance of the community;

(c) At least one member must be a general building contractor or a tradesman in the building construction industry who should have an interest in historic structures;

(d) At least one member must have qualified training or experience in historic preservation, or be a member of the Rio Colorado Chapter of the Arizona Historical Society and selected from among three or more members nominated by the Board of Directors of that chapter;

(e) One member must be a member of the City Planning and Zoning Commission;

(f) At least one person who owns property or resides within a historic district as established under this subchapter;

(g) Two members shall be members at-large; and

(h) Should no persons be available for appointment that meet the criteria listed herein, the City Council may select a person whose background approximates the knowledge and expertise being sought.

('80 Code, App. A, § 114) (Ord. 583, passed 9-16-1952; Ord. 2125, passed 5-4-1983; Ord. O98-44, passed 5-20-1998; Ord. O2007-61, passed 11-20-2007; Ord. O2009-54, passed 10-21-2009; Ord. O2010-56, passed 11-17-2010)

(C) *Purpose.* The purpose of the Design and Historic Review Commission is to promote and protect the Historic and Architectural integrity of the city within the defined geographical limits of the Aesthetic Overlay District and the Historic Districts of the city.

(D) *Duties.* The Commission's duties are outlined as follows:

(1) To promote the educational, cultural, economic and general welfare of the community and to ensure the harmonious growth and development of the municipality by encouraging the preservation of historic places and structures, and advancing aesthetic and functionally well-designed projects;

(2) To designate sites and districts of historical significances;

(3) To provide regulatory oversight regarding exterior modifications to all historic structures or sites that are listed or eligible for

listing on the National Register of Historic Places and have received the city's Historic (H) District Zoning Overlay, as well as projects within the Aesthetic Overlay District;

(4) To review all project design plans within an Aesthetic Overlay District. Such plans shall be reviewed for compliance with the Aesthetic Overlay Design Guidelines;

(5) To provide regulatory oversight regarding the exterior appearance of any structure (new construction, renovation or alteration) within a recognized Historic District or within the Aesthetic Overlay and areas with specific design requirements;

(6) The Commission shall decide whether a permit should be issued for any demolition, removal, exterior renovation, addition or any other exterior alteration of any historic structure, historic site or any property located within an historic district. The Commission's review of applications for new construction shall be limited to building size, scale, exterior elevation, design, color and appearance, to ensure compatibility with the historic character of the property, neighborhood or environment. When the local Commission governing the historic district denies an application or request, the applicant may not legally proceed with any exterior work, including demolishing or moving a structure, unless the Commission's decision is appealed and is set aside or modified by a superior authority;

(7) Review and approval of all private and commercially oriented development of lands located within the RO Zoning District;

(8) Review and approval of all exterior lighting in the Bed and Breakfast Overlay District;

(9) Hear and decide appeals of the City Zoning Administrator's decisions on signage and building requirements within the Historic Park Zoning District; and

(10) The Commission shall keep the Mayor and Council apprised in all matters concerning historic sites and districts. In this regard it:

(a) May recommend to the Mayor and Council acquisition by the city of structures or easements for maintenance or repair of structures for their preservation where private preservation is not feasible; and

(b) May initiate and conduct detailed studies and surveys of buildings, in conjunction with the Rio Colorado Chapter of the Arizona Historical Society and interested others, the intention of assessing potential of such buildings, structures or areas for designation as historic sites or districts.

(E) *Appeals and variance.*

(1) Proper maintenance is essential to the longevity of historic structures. Minor maintenance modifications to properties within an historic district may be approved or denied by the Zoning Administrator or the Zoning Administrator's designee. Denials by the Zoning Administrator or Zoning Administrator's designee may be appealed to the Design and Historic Review Commission. Minor maintenance modifications include the following:

(a) Replacement of existing wood or asphalt shingles with dimensional asphalt shingles provided that the property is not individually listed on the National Historic Register or a contributing property within the Brinley Avenue Historic District;

(b) Patching or resurfacing of an existing flat roof;

(c) Reapplication of applied color to a surface with applied color (stain or paint);

(d) Replacement of an electrical service panel and associated screening;

(e) Replacement of an HVAC unit and associated screening; and

(f) New or replacement fencing or perimeter walls.

(g) Investigation of structural and building system integrity by means of inconspicuous exterior exploration. Exploration is limited to one temporary occurrence at a time with a maximum removal of four square feet of the facade for each such occurrence. Repair/restoration to match the surrounding exterior is to be completed within 30 days of commencement of the exploration.

(2) Appeals of the project design decisions of the Design and Historic Review Commission within an Aesthetic Overlay District shall be heard by the Planning Commission.

(3) Any requests for variances from the development standards of the underlying zoning district for a project within an Aesthetic Overlay District shall be considered by the City Hearing Officer.

('80 Code, App. A, § 114) (Ord. 583, passed 9-16-1952; Ord. 2125, passed 5-4-1983; Ord. O98-44, passed 5-20-1998; Ord. O2007-61, passed 11-20-2007; Ord. O2009-54, passed 10-21-2009; Ord. O2010-32, passed 7-7-2010; Ord. O2010-66, passed 1-5-2011; Ord.

O2011-16, passed 5-4-2011)

§ 154-02.05 Board of Adjustment.

(A) *Authority*. The Zoning Board of Adjustment shall have authority to grant, upon such terms and conditions as it deems necessary, a variance(s) from those specific restrictions as to area, fences and walls, frontage dimension on a public or private street, height, landscape plant material, loading, parking, setbacks, signs, width, yards, general character and other accessory and incidental restrictions applicable to the appropriate district.

('80 Code, App. A, § 211) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995)

(B) *Duties*.

(1) The Zoning Board of Adjustment shall be authorized to hear and decide appeals from an interpretation and/or a decision of the Zoning Administrator.

(2) The Zoning Board of Adjustment shall hear and decide appeals of the Minor Variance Committee and a decision of the Zoning Administrator or designee.

('80 Code, App. A, § 181) (Ord. 583, passed 9-16-1952; Ord. 2584, passed 9-16-1992; Ord. O96-77, passed 8-7-1996)

(3) The Board of Adjustment shall consider appeals pertaining to removal of abandoned signage.

(4) The Board shall be authorized to hold a public hearing to consider granting a variance(s) only when findings of fact are made that all of the conditions found in § 154-03.04(D)(1) are found to exist.

(5) The Zoning Board of Adjustment, shall be authorized to hold a public hearing to consider the revocation or modification of a variance(s) previously granted in accordance with the provisions of the zoning code.

(6) The Board of Adjustment may not:

(a) Grant a variance to allow a less restrictive use, or other use not permitted in the applicable district. A variance request must be compatible with the general purpose and intent of the zoning code and the General Plan upon which it is based, so that the spirit of the zoning code and General Plan shall be observed, public safety and welfare secured, and substantial justice be done, not only to the applicant, but to others who might be affected by approval of such variance; and

(b) The Board shall not approve a variance if it finds that the special circumstance(s) or condition(s) of the property, building or use which is claimed to cause a practical difficulty, unnecessary hardship or inconsistency with the intent of the purpose of the zoning code or General Plan applies generally throughout the neighborhood or district. In such cases where variance requests are so general, or recurrent in nature, an amendment of the zoning code should be considered to provide a general regulation for such special circumstance rather than the approval of variance requests.

('80 Code, App. A, § 211) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995; Ord. O2010-32, passed 7-7-2010; Ord. O2010-66, passed 1-5-2011)

§ 154-02.06 Minor Variance Committee.

(A) *Purpose*. The city shall establish a Minor Variance Committee, consisting of the Zoning Administrator and two additional members of the Department of Community Development Staff as determined by the Zoning Administrator, to act as the hearing officer as provided by A.R.S. § 9-462.06.

(B) *Duties*.

(1) The Minor Variance Committee shall have the authority to grant, upon such terms and conditions it deems necessary, a minor variance(s) as defined in Article 1 of this chapter.

(2) The Minor Variance Committee may, at an open meeting, approve a minor variance(s) upon the making of the findings required in § 154-03.04(D)(1)(a) through (D)(1)(d) of this chapter, when the following conditions are satisfied:

(a) The applicant receives written consent to the requested minor variance(s), on a form provided by the Zoning Administrator, from an owner of each property adjacent to the property which is the subject of the minor variance request, whether or not separated

by public rights-of-way;

(b) The application requests a variance not exceeding a 20% reduction or increase of a development standard or dimension required by the zoning code; and

(c) The Minor Variance Committee determines that the request complies with the four findings of fact required by § 154-03.04(D)(1)(a) through (D)(1)(d).

(3) The Minor Variance Committee may not:

(a) Grant a variance to allow a less restrictive use or other use not permitted in the applicable district; and

(b) A minor variance request must be compatible with the general purpose and intent of the zoning code and the General Plan upon which it is based, so that the spirit of the zoning code and the General Plan shall be observed, public safety and welfare secured, and substantial justice done not only to the applicant, but to others who might be affected by the granting of such minor variance(s).

(Ord. O2010-32, passed 7-7-2010)

Article 03 - Zoning Procedures

§ 154-03.01 Citizen Review Process.

(A) *Purpose*. To provide appropriate information to adjacent land owners and other potentially affected citizens of requested zoning map amendments, conditional use permits, specific plans and subdivisions of land and allow opportunities to express any issues or concerns that they may have with the proposal before the public hearing.

(Ord. O2003-66, passed 12-3-2003; Ord. O2005-47, passed 7-6-2005)

(B) *Notification*. All notifications sent pursuant to § 154-03.02 shall include:

(1) The substance and location of the proposal;

(2) The purpose or intent of the proposal;

(3) Contact information for the staff and the applicant, or his or her agent, which may include telephone numbers, mailing and e-mail addresses; and

(4) Meeting dates and locations of neighborhood meetings, if deemed appropriate.

(Ord. O2003-66, passed 12-3-2003; Ord. O2005-47, passed 7-6-2005)

(C) *Neighborhood meetings*. Following application for zoning map amendment, conditional use permit, specific plan or preliminary subdivision of land, a neighborhood meeting or other public input opportunity may be required. City staff will establish the process and procedures for the neighborhood meetings. Failure by the applicant to participate in the neighborhood meeting, will delay the development review process for the subject application.

(Ord. O2003-66, passed 12-3-2003; Ord. O2005-47, passed 7-6-2005; Ord. O2010-32, passed 7-7-2010)

§ 154-03.02 Notification for Public Hearings.

(A) *Zoning amendments (boundaries and/or regulations).*

(1) Notice of the time and place of the hearing, including a general explanation of the matter to be considered and a general description of the area affected, shall be given at least 15 days before the hearing by publication at least once in a newspaper of general circulation, published or circulated in the city.

(2) In proceedings involving an amendment of the zoning map, additional written notice of the hearing shall be given by mail at least 28 days before the hearing to all owners of property within a radius of 300 feet of the exterior boundaries of the property being the subject of the application; using for this purpose the name and address shown on the county assessment roll.

(3) Failure of any property owner to receive said notice will not invalidate the proceedings.

(4) When the property being the subject of the application abuts unincorporated areas of the county or other municipalities, notice

shall be given to the planning agencies of such governmental units.

(5) This requirement for written notice shall not apply to amendments initiated by the City Council or Planning Commission that, in effect, adopt a new zoning map for the city, or a large portion thereof.

(6) In zoning requests involving one or more of the following changes to the standards governing land use, additional notice is required:

(a) A 10% or more increase or decrease in the number of square feet or units that may be developed;

(b) A 10% or more increase or reduction in the allowable height of buildings;

(c) An increase or reduction in the allowable number of stories of buildings;

(d) A 10% or more increase or decrease in setback or open space requirements; and

(e) An increase or reduction in permitted uses.

(7) In these instances, notice shall be provided to real property owners in one of three ways:

(a) Send a notice of the proposed changes in utility bills or other mass mailings which are periodically issued;

(b) Publish a display ad on the proposed change in a newspaper of general circulation in the city or town prior to the public hearing on any such change. The display ad must cover not less than one-eighth of a full page; or

(c) Send a notice by first class mail to all property owners whose property is directly governed by the proposed change.

(8) If notice is provided using the method involving a display ad or the use of utility bills and other mass mailings, the municipality shall also send notice by first class mail to all persons who register their name and address with the municipality as being interested in receiving such notices. A fee not to exceed $5 per year shall be charged for providing this service.

(B) *Variances.*

(1) A public hearing to consider the requested variance shall be held by the Board. Notice of the time and place of the hearing shall be given as follows:

(a) In at least one publication in a newspaper of general circulation in the city, at least 15 days before the hearing;

(b) By posting of notice in conspicuous places on, or close to, the property; and

(c) By mail, or hand delivery, at least seven days before the hearing, to all owners of property within 300 feet of the exterior boundaries of the subject property of the request, using the name and address shown on the county assessment roll.

(2) Failure of any property owner to receive said notice shall not invalidate the proceedings.

('80 Code, App. A, § 211) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995)

(C) *Appeals of the Zoning Administrator and the Minor Variance Committee.*

(1) A public hearing shall be held by the Board. Notice of the time and the place of the hearing shall be given as follows:

(a) In at least one publication in a newspaper of general circulation in the city, at least 15 days before the hearing;

(b) By posting of notice in conspicuous places on, or close to, the property; and

(c) By mail at least seven days before the hearing to all owners of property within a radius of 300 feet of the exterior boundaries of the subject property of the appeal, using the name and address shown on the county assessment roll.

(2) Failure of any property owner to receive said notice shall not invalidate the proceedings.

(D) *Conditional use permits.*

(1) A public hearing shall be held by the Commission. Notice of the time and place of the hearing shall be given as follows:

(a) In at least one publication in a newspaper of general circulation in the city, at least 15 days before the hearing;

(b) By posting of notice in conspicuous places on, or close to, the property; and

(c) By mail or hand delivery at least 28 days before the hearing to all owners of property within 300 feet of the exterior boundaries of the subject property of the request, using the name and address shown on the county assessment roll.

(2) Failure of any property owner to receive said notice shall not invalidate the proceedings.

('80 Code, App. A, § 215) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995; Ord. O2003-66, passed 12-3-2003; Ord. O2010-32, passed 7-7-2010)

§ 154-03.03 Zoning Amendments.

This chapter may be amended by changing the boundaries of any zoning district, imposing new regulations or removing, changing or modifying the regulations previously imposed whenever the public necessity and convenience and the general welfare require such amendment, by following the procedure of this section.

(A) *Amendment of the zoning map.* An amendment of the zoning map may be initiated by:

(1) The City Council;

(2) The Planning Commission; and/or

(3) One or more owners of property affected by the proposed amendment.

(B) *Application for amendment of zoning map.* The application shall be made on the form provided and shall be accompanied by a nonreturnable filing fee in accordance with the fee schedule adopted by City Ordinance No. 1943, and successors. Said application shall bear the property owners signatures and addresses, the legal description and land area of each property included in the application, the total land area represented by the application, a map of the area and a list of the names and addresses of all owners of property within a radius of 300 feet of the exterior boundaries of the property being the subject of the application, using for this purpose the name and address shown on the county assessment roll.

(C) *Amendment of the text.* An amendment of the text of this chapter may be initiated by:

(1) The City Council;

(2) The Planning Commission; and/or

(3) Any resident of or owner of property in the city.

(D) *Application for amendment of the text.* The application shall be made on the form provided and shall be accompanied by a nonreturnable filing fee in accordance with the fee schedule adopted by City Ordinance No. 1943, and successors.

(E) *Public hearing.* At least one public hearing shall be held by the Commission. Following the aforesaid hearing, the Planning Commission shall file a report of its findings and recommendations with respect to the proposed amendment with the City Council within 30 days of the final public hearing; the report shall be in writing and shall include the recommendations for approval, conditional approval or disapproval and shall contain a brief summary of the reasons for the recommendations. If the Planning Commission deems it advisable, it may recommend that the area under consideration for change in classification be enlarged or diminished or be reclassified to a district other than the district originally initiated.

(F) *Withdrawal of petition for amendment.* Upon the consent of the Planning Commission, any petition for an amendment may be withdrawn upon the written application of a majority of all persons who signed such a petition. The City Council or the Planning Commission may by resolution abandon any proceedings for an amendment initiated by its own resolution of intention, provided that such abandonment may be made only when such proceedings are before such body for consideration, and provided that any hearing of which public notice has been given shall be held.

(G) *Adoption of recommendation.* After the Planning Commission has held a public hearing, the City Council may adopt the recommendation of the Planning Commission without holding another public hearing if there is no objection, request for a public hearing or other protest. A public hearing shall be held if requested by the party aggrieved or any member of the public or of the City Council.

(H) *Notice.* If the City Council holds a public hearing, notice shall be given in the manner provided in § 154-03.02 of this article.

(I) *Amendment may be conditioned.* An amendment of the zoning map may be conditioned, upon:

(1) A schedule for development of the specific use or uses requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, it shall revert to its former zoning district classification without further

action; and

(2) Public dedication of rights-of-way as streets, alleys, public ways, drainage and public utilities are as reasonably required by, or related to, the effect of the amendment.

(J) *Filing of protest by adjacent property owners.*

(1) If the owners of 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 City Council.

(2) If any members of the City 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 questions shall be three-fourths of the remaining membership of the Council, provided that such required number of votes shall in no event be less than a majority of the full membership of the Council.

(K) *Resubmittal after denial.* In case a petition for an amendment is denied by the City Council, said petition shall not be eligible for resubmittal for one year from date of said denial, unless specifically stated to be without prejudice. A new petition affecting the same property must be, in the opinion of the Planning Commission, substantially different from the petition denied, or conditions must have sufficiently changed for the new petition to be eligible for consideration within one year from said date of denial, unless denied without prejudice.

('80 Code, App. A, § 250) (Ord. 583, passed 9-16-1952; Ord. 1378, passed 9-4-1974; Ord. 1939, passed 6-18-1980; Ord. 2426, passed 11-2-1988; Ord. O2003-66, passed 12-3-2003; Ord. O2010-32, passed 7-7-2010)

§ 154-03.04 Variances and Appeals.

(A) *Purpose.* The purpose of the variance procedure is to allow for a variation from the strict application of the development standards or dimension requirements of the zoning code where practical difficulties unnecessary hardship, or a result inconsistent with the general purposes of the zoning code would occur from its strict, and literal interpretation, and enforcement. The Zoning Board of Adjustment shall also be authorized to hear and decide appeals from the decision of the Zoning Administrator and from the Minor Variance Committee.

('80 Code, App. A, § 211) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995)

(B) *Applications.* A written application shall be submitted to the Planning and Neighborhood Service Division as follows:

(1) On the form provided by the Zoning Administrator and signed by the property owner;

(2) Shall specify the variance(s) or minor variance(s) requested or specify the grounds of the appeal;

(3) Shall be accompanied by a nonrefundable filing fee in accordance with the fee schedule adopted by the City Ordinance No. 1943, and successors;

(4) Shall include reasons for granting the application or for granting the appeal; and

(5) Shall include plans and other pertinent information.

('80 Code, App. A, § 211) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995)

(C) *Public hearing.*

(1) A public hearing to consider the requested variance or the appeal shall be held by the Board.

(2) Notice of the time and place of the hearing shall be given as outlined in § 154-03.02(B) or (C).

(D) *Zoning Board of Adjustment action.*

(1) Following the aforesaid hearing, the Board shall grant a variance(s) only when findings of fact are made that all of the following conditions exist:

(a) There is a special circumstance(s) or condition(s), applying to the property or building referred to in the application and which do(es) not apply to most other properties in the district;

(b) That such special circumstance(s) was not created, or caused, by the property owner or applicant;

(c) The granting of the variance(s) is necessary for the preservation of substantial property rights enjoyed by other property owners in the vicinity under identical zoning designations; and

(d) The granting of the variance shall not be materially detrimental to any person(s) residing, or working, in the vicinity, to adjacent property, to the neighborhood or to the public health, safety and general welfare.

('80 Code, App. A, § 211) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995; Ord. O2008-55, passed 12-3-2008)

(2) Following the aforesaid hearing, the Board shall take action to either continue consideration, deny or grant an appeal from the decision of the Zoning Administrator and/or from the Minor Variance Committee.

(E) *Stay of proceedings.* An appeal stays all proceedings unless the Zoning Administrator certifies that a stay would cause imminent peril to life or to property. Upon such certification, proceedings shall not be stayed, except by restraining order granted by a court of record upon notice to the Zoning Administrator.

('80 Code, App. A, § 211) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995)

(F) *Expiration and time extensions.*

(1) *Expiration.* In any case where a variance(s) has not been used within one year after the granting thereof, it shall be null and void.

(2) *Time extensions.* The Zoning Board of Adjustment, however, shall hold a public hearing to consider the granting of a time extension of no more than one additional year as follows:

(a) Upon request by the applicant;

(b) When the request is filed with the Planning and Neighborhood Services Division prior to the expiration date of the original variance(s) approval;

(c) When accompanied by a time extension fee in accordance with City Ordinance No. 1943, and successors; and

(d) Upon determination by the Board that there have been no changes in the circumstances, or the vicinity of the property, or use, which would render the previously approved variance(s) inappropriate.

('80 Code, App. A, § 211) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995)

(G) *Revocation or modification of variances.*

(1) *Revocation.* The Zoning Board of Adjustment, shall be authorized to hold a public hearing to consider the revocation, or modification, of a variance(s) previously granted in accordance with the provisions of the zoning code. A written notice of the date, time, place and purpose of the hearing shall be served on the owner of the property for which the variance was granted by registered mail, return receipt requested, not less than seven days prior to the date of such hearing. Additional notice shall be provided as specified in § 154-03.02(B).

(2) *Findings.* A variance(s) may be revoked, or modified, if, from the facts presented at the public hearing, or by investigation, the Zoning Board of Adjustment makes an affirmative determination on any one or more of the following findings:

(a) The variance(s) approval was obtained by fraud;

(b) The variance(s) granted is being exercised contrary to the conditions of approval of such variance(s), or in violation of any applicable law, license, ordinance, permit or regulation; and/or

(c) The use for which the variance(s) approval was granted is being, or has been, exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

(3) *Appeal of revocation.* Each decision by the Zoning Board of Adjustment to revoke variance(s) shall be by a majority of the membership of the Board present and voting. Any person may appeal the revocation in writing to the Planning and Neighborhood Services Division, including any required appeal fee, within 30 days of the decision of the Board of Zoning Adjustment. The appeal shall be forwarded to the City Council. The City Council may, after a public hearing, affirm, reverse or modify the decision of the Zoning Board of Adjustment.

('80 Code, App. A, § 211) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995)

(H) *Minor variances.* The purpose of the minor variance procedure is to allow for a maximum 20% variation from a development standard or dimension requirement of the zoning code where a practical difficulty, unnecessary hardship, or a result inconsistent with the general purposes of the zoning code would occur from its strict, and literal interpretation, and enforcement.

(1) *Open meeting.* Notwithstanding the procedures set forth in divisions (D)(1)(a) through (D)(1)(c) above for consideration of a variance application, the Minor Variance Committee may, at an open meeting, approve a minor variance(s) upon the making of the findings required in divisions (D)(1)(a) through (d) above, when the conditions outlined in § 154-02.06(B)(2) are satisfied.

(2) *Zoning Administrator.* Notwithstanding the procedures set forth in divisions (D)(1)(a) through (D)(1)(c) above for consideration of a variance application, the Zoning Administrator may approve a deviation in development standards and/or dimensional criteria upon the making of the findings required in divisions (D)(1)(a) through (D)(1)(d) above, when the conditions outlined in § 154-02.03(B)(7) are satisfied.

(3) *Appeal.* In the event the Minor Variance Committee approves, denies or approves with conditions an application for a minor variance(s) filed pursuant to these regulations, any person may appeal that decision in writing to the Planning and Neighborhood Services Division, including any required appeal fee, within 30 days of the decision of the Minor Variance Committee, and request that the minor variance be placed on the agenda of the next available, regularly scheduled Zoning Board of Adjustment meeting. Such applications shall be acted on by the Zoning Board of Adjustment as specified in division (D) above.

('80 Code, App. A, § 211) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995; Ord. O2006-39, passed 6-21-2006; Ord. O2010-32, passed 7-7-2010)

§ 154-03.05 Conditional Use Permits.

(A) *Purpose.* The purpose for the conditional use permit procedure is to allow approval of uses which are deemed to possess location, use, building or traffic characteristics of such unique and special form as to make impractical or undesirable, their automatic inclusion as permitted uses in certain districts. The Planning and Zoning Commission shall have the authority to grant approval for conditional uses, under the procedures herein stated. In granting a conditional use permit; certain safeguards may be required, and certain conditions established to accomplish to following:

(1) To protect the public health, safety, convenience and general welfare;

(2) To assure that the purposes of the zoning code shall be maintained with respect to the particular conditional use on the particular requested site;

(3) To consider the location, use, building, traffic characteristics and environmental impact(s) of the proposed use; and

(4) To consider existing and potential uses with the general area in which the requested conditional use is proposed.

('80 Code, App. A, § 215) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995)

(B) *Conditions of approval.* The conditions of approval required by the Planning and Zoning Commission in granting a conditional use permit may include, but are not limited to, provisions concerning access, aesthetics, appearance, area, driveways, environmental attenuation, general character, height, hours of operation, lighting, loading, neighborhood compatibility; noise attenuation, on- and off-site improvements, open spaces, operating hours, parking, prevention of vandalism or graffiti, revocation dates, security of persons and property, setbacks, signs, site plan, size, street right-of-way dedication, time limits for commencing construction or use authorization, use, walls, yards and any other conditions the Planning and Zoning Commission may deem appropriate and necessary to carry out the purpose(s) of the zoning code.

('80 Code, App. A, § 215) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995)

(C) *Exceptions; approval or denial.* In granting a conditional use permit, the Planning and Zoning Commission shall be authorized to hear and decide applications for an exception(s) as follows:

(1) When filed concurrently with a conditional use permit application;

(2) As authorized by § 154-03.04(A) as a variance to the zoning code; and

(3) Provided the Planning and Zoning Commission shall make the four findings of fact required by § 154-03.04(D)(1) of the zoning code.

('80 Code, App. A, § 215) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995)

(D) *Types of conditional uses.* The Planning and Zoning Commission may grant a conditional use permit in accordance with the procedures stated in the zoning code for any of the following uses:

(1) Any use listed as a conditional use in any district;

(2) A temporary and revocable use of property on an undeveloped parcel(s) for a maximum period of 12 months; provided, such use be of a true temporary nature, does not require the erection of substantial buildings or improvements and shall be subject to the applicant furnishing satisfactory assurance of complete removal of such buildings or improvements at the expiration of the permit approval; and

(3) Any hazardous material environmental remediation program, project or facility proposed to exceed a ten-day period for property in any district.

('80 Code, App. A, § 215) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995)

(E) *Application.* A written application shall be submitted to the Planning and Neighborhood Services Division as follows:

(1) On the form provided by the Zoning Administrator and signed by the property owner;

(2) Shall specify the conditional use requested;

(3) Shall be accompanied by a nonrefundable filing fee in accordance with the fee schedule adopted by City Ordinance No. 1943, and successors;

(4) Shall include reasons for granting the application; and

(5) Shall include plans and other pertinent information.

('80 Code, App. A, § 215) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995)

(F) *Public hearing.* A public hearing shall be held by the Commission. Notice of the time and place of the hearing shall be given as outlined in § 154-03.02(D).

(G) *Planning and Zoning Commission action.*

(1) The Planning and Zoning Commission shall have the authority to hear and decide applications for conditional use permits. However, when specified by the zoning code that the City Council shall have the final authority to decide applications for conditional use permits, the decision of the Planning and Zoning Commission shall be advisory to the City Council.

(2) In order to approve an application for a conditional use permit, the Planning and Zoning Commission shall make a finding that each of the following questions can be answered affirmatively.

(a) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

(b) Will the establishment, maintenance and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental or injurious, to the value of property in the vicinity, or to the general welfare of the city?

(c) Are the provisions for ingress, egress and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

(d) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

(e) Are the height and bulk of the proposed buildings and structures compatible with the general character of development in the vicinity of the requested conditional use?

(f) Have provisions been made to attenuate noise levels and provide for adequate site and security lighting?

(g) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design) and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

('80 Code, App. A, § 215) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995)

(H) *Expiration and time extensions.*

(1) *Expiration.* In any case where a conditional use permit has not been used within one year after the granting thereof, it shall be null and void.

(2) *Time extensions.* The Commission, the Hearing Officer, or in the case of City Council approval, the Council, shall hold a public hearing to consider the granting of a time extension of no more than one additional year as follows:

(a) Upon request by the applicant;

(b) When the request is filed in writing with the Planning and Neighborhood Services Division prior to the expiration date of the original conditional use permit approval;

(c) When accompanied by a time extension fee in accordance with City Ordinance No. 1943, and successors; and

(d) Upon determination by the Commission, the Hearing Officer, or in the case of City Council approval, the Council, that there have been no changes in the circumstances, or the vicinity of the property or use, which would render the previously approved conditional use permit inappropriate.

('80 Code, App. A, § 215) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995; Ord. O2011-10, passed 4-20-2011)

(I) *Revocation or modification of conditional use permits.*

(1) *Revocation.* The Planning and Zoning Commission, shall be authorized to hold a public hearing to consider the revocation or modification of a conditional use permit previously granted in accordance with the provisions of the zoning code. A written notice of the date, time, place and purpose of the hearing shall be served on the owner of the property for which the conditional permit use was granted by registered mail return receipt requested, not less than seven days prior to the date of such hearing. Additional notice shall be provided as specified in § 154-03.02(D).

(2) *Findings.* A conditional use permit may be revoked, or modified, if, from the facts presented at the public hearing, or by investigation, the Planning and Zoning Commission makes an affirmative determination on any one or more of the following findings:

(a) The conditional use permit was obtained by fraud;

(b) The conditional use permit is being exercised contrary to the conditions of approval of such conditional use permit, or in violation of any applicable law, license, ordinance, permit or regulation; and/or

(c) The use for which the conditional use permit was granted is being, or has been, exercised as to be detrimental to the public health, or safety, or so as to constitute a nuisance.

(3) *Appeal of revocation.* Each decision by the Planning and Zoning Commission to revoke a conditional use permit shall be by a majority of the membership of the Commission present and voting. Any person may appeal in writing to the Planning and Neighborhood Services Division, including any required appeal fee, within 30 days of the revocation determination of the Planning and Zoning Commission. The appeal shall be forwarded to the City Council. The City Council may, after a public hearing, affirm, reverse or modify the decision of the Planning and Zoning Commission.

('80 Code, App. A, § 215) (Ord. 583, passed 9-16-1952; Ord. O95-090, passed 12-20-1995; Ord. O2010-32, passed 7-7-2010)

§ 154-03.06 Protected Development Rights.

(A) *Protected development right plan approvals.* The City Council shall consider for approval protected development right plans submitted in accordance with A.R.S. §§ 9-1201 through 9-1205, as amended, and the procedures set forth in this section of the City Code.

(1) *Protected development right plan.* A city-approved development plan or subdivision plat, which at a minimum, describes with a reasonable degree of certainty:

(a) The proposed uses of the site;

(b) The boundaries of the site;

(c) Significant topographical and other natural features affecting development of the site;

(d) The number of dwelling units or other structures; and

(e) The location of all existing and proposed utilities and a provision for other infrastructure on the site, including water, sewers, roads and pedestrian walkways.

(2) *Phased development.* For purposes of consideration and approval of protected development right plans, a phased development is a master planned development which:

(a) Consists of at least 40 acres depicted on a single master subdivision plat for a residential development;

(b) Consists of at least 20 acres depicted on a single master planned subdivision plat or development plan for a nonresidential development;

(c) Is the subject of newly adopted planned unit development (PUD); or

(d) The City Council have identified as a phased development for purposes of protected development rights.

(3) *A plan or subdivision plat for other than a phased development.* A plan or subdivision plat for other than a phased development may be considered a protected development right plan only if, in addition to the foregoing requirements, it describes with a reasonable degree of certainty the square footage, height and general location of proposed buildings, structures and other improvements and provides the final site development approval needed for issuance of a building permit.

(Ord. O2005-47, passed 7-6-2005)

(B) *Grant of protected development right.* A protected development right shall be granted upon approval by the City Council of a plan identified at the time it is submitted as a protected development right plan.

(C) *Effective date of protected development right.* A protected development right shall be deemed established with respect to a property on the effective date of City Council approval of a protected development right plan.

(D) *Duration of protected development right.* The duration of the protected development right shall be three years for a non-phased development and five years for a phased development, with a single two year extension permitted at the discretion of the City Council in either event.

(E) *Modification of development plan expiration dates.* A development plan that has been designated a protected development right plan shall expire upon termination of the protected development right. If a building permit has been issued before the date of termination of a protected development right, the protected development right remains valid until the building permit expires, but in no event for longer than one year.

(F) *Conditions or variance.* A protected development right plan approved with conditions, or stipulation that a variance be obtained, does not confer a protected development right until the conditions are met or the necessary variance is obtained.

(G) *Health and welfare exception.* The protected development right shall not be applicable to matters of health and welfare, as set forth by either the United States Environmental Protection Agency or the Arizona Department of Environmental Quality/Department of Health Services.

(Ord. O2010-32, passed 7-7-2010)

§ 154-03.07 Plan of Development (PSC Zoning District).

(A) *Filing of plan of develop.* The owners or their agents shall file with the Planning Director a plan of development to be approved by the City Council upon review and report by the Planning Commission. The plan of development shall include a site plan illustrating the proposed size and location of all buildings and structures, parking areas, landscaped areas and traffic circulation, street improvement, water, sewer and drainage plans and a schedule of development. A market feasibility study, landscaping plans and architectural elevations may be required if necessary to ensure that the purpose of the PSC Zoning District will be accomplished.

(B) *Filing fee.* A nonreturnable filing fee in accordance with the fee schedule adopted by City Ordinance No. 1943, and successors, shall be required for review of a plan of development.

(C) *Recommendations of Planning Commission.* The recommendations of the Planning Commission shall include the reasons for approval or disapproval of the plan of development, and if recommended for approval, evidence demonstrating the following

specific purposes of the PSC Zoning District will be accomplished:

(1) The completed project will function as an inter-related and coordinated whole such successfully provides interplay among individual commercial establishments and separation of vehicular and pedestrian circulation;

(2) Adequate and safe ingress and egress, internal traffic circulation and off-street parking will be provided;

(3) There will be adequate landscaping or screening, architectural unity, sign control and drainage facilities to preserve and protect surrounding residential areas and general community character; and

(4) Construction of the project will commence, and the entire project will be completed within a reasonable period of time.

(D) *Approved plan of development.* An approved plan of development shall be binding upon the property owner, his or her agents, their successors or assignees. No building permit shall be issued for any building or structure not in accord with the plan of development. The construction, location, use or operation of all land and structures within the site shall conform to all conditions and limitations set forth in the plan of development. No structure, use or other element of an approved plan of the development shall be eliminated, altered or provided in another manner unless an amendment is approved. Amendments shall be processed in the same manner as the initial plan of development for a shopping center.

('80 Code, App. A, § 100) (Ord. 583, passed 9-16-1952; Ord. 1627, passed 7-6-1977; Ord. 1939, passed 6-18-1980; Ord. 2687, passed 1-4-1995)

(E) *Time limit.* In the event that a plan of development is not submitted within two years from the effective date of the ordinance establishing the PSC Zoning District on a specific property, or construction of a shopping center does not commence within one year of final approval of a plan of development, the property shall revert to its former zoning district classification without further action. In such event county zoning classification existing prior to establishment of the PSC Zoning District, the property shall revert to the Residence "A" Zoning District. The Planning Commission may, upon request and for good cause, extend time limits prescribed herein for successive periods of up to six months.

('80 Code, App. A, § 100) (Ord. 583, passed 9-16-1952; Ord. 1627, passed 7-6-1977; Ord. 2687, passed 1-4-1995; Ord. O2010-32, passed 7-7-2010)

§ 154-03.08 Design Review Procedure.

(A) *Submittal and approval.* The project design plan, for any project within an Aesthetic Overlay District, shall be submitted and approved by the Design and Historic Review Commission (DHRC) prior to the issuance of any construction or development permits.

(B) *Fee.* The project design plan shall be accompanied by the appropriate fee and shall provide adequate information for the Design and Historic Review Commission (DHRC) to determine whether the proposed project will meet the ordinance requirements of the district.

(C) *Project design plan.* The following minimum information shall be provided on all project design plans:

(1) *Location map.* Including area within one-half mile of the subject lot including adjacent zoning districts, with north arrow indicator;

(2) *Proposed project design plan.* Location, identification and dimension of the following existing and proposed data, to a distance of 100 feet outside the subject lot unless otherwise stated to include the following:

(a) Topographic contours, at a minimum interval of one foot vertical to two feet horizontal (existing and proposed);

(b) Property lines (existing and proposed), with dimensions and north arrow indicator;

(c) Buildings and structures:

1. Use and square footage of each building;

2. Horizontal dimensions;

3. Building elevations;

4. Indicate required front, side, rear and street yard setbacks; and

5. Location, height and material of all existing and proposed walls or fences.

(d) Streets, alleys, driveways, paths, bikeways and rights-of-way;

(e) Easements, stating dimension and nature (both existing and proposed, aboveground and underground);

(f) Walls and fences (existing and proposed), including height, location and material;

(g) Parking facilities, including bicycle racks:

1. Proposed driveways (showing points of ingress and egress), islands and planters; and

2. Calculations indicating number of spaces for each use as required by the zoning code.

(h) Lighting (exterior) showing location, type and height in accordance with the Aesthetic Overlay District, Aesthetic Overlay Design Guidelines and Article 18 of this chapter; and

(i) Conceptual landscaping plan, indicating general location and type of plantings.

(D) *Plan sheet.* An 11 inch by 17 inch reduction of each plan sheet if submittal information is not submitted digitally.

(E) *Legend.* A legend shall be included, indicating the following:

(1) Name of project/development;

(2) Location of project/development by street address;

(3) Name and mailing address of developer/owner;

(4) Name and mailing address of engineer/architect or agent;

(5) Date of plan preparation;

(6) North arrow indicator;

(7) Scale of not less than one-inch equals 40, 50, 60, 100 or 200 feet to the inch, as deemed appropriate for each application;

(8) Project summary, indicating the scope and nature of project (if applicable, the project design plan shall include information on how it is coordinated with the overall Master Plan for the development); and

(9) An inventory of the uses proposed, including floor areas for each use.

(F) *Phasing plan.* If the proposed project is to be constructed in phases, a phasing plan for subsequent phases shall be provided. The following minimum information shall be provided on all phasing plans:

(1) Legal description of all properties, gross acreage of the entire project, and gross acreage of each property;

(2) A phasing plan at an appropriate scale indicating:

(a) Locations of buildings and structures;

(b) Parking facilities;

(c) Vehicle, pedestrian and bicycle circulation;

(d) Locations of adjacent arterial and major collector streets; and

(e) Retention, open space and recreational areas.

(3) A table of the proposed uses including gross floor areas for each use; and

(4) Location and timing of phasing within the development.

('80 Code, App. A, § 113) (Ord. 583, passed 9-16-1952; Ord. 2663, passed 7-20-1994; Ord. O2008-31, passed 8-6-2008; Ord. O2009-54, passed 10-21-2009; Ord. O2010-32, passed 7-7-2010)

§ 154-03.09 Historic Designation Establishment Procedure.

(A) An application for designating a building, structure, area or object as an historic site shall be filed with the Community Development Department.

(B) Within 90 days of the date of filing of the application, the Commission shall hold a public hearing and render a decision on the application, unless an extension of time is authorized in writing by both the Commission and the applicant. Notice of the time and place of the hearing, including a general explanation of the application and a description of the building, structure or object or the area sought to be included within the district, shall be given by the Zoning Administrator at least 15 days before the hearing. Said notice shall include the time and place of a second public hearing, to be held within a reasonable time thereafter, by the Planning and Zoning Commission pursuant to requirements for amending the zoning map.

(1) The notice shall be published at least once in a newspaper of general circulation, published or circulated within the city; or, if there is none, upon an application for designation of an historic district by posting notice in at least ten places within the area to be included in the district and, upon either application, in at least ten public places other than at the building, structure or object within the area.

(2) Notice of hearing on the application for designation of an area as an historic district shall be mailed to the owner of each parcel of real property within the proposed district, and to all owners of property within 100 feet of the exterior boundaries of the proposed district, addressed to the owner in the name shown and at the address shown in the assessment parcel records of the County Assessor as of the date of filing the application. Failure of any property owner to receive said notice shall not invalidate the proceedings.

(3) Notice of hearing on the application for designation of a building, structure or object as an historic site shall be mailed to the owner of that building, structure or object and to all owners of property within a radius of 100 feet of the exterior boundaries of the subject property, addressed to the owner in the name shown and at the address shown in the assessment parcel records of the County Assessor as of the date of filing the application. Failure of any property owner to receive said notice shall not invalidate the proceedings.

(4) Additional notice may be required by the Commission under its rules.

(C) The Community Development Department shall provide administrative support for the Commission upon any application.

(D) (1) The Commission's decision shall be made at a public hearing to recommend one of the following:

(a) Adoption of an ordinance creating the historic site or district;

(b) A district of lesser size than sought by the application but within the boundaries described in the application; or

(c) Denial of the application.

(2) After its announcement, the decision shall be put in writing, with the reasons for the recommendation, and transmitted to the Planning and Zoning Commission for review/recommendation, and then forwarded to the Mayor and Council for the final decision.

(E) Written objection of the Commission's decision may be filed with the City Clerk by any adult resident of the city within ten days following the date of the public hearing at which the decision was made. In the event written objection is so filed, a public hearing shall be held before the City Council prior to action being taken on the Commission's recommendation, with notice of the hearing.

(F) An historic site or district shall be identified upon the official zoning map of the city with the symbol "H" immediately following the zoning district name; no modification of underlying zone or permitted use shall thereby be affected.

('80 Code, App. A, § 114) (Ord. 583, passed 9-16-1952; Ord. 2125, passed 5-4-1983; Ord. O2009-54, passed 10-21-2009; Ord. O2010-32, passed 7-7-2010)

§ 154-03.10 Land Use Waiver (AD Overlay Zone).

(A) If a property owner desires to develop a parcel of land with a use that is not permitted within the airport noise and accident potential zone in which the property is located, the owner may file an application for a land use waiver in accordance with procedures established in § 154-03.03 of this chapter.

(B) Waivers may be granted after public hearings by the Planning Commission and City Council, and upon a specific finding by the Council that the purpose of the Airport District and the zoning ordinance is preserved.

(C) Applications shall be filed with the Planning Division, and shall be accompanied by a detailed site plan, a detailed description of the proposed uses and their relationship to adjacent property. Applications shall be submitted under one of the two following provisions.

(1) *Submission of a test report.*

(a) The test report to be prepared under the supervision of a registered engineer in Arizona in accordance with accepted day-night average sound level methodology of sound measurements. Such test report shall establish the Ldn level for the requested land use as permitted by this Airport District; or

(b) At the option of the applicant, the applicant shall provide an accurate survey map for the petitioned property and financial assurance in a form approved by the city. Said assurance being for the sole purpose to reimburse the city for the actual cost of hiring a registered engineer to conduct the test report.

(2) *Submission of an application, report and plans.* Submission of an application, report and plans which provide the following:

(a) A statement acknowledging and not challenging the noise level as indicated by the airport noise and accident potential zone map; and

(b) Documentation that the permitted uses within the specific noise zone and/or APZ Zone are not reasonable uses of the property because of one of the following conditions:

1. The permitted uses would have a detrimental effect upon adjacent property;

2. There are special circumstances applicable to the property including, but not limited to, size, shape, topography, adjacent development, street access, utilities and other development constraints; and

3. A land use waiver, shall not be granted if the conditions which created the detrimental effect upon adjacent property or the special circumstances were established by the property owner after the adoption of the Airport District.

(D) A land use waiver shall not be granted for residential uses within the APZ-1, APZ-2 and clear zones.

('80 Code, App. A, § 122) (Ord. 583, passed 9-16-1952; Ord. 1837, passed 6-20-1979; Ord. 2352, passed 3-18-1987; Ord. O2010-32, passed 7-7-2010)

Article 04 - Zoning Districts, Maps and Annexation

§ 154-04.01 Zoning Districts Established.

(A) *Classifications.* For the purpose of this chapter, the city is hereby divided into zoning districts and overlay districts as follows:

(1) Rural and low density residential zoning districts:

(a) Agriculture District (AG);

(b) Suburban Ranch District (SR-1, 2, 3, 4);

(c) Residential Estate District (RE-12, 18, 35);

(d) Low Density Residential (R-1-6, 8, 12, 20, 40); and

(e) Low Density Single-Family Residential District (R-l-5).

(2) Multiple-family residential zoning districts:

(a) Medium Density Residential District (R-2);

(b) Medium Density Single-Family Residential District (R-2-5); and

(c) High Density Residential District (R-3).

(3) Manufactured housing and recreational vehicle zoning districts:

(a) Manufactured Housing Subdivision District (MHS);

(b) Recreational Vehicle Subdivision District (RVS);

(c) Manufactured Housing Park District (MHP); and

(d) Residence-Manufactured Housing District (R-MH-6, 8, 10, 12, 20).

(4) Commercial zoning districts:

(a) Transitional District (TR);

(b) Planned Shopping Center District (PSC);

(c) Limited Commercial District (B-1);

(d) General Commercial District (B-2); and

(e) Business Park District (BP).

(5) Industrial zoning districts:

(a) Industrial Park District (I-P);

(b) Light Industrial District (L-I); and

(c) Heavy Industrial District (H-I).

(6) Old Town District (OT);

(7) Historic Park District (HP);

(8) Military Reservation District (MR);

(9) Recreation and Open Space District (RO); and

(10) Overlay zoning districts:

(a) Aesthetic (AO);

(b) AutoCenter (ACO);

(c) Bed and Breakfast (BB);

(d) Historic (H);

(e) Airport District (AD);

(f) Public (P);

(g) Planned Unit Development (PUD); and

(h) Smart Growth Overlay (SGO).

(B) *Specific plans.*

(1) *Generally.* The city has adopted the following specific plans.

(2) *Cielo Verde Specific Plan (CVSP).* That certain document known as the Cielo Verde Specific Plan, three copies of which are on file in the office of the City Clerk, which document was made a public record by Resolution No. R2001-30 of the city, is hereby referred to, adopted and made a part hereof as if fully set out in this section; or as may be amended. See Appendix A: Cielo Verde Specific Plan.

(Ord. O2001-53, passed 6-20-2001; Ord. O2007-53, passed 10-3-2007; Ord. O2010-12, passed 2-3-2010; Ord. O2010-32, passed 7-7-2010; Ord. O2010-45, passed 9-1-2010; Ord. O2010-46, passed 9-1-2010)

§ 154-04.02 Boundaries and Areas.

(A) *Zoning map*. The boundaries and areas of these districts are hereby established as indicated by means of lines, symbols and figures expressing distance in feet and otherwise on the zoning map dated September 2, 1952, signed by the Mayor and City Clerk, which accompanies this chapter and is hereby referred to, and adopted as the official zoning map of the City of Yuma, Arizona and ordered filed in the office of the City Clerk of said city.

(B) *Indicated boundary lines*. The indicated boundary lines are intended generally to follow existing property lines or as may be otherwise indicated on the zoning map. A boundary shown on the zoning map which follows a street, alley, railroad line or other right-of-way shall be construed as following the centerline of the street or railroad right-of-way upon adoption of the zoning change. If subsequent to the establishment of the boundary, the centerline of the right-of-way is moved as a result of its widening or a minor re-alignment, the boundary shall be construed as being moved with the centerline only if the centerline is moved no more than 25 feet. If in conflict with prior or surrounding zoning changes, the Zoning Administrator would be the determining person.

(Ord. O2010-10, passed 2-3-2010)

(C) *Determination of doubtful lines*. In case of doubt or disagreement concerning the exact location of a district boundary line, the determination shall lie with the Board of Adjustment as herein provided in Article 3.

(Ord. O2010-32, passed 7-7-2010)

§ 154-04.03 Official Plan.

(A) The City Engineer shall prepare and maintain the official map of the city, a copy of which with all amendments thereto shall be on file with the City Clerk.

(B) The official map of the city shall show or indicate:

(1) All public streets existing and established by law at the time of the adoption of the official map;

(2) All planned streets and street right-of-way widening lines according to maps and plans adopted or approved by the Council;

(3) All streets and street lines shown on subdivision plats approved by the Council and recorded in the maps and plats records of the county; and

(4) All dedicated parks and playgrounds, the location of established public open spaces, the location of sites approved by the Council and intended to be used or acquired for any of the above purposes and the location of existing public schools.

(C) Upon adoption of the official map by the Council each proposed amendment to the map shall first be submitted to the Planning and Zoning Commission for its recommendation to the Council. In case of disapproval the Commission shall communicate its reasons to the Council. The failure of the Commission to act within 30 days after date of official submission shall be deemed approval, unless a longer period be granted by the submitting official.

('80 Code, § 23-33) (Ord. 766, passed 1-20-1959; Ord. O2010-32, passed 7-7-2010)

§ 154-04.04 City Plan.

(A) The city plan shall contain the Commission's recommendations to the Council for growth, development and beautification of the city. The city plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the area of jurisdiction. The Commission's recommendations shall be accompanied by the related recommendations of the Joint Planning Council for a coordinated city-county plan.

(B) The Commission may approve the city plan as a whole, or by successive actions approve separate parts of the plan corresponding with functional divisions of subject matter, and from time to time, amend, extend or add to the city plan. Before approval of the plan or any part, amendment, extension or addition thereto the Commission shall hold at least one public hearing thereon, as required of the Council for consideration of zoning amendments.

(C) After approval of the plan, or any part thereof, the Commission shall submit the plan to the Council for its consideration and adoption.

(D) Upon adoption of the plan, or any part thereof, by the Council, the city plan shall be the official guide to the Commission and to all city departments and agencies for development of the area of jurisdiction.

(E) The Commission annually shall review the Council approved city plan and shall submit to the Council a report of its findings and recommendations for amendments or extensions to the plan. The report may be presented separately or as part of the annual report.

('80 Code, § 23-32) (Ord. 766, passed 1-20-1959; Ord. O2010-32, passed 7-7-2010)

Statutory reference:

Comprehensive plan, see A.R.S. §§ 9-461.05 through 9-461.07

§ 154-04.05 Annexed Areas.

(A) *Zoning classification.*

(1) Areas annexed into the city shall, upon the date that said annexation becomes effective, be zoned to the most similar city zoning classification which permits densities and uses no greater than those permitted by the county immediately before annexation, provided that:

(a) The zoning district for the annexed area conforms to the land use designation for the area as identified in the General Plan;

(b) No subdivision, lot split or lot tie is pending or planned for the area;

(c) No change of use is pending or planned for the area;

(d) No establishment of a new use is pending or planned for the area; and

(e) No expansion of an existing use is pending or planned for the area, excepting therefrom a residential subdivision in its entirety.

(2) The city zoning classification for areas annexed into the city shall, for those areas conforming to all the criteria specified in divisions (A)(1)(a) through (A)(1)(e) above, be designated in the ordinance annexing the area.

(3) All other areas annexed to the city not meeting the criteria specified in divisions (A)(1)(a) through (A)(1)(e) above shall, upon the date that said annexation becomes effective, be zoned Agriculture District (AG). These areas shall be rezoned in accordance with the process and procedures as specified in A.R.S. § 9-462 pursuant to city ordinances. The rezoning of such areas may be conditioned upon the provision of adequate rights-of-way, avigation easements, median disclosure statements, deposits in lieu of construction for public improvements or other conditions related to the impact of the development of the area upon public services or facilities.

(4) Should the property owner enter into a development agreement with the city and that agreement adequately addresses the aforementioned impact of development issues, the annexed area may be then zoned as provided for in division (A)(1) above.

(5) The rezoning application fee will be waived for a period of six months following the effective date of annexation for annexed areas that are rezoned in accordance with division (A)(3) above.

(B) *Building permits.*

(1) County building permits issued for structures not completed and in areas that are annexed will be transferred to the Division of Building Safety. An inspection shall be made of the construction progress and a record started at the effective date of annexation. Further inspections shall conform to the building plans for which the permit was issued by the county.

(2) County building permits issued in the annexed areas shall become null and void if the building or work authorized by such permit is not commenced within 60 days of the effective date of annexation.

(C) *Nonconforming uses.*

(1) Any use or activity conducted contrary to county zoning regulations at the effective date of annexation and not constituting a nonconforming use under the county zoning regulations shall not be considered a continuance thereof shall constitute a violation of this chapter.

(2) Any use, activity or structure, that is existing at the effective date of annexation under a county permit with a time limit imposed, shall not be a nonconforming use hereunder, but may continue for the extent of the time limit.

('80 Code, App. A, § 20) (Ord. 583, passed 9-16-1952; Ord. 1730, passed 4-19-1983; Ord. 2235, passed 11-20-1984; Ord. O95-040, passed 9-5-1995; Ord. O2000-35, passed 6-21-2000; Ord. O2000-52, passed 8-2-2000; Ord. O2001-48, passed 6-6-2001; Ord. O2001-

53, passed 6-20-2001; Ord. O2010-32, passed 7-7-2010)

Article 05 - Rural and Low Density Residential Zoning Districts

§ 154-05.01 Agriculture District (AG).

(A) *Purpose.* The principal purpose of this zoning district is to conserve and protect farms and other open land uses, foster orderly growth in rural and outlying areas, and prevent urban and agricultural land use conflicts. The primary purpose of requiring large minimum lots is to discourage small lot or residential subdivisions where public facilities such as water, sewage disposal, schools, parks and playgrounds, and governmental services such as police and fire protection or trash collection are not available or could not reasonably be made available in the immediate future.

('80 Code, App. A, § 50) (Ord. 583, passed 9-16-1952)

(B) *Permitted principal uses.*

(1) One single-family dwelling unit on any lot or parcel;

(2) Aviaries, earthworm farms and apiaries; providing buildings, pens or hives are not closer than 200 feet from any property line;

(3) Commercial breeding, raising and feeding of horses, cattle, sheep, swine or goats; provided that pens, buildings, corrals and yards, excluding open pastures, are not closer than 200 feet to any property line;

(4) Corrals for keeping of horses;

(5) Dairies, poultry, bird and egg farms; provided that pens, buildings and enclosures are not closer than 200 feet to any property line;

(6) Grazing and harvesting of field, tree or bush crops including flowers;

(7) Hydroponic nurseries and greenhouses only for the propagation, cultivation and wholesale distribution of plants produced on the premises;

(8) Public riding stables, private riding academies and boarding stables, provided the building housing animals are set back from all lot lines a distance of not less than 200 feet;

(9) Public utility buildings and facilities, when necessary for service to the surrounding territory; provided that no public business offices and no repair or storage facilities are maintained therein;

(10) Self-storage facilities shall be permitted for the keeping of household items or personal belongings, and for the purposes of dead storage, but in no event shall self-storage facilities be used for retail sales business conducted on the premises, nor as a distribution point for products or materials. Such self-storage facilities as permitted herein shall be subject to the following development standards which shall be in addition to the development standards specified by this subchapter:

(a) The minimum required site area shall be two acres;

(b) All storage shall be within an enclosed building;

(c) No activity shall occur other than the loading or unloading of household or personal belongings and for the purposes of dead storage, as specified herein and such activity shall be screened from adjoining property by a minimum six foot high solid wall or fence;

(d) All parking and loading/unloading areas within the site shall be paved in the manner specified by Article 16 of this chapter;

(e) Parking/access drives shall be a minimum width of 24 feet, except where access is provided to cubicles on both sides of parking/access drives, in which case a minimum width of 32 feet shall be required. Only direct outdoor access shall be provided to individual storage cubicles;

(f) Any outdoor lighting as may be provided shall not cast any shadow or glare upon adjoining streets or property;

(g) In no event shall any access, other than for emergency purposes only, be provided through any residential neighborhood or residential zoning district; and

(h) No toxic, hazardous or flammable materials shall be stored within such self storage facilities, as permitted by this subchapter.

(11) Child day care services, small;

(12) Residential care facility, small; and

(13) Nursing and personal care, small.

('80 Code, App. A, § 50) (Ord. 583, passed 9-16-1952; Ord. 2232, passed 10-1-1984; Ord. 2687, passed 1-4-1995)

(C) *Permitted accessory uses.*

(1) Accessory uses of buildings or structures customarily incident to any use permitted by this subchapter such as servant quarters, private garages, as hereinafter provided, or private work shops; provided that none shall be conducted for gain or that no accessory building shall be inhabited by any one other than those employed by the owner or tenant of the premises;

(2) Home occupations;

(3) Roadside stands offering for sale only farm products produced on the premises; and

(4) Wall-mounted and concealed/disguised personal wireless communication facilities, in accordance with Article 19 herein, are permitted as an accessory use for legally established nonresidential uses only.

(a) Wall strapping of a personal wireless communications facility is not permitted.

(b) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses.

('80 Code, App. A, § 50) (Ord. 583, passed 9-16-1952; Ord. 1564, passed 12-1-1976; Ord. 1568, passed 12-15-1976; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002)

(D) *Conditional uses.* Any of the following uses may be established or operated as a conditional use upon application and submittal of a site plan to and approval thereof by the Planning Commission in accordance with § 154-03.05(G)(2):

(1) Animal husbandry services, including veterinarian, animal hospital, kennels and poultry hatchery services;

(2) Buildings or permanent structures for agricultural processing, including cotton ginning and compressing, grist milling services, corn shelling, packing services and other similar uses;

(3) Cemetery, crematory or mausoleum;

(4) Chemical and fertilizer storage and transfer facilities;

(5) Development or extraction of earth products, sand, rock, soil and gravel;

(6) Hospitals and institutions of an educational, religious, charitable or philanthropic nature, homes for the aged, nursing homes and convalescent homes;

(7) Plant nurseries, where plants are grown on or brought to the premises and maintained there for the purpose of retail sales from said premises. Such other additional products shall be permitted to be sold from the premises as are customarily incidental to the operation of a plant nursery;

(8) Private clubs and fraternal organizations, excluding such uses for which the chief activity is a service customarily conducted as a business;

(9) Religious institutions including related buildings and activities; and

(10) Child day care services, large.

('80 Code, App. A, § 50) (Ord. 583, passed 9-16-1952; Ord. 2523, passed 6-5-1991; Ord. 2687, passed 1-4-1995)

(E) *Property development standards.* In addition to regulations and requirements contained in other sections of this chapter, the following minimum property development standards apply to all land and buildings in the AG District.

(1) *Lot area.* Each lot shall have a minimum lot area of not less than 20 gross acres, except as provided herein. For the purpose of calculating gross acres, adjacent dedicated half-width right-of-way may be included.

(2) *Lot width.* All lots shall have a minimum width of 660 feet; adjacent dedicated one-half width right-of-way may be included in the calculations of lot width.

(3) *Preexisting developed lots.* If a parcel or a lot of record in separate ownership has less width or area than herein required, and has been lawfully established and recorded prior to the date of passage of this chapter, such lot may be used for any purpose permitted in this district subject to height, yard and setback requirements of this subchapter, and all applicable regulations in other sections of this chapter.

(4) *Setbacks.* All buildings shall be set back a minimum 40 feet from any public street right-of-way line, and a minimum of 20 feet from any side or rear property line.

(5) *Walls and fences.* Any wall or fence as may be erected along any street line, side property line or rear property line, whether to meet the requirements of this chapter or provided voluntarily, shall comply with the minimum requirements for unobstructed traffic visibility as specified in this chapter.

(6) *Landscaping and irrigation.* Landscaping and irrigation shall be provided in the manner set forth in Article 20 of this chapter.

('80 Code, App. A, § 50) (Ord. 583, passed 9-16-1952; Ord. 2232, passed 10-1-1984; Ord. 2399, passed 4-20-1988; Ord. O2010-32, passed 7-7-2010) Penalty, see § 154-999

§ 154-05.02 Suburban Ranch Districts (SR-1, SR-2, SR-3 and SR-4).

(A) *Purpose.* The principal purpose of these districts is to enable semi-rural residential and agricultural uses to be maintained without impairment from industrial, commercial or higher density residential development. The primary purpose of requiring large minimum lots is to assure adequate area for residents to keep a limited number of farm animals or horses, or to engage in agriculture without adversely affecting the use and enjoyment of nearby residential properties.

('80 Code, App. A, § 60) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(B) *Applicability.* The allowed residential density of the Suburban Ranch Districts shall be in conformance with the appropriate General Plan Land Use Designation and in compliance with the Zoning Conformity Matrix.

('80 Code, App. A, § 60) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(C) *Permitted principal uses.*

(1) One single-family dwelling;

(2) Farms, truck gardens and the raising of poultry, rabbits and other small farm animals for domestic use. The keeping of horses and other large animals for domestic use shall be limited to one large animal per each 10,000 square feet of side and rear yard area. Any building or shade for the animals shall be at least 100 feet from any other existing or potential dwelling on adjacent lots;

(Ord. O2009-29, passed 10-7-2009)

(3) Public and private elementary and secondary schools;

(4) Publicly owned and operated parks, playgrounds and recreation use;

(5) Residential care facility, small (SIC 8361); and

(6) Child care services, small (SIC 8351).

('80 Code, App. A, § 60) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(D) *Permitted accessory uses.*

(1) Accessory uses of buildings or structures customarily incidental and subordinate to any use permitted by this subchapter such as barns, private stables, sheds, servant or guest quarters without kitchen facilities, private garages, swimming pools or private work shops, provided that none shall be conducted for gain. No accessory building shall be inhabited by anyone other than those employed by the owner or tenant of the premises;

(2) Home occupations;

(3) Corrals, buildings, enclosures and other structures for the keeping of animals and livestock; and

(4) Wall-mounted and concealed/disguised personal wireless communication facilities, in accordance with Article 19 herein, are

permitted as an accessory use for legally established nonresidential uses only. Wall strapping of a personal wireless communications facility is not permitted.

(a) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses.

(b) The use of lattice tower structures for any personal wireless communication facility is not permitted.

('80 Code, App. A, § 60) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002)

(E) *Conditional uses.*

(1) Animal husbandry services, including veterinarian, animal hospital, kennels and poultry hatchery services;

(2) Cemetery, crematory or mausoleum;

(3) Public riding stables, private riding academies and boarding on a minimum of five acres;

(4) Public and quasi-public utility buildings and facilities when necessary for service to the surrounding territory, provided that no public business offices and no repair or storage facilities are maintained therein. Electric substations must be enclosed within a wall or fence adequate to prohibit passage of persons and to provide screening from public view;

(5) Child day care services, large (SIC 8351); day care for six or more children is permitted upon compliance with the following:

(Ord. O2008-33, passed 8-6-2008)

(a) The seven standard criteria for reviewing conditional use applications (§ 154-03.05(G)(2));

(b) The facility must be licensed by the Arizona Department of Health Services;

(c) There shall be no swimming pool on the site, unless the pool is in compliance with the current adopted Pool Safety Codes per the Arizona Revised Statutes;

(d) Any outside play area shall be enclosed by a five foot high solid wall or fence with self-latching gate;

(e) There shall be no structural additions or equipment not customarily in a residential dwelling, excepting those modifications required under the state licensing, building code or fire code regulations pertaining to this class of child day care service; and

(f) In granting any conditional use permit, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this chapter, including, but not limited to, setback and coverage requirements, off-street parking and screening structures and materials to hold at reasonable levels the impact on surrounding uses, and hours of operation.

(6) Religious institutions including related buildings and activities.

('80 Code, App. A, § 60) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(F) *Property development standards.* In addition to the regulations and requirements contained in other sections of this chapter, the following minimum property development standards apply to all land and buildings in the Suburban Ranch Districts as may be designated on the official zoning map.

(1) *Lot size.* The following is the list of minimum lot sizes for each of the four Suburban Ranch Districts:

(a) *Suburban Ranch-4 (SR-4) District.* Four-acre minimum lot size required;

(b) *Suburban Ranch-3 (SR-3) District.* Three-acre minimum lot size required;

(c) *Suburban Ranch-2 (SR-2) District.* Two-acre minimum lot size required; and

(d) *Suburban Ranch-1 (SR-1) District.* One-acre minimum lot size required.

(2) *Lot width.* The minimum lot width for each of the four Suburban Ranch Districts shall be 120 feet.

(3) *Lot coverage.* The maximum lot coverage for each of the four Suburban Ranch Districts shall be 15% of the lot area. The first 600 square feet of covered parking shall not count against the maximum lot coverage.

(4) *Yards.* The following is the list of minimum yard setbacks for the four Suburban Ranch Districts:

(a) *Minimum front yard setback*. Twenty-five feet;

(b) *Minimum side yard setback*. Ten feet;

(c) *Minimum rear yard setback*. Twenty-five feet; and

(d) *Minimum street side yard setback*. Twenty-five feet.

(5) *Building height*. The maximum building height in the four Suburban Ranch Districts shall be 40 feet.

(6) *Landscape and irrigation*. Landscaping and irrigation shall be provided in the manner set forth in Article 20 of this chapter.

(7) *Off-street parking*. Off-street parking shall be provided in the manner set forth in Article 16 of this chapter.

('80 Code, App. A, § 60) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995; Ord. O2006-39, passed 6-21-2006; Ord. O2010-32, passed 7-7-2010; Ord. O2010-63, passed 12-1-2010; Ord. O2010-64, passed 12-15-2010) Penalty, see § 154-999

§ 154-05.03 Residential Estate Districts (RE-12, RE-18 and RE-35).

(A) *Purpose*. The principal purpose of these districts is to provide for, conserve and protect single-family residential development where relatively large lots are suitable and appropriate, taking into consideration topographic, soil and drainage limitations, availability of public utilities and services at reasonable public costs and over-all community needs for a variety of housing types and life styles.

('80 Code, App. A, § 70) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(B) *Applicability*. The allowed residential density of the Residential Estates Districts shall be in conformance with the appropriate General Plan Land Use Designation and in compliance with the Zoning Conformity Matrix.

('80 Code, App. A, § 70) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(C) *Permitted principal uses*.

(1) One single-family dwelling;

(2) Public and private elementary and secondary schools;

(3) Publicly owned and operated parks, playgrounds and recreational uses;

(4) Residential care facility, small (SIC 8361); and

(5) Child day care services, small (SIC 8351).

('80 Code, App. A, § 70) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(D) *Permitted accessory uses*.

(1) Accessory uses of buildings or structures customarily incidental and subordinate to any use permitted by this subchapter such as swimming pools, servant or guest quarters without kitchen facilities, private garages; as hereinafter provided, or private work shops; provided that none shall be conducted for gain or that no accessory building shall be inhabited by anyone other than those employed by the owner or tenant of the premises;

(2) Home occupations;

(3) Wall-mounted and concealed/disguised personal wireless communication facilities, in accordance with Article 19 herein, are permitted as an accessory use for legally established nonresidential uses only. Wall strapping of a personal wireless communications facility is not permitted.

(a) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses.

(b) The use of lattice tower structures for any personal wireless communication facility is not permitted.

(4) In the RE-18 and RE-35 Districts only, pergolas or semi-covered structures are allowed to encroach within the rear yard setback area 10% of the rear yard setback area. The pergola or semi-covered structure must maintain a minimum ten-foot setback including overhangs from the rear yard property line. No structure may be built within any designated public utility easement that exists along any property line.

(5) In the RE-12 District only, accessory buildings, uses and structures are subject to the criteria specified in § 154-15.15 of this chapter.

('80 Code, App. A, § 70) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002; Ord. O2004-49, passed 8-4-2004; Ord. O2014-29, passed 10-1-2014)

(E) *Conditional uses.*

(1) Cemetery, crematory or mausoleum;

(2) Public and quasi-public utility buildings and facilities when necessary for service to the surrounding territory, provided that no public business offices and no repair or storage facilities are maintained therein. Electric substations must be enclosed within a wall or fence adequate to prohibit passage of persons and to provide screening from public view;

(3) Child day care services, large. Day care for six or more children is permitted upon compliance with the following:

(Ord. O2008-33, passed 8-6-2008)

(a) The seven standard criteria for reviewing conditional use applications (see § 154-03.05(G)(2));

(b) The facility must be licensed by the State Department of Health Services;

(c) There shall be no swimming pool on the site, unless the pool is in compliance with the current adopted Pool Safety Codes per the Arizona Revised Statutes;

(d) Any outside play area shall be enclosed by a five foot high solid wall or fence with self-latching gate;

(e) There shall be no structural additions or equipment not customarily in a residential dwelling, excepting those modifications required under state licensing, building code or fire code regulations pertaining to this class of child day service; and

(f) In granting any conditional use permit, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity to this chapter including, but not limited to, setback and coverage requirements, off-street parking and screening structures and materials to hold to reasonable levels the impact on surrounding uses, and hours of operation.

(4) Religious institutions including related building and activities.

('80 Code, App. A, § 70) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(F) *Property development standards.* In addition to the regulations and requirements contained in other sections of this chapter, the following minimum property development standards apply to all land and buildings in the residential estate districts as may be designated on the official zoning map.

(1) *Lot size.* The following is the list of minimum lot sizes for each of the three residential estate districts:

(a) *Residential Estate-35 (RE-35) District.* Thirty-five thousand square foot minimum lot size required;

(b) *Residential Estate-18 (RE-18) District.* Eighteen thousand square foot minimum lot size required; and

(c) *Residential Estate-12 (RE-12) District.* Twelve thousand square foot minimum lot size required.

(2) *Lot widths.* The following is the list of minimum lot widths for each of the three residential estate districts:

(a) *Residential Estate-35 (RE-35) District.* One hundred forty-five feet;

(b) *Residential Estate-18 (RE-18) District.* One hundred feet; and

(c) *Residential Estate-12 (RE-12) District.* Eighty feet.

(3) *Lot coverage.* The following is the list of maximum lot coverage for each of the three residential estate districts:

(a) *Residential Estate-35 (RE-35) District.* Twenty percent;

(b) *Residential Estate-18 (RE-18) District.* Twenty-five percent;

(c) *Residential Estate-12 (RE-12) District.* Thirty percent; and

(d) *Exception.* The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage

percentage listed above.

(4) *Yards*. The following is the list of minimum yard setbacks for the three residential estate districts:

(a) *Residential Estate-35 (RE-35) District.*

1. *Minimum front yard setback*. Thirty-five feet;

2. *Minimum side yard setback*. Twenty feet;

3. *Minimum rear yard setback*. Thirty feet, except division (D)(4) above; and

4. *Minimum street side yard setback*. Twenty-five feet.

(b) *Residential Estate-18 (RE-18) District.*

1. *Minimum front yard setback*. Thirty feet;

2. *Minimum side yard setback*. Fifteen feet;

3. *Minimum rear yard setback*. Twenty-five feet, except division (D)(4) above; and

4. *Minimum street side yard setback*. Twenty feet.

(c) *Residential Estate-12 (RE-12) District.*

1. *Minimum front yard setback*. Twenty-five feet;

2. *Minimum side yard setback*. Ten feet;

3. *Minimum rear yard setback*. Twenty feet, except division (D)(4) above;

4. *Minimum street side yard setback*. Fifteen feet;

5. *Building heights*. The maximum building height in the three residential estate districts shall be 30 feet;

6. *Landscaping and irrigation*. Landscaping and irrigation shall be provided in the manner set forth in Article 20 of this chapter; and

7. *Off-street parking*. Off-street parking shall be provided in the manner set forth in Article 16 of this chapter.

('80 Code, App. A, § 70) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995; Ord. O2004-49, passed 8-4-2004; Ord. O2006-39, passed 6-21-2006; Ord. O2010-32, passed 7-7-2010; Ord. O2010-63, passed 12-1-2010; Ord. O2010-64, passed 12-15-2010) Penalty, see § 154-999

§ 154-05.04 Low Density Residential Districts (R-1-6, R-1-8, R-1-12, R-1-20 and R-1-40).

(A) *Purpose*. Within any low density residential districts, no buildings, structures or premises shall be used, and no building or structures shall be erected, which is intended or designed to be used in whole or in part for any industrial, manufacturing, trade or commercial purpose, except as permitted in this subchapter, or for any other purpose than the following specified uses.

('80 Code, App. A, § 71) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(B) *Applicability*. The allowed residential density of the Low Density Residential Districts shall be in conformance with the appropriate General Plan Land Use Designation and in compliance with the Zoning Conformity Matrix.

('80 Code, App. A, § 71) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(C) *Permitted principal uses.*

(1) One single-family dwelling;

(2) Rooming and boarding houses (SIC 7021);

(3) Residential care facility, small (SIC 8361);

(4) Child day care services, small;

(5) Publicly owned and operated parks, playgrounds and recreation uses;

(6) Public and private elementary and secondary schools; and

(7) In the R-1-40 District only, farms, truck gardens and the raising of poultry, rabbits and other small farm animals for domestic use. The keeping of horses and other large farm animals for domestic use shall be limited to one large animal per each 10,000 square feet of side and rear yard area. Any building or shade for the animals shall be at least 100 feet from any other existing or potential dwelling on adjacent lots.

('80 Code, App. A, § 71) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995; Ord. O2009-29, passed 10-7-2009)

(D) *Permitted accessory uses.*

(1) Accessory uses of buildings or structures customarily incident to any use permitted by this subchapter such as swimming pools, servant and guest quarters without kitchen facilities, private garages, as hereinafter provided, or private work shops, provided that none shall be conducted for gain or that no accessory buildings shall be inhabited by anyone other than those employed by the owner or tenant of the premises, and further provided, that in the event such accessory structure or building is used in whole or in part for living quarters, same shall be set back at least ten feet from the rear lot line of any lot;

(2) Home occupations;

(3) Wall-mounted and concealed/disguised personal wireless communication facilities, in accordance with Article 19 herein, are permitted as an accessory use for legally established nonresidential uses only. Wall strapping of a personal wireless communications facility is not permitted.

(a) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses.

(b) The use of lattice tower structures for any personal wireless communication facility is not permitted.

(4) In the R-1-6, R-1-8 and R-1-12 Districts only, accessory buildings, uses and structures are subject to the criteria specified in § 154-15.15 of this chapter.

('80 Code, App. A, § 71) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995; Ord. O2000-35, passed 6-21-2000; Ord. O2002-08, passed 2-6-2002; Ord. O2002-09, passed 2-20-2002; Ord. O2014-29, passed 10-1-2014)

(E) *Conditional uses.*

(1) Child day care service, large: Day care for six or more children is permitted upon compliance with the following:

(Ord. O2008-33, passed 8-6-2008)

(a) The seven standard criteria for reviewing conditional use applications (see § 154-03.05(G)(2));

(b) The facility must be licensed by the State Department of Health Services;

(c) There shall be no swimming pool on the site, unless the pool is in compliance with the current adopted Pool Safety Codes per the Arizona Revised Statutes;

(d) Any outside play area shall be enclosed by a five foot high solid wall or fence with self-latching gate;

(e) There shall be no structural additions or equipment not customarily in a residential dwelling, excepting those modifications required under state licensing, building code or fire code regulations pertaining to this class of child day care service; and

(f) In granting any conditional use permit, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this chapter; including, but not limited to, setback and coverage requirements, off-street parking and screening structures and materials to hold to reasonable levels the impact on surrounding uses, and hours of operation.

(2) Religious institutions including related buildings and activities;

(3) Membership-based lodging (SIC 7014);

(4) Cemetery, crematory or mausoleum; and

(5) Public and quasi-public utility buildings and facilities when necessary for service to the surrounding territory, provided that no

public business offices and no repair or storage facilities are maintained therein. Electric substations must be enclosed within a wall or fence adequate to prohibit passage of persons and to provide screening from public view.

('80 Code, App. A, § 71) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(F) *Property development standards.* In addition to the regulations and requirements contained in other sections of this chapter, the following minimum property development standards apply to all land and buildings in the five Low Density Residential Districts as may be designated on the official zoning map.

(1) *Lot size.* The following is the list of minimum lot sizes for each of the five Low Density Residential (R-1) Districts:

(a) *Low Density Residential-40 (R-1-40) District.* Forty thousand square foot minimum lot size;

(b) *Low Density Residential-20 (R-1-20) District.* Twenty thousand square foot minimum lot size;

(c) *Low Density Residential-12 (R-1-12) District.* Twelve thousand square foot minimum lot size;

(d) *Low Density Residential-8 (R-1-8) District.* Eight thousand square foot minimum lot size; and

(e) *Low Density Residential-6 (R-1-6) District.* Six thousand square foot minimum lot size.

(2) *Lot widths.* The following is the list of minimum lot widths for each of the five Low Density Residential (R-1) Districts:

(a) *Low Density Residential-40 (R-1-40) District.* One hundred feet;

(b) *Low Density Residential-20 (R-1-20) District.* One hundred feet;

(c) *Low Density Residential-12 (R-1-12) District.* Eighty feet;

(d) *Low Density Residential-8 (R-1-8) District.* Seventy feet; and

(e) *Low Density Residential-6 (R-1-6) District.* Fifty feet.

(3) *Lot coverage.* The maximum lot coverage for the R-1-40, R-1-20, R-1-12, R-1-8 and the R-1-6 Districts shall be 35% of the lot area. The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage listed above.

(4) *Yards.* The following is the list of minimum yard setbacks for the five Low Density Residential (R-1) Districts:

(a) *Minimum front yard setback.* Twenty feet;

(b) *Minimum side yard setback.* Seven feet;

(c) *Minimum rear yard setback.* Twenty feet (reduced to ten feet in the R-1-6 District); and

(d) *Minimum street side yard setback.* Ten feet.

(5) *Building heights.* The maximum building height in the five Low Density Residential (R-1) Districts shall be 40 feet.

(6) *Landscaping and irrigation.* Landscaping and irrigation shall be provided in the manner set forth in Article 20 of this chapter.

(7) *Off-street parking.* Off-street parking shall be provided in the manner set forth in Article 16 of this chapter.

('80 Code, App. A, § 71) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995; Ord. O2006-39, passed 6-21-2006; Ord. O2010-32, passed 7-7-2010; Ord. O2010-63, passed 12-1-2010; Ord. O2010-64, passed 12-15-2010) Penalty, see § 154-999

§ 154-05.05 Low Density Single-Family Residential District (R-1-5).

(A) *Purpose.* The purpose of the R-1-5 District is to provide a smaller lot size for single-family housing products while keeping the integrity of single-family detached home neighborhoods. This is accomplished by maintaining well-established, consistent development practices such as standard single-family zone setbacks, so these smaller units on smaller lots still maintain the character and integrity of existing single-family neighborhoods in the city.

(B) *Applicability.* The allowed residential density of the Low Density Residential Districts shall be in conformance with the

appropriate General Plan Land Use Designation and in compliance with the Zoning Conformity Matrix.

(C) *Permitted principal uses.*

(1) A single-family subdivision with lots containing at least 5,000 square feet and meeting the density requirement of one 4.9-dwelling units per acre;

(2) Child day care services, small (SIC 8351); and

(3) Publicly owned and operated parks, playgrounds and recreational uses.

(D) *Permitted accessory uses.*

(1) Accessory uses of buildings or structures customarily incidental and subordinate to any use permitted by this subchapter such as swimming pools, garages, laundry rooms and public recreation areas and structures, subject to the criteria as specified in § 154-15.15 of this chapter;

(2) Home occupations. Any home occupation that does not require customers or employees to come to the home, with the exception of child day care services, small and piano/music lessons; and

(3) Personal auto repair for the resident of the home only.

(Ord. O2014-29, passed 10-1-2014)

(E) *Conditional uses.*

(1) Child day care services, large; and

(2) Any home occupation that allows customers or employees to come to the home, except as otherwise permitted by division (D)(2) above.

(F) *Property development standards.* In addition to the regulations and requirements contained in other sections of this chapter, the following minimum property development standards apply to all land and buildings in the Low Density Single-Family Residential (R-1-5) District as may be designated on the official zoning map.

(1) *Lot size.* The minimum lot size in the Low Density Single-Family Residential (R-1-5) District shall be 5,000 square feet.

(2) *Density.* The maximum density in the Low Density Single-Family Residential (R-l-5) District shall be one unit per 5,000 square feet of land (meeting the density as identified in the General Plan), provided all other development standards in this zoning district are met.

(3) *Lot width.* The minimum lot width in the Low Density Single-Family Residential (R-1-5) District shall be 50 feet.

(4) *Lot coverage.* The maximum lot coverage in the Low Density Single-Family Residential (R-1-5) District shall be 35% of the lot area. The required 400 square feet of enclosed garage shall not count against the maximum lot coverage percentage listed above.

(5) *Yards.* The following is the list of minimum yard setbacks in the Low Density Single-Family Residential (R-l-5) District:

(a) *Minimum front yard setback.* Twenty feet; garages can be placed separately from the dwelling unit on the lot;

(b) *Minimum side yard setbacks.* Five feet, clear of equipment and any other structures and/or appurtenances on one side; nine feet on the other side;

(c) *Minimum rear yard setback.* Ten feet, except for detached garage;

(d) *Minimum street side yard setback.* Ten feet; and

(e) *Block walls.* The side and rear yards shall have six foot solid block walls on the property lines. The actual location of the beginning of the six foot side yard wall shall be determined based on the house plan built, starting from some appropriate point (as determined by the Zoning Administrator) along the side yard property line next to the house, with the wall continuing and adjoining the rear property line wall.

(6) *Garages.* Garages can be attached or detached from the dwelling unit. If attached, the minimum front yard garage setback shall be 20 feet. If garages are detached from the unit, they can be placed anywhere from the minimum 20 feet front yard setback to a minimum rear yard setback of three feet.

(7) *Building heights.* The maximum building height in the Low Density Single- Family Residential (R-l-5) District shall be 40 feet.

(8) *Landscaping and irrigation.* Each lot in the Low Density Single-Family Residential (R-l-5) District shall have a minimum of one 15-gallon street tree and accompanying underground irrigation system.

(9) *Off-street parking.* Each single-family dwelling shall have a two-car garage for parking cars and household storage. In addition to the two-car garage, each single-family dwelling shall have a paved driveway capable of providing parking for two cars.

(10) *Stormwater retention basins.* Stormwater retention shall occur on a larger scale, with basins planned to accommodate a minimum of one-quarter section (160 acres) of adjacent surrounding land. The basins shall be planned, when possible, to align with the locations identified for neighborhood parks in the General Plan. For infill projects, projects less than 160 acres or projects that are constrained by physical barriers such as rail lines, elevated freeways and irrigation canals, smaller basins may be allowed on a case-by-case basis upon approval of the Zoning Administrator.

(11) *R-1-5 as infill.* When a parcel of land is zoned R-1-5 and is next to any existing single-family development, the larger side yard setback shall be adjacent to the existing single-family development. When the rear yard of any R-1-5 lot abuts any existing single-family development or developed parcels, the rear yard setback for the R-1-5 lots shall be increased to mirror the setbacks of the zoning of the adjacent parcels (for example: if an R-1-5 zone abuts the rear of an R-1-6 zone, the rear yard setback shall be ten feet. If an R-1-5 zone abuts the rear of an R-1-8 zone, the rear yard setback shall be 20 feet).

(Ord. O2010-45, passed 9-1-2010; Ord. O2010-64, passed 12-15-2010) Penalty, see § 154-999

Article 06 - Manufactured Housing and Recreational Vehicle Zoning Districts

§ 154-06.01 Residence-Manufactured Housing District (R-MH).

(A) *Purpose.* The principal purpose of the Residence-Manufactured Housing District (R-MH) is to provide for a mixture of site-built and manufactured housing in those residential areas wherein such mixture is deemed appropriate and compatible. In order to ensure visual compatibility between these housing types, and to eliminate negative perceptions which may otherwise have a negative impact upon property values, it is intended that all dwellings meet specific architectural criteria in addition to property development standards.

('80 Code, App. A, § 74) (Ord. 583, passed 9-16-1952; Ord. 2109, passed 2-2-1983)

(B) *Applicability and general requirements.*

(1) The Residence-Manufactured Housing District may be applied for or initiated within existing developed areas of the city, as well as in new development areas, subject to the requirements of § 154-03.03 of this chapter.

(2) The Residence-Manufactured Housing District shall be the only district specified by this chapter wherein the mixture of site-built residential dwellings with manufactured housing shall be permitted. Only those dwelling units, including additions, which meet the standards and criteria specified herein, shall be permitted within the Residence-Manufactured Housing District.

(3) Any manufactured housing unit proposed for installation within the Residence-Manufactured Housing District shall be affixed with either of the following:

(a) A decal certifying that the dwelling unit has been inspected and constructed in accordance with the requirements of the United States Department of Housing and Urban Development (HUD) in effect at the date of manufacture wherein such date shall not have been prior to June 15, 1976; or

(b) A State of Arizona insignia of approval as defined by the A.R.S. § 41-2142, and its successors.

(4) The installation or construction of any dwelling unit, including any addition or modification thereto, proposed to accommodate any use as permitted herein, shall be subject to approval of a permit from the City Building Official or his or her designated representative. Such approval shall ensure that such installation, construction and occupancy shall be in accordance with all applicable building code requirements as may be specified by federal, state or local law.

('80 Code, App. A, § 74) (Ord. 583, passed 9-16-1952; Ord. 2109, passed 2-2-1983)

(C) *Permitted principal uses.*

(1) One dwelling unit for single-family residency, whether site-built or manufactured, on any lot or parcel of land;

(2) Home occupations, subject to the performance criteria as specified in § 154-15.08 of this chapter;

(3) Accessory uses; any use of a building or structure which is clearly incidental to a principal use permitted in this subchapter, for purposes of private storage of household items, vehicle parking, laundry, recreational facilities or a manager's office for multiple dwellings;

(4) Child day care services, small;

(5) Residential care facility, small;

(6) Nursing and personal care, small; and

(7) Wall-mounted and concealed/disguised personal wireless communication facilities in accordance with Article 19 herein, are permitted as an accessory use for legally established nonresidential uses only. Wall strapping of a personal wireless communications facility is not permitted.

(a) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses.

(b) The use of lattice tower structures for any personal wireless communication facility is not permitted.

('80 Code, App. A, § 74) (Ord. 583, passed 9-16-1952; Ord. 2109, passed 2-2-1983; Ord. 2687, passed 1-4-1995; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002)

(D) *Conditional uses.* Any of the following uses may be established or operated as a conditional use upon application and approval by the Planning and Zoning Commission:

(1) Multiple dwellings for residential occupancy, whether site-built or manufactured, subject to the lot area requirements of the High Density Residential (R-3) Zoning District as specified in § 154-15.04 of this chapter;

(2) Religious institutions including related buildings and activities;

(3) Temporary subdivision sales offices and model homes, both of which shall be subject to the following:

(a) All such facilities shall be located within and used exclusively for selling property within the subdivision;

(b) Prior to any residential occupancy of a dwelling unit used as a temporary office or model home, such dwelling shall be restored to comply with the applicable requirements of this chapter, and other city regulations governing residential occupancies; and

(c) A time limit shall be specified by the Planning and Zoning Commission as part of any approval granted, by which time such facilities shall be removed. Such time limit may be extended upon application and approval by the Commission.

(4) Child day care services, large; day care for six or more children is permitted upon compliance with the following:

(Ord. O2008-33, passed 8-6-2008)

(a) The seven standard criteria for reviewing conditional use applications (§ 154-03.05(G)(2));

(b) The facility must be licensed by the State Department of Health Services;

(c) There shall be no swimming pool on the site, unless the pool is in compliance with the current adopted Pool Safety Codes per the Arizona Revised Statutes;

(d) Any outside play area shall be enclosed by a five foot high solid wall or fence with self-latching gate;

(e) There shall be no structural additions or equipment not customarily found in a residential dwelling, excepting those modifications required under state licensing, building code or fire code regulations pertaining to this class of child day care service, large; and

(f) In granting any conditional use permit, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this chapter, including, but not limited to, setback and coverage requirements, off-street parking and screening structures and materials to hold to reasonable levels the impact of surrounding uses, and hours of operation.

(5) Rooming and boarding houses.

('80 Code, App. A, § 74) (Ord. 583, passed 9-16-1952; Ord. 2523, passed 6-5-1991; Ord. 2687, passed 1-4-1995; Ord. O95-040, passed 9-5-1995)

(E) *Property development standards.* In addition to the regulations and requirements contained in other sections of this chapter, the following minimum property development standards apply to all land and buildings in the Residence-Manufactured Housing District as may be designated on the official zoning map.

(1) *Area.* Each parcel of land used for a Residence-Manufactured Housing District subdivision shall have a minimum of ten acres.

(2) *Lot size and density.* The following is the table of minimum lot sizes and maximum densities for each of the five Residence-Manufactured Housing Districts:

Residence-Manufactured Housing Districts	***Minimum Lot Size (sq. ft.)***	***Maximum Density***
Residence-Manufactured Housing-6 (R-MH-6) District	6,000	6 du/ac
Residence-Manufactured Housing-8 (R-MH-8) District	8,000	5 du/ac
Residence-Manufactured Housing-10 (R-MH-10) District	10,000	4 du/ac
Residence-Manufactured Housing-12 (R-MH-12) District	12,000	3 du/ac
Residence-Manufactured Housing-20 (R-MH-20) District	20,000	2 du/ac

(3) *Lot widths.* The minimum lot widths for each of the five Residence-Manufactured Housing Districts is:

(a) *Residence-Manufactured Housing-6 (R-MH-6) District.* Fifty feet;

(b) *Residence-Manufactured Housing-8 (R-MH-8) District.* Fifty-five feet;

(c) *Residence-Manufactured Housing-10 (R-MH-10) District.* Sixty feet;

(d) *Residence-Manufactured Housing-12 (R-MH-12) District.* Seventy-five feet;

(e) *Residence-Manufactured Housing-20 (R-MH-20) District.* One hundred feet; and

(f) *Irregularly shaped lots.* In cases of irregularly shaped lots, the minimum width shall be measured 20 feet back from the front property line.

(4) *Lot coverage.* The maximum lot coverage for each of the five Residence-Manufactured Housing Districts is:

(a) *Residence-Manufactured Housing-6 (R-MH-6) District.* Thirty-five percent;

(b) *Residence-Manufactured Housing-8 (R-MH-8) District.* Thirty-five percent;

(c) *Residence-Manufactured Housing-10 (R-MH-10) District.* Thirty-five percent;

(d) *Residence-Manufactured Housing-12 (R-MH-12) District.* Thirty percent; and

(e) *Residence-Manufactured Housing-20 (R-MH-20) District.* Twenty-five percent.

(5) *Yards.* The minimum yard setbacks for the five Residence-Manufactured Housing Districts is:

(a) *Residence-Manufactured Housing-6, -8, -10 ((R-MH-6), (R-MH-8), (R-MH-10)) Districts.*

1. *Minimum front yard setback*. Twenty feet;

2. *Minimum side yard setback*. Seven feet;

3. *Minimum rear yard setback*. Twenty feet; reduced to ten feet in the R-MH-6 District; and

4. *Minimum street side yard setback*. Ten feet.

(b) *Residence-Manufactured Housing-12 (R-MH-12) District.*

1. *Minimum front yard setback*. Twenty-five feet;

2. *Minimum side yard setback*. Ten feet;

3. *Minimum rear yard setback*. Twenty feet; and

4. *Minimum street side yard setback*. Ten feet.

(c) *Residence-Manufactured Housing-20 (R-MH-20) District.*

1. *Minimum front yard setback*. Thirty feet;

2. *Minimum side yard setback*. Twenty-five feet;

3. *Minimum rear yard setback*. Twenty feet; and

4. *Minimum street side yard setback*. Ten feet.

(d) *Lot frontage*. Where a lot has double frontage, the required front yard shall be provided on both streets. When a lot has frontage on a street opposite from another residential zoning district, there shall be a front yard equal to the required front yard setback of the adjoining residential zoning district.

(e) *Side yard setbacks*. Side yard setbacks shall be applied to awnings, canopies, carports and patio covers as well as to any site built or manufactured housing.

(6) *Depth*. Each lot shall have a minimum depth of 80 feet.

(7) *Height regulations*. No principal building shall exceed 20 feet in height and no accessory building shall exceed 15 feet in height.

(8) *Streets*. Streets shall be designed to the standards established in Chapter 153 and shall be reviewed and approved by the City Engineer.

(9) *Off-street parking*. Off-street parking shall be provided in the manner set forth in Article 16 of this chapter.

(10) *Walkways*. Walks shall be provided adjacent to dedicated streets and shall be reviewed and approved by the City's Engineer.

(11) *Illumination*. Adequate lighting shall be provided for all streets.

(12) *Storm drainage*. Proper surface storm drainage will be provided and the drainage plans will be reviewed and approved by the City's Engineer.

(13) *Utilities*. Electricity, city water and city sewer shall be provided to each lot; no aboveground utility lines shall be permitted.

(14) *Fire hydrants*. Approved fire hydrants shall be located at intervals of 500 feet as approved by the Fire Department and the City's Engineer.

(15) *Recreational vehicles*. The location of recreational vehicles on a residence-manufactured housing lot shall be prohibited for human occupancy as a residence.

(16) *Accessory structures*. All accessory structures shall comply with the minimum setback requirements as specified herein, except that any detached structure which serves as a garage or storage building and not containing living quarters may be located no closer than seven feet to a side or rear property line within a rear quarter of any lot or parcel classified within the Residence-Manufactured Housing District, subject to applicable requirements of the city building code.

(17) *Lot size in R-MH district*. Any lot legally of record within an existing R-MH district, as of November 3, 2001, which is less

than the minimum 6,000 square foot lot size specified herein may be developed with one single-family residence, whether site-built or manufactured; provided, however, that this provision shall not exempt such lot from compliance with all other standards and criteria as specified herein.

('80 Code, App. A, § 74) (Ord. 583, passed 9-16-1952; Ord. 2109, passed 2-2-1983; Ord. 2399, passed 4-20-1988; Ord. O2001-83, passed 10-3-2001) Penalty, see § 154-999

(F) *Exterior appearance criteria.* The installation or construction of any dwelling unit within the Residence-Manufactured Housing District, whether site-built or manufactured, shall comply with the following minimum criteria.

(1) *Width of dwelling unit.* The minimum horizontal dimension of the dwelling unit as measured from outside faces of exterior walls shall be 24 feet.

(2) *Roof treatment.*

(a) The roof shall be designed to achieve either a slope measuring not less than three feet vertical rise for each 12 feet horizontal run, or have a roof parapet, mansard shape or other similar roofline treatment which screens the roof from any street view. Rounded roof surfaces shall be prohibited.

(b) In the event that the minimum slope is provided, the roof shall be covered with a roofing material commonly used in site-built residential construction, other than metal. For any minimum slope roof or greater, an overhang of 16 inches or greater shall also be provided as an integral part of the roof structure.

(3) *Exterior building materials.* The exterior building facade including the trim, doors, windows, roof fascias and the like, shall consist of wood, stucco, horizontal siding, brick, masonry veneer or other facsimile of a building material commonly used in site-built residential construction; provided, however, that metal siding, other than aluminum lap siding, shall be prohibited. Patio covers and detached storage buildings shall be exempt from this requirement.

(4) *Installation.* The dwelling unit shall be set upon a permanent foundation or footing for the purpose of a permanent installation. Such installation shall render the dwelling no more portable than if it were constructed totally on site.

(a) The dwelling unit shall be permanently set upon the foundation wherein the exterior facade material of the dwelling shall be extended to a level not greater than six inches above the adjacent ground level within three feet of the building line.

(b) All exterior walls shall be solid and continuous to ground level.

(5) *Accessory structures.* In such cases where an open carport or patio cover is attached to one side of the dwelling unit and is visible from the street, no additional covered patio or open carport shall be attached to the opposite side of the dwelling, other than a covered entry not to exceed 60 square feet in area.

(6) *Running gear.* Any device used to transport a dwelling to the site of installation, including the hitch, wheels, axles or other devices used primarily for transport other than the chassis, shall be detached from the dwelling as part of the installation procedure.

('80 Code, App. A, § 74) (Ord. 583, passed 9-16-1952; Ord. 2109, passed 2-2-1983) Penalty, see § 154-999

(G) *Plans submittal.* Any application for a permit for installing, constructing or adding onto any dwelling unit within the Residence-Manufactured Housing District, shall be accompanied by a site plan and building elevations for review by the Department of Development Services to determine compliance with the requirements of this subchapter.

(1) The site plan required shall be drawn to scale with complete dimensions of the lot or parcel upon which the dwelling is to be installed or constructed, dimensions of the dwelling on the property, the finished floor level and all setbacks from the property lines.

(2) The building elevations required shall illustrate the style of facade for the dwelling unit and any attached accessory structures as viewed from all four directions, and the type of building materials used for the exterior finish of walls, roof and the trim. The exterior elevation plans shall be sufficiently detailed to illustrate conformance with the required roof slopes, roofline treatments, overhangs and building height.

('80 Code, App. A, § 74) (Ord. 583, passed 9-16-1952; Ord. 2109, passed 2-2-1983; Ord. O2010-32, passed 7-7-2010; Ord. O2010-63, passed 12-1-2010)

§ 154-06.02 Recreation Vehicle Subdivision District (RVS).

(A) *Purpose.* The purpose of the Recreation Vehicle Subdivision District is to promote the public health, safety and general welfare within the district by providing accommodation of existing recreation vehicle subdivisions developed in the county which may be subsequently annexed to the city, and to provide orderly development of new subdivisions accommodating recreational vehicles and manufactured homes, together with schools, parks and other related uses, in a suitable residential environment. Recreation vehicles and manufactured homes on individual lots within recreation vehicle subdivisions are permitted, provided they meet the minimum requirements of this district.

('80 Code, App. A, § 75) (Ord. 583, passed 9-16-1952; Ord. O95-021, passed 6-27-1995)

(B) *Applicability.* Should portions of the Recreation Vehicle Subdivision District conflict with other provisions of the city zoning ordinance or the City General Plan, the more restrictive provision shall apply. It is the intent of the Recreation Vehicle Subdivision District that each use conform to the development standards established for this zoning district.

('80 Code, App. A, § 75) (Ord. 583, passed 9-16-1952; Ord. O95-021, passed 6-27-1995)

(C) *Permitted principal uses.* The following principal uses are permitted in the Recreation Vehicle Subdivision District subject to compliance with the development standards listed below:

(1) Recreation vehicle subdivisions;

(2) One single-family residence per parcel limited to either a recreation vehicle, park model or manufactured home. However, if a parcel is at least 6,000 square feet in area, the property owner may have one additional recreational vehicle. One site-built dwelling may be built on a legally created lot containing a minimum of 6,000 square feet, only if recorded with the county prior to July 1, 1995, and located within a recreation vehicle subdivision;

(3) Home occupations as defined in § 154-01.07;

(4) Uses customarily accessory to the above uses such as covered porches, garages and carports, storage sheds, private swimming pools, walls and fences and parking subject to the provisions found in the appropriate sections of the code; and

(5) Wall-mounted and concealed/disguised personal wireless communication facilities in accordance with Article 19 herein, are permitted as an accessory use for legally established nonresidential uses only. Wall strapping of a personal wireless communications facility is not permitted.

(a) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses.

(b) The use of lattice tower structures for any personal wireless communication facility is not permitted.

('80 Code, App. A, § 75) (Ord. 583, passed 9-16-1952; Ord. O95-021, passed 6-27-1995; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002)

(D) *Conditional uses.* Any of the following uses may be established or operated as a conditional use upon application and approval by the Planning and Zoning Commission:

(1) Public schools, hospitals, small and large nursing and personal care facilities, small and large residential care facilities, churches and institutions of an educational, charitable or philanthropic nature;

(2) Golf courses, community swimming pools and other recreational or community facilities;

(3) Public parks or facilities; and

(4) Utility installations.

('80 Code, App. A, § 75) (Ord. 583, passed 9-16-1952; Ord. O95-021, passed 6-27-1995)

(E) *Property development standards.*

(1) To meet the purpose of this district, all uses within the Recreation Vehicle Subdivision District on legally created lots recorded with the county prior to July 1, 1995 shall comply with the following minimum development standards.

(a) *Minimum parcel sizes.* The following are the minimum parcel sizes for various uses in the Recreation Vehicle Subdivision District:

1. *Recreation vehicle, park model or manufactured home lot size.* Two thousand four hundred square feet;

2. *Site-built residence lot size.* Six thousand square feet; and

3. *Conditional use lot size.* As approved by the conditional use permit.

(b) *Minimum lot widths and setbacks.* The following are the minimum lot widths and minimum setbacks for all principal buildings in the Recreation Vehicle Subdivision District:

1. *Recreation vehicle, park model or manufactured home lot width.* Forty feet;

2. *Recreation vehicle, park model or manufactured home front yard setback.* Ten feet;

3. *Side yard setback.* Seven feet;

4. *Rear yard setback.* Ten feet;

5. *Street side setback.* Ten feet; and

6. *Setback between dwellings.* Fourteen feet.

(c) *Building heights.* No structure in the Recreation Vehicle Subdivision District shall exceed 20 feet in height except as provided in § 154-15.03 of this chapter. Accessory structures shall not exceed 15 feet in height.

(d) *Lot coverage.* The maximum lot coverage for all principal and accessory buildings in the Recreation Vehicle Subdivision District is 50%.

(2) *Minimum parcel sizes and setbacks.* To meet the purpose of this district, all uses within the Recreation Vehicle Subdivision District on legally created lots recorded with the county after June 30, 1995, shall comply with the development standards listed in divisions (E)(1)(a), (E)(1)(b) and (E)(1)(c) of this section above, as well as with the following additional development standards.

(a) The following are the minimum parcel sizes and setbacks for various uses in the Recreation Vehicle Subdivision District:

1. *Minimum area for a recreation vehicle subdivision.* Three acres minimum;

2. *Minimum public street setback to subdivision boundary wall or nonresidential building.* Twenty feet;

3. *Minimum setback to adjacent residential or agriculture district.* Twenty feet; and

4. *Conditional uses.* As approved by conditional use permit.

(b) *Private streets.* Any private streets within the Recreation Vehicle Subdivision District shall have a minimum width of 24 feet as measured edge-to-edge, exclusive of curbing, and shall conform with city standards for paving. All street corners shall have a minimum turn radius of 25 feet.

(c) *Off-street parking.* One parking space, as defined in Article 16 of this chapter, shall be provided for each parcel for a recreation vehicle subdivision use, and shall not be located within any public or private drive or street or other accessway. Said parking shall be paved with a durable, dust-free surface, and shall be located within either 50 feet of the residential use being served, or within a common parking area. No parking space shall be located within the minimum street setback as specified herein. A minimum of one visitor parking space shall be provided for each five recreation vehicle subdivision parcels. All other uses shall provide off-street parking as required by Article 16 of this chapter.

(d) *Lighting.* Minimum lighting within the range of one-tenth to two-tenths footcandles shall be provided for all streets, walks and service facility areas within the recreation vehicle subdivision development.

(e) *Stormwater drainage.* Surface stormwater drainage shall be provided in conformance with Chapter 192 of this code, and with any master drainage plan as may be adopted by the city. All drainage plans shall be subject to review and approval by the City Engineer.

(f) *Utilities.* At a minimum, the following utilities shall be provided to each recreation vehicle subdivision parcel: electricity, telephone, city water and city sewer (or city-approved alternative common wastewater collection and treatment system); easements shall be provided as required. All utilities shall be placed underground.

(g) *Fire hydrants.* Fire hydrants shall be located at intervals of 500 feet, subject to review and approval by the Fire Department and the City Engineer. No recreation vehicle or manufactured home or other building shall be located more than 250 feet from any fire hydrant.

(h) *Walls and fences.* Exterior boundaries of any recreation vehicle subdivision use shall be bounded by a masonry wall with a height of six feet as measured from the exterior of the recreation vehicle subdivision. The required boundary wall shall be placed behind any street yard setbacks and visibility triangles. Fences not exceeding six feet in height may be provided within the interior of any recreation vehicle subdivision provided that no fence higher than 30 inches is located within a street setback or visibility triangle.

(i) *Landscaping.* Street yard setbacks to the boundary walls, setbacks between the Recreation Vehicle Subdivision District and adjacent residential or agriculture districts, stormwater detention basins, and any common recreational facilities shall be landscaped in accordance with the Article 20 of this chapter.

(j) *Recreational areas.* In addition to whatever area may be provided for recreation on individual recreation vehicle subdivision parcels, there shall be provided for recreation vehicle subdivision uses a developed area or areas, devoted to recreational purposes consisting of at least 5% of the gross site area, and shall be maintained by a property owners' association.

(k) *Service facilities.* Service facilities for recreation vehicle subdivision use may be provided in conjunction with or in addition to recreation facilities; provided, however, that the service facilities shall be in addition to the minimum area required for recreational uses and as follows:

1. Sanitary facilities shall be provided as required by Chapter 8, Article 5, Section Rd-8-543, and its successors, of the Arizona Department of Health Services Rules and Regulations;

2. Washroom and laundry room facilities shall be provided within an enclosed structure(s);

3. One dwelling unit or manufactured home may be provided for use of the subdivision manager. Said building may also include a management office; provided, however, that it shall be limited to the management activities of the subdivision; and

4. Refuse collection areas shall be provided to accommodate front-load container-type pickup, and shall be approved by the Department of Public Works.

(l) *Management.* A property owners' association shall be established for any recreation vehicle subdivision use. The property owners association shall be responsible for the management and maintenance of all private streets, landscaping, private utilities and common area facilities as specified herein, and/or provided in addition to these minimum development standards.

(m) *Procedure for processing recreation vehicle subdivisions.*

1. A recreation vehicle subdivision shall be processed as required in Chapter 153 of this title. A detailed development plan shall be prepared in conjunction with the preliminary subdivision plat and shall identify the location of all streets, recreation vehicle or manufactured home unit spaces, recreational areas, parking lots, service facility areas and any permanent structure(s) that may be provided for use of property owners. Said development plan shall be sufficiently detailed to illustrate full compliance with all development standards as specified herein.

2. Articles of incorporation for the property owners' association, including management rules and conditions, covenants and restrictions, shall be submitted for review and approval by the city.

(n) *Waivers.* Upon receipt of a written request, the Planning and Zoning Commission may recommend a waiver be granted from a particular development standard(s); provided, however, that the Commission makes a specific finding that some other amenity or amenities or development feature is being provided in lieu of the standard(s) being waived and that such waiver is not contrary to the purpose, spirit and intent of this chapter.

('80 Code, App. A, § 75) (Ord. 583, passed 9-16-1952; Ord. O95-021, passed 6-27-1995; Ord. O2010-32, passed 7-7-2010) Penalty, see § 154-999

§ 154-06.03 Manufactured Housing Subdivision District (MHS).

(A) *Purpose.* This district is intended to accommodate manufactured homes, together with schools, parks and other services, in a suitable residential environment. Manufactured homes on individual lots within manufactured home subdivisions are permitted, provided they meet the minimum requirements of this district.

('80 Code, App. A, § 80) (Ord. 583, passed 9-16-1952; Ord. 2109, passed 2-2-1983)

(B) *Permitted principal uses.*

(1) Manufactured home subdivisions;

(2) Public schools, parks and recreation facilities;

(3) Crop and tree farming;

(4) Child day care services, small;

(5) Residential care facility, small; and

(6) Nursing and personal care, small.

('80 Code, App. A, § 80) (Ord. 583, passed 9-16-1952; Ord. 2687, passed 1-4-1995)

(C) *Permitted accessory uses.*

(1) Accessory buildings, structures and uses in manufactured home subdivisions such as vestibule, carport, garage, storage or recreation facilities, and joint boat and trailer storage areas;

(2) Home occupation; and

(3) Wall-mounted and concealed/disguised personal wireless communication facilities in accordance with Article 19 herein are permitted as an accessory use for legally established nonresidential uses only. Wall strapping of a personal wireless communications facility is not permitted.

(a) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses.

(b) The use of lattice tower structures for any personal wireless communication facility is not permitted.

('80 Code, App. A, § 80) (Ord. 583, passed 9-16-1952; Ord. 2109, passed 2-2-1983; Ord. 2235, passed 11-20-1984; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002)

(D) *Conditional uses.* Any of the following uses may be established or operated as a conditional use upon application and submittal of a site plan to and approved by the Planning Commission in accordance with § 154-03.05:

(1) Religious institutions including related buildings and activities;

(2) Private schools;

(3) Child day care services, large. Day care for six or more children is permitted upon compliance with the following:

(Ord. O2008-33, passed 8-6-2008)

(a) The seven standard criteria for reviewing conditional use applications (§ 154-03.05(G)(2));

(b) The facility must be licensed by the State Department of Health Services;

(c) There shall be no swimming pool on the site, unless the pool is in compliance with the current adopted Pool Safety Codes per the Arizona Revised Statutes;

(d) Any outside play area shall be enclosed by a five foot high solid wall or fence with self-latching gate;

(e) There shall be no structural additions or equipment not customarily found in a residential dwelling, excepting those modifications required under state licensing, building code or fire code regulations pertaining to this class of child day care services, large; and

(f) In granting any conditional use permit, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this chapter, including, but not limited to, setback and coverage requirements, off-street parking and screening structures and materials to hold to reasonable levels the impact of surrounding uses and hours of operation.

(4) Private parks, recreation areas and facilities; and

(5) Rooming and boarding houses.

('80 Code, App. A, § 80) (Ord. 583, passed 9-16-1952; Ord. 2356, passed 5-6-1987; Ord. 2523, passed 6-5-1991; Ord. 2687, passed 1-4-1995)

(E) *Property development standards.* Each parcel of land used for a manufactured home subdivision and individually owned lots within a subdivision shall comply with the following minimum regulations.

(1) *Area.*

(a) Each parcel of land used for a manufactured home subdivision shall have a minimum of three acres.

(b) In manufactured home subdivisions there shall be a minimum lot area of 4,000 square feet per manufactured home lot.

(2) *Dimensions.*

(a) *Width.* Each manufactured home lot shall have a minimum width of 50 feet. In cases of irregularly shaped lots, the minimum width shall be measured 20 feet back from the front property line.

(b) *Depth.* Each manufactured home lot shall have a minimum depth of 80 feet.

(3) *Minimum setbacks.*

(a) *Front yard.* Ten feet. Where a manufactured home lot has double frontage, the required front yard shall be provided on both streets. When a manufactured home lot has frontage on a street opposite from another residential zoning district, there shall be a front yard equal to the required front yard setback of the adjoining residential zoning district;

(b) *Side yard.* Seven feet from interior lot lines and ten feet from side street lot lines; and

(c) *Rear yard.* Seven feet.

(4) *Height regulations.* No principal building shall exceed 20 feet in height and no accessory building shall exceed 15 feet in height.

(5) *Maximum coverage.* The maximum permitted coverage by the manufactured home unit and accessory buildings shall not exceed 45% of the manufactured home lot, excluding the first two carports up to 400 square feet.

(6) *Streets.* Streets shall be designed to the standards established in Chapter 153 and shall be reviewed and approved by the City Engineer.

(7) *Off-street parking.* Two parking spaces shall be provided for each manufactured home lot and shall not be provided within the minimum setback requirements for the manufactured home lot.

(8) *Walkways.* Walks shall be provided adjacent to dedicated streets and shall be reviewed and approved by the City Engineer.

(9) *Illumination.* Adequate lighting shall be provided for all streets.

(10) *Storm drainage.* Proper surface storm drainage will be provided and the drainage plans will be reviewed and approved by the City Engineer.

(11) *Utilities.* Electricity, city water and city sewer shall be provided to each manufactured home lot; no aboveground utility lines shall be permitted.

(12) *Fire hydrants.* Approved fire hydrants shall be located at intervals of 500 feet as approved by the Fire Department and City Engineer.

(13) *Fences.*

(a) Exterior boundaries of the subdivision shall be bounded with a masonry wall having a minimum height of four feet and a maximum height of six feet; and

(b) Fences shall be permitted along any lot line; provided, however, that no fences more than six feet will be permitted on side and rear lot lines and no more than four feet within the minimum front yard.

(14) *Recreational vehicles.* The location of recreational vehicles on a manufactured home lot shall be prohibited for human occupancy as a residence.

(15) *Procedures for manufactured home subdivision.* A manufactured home subdivision plat shall be processed as provided in Chapter 153 after request and approval of the MH Zoning District. In complying with the regulations of Chapter 153, the words "building" and "structure" may be interpreted to mean "manufactured home".

('80 Code, App. A, § 80) (Ord. 583, passed 9-16-1952; Ord. 2109, passed 2-2-1983) Penalty, see § 154-999

(F) *Other requirements for manufactured home subdivisions.*

(1) Tie downs. All manufactured homes in manufactured home subdivisions shall be anchored to comply with the wind and seismic standards as adopted by the city.

(2) There shall be not more than one manufactured home per each manufactured home lot.

(3) All manufactured homes shall be equipped with toilet, bath and kitchen facilities and shall be connected to sanitary sewer. Water, electrical and telephone service shall be provided.

(4) All manufactured homes shall be recessed with the frame to grade level or have solid skirting to the ground on all sides.

(5) Placement of a manufactured home on an approved lot and the connection of utilities thereto shall be subject to a permit from and inspection by the authority having jurisdiction. A site plan shall be submitted showing the lot which is to be used for the installation and the location of utility hookups and setbacks to be observed. Any alterations or additions on said manufactured home lot shall be subject to the same requirements.

('80 Code, App. A, § 80) (Ord. 583, passed 9-16-1952) Penalty, see § 154-999

(G) *Waivers.* Upon receipt of a written request, the Planning and Zoning Commission may recommend that a waiver be granted from a particular development standard or standards; provided, however, that the Commission makes a specific finding that some other amenity or amenities or development feature is being provided in lieu of the standard or standards being waived and that such waiver is not contrary to the purpose of this chapter.

('80 Code, App. A, § 80) (Ord. 583, passed 9-16-1952; Ord. 2109, passed 2-2-1983; Ord. 2687, passed 1-4-1995; Ord. O97-23, passed 9-3-1997; Ord. O2010-32, passed 7-7-2010; Ord. O2010-63, passed 12-1-2010)

§ 154-06.04 Manufactured Housing Park District (MHP).

(A) *Purpose.* This district is intended to accommodate manufactured homes and recreational vehicles, together with schools, parks and other services, in a suitable residential environment. Manufactured homes and recreational vehicles on a parcel of land under one ownership and/or management established as a manufactured home park, a recreational vehicle park and a recreational vehicle cooperative (or combination thereof) are permitted, provided they meet the minimum requirements of this district.

('80 Code, App. A, § 85) (Ord. 583, passed 9-16-1952; Ord. O97-23, passed 9-3-1997)

(B) *Permitted principal uses.*

(1) Manufactured home parks;

(2) Recreational vehicle parks;

(3) Recreational vehicle cooperatives;

(4) Crop and tree farming;

(5) Public schools, parks and recreation facilities;

(6) Child day care services, small;

(7) Residential care facility, small; and

(8) Nursing and personal care facility, small.

('80 Code, App. A, § 85) (Ord. 583, passed 9-16-1952; Ord. O97-23, passed 9-3-1997)

(C) *Permitted accessory uses.*

(1) Accessory buildings, structures and uses in manufactured home parks such as vestibule, carport, garage, storage or recreation facilities and joint boat and trailer storage areas;

(2) Overflow recreational vehicle parking (dry camps), not to exceed 20% of the total number of manufactured home and recreational vehicle spaces, and not to exceed 50 spaces (whichever is less);

(3) Home occupations; and

(4) Wall-mounted and concealed/disguised personal wireless communication facilities in accordance with Article 19 herein are permitted as an accessory use for legally established nonresidential uses only. Wall strapping of a personal wireless communications facility is not permitted.

(a) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses.

(b) The use of lattice tower structures for any personal wireless communication facility is not permitted.

('80 Code, App. A, § 85) (Ord. 583, passed 9-16-1952; Ord. O97-23, passed 9-3-1997; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002)

(D) *Conditional uses.* Any of the following uses may be established or operated as a conditional use upon application and submittal of a site plan to and approved by the Planning and Zoning Commission in accordance with § 154-03.05:

(1) Religious institutions including related buildings and activities;

(2) Private schools;

(3) Child day care services, large. Day care for six or more children is permitted upon compliance with the following:

(Ord. O2008-33, passed 8-6-2008)

(a) The seven standard criteria for reviewing conditional use applications § 154-03.05;

(b) The facility must be licensed by the State Department of Health and Services;

(c) There shall be no swimming pool on the site, unless the pool is in compliance with the current adopted Pool Safety Codes per the Arizona Revised Statutes;

(d) Any outside play area shall be enclosed by a five foot high solid wall or fence with self-latching gate;

(e) There shall be no structural additions or equipment not customarily found in a residential dwelling, excepting those modifications required under state licensing, building code or fire code regulations pertaining to this class of child day care services, large; and

(f) In granting any conditional use permit, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this chapter, including, but not limited to, setback and coverage requirements, off-street parking and screening structures and materials to hold to reasonable levels the impact of surrounding uses, and hours of operation.

(4) Private parks, recreation areas and facilities; and

(5) Rooming and boarding houses.

('80 Code, App. A, § 85) (Ord. 583, passed 9-16-1952; Ord. O97-23, passed 9-3-1997)

(E) *Property development standards.*

(1) *Land area.* The minimum area of land used for a manufactured home park, recreational vehicle park and recreational vehicle cooperative (or combination thereof) shall be three acres. A lot, parcel or tract of land less than three acres may be rezoned if it adjoins an existing Manufactured Housing Park (MHP) District.

(2) *Space sizes and density.*

(a) *Manufactured home park.*

1. *Minimum area.* In manufactured home parks there shall be a minimum area of 2,800 square feet per manufactured home space.

2. *Width.* Each manufactured home space shall have a minimum width of 40 feet. In cases of irregularly shaped lots, the minimum width shall be measured 20 feet back from the front property line.

3. *Depth.* Each manufactured home space shall have a minimum depth of 70 feet.

(b) *Recreational vehicle park and recreational vehicle cooperative.*

1. *Minimum area.* In recreational vehicle parks and cooperatives, there shall be a minimum area of 1,000 square feet per

recreational vehicle space.

2. *Maximum allowable density.* The maximum allowable density for an area of land developed as a recreational vehicle park or recreational vehicle cooperative shall be 18 units per acre.

3. *Width.* Each recreational vehicle space shall have a minimum width of 25 feet.

4. *Depth.* Each recreational vehicle space shall have a minimum depth of 40 feet; provided, however, that for any space within the park which is to accommodate an RV unit greater than 32 feet in length, the minimum space depth shall be increased to 48 feet.

5. *Minimum interior dimensions of the unit space.* In such event as the unit space is oriented at an angle from the street which is other than perpendicular, or is provided in trapezoidal fashion or other geometric shape, the minimum interior dimensions of said unit space shall be not less than the minimum specified herein. No part of any recreational vehicle may extend beyond the limits of the designated unit space.

(3) *Streets.* Park roadways shall have a minimum width of 32 feet between curbs and be paved with asphaltic concrete or equivalent. All street corners shall have a minimum turn radius of 25 feet.

(4) *Dry camps.* If provided, overflow recreational vehicle parking (dry camps) shall be located in areas with a minimum gravel or ABC surface for access and parking.

(5) *Off-street parking.*

(a) *For manufactured housing parks.* Two parking spaces shall be provided for each manufactured home space; at least one space shall not be provided within the minimum setback requirements for the manufactured home space.

(b) *For recreational vehicle parks and recreational vehicle cooperatives.* One parking space, as defined in this chapter, shall be provided for each recreational vehicle unit space, and shall not be located within any private drive or other accessway. Said parking shall be paved with a durable, dust-free surface and shall be located within either 50 feet of the recreational vehicle unit space being served, or within a common parking area located no more than 300 feet from the recreational vehicle. No parking space shall be located within the minimum street setback as specified herein. A minimum of one visitor parking space shall be provided for each five recreational vehicle spaces occupied by a permanently sited unit.

(6) *Fences.* Exterior boundaries of the manufactured home park, recreational vehicle park and recreational vehicle cooperative shall be bounded by a six foot high masonry wall. Fences having a maximum height of six feet may be permitted on manufactured home space boundary lines except that no fence higher than three feet shall be permitted within the minimum front yard. The minimum traffic visibility requirements specified in the zoning code shall be complied with for all streets, driveways and other points of access located within or along the perimeter of the project.

(7) *Service facilities.*

(a) *Utilities.* Electricity, city water and city sewer shall be provided to each manufactured home space or recreational vehicle space. No aboveground utility lines shall be permitted, except for connections between recreational vehicles and park model recreation vehicles and their service outlets. All utility lines shall be privately maintained, except for any fire line as may be required by the City Fire Department. The location of all easements for public services and utilities, including purposes and any limitations of such easements shall be illustrated on the site plan.

(b) *Fire hydrants.* Approved fire hydrants shall be located at intervals of 500 feet as approved by the City Fire Department and City Engineer.

(c) *Washroom and laundry room facilities.* If provided, washroom and laundry room facilities shall be located within an enclosed structure or structures.

(d) *Park manager or cooperative.* One dwelling unit or manufactured home will be permitted for the use of the park manager or cooperative; such building may also include a management office.

(e) *Refuse collection areas.* Refuse collection areas shall be provided and screened from public view as approved by the Department of Public Works.

(8) *Recreation areas.* In addition to the space devoted to individual recreation on individual manufactured home and recreational vehicle sites, there shall be provided a developed area, or areas, devoted to open space and recreational purposes consisting of at least 5% of the gross park or cooperation area, and will be provided and maintained by the park operator or cooperative association.

(9) *Illumination.* Minimum lighting of two-tenths footcandles shall be provided for all streets, walks and service facility areas within the development.

(10) *Storm drainage.* Proper surface storm drainage shall be provided subject to approval by the City Engineer.

(11) *Management.* The park manager or cooperative association shall be responsible for the management and maintenance of all private streets and facilities as specified herein.

(12) *Procedure for recreational vehicle cooperatives.*

(a) For the purposes of this subchapter, a ***RECREATIONAL VEHICLE COOPERATIVE*** shall be a cooperative within the definition of "subdivision" as defined by Chapter 153. A recreational vehicle cooperative shall be processed as required in Chapter 153 after establishment of the Manufactured Housing Park (MHP) District. Said plat shall be prepared as a block recording and shall not designate any private streets, drives, recreational vehicle unit space or other exclusive use areas; but shall indicate any utility easements as may be required. The plat submittal shall include the articles of incorporation for the cooperative, the cooperative management rules and the covenants, conditions and restrictions.

(b) A detailed development plan shall be prepared in conjunction with the preliminary plat and shall identify the location of all streets, recreational vehicle unit spaces, recreational areas, parking lots, service facility areas and any permanent structure that may be provided for future use of members, including covered carports, covered patios and storage buildings. Said development plans shall be sufficiently detailed to illustrate full compliance with all development standards as specified herein.

('80 Code, App. A, § 85) (Ord. 583, passed 9-16-1952; Ord. O97-23, passed 9-3-1997) Penalty, see § 154-999

(F) *Placement standards.*

(1) *Permit.* Placement of a manufactured home at an approved location, and the connection of utilities thereto, shall be subject to a permit from and inspection by the authority having jurisdiction. A site plan shall be submitted showing the space which is to be used for the installation, and a plot plan shall be submitted of the space showing the location of utility hookups and setbacks to be observed. Any alterations or additions on said manufactured home space shall be subject to the same requirements.

(2) *Site plan.* Placement of a park model recreational vehicle at an approved location shall be subject to a permit from, and inspection by, the authority having jurisdiction. A site plan shall be submitted showing the space which is to be used for the installation, and a plot plan shall be submitted of the space showing the location of utility hookups and setbacks to be observed. Any alterations or additions on said manufactured home space shall be subject to the same requirements. Alterations, including awnings, patio covers, room additions, shall be constructed in accordance with the construction codes of the city.

(3) *Separation and setbacks.*

(a) All manufactured homes, recreational vehicles and buildings shall be set back from the periphery of the park or cooperative as follows:

1. *Front yard.* Ten feet. Where manufactured home park has double frontage, the required front yard shall be provided on both streets;

2. *Side yard.* Seven feet; and

3. *Rear yard.* Seven feet.

(b) There shall be a minimum distance of six feet between the leading edge of any two manufactured homes or recreational vehicle units or their accessory structures. This minimum setback shall be maintained free of all awnings (fixed or temporary). This minimum setback shall be measured perpendicularly to the alignment of the manufactured home or recreational vehicle unit to provide a consistent setback between building envelopes.

(c) There shall be a minimum distance of three feet from an interior public or private street to the leading edge of any manufactured home, recreational vehicle or structure.

(4) *Height regulations.* No principal building shall exceed 20 feet in height and no accessory building shall exceed 15 feet in height.

(5) *Visibility triangle requirements.* All structures located at the corner of public streets shall comply with the visibility triangle requirements of the zoning code.

(6) *Tie downs.* All manufactured homes and park model recreational vehicles in manufactured home or recreational vehicle

parks shall be anchored to comply with the wind and seismic standards as adopted by the city.

(7) *Location*. There shall be not more than one manufactured home per each manufactured home space. The location of recreational vehicles on a manufactured home space for human occupancy is permitted provided it is the only occupied unit on the space, and also provided that the unit is self-contained or that restrooms and shower facilities are provided.

(8) *Facilities*. All manufactured homes shall be equipped with toilet, bath and kitchen facilities and shall be connected to a sanitary sewer. Water, electrical and telephone service shall be provided.

(9) *Recessed or skirting*. All manufactured homes shall be recessed with the frame to grade level or have solid skirting to the ground on all sides.

('80 Code, App. A, § 85) (Ord. 583, passed 9-16-1952; Ord. O97-23, passed 9-3-1997; Ord. O2000-73, passed 10-18-2000) Penalty, see § 154-999

(G) *Waivers*. The Zoning Board of Adjustment may hear and decide applications for variances from a particular development standard or standards, pursuant to § 154-03.04.

('80 Code, App. A, § 85) (Ord. 583, passed 9-16-1952; Ord. O97-23, passed 9-3-1997)

(Ord. O2010-32, passed 7-7-2010; Ord. O2010-63, passed 12-1-2010)

Article 07 - Multiple-Family Residential Zoning Districts

§ 154-07.01 Medium Density Residential District (R-2).

(A) *Purpose*. Within any Medium Density Residential District no building, structure or premises shall be used, and no building or structure shall be erected, which is intended to be designed or used, in whole or in part, for any industrial, manufacturing, trade or commercial purpose, except as permitted in this subchapter, or for any other than the following purposes.

('80 Code, App. A, § 72) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(B) *Applicability*. The allowed residential density of the Medium Density Residential Districts shall be in conformance with the appropriate General Plan Land Use Designation and in compliance with the Zoning Conformity Matrix.

('80 Code, App. A, § 72) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(C) *Permitted principal uses.*

(1) One single-family dwelling on a lot containing at least 6,000 square feet;

(2) One two-family dwelling on a lot containing at least 8,000 square feet;

(3) Two single-family dwellings on one lot containing at least 8,000 square feet, provided, that such dwelling or dwellings conform in all respects to the setback, side line, density area and lot coverage requirements as provided in this chapter for single-family dwelling units in this district;

(4) Small lot single-family subdivision(s) (lots containing at least 4,500 square feet and less than 6,000 square feet minimum area per lot), provided that:

(a) No more than 72 small lots shall be established within each one-quarter section of land (160 acres);

(b) Common area landscaping and amenities shall be provided for small lot subdivisions; and

(c) A home owner's association shall be established for each small lot subdivision for the maintenance of the common area landscaping and amenities.

(5) Multi-family dwellings with a maximum density of 12 dwelling units per acre;

(6) Public and private elementary and secondary schools;

(7) Child day care services, small (SIC 8351);

(8) Residential care facility, small (SIC 8361);

(9) Rooming and boarding houses (SIC 7021); and

(10) Publicly owned and operated parks, playgrounds and recreational uses.

('80 Code, App. A, § 72) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995; Ord. O2004-33, passed 6-16-2004)

(D) *Permitted accessory uses.*

(1) Accessory uses of buildings or structures customarily incidental and subordinate to any use permitted by this chapter such as swimming pools, private carports and garages, laundry rooms and common recreation buildings and areas; provided that none shall be operated for use by the general public for gain and subject to the criteria as specified in § 154-15.15 of this chapter;

(2) Home occupations; and

(3) Wall-mounted and concealed/disguised personal wireless communication facilities, in accordance with Article 19 herein, are permitted as an accessory use for legally established nonresidential uses only. Wall strapping of a personal wireless communications facility is not permitted.

(a) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses.

(b) The use of lattice tower structures for any personal wireless communication facility is not permitted.

('80 Code, App. A, § 72) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002; Ord. O2014-29, passed 10-1-2014)

(E) *Conditional uses.*

(1) Child day care services, large; day care for six or more children is permitted upon compliance with the following:

(a) The seven standard criteria for reviewing conditional use applications (see § 154-03.05(G)(2));

(b) The facility must be licensed by the State Department of Health Services;

(c) There shall be no swimming pool on the site, unless the pool is in compliance with the current adopted Pool Safety Codes per the Arizona Revised Statutes;

(d) Any outside play area shall be enclosed by a five foot high solid wall or fence with self-latching gate;

(e) There shall be no structural additions or equipment not customarily in a residential dwelling, excepting those modifications required under state licensing, building code or fire code regulations pertaining to this class of child day care service; and

(f) In granting any conditional use permit, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this chapter, including, but not limited to, setback and coverage requirements, off-street parking and screening structures and materials to hold to reasonable levels the impact on surrounding uses, and hours of operation.

(2) Religious institutions including related buildings and activities;

(3) Membership-based lodging (SIC 7041);

(4) Cemetery, crematory or mausoleum;

(5) Public and quasi-public utility buildings and facilities when necessary for service to the surrounding territory, provided that no public business offices and no repair or storage facilities are maintained therein. Electric substations must be enclosed within a wall or fence adequate to prohibit passage of persons and to provide screening from public view; and

(6) University or college.

('80 Code, App. A, § 72) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995; Ord. O2008-33, passed 8-6-2008)

(F) *Property development standards.* In addition to the regulations and requirements contained in other sections of this chapter, the following minimum property development standards apply to all land and buildings in the Medium Density Residential District as may be designated on the official zoning map.

(1) *Lot size.* The minimum lot size in the Medium Density Residential (R-2) District shall be 4,500 square feet.

(2) *Density.* The maximum density in the Medium Density Residential (R-2) District shall be one unit per 4,000 square feet of

land.

(3) *Lot width*. The minimum lot width in the Medium Density Residential (R-2) District shall be 50 feet.

(4) *Lot coverage*. The maximum lot coverage in the Medium Density Residential (R-2) District shall be 35% of the lot area. The first 600 square feet of covered parking shall be permitted in addition to the maximum lot coverage percentage listed above.

(5) *Yards*. The following is the list of minimum yard setbacks in the Medium Density Residential (R-2) District:

(a) *Minimum front yard setback*. Twenty feet;

(b) *Minimum side yard setback*. Seven feet;

(c) *Minimum rear yard setback*. Ten feet; and

(d) *Minimum street side yard setback*. Ten feet.

(6) *Building heights*. The maximum building height in the Medium Density Residential (R-2) District shall be 40 feet. The building height for multi-family structures shall be reduced to 20 feet (one story maximum) when located within 60 feet of adjacent parcels zoned Agriculture, Suburban Ranch, Residential Estate or Low Density Residential. Single-family structures are exempt from the 20 foot height limit.

(7) *Landscaping and irrigation*. Landscaping and irrigation shall be provided in the manner set forth in Article 20 of this chapter.

(8) *Off-street parking*. Off-street parking shall be provided in the manner set forth in Article 16 of this chapter.

('80 Code, App. A, § 72) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995; Ord. O2004-33, passed 6-16-2004; Ord. O2006-39, passed 6-21-2006; Ord. O2010-32, passed 7-7-2010 ;Ord. O2010-63, passed 12-1-2010; Ord. O2010-64, passed 12-15-2010) Penalty, see § 154-999

§ 154-07.02 Medium Density Single-Family Residential District (R-2-5).

(A) *Purpose*. The purpose of the R-2-5 District is to provide additional housing styles and development types in the medium density multiple-family zoning district. The R-2-5 is a zone of single-family housing units in a more compact form, with smaller setbacks, more lot coverage, staggered front yard setbacks and a requirement to provide stormwater retention/open space on a larger scale, encouraging one larger basin and fewer small retention basins.

(B) *Applicability*. The allowed residential density of the Medium Density Residential Districts shall be in conformance with the appropriate General Plan Land Use Designation and in compliance with the Zoning Conformity Matrix.

(C) *Permitted principal uses.*

(1) A single-family subdivision with lots containing at least 5,000 square feet and meeting the density requirement of five to12.9 dwelling units/acre;

(2) Child day care services, small (SIC 8351); and

(3) Publicly owned and operated parks, playgrounds and recreational uses.

(D) *Permitted accessory uses.*

(1) Accessory uses of buildings or structures customarily incidental and subordinate to any use permitted by this chapter such as swimming pools, garages, laundry rooms and public recreation areas and structures, subject to the criteria as specified in § 154-15.15 of this chapter;

(2) Home occupations; any home occupation that does not require customers or employees to come to the home, with the exception of child day care services, small and piano/music lessons; and

(3) Personal auto repair for the resident of the home only.

(Ord. O2014-29, passed 10-1-2014)

(E) *Conditional uses*. Child day care services, large.

(F) *Property development standards.* In addition to the regulations and requirements contained in other sections of this chapter, the following minimum property development standards apply to all land and buildings in the Medium Density Single-Family Residential (R-2-5) District as may be designated on the official zoning map.

(1) *Lot size.* The minimum lot size in the Medium Density Single-Family Residential (R-2-5) District shall be 5,000 square feet. If more than one lot is being developed, the average net lot size for all lots (excluding any retention basin lot) shall be 5,000 square feet, as determined by the Zoning Administrator.

(2) *Density.* The maximum density in the Medium Density Single-Family Residential (R-2-5) District shall be one unit per 5,000 square feet of land (meeting the density as identified in the General Plan), provided all other development standards in this zoning district are met.

(3) *Lot width.* The minimum lot width in the Medium Density Single-Family Residential (R-2-5) District shall be 50 feet. On cul-de-sac lots, the lot width may be reduced to 40 feet, as measured at the front yard setback line.

(4) *Lot coverage.* The maximum lot coverage in the Medium Density Single-Family Residential (R-2-5) District shall be 45% of the lot area. The required 400 square feet of enclosed garage shall not count against the maximum lot coverage percentage listed above.

(5) *Yards.* The following is the list of minimum yard setbacks in the Medium Density Single-Family Residential (R-2-5) District.

(a) *Minimum front yard setback.* Minimum front yard setback of 15 feet, with a range of staggered front yard setbacks between 15 and 20 feet, with a maximum of 50% of the lots having a 15-foot setback. Garages can be placed separately from the dwelling unit on the lot;

(b) *Minimum side yard setbacks.* Five feet, clear of equipment and any other structures and/or appurtenances on one side, nine feet on the other side;

(c) *Minimum rear yard setback.* Ten feet, (except for detached garage);

(d) *Minimum street side yard setback.* Ten feet; and

(e) *Walls.* The side and rear yards shall have six foot solid block walls on the property lines. The actual location of the beginning of the six foot side yard wall shall be determined based on the house plan built, starting from some appropriate point (as determined by the Zoning Administrator) along the side yard property line next to the house, with the wall continuing and adjoining the rear property line wall.

(6) *Garages.* Garages can be attached or detached from the dwelling unit. If attached, the minimum front yard garage setback shall be 15 feet and must comply with the staggered front yard setback in division (F)(5)(a) above. If garages are detached from the unit, they can be placed anywhere from the minimum 15 feet front yard setback (complying with division (F)(5)(a) above) to a minimum rear yard setback of three feet.

(7) *Building heights.* The maximum building height in the Medium Density Single- Family Residential (R-2-5) District shall be 40 feet.

(8) *Landscaping and irrigation.* Each lot in the Medium Density Single-Family Residential (R-2-5) District shall have a minimum of one 15-gallon street tree and accompanying underground irrigation system.

(9) *Off-street parking.* Each single-family dwelling shall have a two-car garage for parking cars and household storage. In addition to the two-car garage, each single-family dwelling shall have a paved driveway capable of providing parking for two cars.

(10) *Stormwater retention basins.* When an R-2-5 subdivision is planned, the stormwater retention shall occur on a larger scale, with basins planned to accommodate a minimum of one-quarter section (160 acres) of adjacent surrounding land. The basins shall be planned, when possible, to align with the locations identified for neighborhood parks in the General Plan. For infill projects, projects less than 160 acres, or projects that are constrained by physical barriers such as rail lines, elevated freeways and irrigation canals, smaller basins may be allowed on a case-by-case basis upon approval of the Zoning Administrator.

(Ord. O2010-46, passed 9-1-2010; Ord. O2010-64, passed 12-15-2010) Penalty, see § 154-999

§ 154-07.03 High Density Residential District (R-3).

(A) *Purpose.* Within any High Density Residential (R-3) District, no building, structure or premises shall be used and no building

or structure shall be erected, which is intended or designed to be used, in whole or in part, for any use except as permitted in this section.

('80 Code, App. A, § 73) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(B) *Applicability.* The allowed residential density of the High Density Residential Districts shall be in conformance with the appropriate General Plan Land Use Designation and in compliance with the Zoning Conformity Matrix.

('80 Code, App. A, § 73) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(C) *Permitted principal uses.*

(1) One single-family dwelling;

(2) One two-family dwelling;

(3) Multiple-family dwellings, attached or detached;

(4) Child day care services, small (SIC 8351);

(5) Residential care facility, small (SIC 8361);

(6) Rooming and boarding houses (SIC 7021);

(7) Public and private elementary and secondary schools; and

(8) Publicly owned and operated parks, playgrounds and recreational uses.

('80 Code, App. A, § 73) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(D) *Permitted accessory uses.*

(1) Accessory uses of buildings or structures customarily incidental and subordinate to any use permitted by this subchapter such as swimming pools, private carports and garages, laundry rooms and common recreation buildings and areas; provided that none shall be operated for use by the general public for gain and subject to the criteria as specified in § 154-15.15 of this chapter;

(2) Home occupations; and

(3) Wall-mounted and concealed/disguised personal wireless communication facilities, in accordance with Article 19 herein, are permitted as an accessory use for legally established nonresidential uses only. Wall strapping of a personal wireless communications facility is not permitted.

(a) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses.

(b) The use of lattice tower structures for any personal wireless communication facility is not permitted.

('80 Code, App. A, § 73) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002; Ord. O2013-29, passed 10-1-2014)

(E) *Conditional uses.*

(1) Art gallery or museum;

(2) Cemetery, crematory or mausoleum;

(3) Religious institutions including related buildings and activities;

(4) Child day care services, large; day care for six or more children is permitted upon compliance with the following:

(Ord. O2008-33, passed 8-6-2008)

(a) The seven standard criteria for reviewing conditional use applications (see § 154-03.05(G)(2));

(b) The facility must be licensed by the State Department of Health Services;

(c) There shall be no swimming pool on the site, unless the pool is in compliance with the current adopted Pool Safety Codes per the Arizona Revised Statutes;

(d) Any outside play area shall be enclosed by a five foot high solid wall or fence with a self-latching gate;

(e) There shall be no structural additions or equipment not customarily in a residential dwelling, excepting those modifications required under state licensing, building code or fire code regulations pertaining to this class of child day care service; and

(f) In granting any conditional use permit, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this chapter, including, but not limited to, setback and coverage requirements, off-street parking and screening structures and materials to hold to reasonable levels the impact on surrounding uses, and hours of operation.

(5) Public and quasi-public utility buildings and facilities when necessary for service to the surrounding territory, provided that no public business offices and no repair or storage facilities are maintained therein. Electric substations must be enclosed within a wall or fence adequate to prohibit passage of persons;

(6) Hospital or sanitarium;

(7) Motels or tourist facilities;

(8) University or college; and

(9) Membership-based lodging (SIC 7014).

('80 Code, App. A, § 73) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995)

(F) *Property development standards*. In addition to the regulations and requirements contained in other sections of this chapter, the following minimum property development standards apply to all land and buildings in the High Density Residential District as may be designated on the official zoning map.

(1) *Lot size*. The minimum lot size in the High Density Residential (R-3) District shall be 6,000 square feet.

(2) *Density*. The maximum density in the High Density Residential (R-3) District shall be 2,000 square feet of lot area for each one dwelling unit.

(3) *Lot width*. The minimum lot width in the High Density Residential (R-3) District shall be 50 feet.

(4) *Lot coverage*. The maximum lot coverage in the High Density Residential District shall be 35% of the lot area. An additional 5% lot coverage is permitted for common recreation buildings. The covered parking provided shall be permitted in addition to the maximum lot coverage percentages listed above, provided that the total lot coverage does not exceed 50% of the lot area.

(5) *Yards*. The following is the list of minimum yard setbacks for the High Density Residential (R-3) District:

(a) *Minimum front yard setback*. Twenty feet;

(b) *Minimum side yard setback*. Seven feet;

(c) *Minimum rear yard setback*. Ten feet; and

(d) *Minimum street side yard setback*. Ten feet.

(6) *Building heights*. Except as provided in § 154-15.03, the maximum building height shall be 40 feet. The maximum building height shall be reduced to 20 feet (one story maximum) for all land located within 60 feet of a lot in an Agriculture, Suburban Ranch, Residential Estate or Low Density Residential District.

(7) *Landscaping and irrigation*. Landscaping and irrigation shall be provided in the manner set forth in Article 20 of this chapter.

(8) *Off-street parking*. Off-street parking shall be provided in the manner set forth in Article 16 of this chapter.

('80 Code, App. A, § 73) (Ord. 583, passed 9-16-1952; Ord. O95-040, passed 9-5-1995; Ord. O2010-32, passed 7-7-2010; Ord. O2010-46, passed 9-1-2010; Ord. O2010-63, passed 12-1-2010; Ord. O2010-64, passed 12-15-2010) Penalty, see § 154-999

Article 08 - Commercial Zoning Districts

§ 154-08.01 Transitional District (TR).

(A) *Purpose.* The principal purpose of the Transitional District (TR) is to provide a transition between the low density residential areas and nonresidential uses and facilities. Through relatively strict development standards, locational requirements and use restrictions, this district is to act as a buffer between major traffic carriers and residential areas or between commercial and industrial uses and residential areas. Within these buffer areas, the intention is to provide for office, clerical and personal services uses which are characterized by a low or infrequent volume of direct daily customer contact and little or no storage or exchange of products or foods on site. As a secondary purpose, the Transitional District may also accommodate residential land uses either as independent activities, or in conjunction with professional services wherein a resident environment is desirable.

('80 Code, App. A, § 90) (Ord. 583, passed 9-16-1952; Ord. 2071, passed 5-5-1982)

(B) *Permitted principal uses.*

(1) General offices, including banks and other financial establishments without drive-in facilities; medical and dental offices and clinics and facilities providing health care therapeutic services, other than hospitals;

(2) Shops and salons providing services for personal grooming and apparel;

(3) Child care facilities, including church-related facilities;

(4) Religious institutions including related buildings and activities;

(5) One single-family dwelling; one two-family dwelling;

(6) Child day care services, small;

(7) Individual and family social services;

(8) Residential care facility, small;

(9) Rooming and boarding houses;

(10) Offices and clinics; medical;

(11) Nursing and personal care, small;

(12) Medical and dental labs;

(13) Home health services; and

(14) Miscellaneous health and allied services.

('80 Code, App. A, § 90) (Ord. 583, passed 9-16-1952; Ord. 2071, passed 5-5-1982; Ord. 2523, passed 6-5-1991; Ord. 2687, passed 1-4-1995; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002)

(C) *Permitted accessory uses.*

(1) Retail sales and storage of goods, merchandise or materials, wherein such activities are clearly incidental to the principal use; provided, however, that the total area devoted to any or all of these activities shall not exceed 10% of the gross floor area of the principal use, and further provided that vehicular delivery of such items from the premises to the customer shall be prohibited. No exterior signing or other indication of such activities shall be permitted;

(2) Display and demonstration of product samples which are not offered for sale from the premises; and

(3) Wall-mounted and concealed/disguised personal wireless communication facilities, in accordance with Article 19 herein, are permitted as an accessory use for legally established nonresidential uses only. A roof-mounted personal wireless communications facility is permitted on a commercial building or a mixed-use building which is primarily nonresidential (75% of the use is nonresidential).

(a) Wall strapping of a personal wireless communications facility is not permitted.

(b) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses.

(c) The use of lattice tower structures for any personal wireless communication facility is not permitted.

(D) *Conditional uses.* Any one of the following uses may be established or operated as a conditional use upon application and approval by the Planning and Zoning Commission (see § 154-03.05):

(1) Any facility for group assembly of clubs and organizations; group teaching of the arts, vocations or physical training; public display or exhibition of the arts, literature or similar items;

(2) Multi-family dwellings;

(3) Hospitals, excluding animal hospitals;

(4) Parking lots, only as an accessory activity to a principal use allowed within an adjacent business or industrial zoning district, subject to the provisions of Article 16 of this chapter;

(5) Other uses that meet the purpose and development standards as specified herein;

(6) Child day care services, large; child day care for six or more children is permitted upon compliance with the following:

(Ord. O2008-33, passed 8-6-2008)

(a) The seven standard criteria for reviewing conditional use applications (§ 154-03.05(G)(2));

(b) The facility must be licensed by the State Department of Health Services;

(c) There shall be no swimming pool on the site, unless the pool is in compliance with the current adopted Pool Safety Codes per the Arizona Revised Statutes;

(d) Any outside play area shall be enclosed by a five foot high solid wall or fence with self-latching gate;

(e) There shall be no structural additions or equipment not customarily in a residential dwelling, excepting those modifications required under state licensing, building code or fire code regulations pertaining to this class of child day care services, large; and

(f) In granting any conditional use permit, the Planning Commission may prescribe appropriate conditions and safeguards in conformity with this chapter, including but not limited to setback and coverage requirements, off-street parking and screening structures and materials to hold to reasonable levels the impact of surrounding uses, and hours of operation.

(7) Job training and vocational rehabilitation services;

(8) Residential care facility, large;

(9) Membership-based lodging;

(10) Miscellaneous social services;

(11) Nursing and personal care, large; and

(12) Specialty water store.

(13) Mortuaries, crematory, funeral parlors, or columbariums.

('80 Code, App. A, § 90) (Ord. 583, passed 9-16-1952; Ord. 2071, passed 5-5-1982; Ord. 2687, passed 1-4-1995; Ord. O2000-32, passed 5-17-2000; Ord. O2013-02, passed 1-16-2013)

(E) *Property development standards.* To meet the purpose of this district, all uses shall comply with the following minimum development standards.

(1) *Area and location.*

(a) The minimum area for the Transitional District shall be one acre. A lot, parcel or tract of land less than one acre may be considered for rezoning if it adjoins an existing transitional, business or industrial zoning district, and meets the minimum lot area requirements as specified herein.

(b) The minimum lot area within the Transitional District shall be 9,000 square feet; provided however, that existing lots of record classified within a business zoning district prior to the effective date of this chapter may be exempt from this requirement. Residential uses, including multi-family units, shall provide a minimum of 3,600 square feet of lot area per residential unit.

(c) The location of any Transitional District shall be restricted to property which either has direct access to and frontage on a major or minor arterial street as classified by the transportation element of the General Plan, or is contiguous to an existing business or industrial zoning district for a minimum length of 250 feet.

(2) *Building requirements.*

(a) Any use allowed herein, including accessory activities other than parking, shall take place within an enclosed building.

(b) Maximum lot coverage including all covered structures shall not exceed 50%.

(c) Maximum building height shall not exceed three stories or 40 feet, subject to the exceptions as specified in § 154-15.03 of this chapter.

(3) *Yards.*

(a) All buildings, including accessory structures shall be set back a minimum of 20 feet from any public or private street right-of-way line. A minimum setback of 20 feet shall also be provided from any side or rear property line shared with a residential zoning district, except landscaping for such required setback(s) may be reduced to five feet in width when the transitional property is developed with buildings and/or structures containing no more than 5,000 square feet gross enclosed floor area.

(b) Required yards fronting on a public or private street shall be landscaped as set forth in Article 20 of this chapter and shall not be used for parking, loading or product display.

(4) *Parking.* Off-street parking shall be provided as specified in Article 16 of this chapter.

(5) *Lighting.* All exterior lighting fixtures shall be arranged and located as to direct the light away from any public or private street right-of-way or adjoining residential district.

(6) *Signage.* Signage for purposes of identifying any use permitted herein may be provided on the same premises as the use being served, and shall be clearly incidental to such use. All signage shall comply with the following minimum standards.

(a) The maximum area of all signage shall be in accordance with the dimensions specified within Table No. 5 - Standards and Criteria for Permanent On-Site Signing, contained within Article 17 of this chapter.

(b) Signage less than three feet in height may be located within the minimum 20-foot setback from any public or private street right-of-way; signage greater than three feet in height shall be subject to the height and setback requirements specified in this section. Any sign location shall be subject to the traffic visibility requirements of this chapter, which shall apply to all driveways and corner lot locations. The upper limit of any sign face shall not extend above the roof line of any building on the property.

(c) Sign illumination may be direct or indirect lighting; provided, however, there shall be no glare to adjoining property or streets. Flashing signs, rotating beacons, portable or moving signs shall be prohibited.

(d) Signage shall be limited to identification purposes only and shall not include any picture, trademark, symbol, structure or other configuration other than the letters comprising the permitted subject matter.

(e) Nothing herein shall prohibit the placing of a temporary real estate sales or rental sign not exceeding three square feet in area within any required yard.

('80 Code, App. A, § 90) (Ord. 583, passed 9-16-1952; Ord. 2071, passed 5-5-1982; Ord. 2399, passed 4-20-1988; Ord. O96-24, passed 3-6-1996; Ord. O2000-55, passed 8-2-2000; Ord. O2004-52, passed 8-4-2004; Ord. O2010-09, passed 2-3-2010; Ord. O2010-32, passed 7-7-2010; Ord. O2010-63, passed 12-1-2010) Penalty, see § 154-999

§ 154-08.02 Planned Shopping Center District (PSC).

(A) *Purpose.* The principal purpose of the Planned Shopping Center (PSC) Zoning District is to provide for and encourage well designed and attractive retail shopping facilities on adequate sites in suitable facilities and appropriate locations which will serve the commercial needs of the surrounding neighborhood and the community. Shopping centers are permitted in accordance with an approved plan of development demonstrating that this purpose has been accomplished.

('80 Code, App. A, § 100) (Ord. 583, passed 9-16-1952; Ord. 1627, passed 7-6-1977; Ord. 2687, passed 1-4-1995)

(B) *Permitted principal uses.*

(1) Retail sales of merchandise and services, recreational facilities, parking areas and other facilities customarily considered as shopping center uses;

(2) Promotional events, herein defined as an event consisting of productions, displays or exhibitions provided for the purpose of

attracting persons to a shopping center. Outside promotional events such as circuses, carnivals and outdoor concerts are not permitted on shopping center sites having less than ten acres of net site area;

(3) Uses permitted on the site pursuant to zoning district regulations in effect prior to establishment of the PSC Zoning District as an alternative only if the site is not developed as a shopping center;

(4) Religious institutions including related buildings and activities; and

(5) Wall-mounted and concealed/disguised personal wireless communication facilities, in accordance with Article 19 herein, are permitted as an accessory use for legally established nonresidential uses only. A roof-mounted personal wireless communication facility is permitted on a commercial building or a mixed-use building which is primarily nonresidential (75% of the use is nonresidential).

(a) Wall strapping of a personal wireless communications facility is not permitted.

(b) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses.

(c) The use of lattice tower structures for any personal wireless communication facility is not permitted.

('80 Code, App. A, § 100) (Ord. 583, passed 9-16-1952; Ord. 1627, passed 7-6-1977; Ord. 2523, passed 6-5-1991; Ord. 2687, passed 1-4-1995; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002)

(C) *Permitted accessory uses.*

(1) Seasonal itinerant vendors of specific products associated with certain civic, patriotic and/or religious holidays/events.

(a) No sale or display of products or goods may occur in any street right-of-way, visibility triangle, required retention areas or drive aisles.

(b) Seasonal itinerant vendors cannot be located in any parking areas required for permanent onsite use(s).

(c) Seasonal itinerant vendors must provide paved parking for their customers' use.

(d) All temporary structures related to the itinerant use must pass a building inspection prior to being utilized for business.

(e) A business license must be obtained prior to scheduling a temporary structure inspection.

(f) No bells, chimes, microphones, loudspeakers, amplified music, strobe lights, or any other audible or visual distraction are allowed as part of the itinerant operation.

(g) A seasonal itinerant vendor is allowed one banner, not to exceed 32 square feet. The banner must be attached to the seasonal itinerant vendor's temporary structure.

(2) Food truck.

(Ord. O2013-28, passed 5-15-2013; Ord. O2014-20, passed 8-27-2014)

(D) *Conditional uses.*

(1) Multiple food trucks on one property.

(Ord. 2014-20, passed 8-27-2014)

(E) *Procedural regulations.* The PSC Zoning District may be established and made a part of the zoning district maps pursuant to § 154-03.03 of this chapter prior to approval of a plan of development. However, before building permits can be issued, a plan of development shall be submitted and approved in accordance with § 154-03.07 of this chapter.

(Ord. 2014-20, passed 8-27-2014)

(F) *Property development standards.* The following minimum standards shall apply to all property developed within the PSC Zoning District.

(1) *Lot area.* The minimum size of the site shall be four acres.

(2) *Setbacks.* All buildings shall be located a distance of not less than 25 feet from any boundary of the site on which it is located; and all buildings shall be located a distance of not less than 60 feet from any adjacent property within a residential zoning

district.

(3) *Lot coverage.* Maximum lot coverage, excluding covered or enclosed walkways, parking and mall area, shall not exceed 25% of the net site area. Under no circumstances shall total lot coverage exceed 25% of the net site area.

(4) *Parking requirements.* Parking shall be provided in accordance with the requirements of Article 16 of this chapter.

(5) *Loading and unloading regulations.* Off-street loading regulations are as provided in Article 16 of this chapter.

(6) *Height.* No building or structure shall exceed a height of 40 feet.

(7) *Landscaping and screening.*

(a) Where the boundary of a planned shopping center abuts property or a public alley within a residential zoning district, a six foot solid wall shall be provided. A four foot solid wall shall be provided along all other boundaries of the shopping center site. The four foot solid wall requirement may be waived if landscaping plans, which provide for the establishment and maintenance of a minimum ten foot wide landscaped buffer area and which will effectively screen the shopping center buildings and parking areas from surrounding properties, are included in the approved plan of development.

(b) Permitted outdoor uses shall be enclosed within a wall or fence of such material construction, and height so as to conceal all operations conducted within such wall or fence, except that customer parking, service station operations, sidewalk cafes and promotional events are excluded from this requirement.

(c) Any part of the shopping center site not used for buildings or other structures, parking, loading and access ways, pedestrian walks shall be landscaped as set forth in Article 20 of this chapter.

(Ord. 2399, passed 4-20-1988)

(8) *Detached buildings.* No more than one detached building, herein defined as a building entirely separated from other buildings by vehicular traffic way and unrelated to the core of the center, shall be permitted for each 40,000 square feet of gross leasable floor area. Detached buildings may only include service stations, banks, restaurants, photo drops, liquor stores, plant nurseries and medical offices.

('80 Code, App. A, § 100) (Ord. 583, passed 9-16-1952; Ord. 1627, passed 7-6-1977; Ord. 2399, passed 4-20-1988; Ord. 2687, passed 1-4-1995; Ord. O2006-15, passed 2-1-2006; Ord. O2010-32, passed 7-7-2010; Ord. O2013-28, passed 5-15-2013; Ord. O2014-20, passed 8-27-2014) Penalty, see § 154-999

§ 154-08.03 Limited Commercial District (B-1).

(A) *Purpose.* The principal purpose of the Limited Commercial (B-1) District is to provide for the business and retail uses which primarily serve the everyday shopping needs for residents of the community. The development standards and use restrictions specified for this district are intended to ensure compatibility with adjacent residential districts, while promoting an aesthetically pleasing image along major street frontages. It is also intended that residential uses be provided in conjunction with permitted commercial uses only, thereby minimizing encroachment from noncommercial activities within the district.

('80 Code, App. A, § 110) (Ord. 583, passed 9-16-1952; Ord. 2096, passed 11-3-1982; Ord. 2687, passed 1-4-1995)

(B) *Permitted principal uses.*

(1) Any nonresidential use permitted within the Transitional (TR) District as either a principal use or conditional use;

(2) Retail sales of goods, materials and merchandise, provided, however, that any outdoor sales, exterior storage, collection center, warehouse activity or any itinerant use not in conjunction with an established use as permitted herein, shall be prohibited;

(3) Repair shops and services for household items, excluding repair of vehicles or heavy machinery;

(4) Restaurants, whether indoor or outdoor, and excluding any form of commercial recreation, amusement or live entertainment;

(5) Adult oriented businesses as listed below; provided, however, that such uses shall comply with Article 15 of this chapter:

(a) Adult bookstore;

(b) Adult video store; and

(c) Escort agency.

(6) Religious institutions including related buildings and activities;

(7) Grocery stores, neighborhood grocery stores, convenience markets and specialty food and beverage stores, provided that neither motor fuel sales nor a drive through facility are located on the same lot;

(8) Child day care services, small;

(9) Child day care services, large;

(10) Individual and family social services;

(11) Job training and vocational rehabilitation services;

(12) Residential care facility, small;

(13) Residential care facility, large;

(14) Membership-based lodging;

(15) Miscellaneous social services;

(16) Offices and clinics; medical;

(17) Nursing and personal care, small;

(18) Medical and dental labs;

(19) Home health care services; and

(20) Miscellaneous health and allied services.

('80 Code, App. A, § 110) (Ord. 583, passed 9-16-1952; Ord. 2523, passed 6-5-1991; Ord. 2579, passed 7-15-1992; Ord. 2687, passed 1-4-1995; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002)

(C) *Permitted accessory uses.*

(1) Fabrication or assembly of such goods and materials which are sold on the premises; provided, however, such activity is clearly incidental to a principal retail or service use as permitted herein; and further provided that the area devoted to such fabrication or assembly shall not exceed 10% of the gross floor area of the principal use;

(2) Single- and two-family dwellings in conjunction with an established business activity. They shall be located within the same building or lot and may be owner-occupied or a rental unit. These may not be freestanding buildings for a solely residential use except as a conditional use;

(3) Sidewalk sales and promotional events which are temporary and clearly incidental to any principal use permitted herein; provided, however, that such activity does not displace any required parking or landscaped area as specified by this chapter;

(4) Cocktail lounge incidental to a restaurant; provided, however, that the area devoted to such activity shall not exceed 40% of the gross floor area where the public is served; and

(5) Wall-mounted and concealed/disguised personal wireless communication facilities, in accordance with Article 19 herein, are permitted as an accessory use for legally established nonresidential uses only. A roof-mounted personal wireless communication facility is permitted on a commercial building or a mixed use building which is primarily nonresidential (75% of the use is nonresidential).

(a) Wall strapping of a personal wireless communications facility is not permitted.

(b) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses.

(c) The use of lattice tower structures for any personal wireless communication facility is not permitted.

(6) Seasonal itinerant vendors of specific products associated with certain civic, patriotic and/or religious holidays/events.

(a) No sale or display of products or goods may occur in any street right-of-way, visibility triangle, required retention areas or drive aisles.

(b) Seasonal itinerant vendors cannot be located in any parking areas required for permanent onsite use(s).

(c) Seasonal itinerant vendors must provide paved parking for their customers' use.

(d) All temporary structures related to the itinerant use must pass a building inspection prior to being utilized for business.

(e) A business license must be obtained prior to scheduling a temporary structure inspection.

(f) No bells, chimes, microphones, loudspeakers, amplified music, strobe lights, or any other audible or visual distraction are allowed as part of the itinerant operation.

(g) A seasonal itinerant vendor is allowed one banner, not to exceed 32 square feet. The banner must be attached to the seasonal itinerant vendor's temporary structure.

(7) Food truck.

(Ord. O2013-28, passed 5-15-2013; Ord. O2014-20, passed 8-27-2014)

(D) *Interim uses.*

(1) Food truck.

(Ord. O2014-20, passed 8-27-2014)

(E) *Conditional uses.* Any of the following uses may be established or operated as a conditional use, upon application and approval by the Planning and Zoning Commission (see § 154-03.05):

(1) Drive-through facility for any restaurant, bank, retail store or service business provided, however, that such uses shall only have a minimum of 150 feet of street frontage on any one street, have a minimum lot area of 22,500 square feet, and shall provide a traffic impact study prepared in accordance with the city's adopted standards and guidelines for traffic impact studies;

(2) Fabrication or assembly of goods or materials directly related to a principal use as permitted herein, which exceeds 10% of the gross floor area of the principal use; provided, however, that in no event shall the fabrication activity exceed 40% of the gross floor area;

(3) Motor fuel sales (retail), provided, however, that such uses shall only be located on arterial streets as classified by the transportation element of the General Plan (as amended), have a minimum of 150 feet of frontage on any one street, have a minimum lot area of 22,500 square feet, and shall provide a traffic impact study prepared by an engineer which shall be reviewed by the City Engineer;

(4) Cocktail lounge or bar. Live entertainment in conjunction with a restaurant, cocktail lounge or bar;

(5) Parking lots as a primary activity on any lot or parcel of land for vehicles not exceeding a weight-carrying capacity of two and one-half tons;

(6) Single- and two-family dwellings which are not located within the same building or lot as an established business activity. They may be owner-occupied or a rental unit;

(7) Adult cabaret; provided, however, that such use shall comply with Article 15 of this chapter;

(8) Nursing and personal care, large;

(9) Hospitals;

(10) Private and charter educational facilities; and

(11) Self-storage for the warehousing of household or personal belongings, subject to the following requirements which shall be in addition to the development standards specified by this subchapter:

(a) The minimum site area shall be 30,000 square feet;

(b) All storage shall be within an enclosed building;

(c) No activity shall occur other than the loading and unloading of items, and such activity shall be screened from adjacent property and street rights-of-way by a minimum six-foot high solid wall or fence;

(d) All parking, loading/unloading area and access drives shall be paved as specified in Article 16 of this chapter;

(e) Parking/access drives shall be a minimum width of 24 feet, except where access is provided to cubicles on both sides of the parking/access drives, in which case a minimum drive of 32 feet shall be required; and

(f) When only indoor access is provided to the individual storage cubicles, the one on-site loading/unloading area of 12 feet in width by 24 feet in length with a minimum vertical clearance of 14 feet shall be required for each 25 cubicles.

(12) Farmers market, subject to the following requirements which shall be in addition to the development standards specified by this subchapter:

(a) There shall be no displacement of required parking spaces;

(b) All parking, loading/unloading areas and access aisles shall be paved as specified in Article 16 of this chapter;

(c) No activity or signage shall occur within the landscaping or retention areas;

(d) A Site Plan and Traffic Control Plan shall be submitted to, and approved by, the Department of Community Development;

(e) Vendors and patrons shall have permitted access to permanently constructed restrooms within 500 feet. A letter granting this permission shall be submitted with the Site Plan and Traffic Control Plan to the Department of Community Development.

(f) Hours of operation are limited to the hours between sunrise and sunset;

(g) Trash receptacles shall be provided during each event;

(h) The property shall be free and clear of litter and/or trash at the end of each event;

(i) Any high noise activity, such as amplified auctioneering, entertainment, or woodworking, must occur within an enclosed building.

(13) Mortuaries, crematory, funeral parlors, or columbariums.

(14) Multiple food trucks on one property.

('80 Code, App. A, § 110) (Ord. 583, passed 9-16-1952; Ord. 2579, passed 7-15-1992; Ord. 2687, passed 1-4-1995; Ord. O96-55, passed 6-5-1996; Ord. O2003-40, passed 9-3-2003; Ord. O2004-71, passed 12-1-2004; O2012-22, passed 11-21-2012; Ord. O2013-02, passed 1-16-2013; Ord. O2014-20, passed 8-27-2014)

(F) *Property development standards.* To meet the purpose of this district, all uses shall comply with the following minimum development standards.

(1) *Area and location.*

(a) The minimum area for the Limited Commercial District shall be one acre. Any lot, parcel or tract of land less than one acre may be considered for rezoning if it adjoins an existing Transitional, Business or Industrial Zoning District, and meets the minimum lot area requirement as specified herein.

(b) The minimum lot area within the Limited Commercial District shall be 9,000 square feet; provided, however, that any existing lot of record classified within a business zoning district prior to the effective date of this chapter may be exempt from this requirement.

(c) The location of any Limited Commercial (B-1) District shall be restricted to property which has access to and frontage on a collector or an arterial street as classified by the City General Plan, as amended, or property which is contiguous to a commercial zoning district which meets this requirement.

(2) *Building requirements.*

(a) Any use allowed herein, other than outdoor restaurants, retail sales of motor fuels, sidewalk sales and promotional events, seasonal itinerant vendor sales, and off-street parking, shall take place within an enclosed building.

(b) Maximum building height shall not exceed three stories or 40 feet, subject to the exceptions as specified in § 154-15.03 of this chapter.

(3) *Yards.*

(a) All buildings, including any accessory structures, shall be set back a minimum of 15 feet from any public or private street right-of-way line; provided, however, such setbacks shall be increased to a minimum of 20 feet for any lot or parcel located within the same block on the same street as a residential zoning district.

(b) A minimum landscaped building and parking setback of 20 feet shall be required from any side or rear property line shared with a residential zoning district, except such required setback(s) may be reduced to five feet in width when the commercial property is developed with buildings and/or structures containing no more than 5,000 square feet gross enclosed floor area.

(c) Any required yard fronting on a public or private street right-of-way shall be landscaped as set forth in Article 20 of this chapter and shall not be used for parking, loading, maneuvering aisle or product display.

(4) *Noise limitations.* Refer to the noise limitation standards delineated in Article 15; § 154-15.11 herein.

(5) *Screening.* Any lot located adjacent to a residential zoning district shall be screened by a minimum six-foot high masonry wall. The location of any wall or fence, whether provided to meet the requirements of this chapter or provided voluntarily, shall comply with any required street yard setback specified herein.

(6) *Parking and loading.* Off-street parking and loading shall be provided in the manner specified in Article 16 of this chapter.

(7) *Lighting.* All exterior lighting fixtures shall be arranged and located as to direct the light away from any public or private street right-of-way or adjoining residential district.

('80 Code, App. A, § 110) (Ord. 583, passed 9-16-1952; Ord. 2687, passed 1-4-1995; Ord. O96-24, passed 3-6-1996; Ord. O96-55, passed 6-5-1996; Ord. O2010-32, passed 7-7-2010; Ord. O2013-28, passed 5-15-2013; Ord. O2014-20, passed 8-27-2014) Penalty, see § 154-999

§ 154-08.04 General Commercial District (B-2).

(A) *Purpose.* The principal purpose of the General Commercial (B-2) District is to provide for a wide range of business commercial activities, including all retail sales, tourist and highway-oriented facilities, service businesses, entertainment and commercial recreation uses which serve the entire urbanized area. It is also intended that such business activities be protected from incompatible uses by restricting new residential activities and prohibiting new industrial activities as principal uses within the district.

('80 Code, App. A, § 111) (Ord. 583, passed 9-16-1952; Ord. 2096, passed 11-3-1982; Ord. 2504, passed 9-17-1990; Ord. 2687, passed 1-4-1995)

(B) *Permitted principal uses.*

(1) Any use allowed within the Limited Commercial (B-1) District as either a principal or conditional use, other than drive-through facilities, motor fuel sales (retail) and convenience markets;

(2) Retail sale, rental or repair of goods, materials and equipment, including wholesale activities; provided, however, that any items wholesaled shall also be available for retail to the general public. Any warehousing, distributorship, collection center, storage yard or itinerant use not in conjunction with an established use as permitted herein, shall be prohibited;

(3) Any business providing a service or installing a product for individuals, households or other businesses;

(4) Other commercial uses such as restaurants, cocktail lounges, tourist lodging, passenger terminal facilities, indoor theaters and any form of commercial recreation or entertainment conducted wholly within an enclosed building;

(5) Parking lots as a primary activity on any lot or parcel of land for vehicles not exceeding a weight-carrying capacity of two and one-half tons; provided, however, that any storage or maintenance of vehicles exceeding a weight-carrying capacity of two and one-half tons other than as an activity which is accessory to any use permitted within an adjacent business zoning district shall be considered an industrial use and shall be prohibited;

(6) Adult oriented businesses as listed below; provided, however, that such uses shall comply with § 154-15.10 of this chapter:

(a) Adult arcade;

(b) Adult bookstore;

(c) Adult cabaret;

(d) Adult motel;

(e) Adult motion picture theater;

(f) Adult theater;

(g) Adult video store;

(h) Escort agency;

(i) Nude model studio; and

(j) Sexual encounter center.

(7) Religious institutions including related buildings and activities;

(8) Grocery stores, neighborhood grocery stores, convenience markets and specialty food and beverage stores provided that neither motor fuel sales nor drive through facility are located on the same lot;

(9) Child day care services, small;

(10) Child day care services, large;

(11) Individual and family social services;

(12) Job training and vocational rehabilitation services;

(13) Residential care facility, small;

(14) Residential care facility, large;

(15) Membership-based lodging;

(16) Miscellaneous social services;

(17) Offices and clinics; medical;

(18) Nursing and personal care, small;

(19) Nursing and personal care, large;

(20) Hospitals;

(21) Medical and dental labs;

(22) Home health care services;

(23) Miscellaneous health and allied services;

(24) Single- and two-family dwellings which are located in an established Historic (H) District or which are on the national, state or local register; and

(25) Self-storage for the warehousing of household or personal belongings, subject to the following requirements which shall be in addition to the development standards specified by this chapter:

(a) The minimum site area shall be 30,000 square feet;

(b) All storage shall be within an enclosed building;

(c) No activity shall occur other than the loading and unloading of items, and such activity shall be screened from adjacent property and street rights-of-way by a minimum six-foot high solid wall or fence;

(d) All parking, loading/unloading area and access drives shall be paved as specified in Article 16 of this chapter;

(e) Parking/access drives shall be a minimum width of 24 feet, except where access is provided to cubicles on both sides of the parking/access drives, in which case a minimum drive of 32 feet shall be required; and

(f) When only indoor access is provided to the individual storage cubicles, the one on-site loading/unloading area of 12 feet in

width by 24 feet in length with a minimum vertical clearance of 14 feet shall be required for each 25 cubicles.

(26) Seasonal itinerant vendors of specific products associated with certain civic, patriotic and/or religious holidays/events.

(a) No sale or display of products or goods may occur in any street right-of-way, visibility triangle, required retention areas or drive aisles.

(b) Seasonal itinerant vendors cannot be located in any parking areas required for permanent onsite use(s).

(c) Seasonal itinerant vendors must provide paved parking for their customers' use.

(d) All temporary structures related to the itinerant use must pass a building inspection prior to being utilized for business.

(e) A business license must be obtained prior to scheduling a temporary structure inspection.

(f) No bells, chimes, microphones, loudspeakers, amplified music, strobe lights, or any other audible or visual distraction are allowed as part of the itinerant operation.

(g) A seasonal itinerant vendor is allowed one banner, not to exceed 32 square feet. The banner must be attached to the seasonal itinerant vendor's temporary structure.

(27) Food truck.

('80 Code, App. A, § 111) (Ord. 583, passed 9-16-1952; Ord. 2523, passed 6-5-1991; Ord. 2579, passed 7-15-1992; Ord. 2687, passed 1-4-1995; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002; Ord. O2002-64, passed 11-26-2002; Ord. O2004-71, passed 12-1-2004; Ord. O2013-28, passed 5-15-2013; Ord. O2014-20, passed 8-27-2014)

(C) *Permitted accessory uses.*

(1) Fabrication, assembly or craftsmanship of such goods and materials which are sold on the premises; provided, however, that such activity is clearly incidental and essential to a principal retail or service use as provided herein; and further provided that the area devoted to such activity shall not exceed 40% of the gross floor area of the principal use. Any other manner of fabrication, manufacturing, processing or other type of industrial activity shall be prohibited;

(2) Single- and two-family dwellings in conjunction with an established business activity. They shall be located within the same building or lot and may be owner-occupied or a rental unit. These may not be freestanding buildings for a solely residential use; and

(3) Roof-mounted, wall-mounted and concealed/disguised personal wireless communication facilities, in accordance with Article 19 herein, are permitted as an accessory use for a legally established principal use. Wall strapping is permitted for poles that are two inches or less in diameter and lattice towers that are less than 24 inches in diameter as circumscribed around the outside of the support poles.

(a) The use of lattice tower structures for personal wireless communication facilities is permitted.

(b) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses.

(4) Farmers Market, subject to the following requirements which shall be in addition to the development standards specified by this subchapter:

(a) There shall be no displacement of required parking spaces;

(b) All parking, loading/unloading areas and access aisles shall be paved as specified in Article 16 of this chapter;

(c) No activity or signage shall occur within the landscaping or retention areas;

(d) A Site Plan and Traffic Control Plan shall be submitted to, and approved by, the Department of Community Development;

(e) Vendors and patrons shall have permitted access to permanently constructed restrooms within 500 feet. A letter granting this permission shall be submitted with the Site Plan and Traffic Control Plan to the Department of Community Development.

(f) Hours of operation are limited to the hours between sunrise and sunset;

(g) Trash receptacles shall be provided during each event;

(h) The property shall be free and clear of litter and/or trash at the end of each event;

(i) Any high noise activity, such as amplified auctioneering, entertainment, or woodworking, must occur within an enclosed building.

(j) Limited to operating a maximum of 72 calendar days per year.

(5) Food truck.

(Ord. O2012-22, passed 11-21-2012; Ord. O2014-20, passed 8-27-2014)

(D) *Interim uses.*

(1) Food truck.

(E) *Conditional uses.* Any of the following uses may be established or operated as a conditional use, upon application and approval by the Planning and Zoning Commission (see § 154-03.05).

(1) Drive-through facility for any restaurant, banks, retail store or service business provided, however, that such uses shall only have a minimum of 150 feet of street frontage on any one street, have a minimum lot area of 22,500 square feet, and shall provide a traffic impact study prepared in accordance with the city's adopted standards and guidelines for traffic impact studies;

(2) Any form of commercial recreation, entertainment or spectator event conducted outdoors;

(3) Convenience markets, provided, however, that such uses shall only be located on arterial streets as classified by the transportation element of the General Plan as amended, have a minimum of 150 feet of street frontage on any one street, have a minimum lot area of 22,500 square feet and shall provide a traffic impact study prepared by an engineer which shall be reviewed by the City Engineer;

(4) Motor fuel sales (retail), provided, however, that such uses shall only be located on arterial streets as classified by the transportation element of the General Plan (as amended), have a minimum of 150 feet of street frontage on any one street, have a minimum lot area of 22,500 square feet and shall provide a traffic impact study prepared by an engineer which shall be reviewed by the City Engineer;

(5) Multi-family dwellings in conjunction with established business activities;

(6) Any retail sale of new automobiles located outside an established AutoCenter Overlay District;

(7) Swap meets;

(8) Private and charter educational facilities;

(9) Junior colleges, colleges, universities, and professional schools (2012 NAICS 611210 and 611310);

(10) Farmers market, subject to the following requirements which shall be in addition to the development standards specified by this subchapter:

(a) There shall be no displacement of required parking spaces;

(b) All parking, loading/unloading areas and access aisles shall be paved as specified in Article 16 of this chapter;

(c) No activity or signage shall occur within the landscaping or retention areas;

(d) A Site Plan and Traffic Control Plan shall be submitted to, and approved by, the Department of Community Development;

(e) Vendors and patrons shall have permitted access to permanently constructed restrooms within 500 feet. A letter granting this permission shall be submitted with the Site Plan and Traffic Control Plan to the Department of Community Development.

(f) Hours of operation are limited to the hours between sunrise and sunset;

(g) Trash receptacles shall be provided during each event;

(h) The property shall be free and clear of litter and/or trash at the end of each event;

(i) Any high noise activity, such as amplified auctioneering, entertainment, or woodworking, must occur within an enclosed building.

(11) Mortuaries, crematory, funeral parlors, and columbariums.

(12) Multiple food trucks on one property.

('80 Code, App. A, § 111) (Ord. 583, passed 9-16-1952; Ord. 2504, passed 9-17-1990; Ord. 2687, passed 1-4-1995; Ord. O96-55, passed 6-5-1996; Ord. O2000-52, passed 8-2-2000; Ord. O2001-77, passed 9-19-2001; Ord. O2002-64, passed 11-26-2002; Ord. O2003-40, passed 9-3-2003; Ord. O2004-71, passed 12-1-2004; Ord. O2012-22, passed 11-21-2012; Ord. O2013-02, passed 1-16-2013; Ord. O2013-39, passed 5-15-2013; Ord. O2014-20, passed 8-27-2014)

(F) *Property development standards.* To meet the purpose of this district, all uses shall comply with the following minimum development standards.

(1) *Area and location.*

(a) The minimum area for the General Commercial District shall be eight acres. Any lot, parcel or tract of land less than eight acres may be considered for rezoning if it adjoins an existing General Commercial or Industrial Zoning District, and meets the minimum lot area requirements as specified herein.

(b) The minimum lot area within the General Commercial District shall be 12,000 square feet; provided, however, that any lot, parcel or tract of land meeting this minimum area and developed as a unit wherein common parking and points of access guaranteed by recorded agreement, may then be further divided into lots or parcels which are less than this minimum specified area, in conformance with Chapter 153 of this title.

(c) The location of any General Commercial (B-2) District shall be restricted to property which has access to and frontage on a collector or an arterial street as classified by the General Plan, as amended, or property which is contiguous to a commercial zoning district which meets this requirement.

(2) *Building heights.* The maximum building height shall not exceed five stories or 75 feet, subject to the exceptions as specified in § 154-15.03 of this chapter.

(3) *Yards.*

(a) All buildings, including any accessory structures shall be set back a minimum of 15 feet from any public or private street right-of-way line; provided, however, such setbacks shall be increased to a minimum of 20 feet for any lot or parcel located within the same block on the same street as a residential zoning district.

(b) A minimum landscaped building and parking setback of 20 feet shall be required from any side or rear property line shared with a residential zoning district, except such required setback(s) may be reduced to five feet in width when the commercial property is developed with buildings and/or structures containing no more than 5,000 square feet gross floor area.

(c) Any required yard fronting on a public nor private street right-of-way shall be landscaped as set forth in Article 20 of this chapter and shall not be used for parking, loading, maneuvering aisle or product display.

(4) *Noise limitations.* Refer to the noise limitation standards delineated in § 154-15.11 herein.

(5) *Screening.* Any lot located adjacent to a residential zoning district shall be screened by a minimum six-foot high masonry wall. The location of any wall or fence, whether provided to meet the requirements of this chapter or provided voluntarily, shall comply with any required street yard setback specified herein. In addition, for any use wherein vehicles, machinery or equipment is serviced or repaired, all service bays shall be oriented in such fashion that the door openings shall not be visible from any adjoining street, and further, that any yard area where such items may be kept awaiting repair, shall be screened by a minimum six-foot high solid wall.

(6) *Parking and loading.* Off-street parking and loading shall be provided in the manner specified in Article 16 of this chapter.

(7) *Lighting.* All exterior lighting fixtures shall be arranged and located as to direct the light away from any public or private street right-of-way or adjoining residential district.

('80 Code, App. A, § 111) (Ord. 583, passed 9-16-1952; Ord. 2687, passed 1-4-1995; Ord. O96-24, passed 3-6-1996; Ord. O96-55, passed 6-5-1996; Ord. O2000-52, passed 8-2-2000; Ord. O2010-32, passed 7-7-2010; Ord. O2014-20, passed 8-27-2014) Penalty, see § 154-999

§ 154-08.05 Business Park District (BP).

(A) *Purpose.* The principal purpose of the Business Park District is to promote the public health, safety and general welfare within the district by:

(1) Creating a cohesive, identifiable visual character in a business park setting through the use of high quality design treatments, architectural features and aesthetics;

(2) Ensuring that proposed development incorporates high quality materials, high standards of construction and design compatibility with the character of existing development in the vicinity;

(3) Requiring site development which best utilizes the district's location, surroundings and visibility from public roads and areas;

(4) Minimizing conflicts between pedestrians and automobiles, creating parking areas which are unobtrusive, and which maintain efficient vehicular and pedestrian circulation;

(5) Providing for convenient and safe pedestrian and bicycle access to and within all development in the district;

(6) Providing landscaping which enhances both on-site and off-site development; and

(7) Providing a consistent and cohesive design element that enhances the land uses by applying the Aesthetic Overlay (AO) District in conjunction with the Business Park District.

('80 Code, App. A, § 112) (Ord. 583, passed 9-16-1952; Ord. 2663, passed 7-20-1994; Ord. O2001-76, passed 9-19-2001)

(B) *Permitted principal uses.*

(1) *Manufacturing.* Assembly or fabrication of materials or substances that does not involve intensive mechanical or chemical transformation or processing of said materials or substances;

(2) *Communications.*

(a) Telephone communications;

(b) Telegraph and other message communications;

(c) Radio and television broadcasting stations;

(d) Cable and other pay television services;

(e) Wall-mounted and concealed/disguised personal wireless communication facilities in accordance with Article 19 herein are permitted as an accessory use for legally established nonresidential uses only. A roof-mounted personal wireless communication facility is permitted on a commercial building or a mixed-use building which is primarily nonresidential (75% of the use is nonresidential).

1. Wall strapping of a personal wireless communications facility is not permitted.

2. Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses.

3. The use of lattice tower structures for any personal wireless communication facility is not permitted.

(f) Communications services, not elsewhere classified.

(3) *Wholesale trade.* Except the following:

(a) Uses requiring exterior trade or storage; and

(b) Trade and distribution of beer, wine and distilled alcoholic beverages.

(4) *Retail trade.* Retail trade shall be permitted outside the 70 db noise contour. Retail uses within 500 feet of a residential district requires a conditional use permit;

(5) *Services.*

(a) Auxiliary establishments, such as central administrative offices, as defined in the Standard Industrial Classification Manual, 1987;

(b) Business services;

(c) Medical and dental laboratories;

(d) Legal services;

(e) Child day care services;

(f) Motion picture production, distribution and allied services;

(g) Research, development and testing services;

(h) Junior colleges (SIC 6112);

(i) Colleges, universities and professional schools (SIC 6113);

(j) Business schools and computer and management training (SIC 6114);

(k) Technical and trade schools (SIC 6115); and

(l) Other schools and instruction (SIC 6116).

(6) *Exterior trade and storage.* Exterior trade and storage of goods, products and materials is prohibited.

('80 Code, App. A, § 112) (Ord. 583, passed 9-16-1952; Ord. 2663, passed 7-20-1994; Ord. O2000-35, passed 6-21-2000; Ord. O2001-76, passed 9-19-2001; Ord. O2002-09, passed 2-20-2002; Ord. O2003-01, passed 1-15-2003)

(C) *Conditional uses.* Any of the following uses may be established or operated as a conditional use upon application and submittal of a site plan to an approval thereof by the Planning Commission (see § 154-03.07):

(1) *Retail trade.* Retail trade that is located within 500 feet of any residential district; and

(2) *Eating and drinking places.* Eating places, except drive-through facilities.

('80 Code, App. A, § 112) (Ord. 583, passed 9-16-1952; Ord. 2663, passed 7-20-1994; Ord. O2001-76, passed 9-19-2001)

(D) *Property development standards.* To meet the purpose of this district, all uses shall comply with the following minimum development standards.

(1) *Area and location.*

(a) *Minimum district area:.* Thirty acres for the Business Park District;

(b) *Minimum lot area.* Twenty thousand square feet within the Business Park District;

(c) *Location of any Business Park District.* Shall be restricted to lots which have direct access to or frontage on a collector or higher classification of street as classified by the circulation element of the General Plan, as amended; and

(d) *Aesthetic Overlay District.* All properties zoned or identified in the General Plan as Business Park (BP) shall be subject to the requirements of the Aesthetic Overlay District.

(2) *Building heights.* No building or structure height shall exceed 75 feet.

(3) *Lot coverage.* No building(s) on any lot shall occupy over 60% of the area of said lot.

(4) *Setback building line.*

(a) *Street setback building line.* All buildings and structures shall be set back a minimum of 30 feet from any public or private street right-of-way line. Parking areas, loading areas and driveways shall be setback a minimum of 15 feet from any public or private street right-of-way line.

(b) *Interior side setback building line.* All buildings and structures (including parking areas, loading areas and driveways) shall be set back a minimum of ten feet from any side property line. If attached buildings are proposed, no setback from the attached side is required.

(c) *Rear setback building line.* All buildings and structures (including parking areas, loading areas and driveways) shall be set back a minimum of ten feet from any rear property line.

(d) *Landscaping.* Any required yard, and a minimum of 5% of off-street parking lots containing 20 or more spaces shall be landscaped as set forth in Article 20 of this chapter.

(e) *Parking structures.* Covered parking structures shall be set back a minimum of 30 feet from any public street right-of-way line.

(5) *Screening*. Any lot line located adjacent to a residential zoning district shall be screened by a minimum six-foot high masonry wall. The location of any wall or fence, whether provided to meet the requirements of this code or provided voluntarily, shall be constructed on the interior side and rear lot lines, and shall comply with any required street yard setbacks or visibility triangles as specified herein.

(6) *Parking and loading*. Off-street parking and loading shall be provided in the manner specified in Article 16 of this chapter.

(7) *Lighting*.

(a) All exterior lighting fixtures shall be arranged and located so as to minimize off-site illumination and direct the light away from any public or private street right-of-way; or from any adjoining residential district.

(b) All exterior lighting shall be approved as required in the Aesthetic Overlay District. Lighting shall be in accordance with Article 18 of this chapter.

(8) *Landscaping*. All landscaping shall be in accordance with Article 20 of this chapter.

(9) *Signs*. All signs shall be in accordance with the Aesthetic Overlay District and Article 17 of this chapter.

('80 Code, App. A, § 112) (Ord. 583, passed 9-16-1952; Ord. 2663, passed 7-20-1994; Ord. O2001-76, passed 9-19-2001; Ord. O2010-32, passed 7-7-2010) Penalty, see § 154-999

Article 09 - Industrial Zoning Districts

§ 154-09.01 Industrial Park District (I-P).

(A) *Purpose*. The principal purposes of the Industrial Park (I-P) Zoning District are to accommodate office, research, fabrication and processing activities in a campus setting; to provide employment opportunities in close proximity to residential areas; and to minimize conflicts with neighboring land uses.

('80 Code, App. A, § 120) (Ord. 583, passed 9-16-1952; Ord. 1979, passed 1-7-1981; Ord. 2243, passed 12-19-1984)

(B) *Permitted principal uses.*

(1) Business, industrial or scientific research centers; product development and testing laboratories; training centers;

(2) Assembling or fabrication of products or articles; provided, however, that such production does not involve transforming any material from a raw or natural state to a form suitable for fabrication;

(3) General offices, including medical offices and laboratories; and

(4) New freestanding monopoles or lattice towers and replacements (see § 154-19.04) are permitted as principal use that is not within 300 feet of a residential use or zone, arterial street, state or federal highway, a designated scenic/historic or gateway route, as identified in the transportation element of the City of Yuma General Plan, or a future or existing park area as identified in the parks and recreation element of the City of Yuma General Plan.

(C) *Permitted accessory uses.*

(1) Retail sales which are clearly incidental to the principal use; provided, however, that the area devoted to the retail activity shall not exceed 10% of the gross floor area of the principal use;

(2) Storage activities which are clearly incidental to the principal use, provided, however, that the area devoted to storage shall not exceed 40% of the gross floor area of the principal use;

(3) Attached living quarters for a caretaker, watchperson or operator employed on the premises and may include the immediate family;

(4) New freestanding monopoles or lattice towers and replacements (see § 154-19.04) are permitted as an accessory use to a legally established industrial use that is not within 300 feet of a residential use or zone, arterial street, state or federal highway, a designated scenic/historic or gateway route, as identified in the transportation element of the City of Yuma General Plan, or a future or existing park area as identified in the parks and recreation element of the City of Yuma General Plan;

(5) Roof-mounted, wall-mounted and concealed/disguised personal wireless communication facilities in accordance with Article

19 herein are permitted as an accessory use for a legally established principal use. Wall strapping is permitted for poles that are two inches or less in diameter and lattice towers that are less than 24 inches in diameter as circumscribed around the outside of the support poles;

(6) Temporary (see § 154-19.05) placement of a mobile monopole unit is permitted for the purposes of network capacity testing and siting;

(7) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses;

(8) The use of lattice tower structures for personal wireless communication facilities is permitted; and

(9) Food truck.

('80 Code, App. A, § 120) (Ord. 583, passed 9-16-1952; Ord. 1979, passed 1-7-1981; Ord. 2243, passed 12-19-1984; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002; Ord. O2014-20, passed 8-27-2014)

(D) *Interim uses.*

(1) Food truck.

(Ord. O2014-20, passed 8-27-2014)

(E) *Conditional uses.* Any of the following uses may be established or operated as a conditional use upon application and approval by the Planning and Zoning Commission:

(1) Any use permitted herein within 300 feet from any residential zoning district shall be subject to the conditional use requirements of this chapter;

(2) Retail sales directly related to the principal use which exceed 10% of the gross floor area of the principal use, provided however, that in no event shall the retail activity exceed 25% of the gross floor area;

(3) Wholesale distributors and supply;

(4) Detached living quarters for a caretaker, watchperson or operator employed on the premises, and may include the immediate family;

(5) Trade schools, training centers and other educational facilities where on-premises living accommodations are to be provided;

(6) Restaurants; provided however, that drive-in carry-out facilities shall be prohibited;

(7) Hospitals, convalescent homes, other health care facilities; provided however, that residential family care or group facilities shall be prohibited;

(8) Animal hospitals, including provisions for boarding and lodging; provided however, there shall be no outdoor kennels and that all animal facilities shall be within an enclosed building;

(9) Any use which requires a state or federal agency permit, license or other type of certification for the use or handling of dangerous materials;

(10) Any freestanding monopole or lattice tower (see § 154-19.04) that meets the principal or accessory use criteria for this industrial zoning district but is located within 300 feet of any residential use or zone, arterial street, state or federal highway, a designated scenic/historic or gateway route (as identified in the transportation element of the City of Yuma General Plan), or a future or existing park area as identified in the parks and recreation element of the City of Yuma General Plan shall require a conditional use permit; and

(11) Religious institutions including related buildings and activities.

('80 Code, App. A, § 120) (Ord. 583, passed 9-16-1952; Ord. 1979, passed 1-7-1981; Ord. 2243, passed 12-19-1984; Ord. 2523, passed 6-5-1991; Ord. O2000-35, passed 6-21-2000; Ord. O2014-20, passed 8-27-2014)

(F) *Property development standards.* To meet the purpose of this district, all uses shall comply with the following minimum development standards.

(1) *Area.*

(a) The minimum area for the Industrial Park District shall be four acres. A lot, parcel or tract of land less than four acres may

be rezoned if it adjoins an existing Industrial Park District of four acres or more, and meets the minimum lot area requirements as specified herein.

(b) The minimum lot area within any Industrial Park District shall be 35,000 square feet.

(2) *Building requirements.*

(a) Any use allowed herein including incidental storage shall take place within an enclosed building.

(b) All buildings shall be designed and constructed so that no odor, dust, noise, vibration, smoke, heat, glare, noxious gas, radio communication interference, radiation or other emission shall occur outside the building.

(c) Maximum lot coverage including all covered structures shall not exceed 60%.

(d) Maximum building height shall not exceed three stories or 40 feet, subject to the exceptions as specified in § 154-15.03.

(3) *Yards.*

(a) All buildings shall be set back a minimum distance of 30 feet from any public or private street right-of-way line.

(b) All buildings shall be a minimum distance of 75 feet from any property line shared with any residential zoning district.

(c) Required yards fronting on a public or private street shall be landscaped as set forth in Article 20 of this chapter and shall not be used for parking, loading or product display.

(4) *Screening.* All activities adjacent to a residential district shall be screened by a minimum six-foot high solid masonry wall or a permanently maintained dense vegetation screen; provided however, that said walls or screening shall not be located in any required yard adjacent to a public or private street.

(5) *Parking and loading.* Off-street parking and loading shall be provided in compliance with Article 16 of this chapter.

(6) *Lighting.* Lighting all exterior lighting fixtures shall be arranged and located so as to direct the light away from any public or private street or adjoining residential district.

('80 Code, App. A, § 120) (Ord. 583, passed 9-16-1952; Ord. 1979, passed 1-7-1981; Ord. 2243, passed 12-19-1984; Ord. 2399, passed 4-20-1988; Ord. O2010-32, passed 7-7-2010) Penalty, see § 154-999

§ 154-09.02 Light Industrial District (L-I).

(A) *Purpose.* The principal purposes of the Light Industrial (L-I) Zoning District are to accommodate light industrial uses which are not likely to create conditions of smoke, noise, odor; dust to the detriment of adjoining properties; to ensure accessibility to major transportation routes for the movement of materials, products and employees; and to protect industrial districts from incompatible uses of land by prohibiting the use of such areas for new residential development.

('80 Code, App. A, § 121) (Ord. 583, passed 9-16-1952; Ord. 1979, passed 1-7-1981; Ord. 2235, passed 11-20-1984)

(B) *Permitted principal uses.*

(1) Business, industrial or scientific research centers; product development and testing laboratories;

(2) Assembling or fabrication of products or articles; provided, however, that such production does not involve transforming any material from a raw or natural state to a form suitable for fabrication;

(3) Warehousing, storage or collection of products or materials;

(4) Wholesaling;

(5) New freestanding monopoles or lattice towers and replacements (see § 154-19.04) are permitted as principal use that is not within 300 feet of a residential use or zone, arterial street, state or federal highway, a designated scenic/historic or gateway route, as identified in the transportation element of the City of Yuma General Plan, or a future or existing park area as identified in the parks and recreation element of the City of Yuma General Plan;

(6) Job training and vocational rehabilitation services;

(7) Offices with adjacent storage yards, for construction contractors, subcontractors, suppliers and engineering services;

(8) For master plat industrial developments greater than 40 acres and consisting of multiple industrial uses, supporting commercial services whose primary purpose is to serve businesses and employees in the industrial development, shall be permitted in multi-tenant buildings. Services shall not exceed 50% of the floor area of any multi-tenant building. No drive-thru services will be allowed. Supporting services may consist of the following:

(a) Eating establishments;

(b) Banking services;

(c) Shipping, printing, copying and binding services;

(d) Exercise facilities; and

(e) Uses which meet the intent of this subsection as determined by the Director of the Department of Community Development; and

(9) Automotive repair.

(Ord. O2010-11, passed 2-16-2010; Ord. O2014-19, passed 7-16-2014)

(C) *Permitted accessory uses.*

(1) Living quarters for a caretaker, watchperson or operator employed on the premises and may include the immediate family;

(2) New freestanding monopoles or lattice towers and replacements (see § 154-19.04) are permitted as an accessory use to a legally established industrial use that is not within 300 feet of a residential use or zone, arterial street, state or federal highway, a designated scenic/historic or gateway route, as identified in the transportation element of the City of Yuma General Plan, or a future or existing park area as identified in the parks and recreation element of the City of Yuma General Plan;

(3) Roof-mounted, wall-mounted and concealed/disguised personal wireless communication facilities, in accordance with Article 19 herein, are permitted as an accessory use for a legally established principal use. Wall strapping is permitted for poles that are two inches or less in diameter and lattice towers that are less than 24 inches in diameter as circumscribed around the outside of the support poles;

(4) Temporary (see § 154-19.05) placement of a mobile monopole unit is permitted for the purposes of network capacity testing and siting;

(5) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses;

(6) The use of lattice tower structures for personal wireless communication facilities is permitted; and

(7) Food truck.

('80 Code, App. A, § 121) (Ord. 583, passed 9-16-1952; Ord. 1979, passed 1-7-1981; Ord. 2235, passed 11-20-1984; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002; Ord. O2014-20, passed 8-27-2014)

(D) *Interim uses.*

(1) Food truck.

(Ord. 2014-20, passed 8-27-2014)

(E) *Conditional uses.* Any of the following uses may be established or operated as a conditional use upon application and approval by the Planning and Zoning Commission:

(1) Dog kennels;

(2) Any use which requires a state or federal agency permit, license or other type of certification for the use or handling of dangerous materials;

(3) Any use allowed in the General Commercial (B-2) District, except any type of medical facility;

(4) Other uses that meet the purpose and development standards as specified herein;

(5) Religious institutions including related buildings and activities; and

(6) Any freestanding monopole or lattice tower (see § 154-19.04) that meets the principal or accessory use criteria for this industrial zoning district but is located within 300 feet of any residential use or zone, arterial street, state or federal highway, a designated scenic/historic or gateway route, as identified in the transportation element of the City of Yuma General Plan, or a future or existing park area as identified in the parks and recreation element of the City of Yuma General Plan shall require a conditional use permit.

('80 Code, App. A, § 121) (Ord. 583, passed 9-16-1952; Ord. 1979, passed 1-7-1981; Ord. 2235, passed 11-20-1984; Ord. 2523, passed 6-5-1991; Ord. O2000-35, passed 6-21-2000; Ord. 2014-20, passed 8-27-2014)

(F) *Property development standards.* To meet the purpose of this district, all uses shall comply with the following minimum development standards, and further provided, that no use or activity shall create noise, odor, dust, vibration, heat, smoke, glare, noxious gas, radio communication interference or other emission beyond the property lines of the site.

(1) *Area and location.*

(a) *Minimum area.* The minimum area for the Light Industrial District shall be four acres. A lot, parcel or tract of land less than four acres may be rezoned if it adjoins an existing industrial district of four acres or more, and meets the minimum required lot area specified herein.

(b) *Minimum lot area.* The minimum lot area within any Light Industrial District shall be 20,000 square feet, except that existing lots of record zoned as industrial prior to the effective date of this chapter may be exempt from this area requirement.

(c) *Distance from residential zoning district.* Any industrial building or activity as may be permitted in the Light Industrial Zoning District shall be located a minimum distance of 600 feet from any residential zoning district, unless separated from said residential district by an arterial street, a state or federal highway, railroad right-of-way in use as such, or a designated truck route.

(d) *Exception.* An industrial building or activity may be located less than 600 feet from a residential zoning district provided such building or activity is granted a conditional use by the Planning and Zoning Commission.

(e) *Location.* The location of any Light Industrial District shall be restricted to property which has access to and frontage on a major or minor arterial street as classified by the transportation element of the Yuma General Plan, or which gains access by a designated truck route as defined by this code, or which is contiguous to an industrial zoning district which meets either of these requirements.

(2) *Yards.*

(a) All buildings shall be set back a minimum distance of 20 feet from any public or private street right-of-way.

(b) Required yards fronting on any public or private street shall be landscaped as set forth in Article 20 of this chapter and shall not be used for parking, loading or product display

(3) *Screening.* All activities not within an enclosed building shall be screened by a minimum six foot high solid wall or fence, provided, however, that said walls shall not be located in any required yard; and further provided, that no materials shall be stored in such a manner as to project or be visible above the wall or fence when viewed from any public street right-of-way.

(4) *Parking and loading.* Off-street parking and loading shall comply with Article 16 of this chapter.

(5) *Lighting.* All exterior lighting fixtures shall be arranged and located so as to direct the light away from any public or private street.

('80 Code, App. A, § 121) (Ord. 583, passed 9-16-1952; Ord. 1979, passed 1-7-1981; Ord. 2235, passed 11-20-1984; Ord. 2399, passed 4-20-1988; Ord. O2010-32, passed 7-7-2010; Ord. 2014-20, passed 8-27-2014) Penalty, see § 154-999

§ 154-09.03 Heavy Industrial District (H-I).

(A) *Purpose.* The principal purposes of the Heavy Industrial (H-I) Zoning District are to provide adequate space for industrial operations and related activities so that the economic base of the city may be strengthened and employment opportunities expanded; and to protect residential and commercial districts by locating those industrial uses which may create noise, smoke, odor, dust or other objectionable influences in appropriate areas.

('80 Code, App. A, § 121.5) (Ord. 583, passed 9-16-1952; Ord. 1979, passed 1-7-1981; Ord. 2235, passed 11-20-1984)

(B) *Permitted principal uses.*

(1) Any use allowed in the Light Industrial District;

(2) Military installations and support facilities;

(3) Airports and related activities, including heliports;

(4) Aircraft-related uses including air transport of goods, materials or passengers;

(5) New freestanding monopoles or lattice towers and replacements (see § 154-19.04) are permitted as an accessory use to a legally established industrial use or as a permitted principal use that is not within 300 feet of a residential use or zone, arterial street, state or federal highway, a designated scenic/historic or gateway route, as identified in the transportation element of the City of Yuma General Plan, or a future or existing park area as identified in the parks and recreation element of the City of Yuma General Plan;

(6) Roof-mounted, wall-mounted and concealed/disguised personal wireless communication facilities, in accordance with Article 19 herein, are permitted as an accessory use for a legally established principal use. Wall strapping is permitted for poles that are two inches or less in diameter and lattice towers that are less than 24 inches in diameter as circumscribed around the outside of the support poles;

(7) Temporary (see § 154-19.05) placement of a mobile monopole unit is permitted for the purposes of network capacity testing and siting;

(8) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses; and

(9) The use of lattice tower structures for personal wireless communication facilities is permitted.

('80 Code, App. A, § 121.5) (Ord. 583, passed 9-16-1952; Ord. 1979, passed 1-7-1981; Ord. 2235, passed 11-20-1984; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002)

(C) *Permitted accessory uses.*

(1) Food truck.

(Ord. 2014-20, passed 8-27-2014)

(D) *Interim uses.*

(1) Food truck.

(Ord. 2014-20, passed 8-27-2014)

(E) *Conditional uses.* Any of the following uses may be established or operated as a conditional use upon application and approval by the Planning and Zoning Commission:

(1) Utility plants;

(2) Any use allowed in the General Commercial (B-2) District, except medical care facilities;

(3) Extraction, processing or packing of raw materials, including agricultural products;

(4) Any use which requires a state or federal agency permit, license or other type of certification for the use or handling of dangerous materials;

(5) Other uses that meet the purpose and development standards as specified herein;

(6) Religious institutions including related buildings and activities; and

(7) Any freestanding monopole or lattice tower (see § 154-19.04) that meets the principal or accessory use criteria for this industrial zoning district but is located within 300 feet of any residential use or zone, arterial street, state or federal highway, a designated scenic/historic or gateway route, as identified in the transportation element of the City of Yuma General Plan, or a future or existing park area as identified in the parks and recreation element of the City of Yuma General Plan shall require a conditional use permit.

('80 Code, App. A, § 121.5) (Ord. 583, passed 9-16-1952; Ord. 1979, passed 1-7-1981; Ord. 2235, passed 11-20-1984; Ord. 2523, passed 6-5-1991; Ord. O2000-35, passed 6-21-2000; Ord. 2014-20, passed 8-27-2014)

(F) *Property development standards*. To meet the purpose of this district, all uses shall comply with the following minimum development standards.

(1) *Area and location*.

(a) The minimum area for the Heavy Industrial (H-I) District shall be 20 acres. A lot, parcel, or tract of land less than 20 acres may be rezoned if it adjoins an existing Heavy Industrial District of 20 acres or more, and meets the minimum required lot area specified herein.

(b) The minimum lot area within any Heavy Industrial District shall be 20,000 square feet, except that existing lots of record zoned as Heavy Industrial prior to the effective date of this chapter may be exempt from this area requirement.

(c) Any industrial building or activity as may be permitted in the Heavy Industrial Zoning District shall be located a minimum distance of 600 feet from any residential zoning district. Exception: an industrial building or activity may be located less than 600 feet from a residential zoning district provided such building or activity is granted a conditional use by the Planning and Zoning Commission.

(d) The location of any Heavy Industrial District shall be restricted to property which has access to and frontage on a major or minor arterial street as classified by the transportation element of the Yuma General Plan, or which gains access by a designated truck route as defined by this code, or which is contiguous to an industrial zoning district which meets either of these requirements.

(2) *Yards*.

(a) Any building, outdoor area, or portion thereof where the public may be received, shall be set back a minimum distance of 20 feet from any public or private street right-of-way.

(b) Required yards fronting on any public or private street shall be landscaped as set forth in Article 20 of this chapter and shall not be used for parking, loading or product display.

(3) *Screening*. All activities not within an enclosed building shall be enclosed by a minimum six foot high security fence, provided, however, that any dismantling, salvage or wrecking yards shall be screened by a solid fence or wall, and no materials shall be stored in such a manner as to project or be visible above the wall or fence when viewed from any public street right-of-way.

(4) *Parking and loading*. Off-street parking and loading shall comply with Article 16 of this chapter.

(5) *Lighting*. All exterior lighting fixtures shall be arranged and located so as to direct the light away from any public or private street.

('80 Code, App. A, § 121.5) (Ord. 583, passed 9-16-1952; Ord. 1979, passed 1-7-1981; Ord. 2235, passed 11-20-1984; Ord. 2399, passed 4-20-1988; Ord. O2010-32, passed 7-7-2010; Ord. 2014-20, passed 8-27-2014) Penalty, see § 154-999

Article 10 - Old Town Zoning District

§ 154-10.01 Old Town District (OT).

(A) *Purpose*. The Old Town (OT) District is intended to be a retail, business and government center with a special emphasis on tourism and historic preservation, due to the unique qualities present in the Old Town (OT) District that set it apart from all other districts in the city. In this district, commercial establishments are intended to serve the residents of the city, as well as visitors to the area. The priority of this district is to establish and support a mixture of commercial, cultural, governmental and residential uses that will help to ensure a lively pedestrian-oriented district.

('80 Code, App. A, § 95) (Ord. 583, passed 9-16-1952; Ord. O95-073, passed 10-18-1995)

(B) *Applicability*. The Old Town (OT) District shall be applicable to those historic downtown business and government centers and surrounding support uses established in the early history of the city.

('80 Code, App. A, § 95) (Ord. 583, passed 9-16-1952; Ord. O95-073, passed 10-18-1995)

(C) *Permitted principal uses*. The following uses as defined in the Standard Industrial Classification Manual (1987), (Executive Office of the President, Office of Management and Budget), or in § 154-01.07 of this chapter shall be permitted as a matter of right in the Old Town (OT) District:

(1) Local and suburban passenger transportation (SIC 411);

(2) Taxicabs (SIC 412) and horse drawn carriages and other non-motorized conveyances;

(3) Intercity and rural bus transportation (SIC 413);

(4) Bus charter service (SIC 414);

(5) Terminal and service facilities for motor vehicle passenger transportation (SIC 417);

(6) United States postal service (SIC 431);

(7) Arrangement of passenger transportation (including travel agencies and tour operators) (SIC 472);

(8) Water supply (SIC 494);

(9) Paint, glass and wallpaper stores (SIC 523);

(10) General merchandise stores (SIC 53);

(11) Food stores (SIC 54);

(12) Apparel and accessory stores (SIC 56);

(13) Home furniture, furnishings and equipment stores (SIC 57);

(14) Eating and drinking places (including outdoor dining) (SIC 58);

(15) Miscellaneous retail (SIC 59, except fuel dealers, SIC 598, shall not be permitted);

(16) Depository institutions (SIC 60);

(17) Nondepository credit institutions (SIC 61);

(18) Security and commodity brokers, dealers, exchanges and services (SIC 62);

(19) Insurance carriers (SIC 63);

(20) Insurance agents, brokers and service (SIC 64);

(21) Real estate (SIC 65);

(22) Holding and other investment offices (SIC 67);

(23) Hotels and motels (including bed and breakfast inns and conference facilities) (SIC 701);

(24) Rooming and boarding houses (SIC 702);

(25) Membership based lodging (SIC 704);

(26) Laundry, cleaning and garment services (SIC 721; excluding industrial launderers SIC 7218);

(27) Photographic studios, portrait (SIC 722);

(28) Beauty shops (SIC 723);

(29) Barber shops (SIC 724);

(30) Shoe repair shops and shoe shine parlors (SIC 725);

(31) Tax return preparation services (SIC 7291);

(32) Miscellaneous personal services (SIC 7299);

(33) Advertising agencies (SIC 7311);

(34) Consumer credit reporting agencies, mercantile reporting agencies and adjustment and collection agencies (SIC 732);

(35) Mailing, reproduction, commercial art and photography and stenographic services (SIC 733);

(36) Personnel supply services (SIC 736);

(37) Computer programming, data processing and other computer related services (SIC 737);

(38) Passenger car rental (SIC 7514);

(39) Automobile parking (temporary) (SIC 7521);

(40) Motion picture theaters (except drive-in) (SIC 7832);

(41) Video tape rental (SIC 784);

(42) Amusement and recreation services (including auditoriums, performing arts centers and physical fitness facilities) (SIC 79);

(43) Medical and dental offices (SIC 801 through 804);

(44) Legal services (SIC 81);

(45) Individual and family social services (SIC 8322);

(46) Child day care services (SIC 835);

(47) Residential care (SIC 836);

(48) Social services (not elsewhere classified) (SIC 839);

(49) Museums, art galleries and botanical and zoological gardens (SIC 84);

(50) Engineering, accounting, research, management and related services (including architects, designers, landscape architects and urban planners) (SIC 87);

(51) Public administration (SIC 91 through 97);

(52) Single-family dwellings;

(53) Duplex dwellings;

(54) Multiple-family dwellings;

(55) Planned unit developments;

(56) Artist's and crafters studios and lofts;

(57) Itinerant uses;

(58) Correction centers;

(59) Visitor's centers;

(60) Other uses as approved by the Zoning Administrator consistent with the purpose of the Old Town (OT) District;

(61) Wall-mounted and concealed/disguised personal wireless communication facilities in accordance with Article 19 herein are permitted as an accessory use for legally established nonresidential uses only;

(62) A roof-mounted (see § 154-19.06) personal wireless communication facility is permitted on a commercial building or a mixed-use building which is primarily nonresidential (75% of the use is nonresidential);

(63) The following permitted uses are allowed in combination with and may be contained in the same unit as a residential use as a live/work space:

(a) Holding and other investment offices (SIC 67);

(b) Photographic studio, portrait (SIC 722);

(c) Tax return preparation services (SIC 7291);

(d) Commercial art and photography and stenographic services listed under SIC 733 (mailing and reproduction services under this SIC are not included);

(e) Computer programming, data processing and other computer related services (SIC 737);

(f) Legal services (SIC 81);

(g) Engineering, accounting, research, management and related services (including architects, designers, landscape architects and urban planners) (SIC 87); and

(h) Artist's and crafter's studios and lofts.

(64) Farmers Markets on the Main Street right-of-way as approved through the City of Yuma special event permit process.

(65) Farmers Markets at the Depot State Historic Park as approved through the City of Yuma Heritage Area.

(66) Streets fairs on Main Street as approved through the City of Yuma Special Event Permit process.

(67) Streets fairs on Madison Avenue as approved through the City of Yuma Special Event Permit process.

(68) All other principal permitted uses within the Old Town District not listed above may be contained within the same building as residential units (see live/work building) within the Old Town District but must have separate entrances and be independent from the residential use. Required parking spaces are determined by the gross square footage attributed to each use as further defined in this section and Article 16.

('80 Code, App. A, § 95) (Ord. 583, passed 9-16-1952; Ord. O95-073, passed 10-18-1995; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002; Ord. O2004-52, passed 8-4-2004; O2012-22, passed 11-21-12; Ord. O2013-08, passed 2-20-2013; Ord. O2013-37, passed 8-7-2013)

(D) *Conditional uses.* The following uses shall only be permitted upon the granting of a conditional use permit and compliance with all conditions as required therein:

(1) Drive-through facilities;

(2) Gasoline service stations (SIC 554);

(3) Carwashes (SIC 7542);

(4) Educational services (SIC 82);

(5) Job training and vocational rehabilitation services (SIC 833);

(6) Religious organizations (SIC 8661);

(7) Outdoor sales (except outdoor eating and drinking places and itinerant uses which are principal permitted uses);

(8) Utility installations;

(9) Membership organizations (SIC 86); and

(10) Other uses as approved by the Zoning Administrator which further the purpose of the Old Town (OT) District.

('80 Code, App. A, § 95) (Ord. 583, passed 9-16-1952; Ord. O95-073, passed 10-18-1995; Ord. O2013-08, passed 2-20-2013)

(E) *Prohibited uses.*

(1) Any adult oriented business as defined by § 154-01.07 shall be prohibited in the Old Town (OT) District;

(2) Wall strapping of a personal wireless communications facility is not permitted;

(3) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses; and

(4) The use of lattice tower structures for any personal wireless communication facility is not permitted.

('80 Code, App. A, § 95) (Ord. 583, passed 9-16-1952; Ord. O95-073, passed 10-18-1995; Ord. O2000-35, passed 6-21-2000) Penalty, see § 154-999

(F) *Property development standards.* In addition to the regulations and requirements contained in other sections of this chapter, the following minimum property development standards apply to all land and buildings in the Old Town (OT) District as may be designated on the official zoning map.

(1) *Lot size.* The minimum lot size in the Old Town (OT) District shall be 1,500 square feet.

(2) *Lot width.* The minimum lot width in the Old Town (OT) District shall be 15 feet.

(3) *Lot coverage.* The maximum lot coverage in the Old Town (OT) District shall be 100%.

(4) *Lot area.* Projects with a residential component are required to provide a minimum of 2,000 square feet of lot area per residential unit for subdivisions or multi-family units on any project less than two acres in size and 1,000 square feet of lot area per residential unit for subdivisions or multi-family units on land equal to or greater than two acres.

(5) *Setbacks.* The following is a list of the minimum yard setbacks for the Old Town (OT) District:

(a) *Minimum front yard building setback.* Zero feet;

(b) *Minimum side yard building setback.* Zero feet;

(c) *Minimum rear yard building setback.* Zero feet;

(d) *Minimum street side yard building setback.* Zero feet;

(e) *Minimum on-site landscape setback to on-site parking.* Three feet; and

(f) *Note.* No structures shall be constructed within a required visibility triangle.

(6) *Building height.* Except as provided in § 154-15.03 of this chapter, the maximum building height shall be 75 feet. The minimum building height in the Old Town (OT) District shall be 16 feet. The maximum building height shall be reduced to 20 feet (one story maximum) for all land located within 60 feet of any single-family residential district located on the same side of a street.

(7) *Landscaping and irrigation.* No landscaping or irrigation materials required by this subchapter shall be installed without a permit issued by the Zoning Administrator. All landscaping and irrigation design plans for property within the Old Town (OT) District shall be submitted for review and approved by the Zoning Administrator. The Design and Historic Review Commission shall hear all appeals of such decisions made by the Zoning Administrator for property in the Old Town (OT) District. Landscaping and irrigation shall be provided as follows:

(Ord. O2009-54, passed 10-21-2009)

(a) For all development, landscaping shall be provided as required in Article 20 of this chapter;

(b) Street landscape setbacks adjacent to on-site required and provided parking shall include the following items:

1. A mixture of minimum size five-gallon shrubs and vegetative ground cover;

2. One minimum size 24-inch box tree at minimum 50 foot intervals; and

3. A three foot to four foot high wrought iron fence or fence of similar open design.

(c) Automatic irrigation system.

(8) *Off-street parking.* Off-street parking in the Old Town (OT) District shall be provided in accordance with Article 16 of this chapter, off-street parking and loading regulations and further provided as follows:

(a) For buildings erected with building permits issued on or before November 1, 1995, no off-street parking shall be required;

(b) For buildings containing 5,000 square feet or less gross floor area, erected with building permits issued after November 1, 1995, no off-street parking shall be required; and

(c) For buildings containing more than 5,000 square feet gross floor area, erected with building permits issued after November 1, 1995, off-street parking shall be provided as required by Article 16 of this chapter.

(9) *Encroachments.* Building encroachments, including outdoor dining areas, planter boxes, benches, landscape features, architectural features, awnings, arcades, columns, building floors above the first floor, signs and lighting may encroach into any portion of the public right-of-way not used for vehicular or pedestrian circulation upon submittal of detailed plans for receipt of administrative approval by the Zoning Administrator and issuance of an encroachment permit by the City Engineer.

(Ord. O2010-32, passed 7-7-2010)

§ 154-10.02 Project Review.

(A) *Applicability*. Property located in the Old Town (OT) District, but not also located in the Historic Overlay District, shall automatically be included within the Aesthetic Overlay (AO) District. The City Design and Historic Review Commission shall review any proposed development, alteration or demolition permit for property located in the Old Town (OT) District.

(Ord. O2009-54, passed 10-21-2009)

(B) *General requirements*. The following design guidelines are used in the review of designs within the Old Town (OT) District and contain important considerations for projects under review by the Design and Historic Review Commission:

(Ord. O2009-54, passed 10-21-2009)

(1) The *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating and Reconstructing Historic Buildings* (1995), and *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes* (1996) are applied to the review of any properties that are within the Historic District Overlay and the Old Town (OT) District;

(2) *Main Street Historic District Design Guidelines*, as prepared by the Urban Design Studio. These guidelines pertain to those properties located within the Yuma Main Street National Historic District;

(3) *City of Yuma Downtown Kit of Parts*, as prepared by EDAW and Deardorff Design Resources, July 7, 2000. This guideline contains elements that are utilized in the Old Town (OT) District rights-of-way and has preferences for a variety of elements and should be consulted for all items to be placed in or adjacent to the Old Town (OT) District rights-of-way;

(4) *Yuma Crossing Design Guidelines*, as prepared by Wayne Donaldson Architects, June 2, 2003. These design guidelines apply to those properties located between 4th Avenue, Penitentiary Avenue, the Colorado River and 1st Street; and

(5) *Aesthetic Overlay (AO) District Design Guidelines*, as presented within the creation of the Aesthetic Overlay Zoning District, Planning and Zoning Case Z93-2 and adopted by City Ordinance No. 2263 on July 20, 1994. These guidelines pertain to all properties within the Old Town (OT) District which are not also located within the Historic (H) Overlay District.

(Ord. O2010-32, passed 7-7-2010)

§ 154-10.03 Signage Regulations.

(A) *General regulations*. All signs within the Old Town (OT) District are to be designed and installed in conformance with the following district permitted signage types and sign regulations. Additionally, all signs shall be designed and installed in conformance with the adopted Old Town (OT) District sign guidelines. For the purpose of this chapter, certain words and terms are defined in § 154-01.07 of this chapter. Signs shall be installed only as follows:

(1) No signs shall be erected or installed unless a sign permit is issued by the Zoning Administrator;

(2) Sign permits shall be required for the following permitted types of signs; and

(3) Signs shall be reviewed by the Design and Historic Review Commission for all properties in the Old Town (OT) District.

(Ord. O2009-54, passed 10-21-2009)

(B) *Permitted sign types*.

(1) Under canopy signs;

(2) Business wall-mounted signs;

(3) Awning signs;

(4) Blade or protecting signs;

(5) Building address numbers;

(6) Marquee signs for movie and theater uses;

(7) Murals and supergraphics not advertising a business specifically approved by the Design and Historic Review Commission;

(Ord. O2009-54, passed 10-21-2009)

(8) Permanent painted window signs, first floor limited to 20% of the window area;

(9) Temporary window signs, limited to 20% of the first floor's glass areas and to four 30-day periods per calendar year;

(10) Building signs containing the name of the business at rear entrances used by customers;

(11) Freestanding signs for properties containing at least 300 feet of frontage and where the building is setback at least 20 feet from the front property line; and

(12) Temporary "For Sale"/"For Lease" signs.

(C) *Prohibited signs.*

(1) Freestanding signs unless lot has over 300 feet of road frontage and building is setback a minimum of 20 feet from road;

(2) Any signs above the first story (except windows);

(3) Roof-mounted signs;

(4) Animated signs, except time and temperature displays;

(5) Noise emitting signs;

(6) Rotating, moving or flashing signs;

(7) Light bulb strings, except holiday decorations;

(8) Off-site signs and billboards;

(9) Banners except for special events for a period of 15 days;

(10) Pennants, streamers and bunting, except holiday decorations;

(11) Portable signs;

(12) Traffic sign replicas;

(13) Balloon signs;

(14) Bunting;

(15) Formed plastic or injection molded internally illuminated plastic signs; and

(16) Pole signs.

(D) *Sign standards.* All signs for property in the Old Town (OT) District shall be reviewed and approved by the Design and Historic Review Commission.

(Ord. O2009-54, passed 10-21-2009)

(1) *Wall-mounted signs.* For street level businesses, a maximum of one square foot per linear front foot of business establishment, to be located not higher than the lowest of the following:

(a) Twenty-five feet above grade;

(b) Bottom of the sill line of the second floor windows; or

(c) Cornice line of the building.

(2) *Permanent window signs.* On ground level, coverage shall not exceed 20% of the total window and door area visible from the exterior of the building; on the second and third levels, coverage shall not exceed 30% per window (No window signs permitted above the third level).

(3) *Awning signs.* On ground floor level; 30% maximum coverage allowed of the total exterior surface area of each awning. On the second floor level and above; 20% maximum coverage allowed of the total exterior surface area of each awning.

(4) *Projecting signs.* Allowed; maximum projection of signs shall not exceed three feet.

(5) *Under canopy signs.* Allowed under a canopy, roof, covered walkway or porch; maximum size of four square feet per door entrance; minimum of seven foot vertical clearance shall be required from pedestrian walking grade to the bottom of the sign.

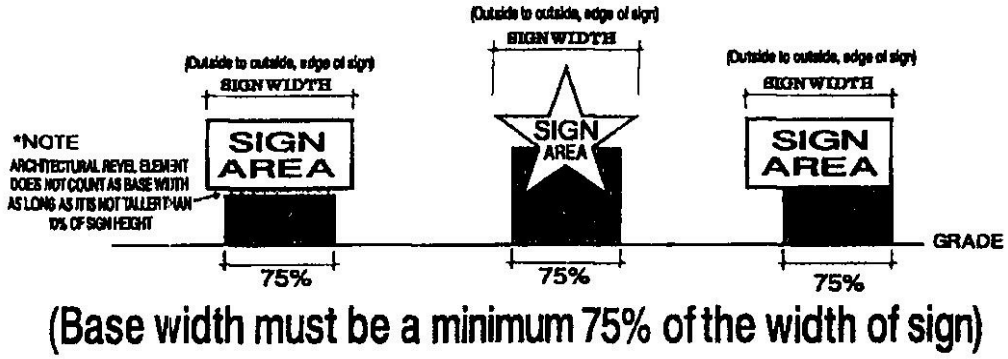
(6) *Major tenant or building name signs.* For buildings containing more than one story, a sign consisting of individual backlit or nonilluminated letters identifying the major tenant of a building or the name of the building, may be placed on the building wall near the top of the building.

(Ord. O2009-54, passed 10-21-2009)

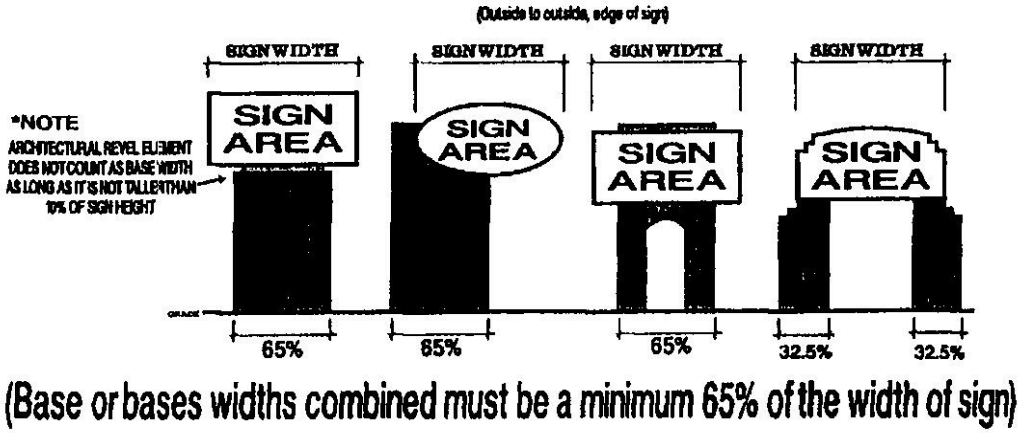
(E) *Sign examples.*

Illustrative Example 1 - Types of Signs

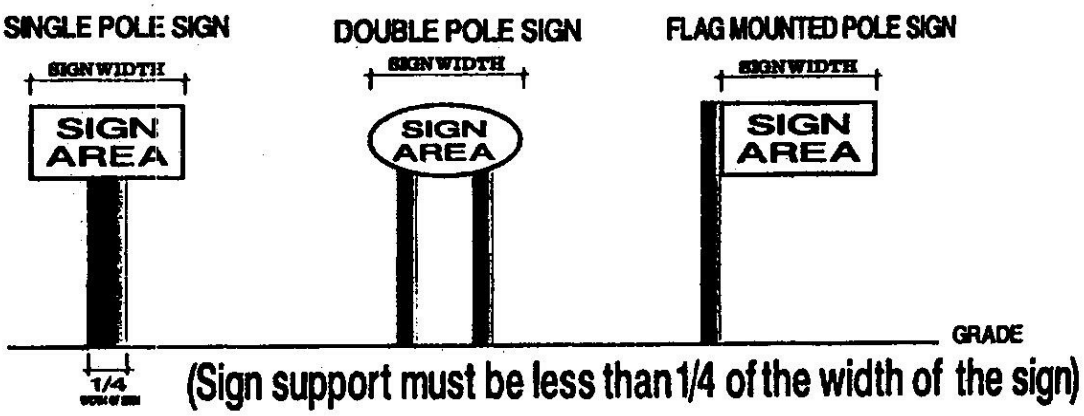
Examples of Monument Signs



Examples of Pedestal Signs



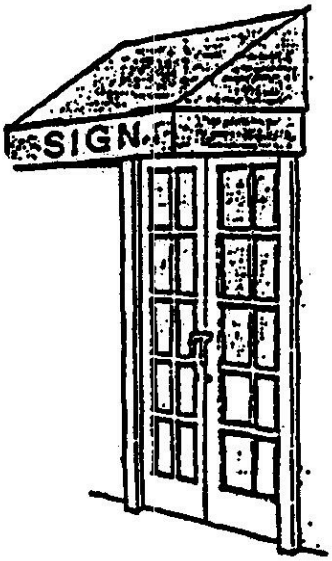
Examples of Pole Signs



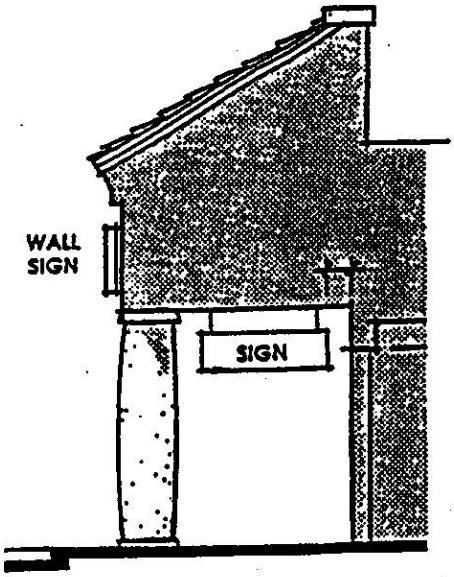
Example of Other Types of Signs

Portable Sign

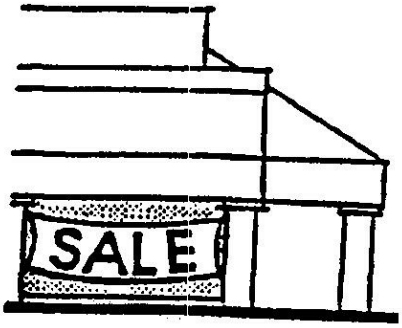
Roof Mounted Sign



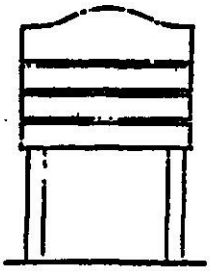
Canopy Sign



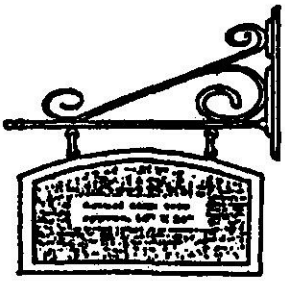
Under Canopy Sign
and Wall Sign



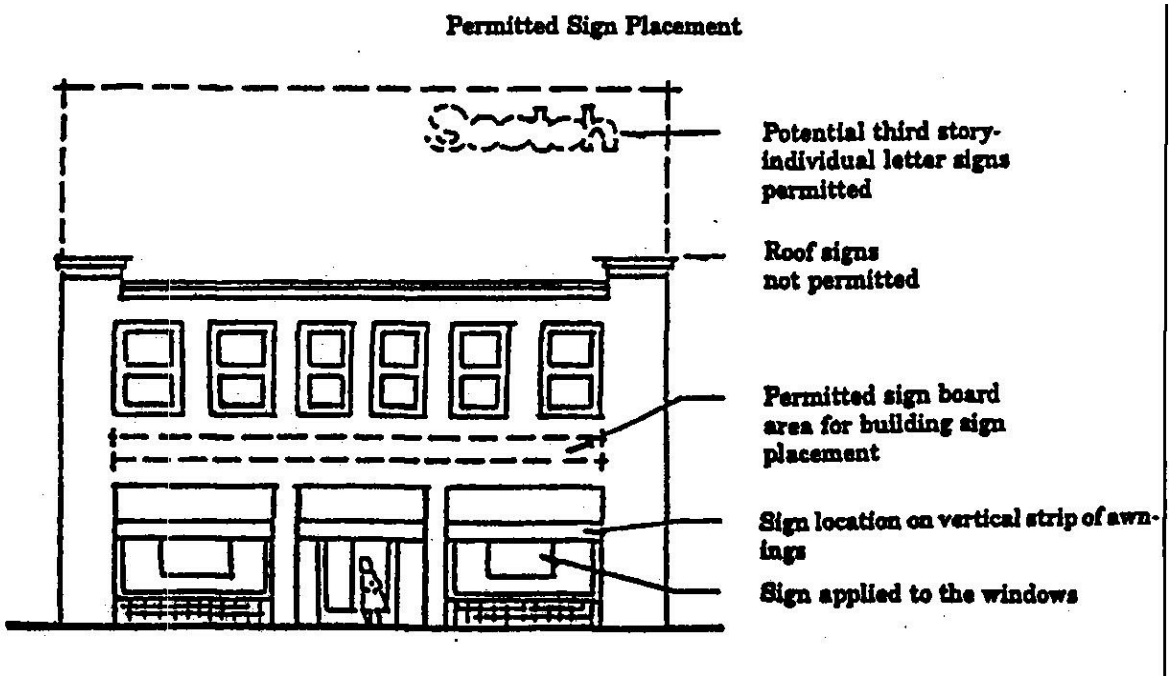
Paper or Cloth Streamers



Freestanding
Sign



Projecting Sign



('80 Code, App. A, § 95) (Ord. 583, passed 9-16-1952; Ord. O95-073, passed 10-18-1995; Ord. O96-56, passed 6-5-1996; Ord. O2001-94, passed 11-20-2001; Ord. O2003-61, passed 11-19-2003; Ord. O2004-52, passed 8-4-2004; Ord. O2010-32, passed 7-7-2010) Penalty, see § 154-999

Article 11 - Historic Park District

§ 154-11.01 Historic Park District (HP).

(A) *Purpose.* The purpose of the Historic Park District (HP) is to promote the public health, safety and general welfare within the district by:

(1) Creating a cohesive, identifiable character for the Historic Park District;

(2) Allowing site organization which takes best advantage of the district's location, surroundings and historic setting;

(3) Minimizing conflicts between pedestrians and automobiles and creating convenient public parking areas which are as unobtrusive as possible; and

(4) Providing for historical settings, buildings, structures, exhibits, landscaping, trails and reenactment activities and related uses in keeping with historical themes.

('80 Code, App. A, § 115) (Ord. 583, passed 9-16-1952; Ord. O95-035, passed 7-25-1995)

(B) *Applicability.* The provisions and regulations of the Historic Park District are intended to allow the establishment, preservation and enhancement of significant historic sites and historic reenactment settings within the city. It is the intent of the Historic Park District to provide development standards and permitted uses appropriate to historic settings and limit the intrusion of contemporary development standards and use separations which might compromise the accurate portrayals of historic settings.

('80 Code, App. A, § 115) (Ord. 583, passed 9-16-1952; Ord. O95-035, passed 7-25-1995)

(C) *Permitted principal uses.*

(1) Public and private parks including restroom and picnicking facilities;

(2) Exhibition, restoration and recreation of historic buildings, structures and settings;

(3) Reenactment activities including overnight camping by reenactor personnel;

(4) Animal keeping, including large animals such as horses, mules and cattle, provided that:

(a) All animals are part of historic reenactments and settings;

(b) All animals are housed in pens, pastures or corrals situated at least 150 feet from adjacent privately owned property, not located in the Historic Park District; and

(c) Not more than 25 large animals are kept on any one acre of land.

(5) Retail sales; food and beverage sales;

(6) Business and light industrial uses consistent with historic themes, such as wheel wright, blacksmith or ferry boat operations;

(7) Office uses consistent with the maintenance and operation of an historic park and also office uses consistent with historical themes;

(8) Storage facilities consistent with the maintenance and operation of an historic park and also uses consistent with historic themes. All storage shall be within enclosed buildings or shall be screened by solid walls not less than six feet in height, unless such storage is integral to an historic exhibit or reenactment;

(9) Itinerant uses;

(10) Permanent residences for the purpose of on-site caretakers quarters;

(11) Agricultural uses consistent with historic reenactments and settings; and

(12) Parking and loading facilities to serve the visiting public and employees. All public visitor parking areas shall be improved and paved in the manner specified by Article 16 of this chapter. Parking shall not be required for specific uses permitted listed in this section.

('80 Code, App. A, § 115) (Ord. 583, passed 9-16-1952; Ord. O95-035, passed 7-25-1995)

(D) *Permitted accessory uses.* Accessory uses of buildings or structures customarily incident to a use permitted by this subchapter such as barns, corrals, stables and sheds.

('80 Code, App. A, § 115) (Ord. 583, passed 9-16-1952; Ord. O95-035, passed 7-25-1995)

(E) *Conditional uses.*

(1) The keeping of more than 25 large animals on any one acre of land; and

(2) Other uses that meet the purpose and development standards as specified herein.

('80 Code, App. A, § 115) (Ord. 583, passed 9-16-1952; Ord. O95-035, passed 7-25-1995)

(F) *Property development standards.* To meet the purpose of this district, all uses shall comply with the following minimum development standards.

(1) *Area and location.* The minimum area for the Historic Park District shall be five acres (or smaller contiguous parcels with a total aggregate area of five acres) and with a Master Plan of Development approved by the City Planning and Zoning Commission.

(2) *Building requirements.* All buildings shall conform to an historical theme(s). All applications for building permits shall be reviewed and approved by the City Zoning Administrator with right of appeal to the City Design and Historic Review Commission.

(3) *Yards.* All buildings, including accessory structures, shall be set back a minimum of 20 feet from any property line shared with a residential zoning district. Required yard setbacks shall be landscaped as set forth in Article 20 of this chapter and shall not be used for parking or loading.

(4) *Lighting.* All exterior lighting shall be arranged and located as to direct the light away from any adjoining residential district.

(5) *Signage.* Signage for purposes of identification and promotion may be provided on the same premises as the use being served, and shall be clearly incidental to such use. All signage shall comply with the following minimum standards.

(a) Freestanding identification and directional signage shall be subject to the review and approval of the City Zoning Administrator with the right of appeal to the City Design and Historic Review Commission.

(b) All signage not covered by division (F)(5)(a) above for historic buildings, structures, exhibits or reenactment areas shall not be subject to number, size, area or height restrictions, however shall be of the number, size, area and height as would be appropriate to their historical context. All such historical signage shall be subject to the review and approval by the City Zoning Administrator with the right of appeal to the City Design and Historic Review Commission.

(6) *Landscaping*. The provisions of Article 20 of this chapter shall apply only to required yard setbacks adjacent to residential district, and to parking lots provided for use by the visiting public.

('80 Code, App. A, § 115) (Ord. 583, passed 9-16-1952; Ord. O95-035, passed 7-25-1995; Ord. O2010-32, passed 7-7-2010) Penalty, see § 154-999

Article 12 - Military Reservation District

§ 154-12.01 Military Reservation District (MR).

(A) *Purpose*. The Military Reservation (MR) District is created to establish an appropriate zoning district for federally owned land controlled or owned by the Department of Defense for military purposes. The Military Reservation District recognizes the federal government's position to control and utilize such land for military purposes in accordance with the supremacy clause of the United States Constitution, and the military's responsibility to ensure sound stewardship of federal lands under their control or ownership

(B) *Applicability*. The Military Reservation (MR) District shall be applicable to federally owned land controlled or owned by the Department of Defense for military purposes.

(C) *Permitted principal uses*. As determined by the federal government and the respective federal entity utilizing such land controlled or owned by the Department of Defense for military purposes.

(D) *Conditional uses*. None.

(E) *Property development standards*. None.

(Ord. O2000-36, passed 6-21-2000; Ord. O2010-32, passed 7-7-2010)

Article 13 - Recreation and Open Space

§ 154-13.01 Recreation and Open Space District (RO).

(A) *Purpose*. The purpose of the Recreation and Open Space District is to conserve and protect lands that encompass natural resources, features and processes and to provide for public and private recreational parks, resorts or similar facilities. Such lands may include watercourses, floodplains, viewsheds, natural formations, plant and wildlife habitats, steep slopes and other environmentally sensitive areas and may also include lands incompatible with development at the present time, possibly due to their remote location.

(Ord. O2001-103, passed 12-19-2001)

(B) *Applicability*. The regulations pertaining to the Recreation and Open Space District shall be applicable within the Resort, Recreation and Open Space land use areas designated on the land use map of the City General Plan.

(Ord. O2001-103, passed 12-19-2001)

(C) *Permitted principal uses*.

(1) Undeveloped, unimproved land; public or private;

(2) Parks, amphitheaters, golf courses and golf driving ranges; public;

(3) Agricultural production, crops; public or private;

(4) Fish hatcheries and preserves; public;

(5) Hunting and trapping, game propagation; public;

(6) Nature preserves and wildlife management areas; public;

(7) Generation, routing and distribution of public utilities; and

(8) Individual recreation mining; private.

(Ord. O2001-103, passed 12-19-2001)

(D) *Conditional uses.*

(1) Single-family residences; minimum lot size: five acres; private;

(2) Agricultural production, livestock and animal specialties; private;

(3) Fish hatcheries and preserves; private;

(4) Hunting and trapping, game propagation, wildlife management; private;

(5) Metal mining (when filing of a mining claim is required);

(6) Coal mining;

(7) Oil and gas extraction;

(8) Mining and quarrying of nonmetallic minerals, including sand and gravel extraction;

(9) Privately owned and operated resort and recreational commercial developments, including:

(a) Recreational, seasonal and resort hotels;

(b) Concession stands and tour companies and guides located or operating on public lands;

(c) Theme and amusement parks;

(d) Tennis, golf and sports resorts or camps;

(e) Water parks and slides;

(f) Conference centers, located within resort hotels;

(g) Golf courses and golf driving ranges;

(h) Exotic animal parks, zoos;

(i) Parks; and

(j) Amphitheaters.

(10) Public or private areas available for public visitation and recreation with or without developed facilities and associated businesses, including:

(a) Dude ranches;

(b) Horse stables, riding academies and rodeo arenas;

(c) Botanical gardens;

(d) Lakes and waterways;

(e) Campgrounds; and

(f) Off-road vehicle areas, parks or trails.

(11) Generation, routing and distribution of privately owned utilities; and

(12) Other uses which meet the purpose, intent and development standards as specified herein.

(Ord. O2001-103, passed 12-19-2001)

(E) *Property development standards.*

(1) *Minimum district size.* None.

(2) *Minimum lot size.* None for undeveloped public land and five acres for developed public and all private lands.

(3) *Maximum building height.* Forty feet.

(4) *Setbacks.*

(a) *Front yard.* One hundred feet;

(b) *Side yard.* Fifty feet; and

(c) *Rear yard.* Fifty feet.

(5) *Walls and fences.* Any wall or fence as may be erected along any street line, side property line or rear property line, whether to meet the requirements of the chapter or provided voluntarily, shall comply with the minimum requirements for unobstructed traffic visibility as specified in Article 15 of this chapter. Walls and fences in the front yard setback area shall be constructed so that they can be seen through or over so as to comply with the Crime Prevention Through Environmental Design (CPTED) principles of surveillance.

(6) *Landscaping and irrigation.* Landscaping and irrigation shall be according to Article 20 of this chapter. Additionally, a 30-foot buffer area surrounding any new construction site shall be maintained during entire construction period, within which no building materials may be stored, and which shall be clear of vegetation, debris and other combustible materials.

(7) *Parking.* Off-street parking shall be provided in the manner set forth in Article 16 of this chapter.

(8) *Lighting.* All exterior lighting fixtures shall be of the "down-lighting" box-type and no direct lighting shall be allowed to shine onto any adjacent properties.

(9) *Signage.* Only permanent on-site signage is permitted. No temporary off-site signage shall be allowed in the RO Zoning District. Development standards for permanent on-site signage in the RO district shall be consistent with the standards of the TR Zoning District.

(10) *Lot coverage.* None, however all public and private development of lands located within the RO Zoning District must provide adequate site improvements including, but not necessarily limited to, parking, landscaping and the on-site retention of stormwater.

(11) *Undergrounding of new utility lines.* All new utility lines including, but not necessarily limited to, electricity, telephone and television, shall be placed underground in conjunction with development or redevelopment projects that have been submitted for approval under the provisions of the City Code.

(12) All private and commercially oriented development of lands located within the RO Zoning District shall be subject to the review and approval of the Design and Historic Review Commission (DHRC).

(Ord. O2001-103, passed 12-19-2001; Ord. O2009-54, passed 10-21-2009; Ord. O2010-32, passed 7-7-2010) Penalty, see § 154-999

Article 14 - Overlay Zoning Districts

§ 154-14.01 Aesthetic Overlay District (AO).

(A) *Purpose.*

(1) The Aesthetic Overlay District is an overlay to the underlying zoning district which may be used in combination with any zoning district provided in this zoning code. The purpose of the Aesthetic Overlay District is to enhance the community's image and attractiveness through creation of visually pleasing and inviting entryways of the city as well as providing community focal points or areas where the design of the physical improvements and landscape enhances the community's appearance.

(Ord. O2009-54, passed 10-21-2009)

(2) This purpose is to be accomplished by:

(a) Creating review procedures that establish the authority to review, recommend and approve proposed physical design elements within the viewshed and the general location of major transportation corridors that are prominent entry points to the city;

(b) Focusing on community design principles that result in creative, imaginative solutions, that establish high quality design for specific areas of the city;

(c) Providing for site development that utilizes the unique characteristics of the site (such as location, surroundings, topography or natural resources) and creates areas which are visually attractive to both the occupants, tenants and the general public;

(d) Minimizing conflicts between automobiles, pedestrians and bicycles; creating parking and loading/unloading areas which are attractive and unobtrusive; and maintaining efficient vehicular circulation;

(e) Providing safe and convenient access between and within all development in the district; and

(f) Providing landscaping which visually enhances both on-site and off-site development.

('80 Code, App. A, § 113) (Ord. 583, passed 9-16-1952; Ord. 2663, passed 7-20-1994; Ord. O2009-54, passed 10-21-2009)

(B) *Applicability.*

(1) The Aesthetic Overlay District does not modify uses permitted in existing zones, but that the district be superimposed over existing zones with each use conforming to the development standards required by the underlying zoning district. The provisions and regulations of the Aesthetic Overlay District are in addition to all other provisions and regulations of the zoning code that apply to the underlying zoning as determined on the official zoning map of the city. Should provisions of the Aesthetic Overlay District conflict with other provisions of the zoning code or the General Plan, the more restrictive provisions shall apply.

(2) The Aesthetic Overlay District may be used in combination with any zoning district provided in the zoning code.

('80 Code, App. A, § 113) (Ord. 583, passed 9-16-1952; Ord. 2663, passed 7-20-1994; Ord. O2009-54, passed 10-21-2009)

(C) *Design review procedure.* The project design plan shall be submitted and approved by the Design and Historic Review Commission (DHRC) prior to the issuance of any construction or development permits (see § 154-03.08).

(Ord. O2009-54, passed 10-21-2009)

(D) *Property development standards.*

(1) *Walls and fences.*

(a) Any decorative or screening walls or fences must be either a masonry design or a well-foliaged plant wall.

(b) Chain link fencing, with or without slats, is not an acceptable screening or fencing material for areas visible from a public street. Razor wire, concertina wire or similar material shall not be used in areas visible from a public street.

(c) Walls located on a property line shall provide a minimum five foot wide landscaping strip located along said walls. Landscaping within this strip shall meet the requirements stated in Article 20 of this chapter.

(2) *Landscaping.*

(a) All landscaped areas, whether required or provided voluntarily, shall meet the requirements stated in Article 20 of this chapter.

(b) All landscape materials shall be allowed to grow to their natural height and shape appropriate for that plant.

(c) Automatic irrigation (maximizing drip irrigation) is required for all landscaped areas.

(d) Buildings shall be located so that the building does not abut paved parking areas or drive aisles. A minimum five foot wide landscape strip shall be provided between parking areas or drive aisles and the building. This landscape strip shall not be included in the calculation of interior parking lot landscaping required in Article 16 of this chapter. Twenty-five percent of the square footage of the landscape strip requirement may be used for pedestrian sidewalks. This landscape strip requirement shall be waived for areas adjacent to the building that are designed as access to loading dock(s) and delivery areas and that are screened from view from public streets.

(e) Accessible pedestrian route(s) shall be provided between public street sidewalks and accessible entrances to buildings on site.

(3) *Signs.*

(a) Project identification signs shall be placed on monuments, building facades or on low profile walls.

1. Monument signs. To encourage design flexibility, the maximum height of the sign may be lowered in order to decrease required setback from the street. No signs shall be permitted within visibility sight triangles. Low profile signs may be setback from the property line as follows:

Over 6 feet in height	12-foot setback
4 feet to 6 feet	6-foot setback
4 feet or less	2-foot setback

2. Pedestal sign; and

3. Signs shall be fully integrated with the design of the building and the site development, reflecting the architecture and the building materials. The means of integrating signs with the architecture of the building shall be achieved through replication of architectural embellishments, colors, building materials, texture and other elements found in the building design.

(b) Window signs shall not exceed two square feet in area per tenant space and are limited to business identification, hours of operation, address and emergency information.

(c) Window signs are prohibited above the ground level floor of the building.

(d) Lettering or icons located on canopies or awnings shall not exceed 5% of the total square footage of the canopy or awning located on the particular facade on which the canopy or awning is attached.

(e) The following sign types are prohibited in the Aesthetic Overlay District:

1. Animated signs;

2. Portable signs;

3. Revolving signs;

4. Flashing signs;

5. Banner signs;

6. Swinging signs;

7. Under-canopy signs;

8. Roof-mounted signs;

9. Internally-lit awning and canopy signs; and

10. Pole mounted signs.

(4) *Utilities*. All utilities shall be placed underground. In the event an above ground electrical transformer is located outdoors on any site within the Aesthetic Overlay District, it shall be screened from view with a landscaping and not located within any setback area. If the transformer cannot be screened, it shall be located in an underground vault. Exceptions to this requirement are as follows:

(a) Transformers, pedestal-mounted terminal boxes, meter cabinets and concealed ducts may be placed above ground, if they are used solely in connection with the underground transmission or distribution lines;

(b) Poles supporting street lights;

(c) If topography, soil or other physical conditions prevent underground installation of utilities unreasonable or impractical, the Design and Historic Review Commission may waive the requirement; and

(d) The remodeling of existing structures, where the cost of remodeling is less than 50% of the replacement cost of the existing structure as determined for building permit fees shall be exempt.

(5) *Parking structures.*

(a) Parking lot landscaping shall be designed to include tree varieties to provide shaded parking at growth maturity for a minimum of 30% of the required parking stalls.

(b) A bike rack shall be provided for each building on site.

(6) *Lighting*. Minimum standards for lighting for properties located within the Aesthetic Overlay District are as follows.

(a) Aisles, passageways and recesses related to and within the building complex shall be illuminated with an intensity of a minimum of one maintained footcandle at the ground level and at seven feet vertical between sunset and sunrise.

(b) Open parking lots shall be illuminated with a minimum of one maintained footcandle of light on the parking surface and at seven feet vertical between sunset and sunrise.

(c) All exterior entrances shall be illuminated with a minimum of five maintained footcandles at ground level and at seven feet vertical between the hours of sunset and sunrise, with a minimum 15-foot radius from the center point of the entrance.

(d) Closed and covered parking structures and carports shall be illuminated with a minimum of five maintained footcandles at ground level and at seven feet vertical between the hours of sunset and sunrise; during daylight hours, the area shall be illuminated with a minimum of ten footcandles.

(e) Greenway trails, pathways, linear parks, multi-use trails and similar facilities shall be illuminated with a minimum of one-half maintained footcandle at ground level and at seven feet vertical between sunset and sunrise.

(f) Lighting devices shall be protected by weather and vandal-resistant covers.

('80 Code, App. A, § 113) (Ord. 583, passed 9-16-1952; Ord. 2663, passed 7-20-1994; Ord. O2001-94, passed 11-20-2001; Ord. O2003-38, passed 8-20-2003; Ord. O2009-54, passed 10-21-2009) Penalty, see § 154-999

(E) *Aesthetic Overlay District Design guidelines.* The Aesthetic Overlay District Design guidelines upon adoption by the City Council, shall be used in conjunction with this chapter to provide guidance for the property owners, tenants and design professionals in the preparation of a project design plan.

('80 Code, App. A, § 113) (Ord. 583, passed 9-16-1952; Ord. 2663, passed 7-20-1994)

(F) *Building permits based upon approved project design.* Within one year of approval of a project design by the Design and Historic Review Commission, a building permit may be granted for a site based upon the project design approved by the Design and Historic Review Commission. If more than one year has elapsed since approval of the project design for that location, such design plan shall be resubmitted to the Design and Historic Review Commission to accept or modify the design previously approved, prior to issuance of a building permit.

('80 Code, App. A, § 113) (Ord. 583, passed 9-16-1952; Ord. 2663, passed 7-20-1994; Ord. O2009-54, passed 10-21-2009)

(G) *Amendments to approved project design.* Any substantial amendment or modification to an approved project design shall be reviewed by the Design and Historic Review Commission.

('80 Code, App. A, § 113) (Ord. 583, passed 9-16-1952; Ord. 2663, passed 7-20-1994; Ord. O2009-54, passed 10-21-2009)

(H) *Minor project design plan changes within the Aesthetic Overlay.*

(1) The Zoning Administrator, or his or her designee, shall have the authority to review modifications to an approved project design only for minor changes that do not substantially change the visual appearance of the project as approved by the Design and Historic Review Commission. The Design and Historic Review Commission will be advised of any administrative decisions pursuant to this section.

(2) Minor project design changes include, but are not limited to:

(a) Slight color palette changes;

(b) Exterior wall or fencing alterations;

(c) Slight materials change; and

(d) Insignificant signage material or color changes.

('80 Code, App. A, § 113) (Ord. 583, passed 9-16-1952; Ord. 2663, passed 7-20-1994; Ord. O2008-31, passed 8-6-2008; Ord. O2009-54, passed 10-21-2009; Ord. O2010-32, passed 7-7-2010)

§ 154-14.02 AutoCenter Overlay District (ACO).

(A) *Purpose.*

(1) The AutoCenter Overlay District is an overlay zoning district which may be used in combination with the B-2 General Commercial district provided in this zoning code. The purpose of the AutoCenter Overlay District is to retain and expand a major component of the city's sales tax and employment base by permitting a clustering of automobile sales and related uses in an environment that provides an attractive shopping experience for the purchase of automobiles.

(2) This purpose is to be accomplished by:

(a) Using a right-of-way and setback area improvement design to help create a unique, attractive and visually cohesive shopping district which showcases and emphasizes the sale and appeal of new and used vehicles while preserving the functionality of the streets and improving the amount of and access to parking;

(b) Using the required setback areas to serve a dual purpose. The primary purpose will be to preserve future rights-of-way needs and provide required landscaping. Another purpose will be to use the setback areas, where appropriate, as a display area for cars. Accordingly, travel lanes internal to the site may be reduced in certain areas and setback areas may be used for new vehicle display;

(c) Providing safe and convenient access between and within all development in the district;

(d) Providing uniform and unobstructive landscaping which visually enhances both on-site and off-site development;

(e) Providing meandering public sidewalks to and through adjoining properties; and

(f) Creating review procedures that establish the authority to review, recommend and approve proposed improvement projects within the AutoCenter Overlay District.

(Ord. O2000-52, passed 8-2-2000)

(B) *Applicability.*

(1) The AutoCenter Overlay District does not modify uses permitted in the existing General Commercial (B-2) District but does allow an overlay district to be superimposed over existing B-2 zones with each use conforming to the development standards required by the underlying zoning district. The provisions and regulations of the AutoCenter Overlay District are in addition to all other provisions and regulations of the zoning code which apply to the underlying zoning as determined on the official zoning map of the city. Should provisions of the AutoCenter Overlay District conflict with other provisions of the zoning code or the Yuma General Plan, the AutoCenter Overlay District provisions shall apply where development standards for rights-of-way, landscaping, signage and setback areas are concerned. Airport Overlay District development requirements, including, but not limited to provisions in the RADSA, when adopted, supersede any provisions of the AutoCenter Overlay District.

Editor's note:

RADSA - Runway Approach and Departure Area as provided in the City/County Joint Land Use Plan, City of Yuma General Plan

(2) The AutoCenter Overlay District may be used in combination with the B-2 Zoning District provided in the zoning code, provided that a minimum of 40 acres exist within a given area to warrant such a district (minimum district size is 40 acres).

(Ord. O2000-52, passed 8-2-2000)

(C) *Property development standards.*

(1) *Setbacks.* The intent is to provide an attractive and dramatic setting for the display of vehicles. New vehicles displays are to be the focal point of the setback. Landscaping may be used to provide a setting of beauty and visual interest that would enhance the focal points.

(a) The landscape area may extend to and include portions of the public right-of way.

(b) Meandering sidewalks shall be constructed within the public right-of-way outside the 15 foot setback area.

(c) Block walls shall not be used to visually separate the sidewalk and the 15 foot landscape setback area.

(d) Isolated new car vehicle display pads may be located within this 15 foot landscaped setback area, provided they will not conflict with sight visibility triangles. Two-thirds of the landscaped area shall be reserved for landscaping. Up to one-third of the surface area within the setback may be used for the isolated/distinct vehicle display pads.

(e) The landscape emphasis should be on low-mounded turf with accents of ground covers, low shrubs, linear placement of

palm trees and hard landscape features.

(f) Freestanding light pole fixtures maybe included in the 15 foot landscape setback area, strategically placed at the corners of the new car vehicle display pads to accent the vehicles. Dual box-style lighting fixtures, of a uniform height and color, shall be used within the 15 foot landscape setback area.

(2) *Rear vehicle storage yards.* The following development standards apply to rear vehicle storage yards over one acre in size and located a minimum 300 feet from an arterial road upon which the business has frontage:

(a) An all-weather crushed gravel ground cover may be utilized in lieu of the general blacktop/asphalt code requirement for paving; and

(b) Landscaping requirements may be reduced by 50%.

(3) *Signs.* The following development standards apply to signs for automobile dealership franchises within the AutoCenter Overlay District:

(a) Signs are permitted a maximum 20% increase from the development standard or dimension required within the zoning code where a practical difficulty, unnecessary hardship or a result inconsistent with the general purposes of the zoning code would occur from its strict and literal interpretation and enforcement;

(b) Multiple automobile dealership franchises on a single parcel may be permitted additional freestanding signage per the following standards and criteria:

Table No. 1 - AutoCenter Overlay Signage

Zoning District	***Type of Installation***	***Max. Total Area of All Sign Faces***	***Max. Area of Any Sign Face***	***Max. Number of Signs***	***Max. Height W/in Street Setback***	***Max. Height Outside of Street Setback***
B-2 ACO	F-S	1 sq. ft. per 1 lineal foot of street frontage upon which the sign is located	300 sq. ft.	For parcels with less than 300 feet of street frontage: 1 per street frontage For parcels with 300+ feet of street frontage: 1 per each separate auto franchise not to exceed 2 per street frontage (a)	See § 154-17.03(C) Footnotes: Table No.5 and Table No.6	
(a) Such signs shall be located a minimum of 60 linear feet from any other F-S sign.						

(c) To create a sense of place and assist in the marketing and appeal of the AutoCenter Overlay District, uniform "Olympic style" vertical street banners may be used throughout the District subject to review and approval by the Clean and Beautiful Commission. Such banners may be incorporated into street light standards or hung on special poles and shall only identify the

autocenter and/or its autocenter logo. No private business shall be advertised.

(Ord. O2000-52, passed 8-2-2000; Ord. O2002-04, passed 2-6-2002; Ord. O2010-09, passed 2-3-2010)

(D) *Design review procedures.* AutoCenter Overlay District development standards shall be incorporated into any project plans submitted to the city for which a development permit is required. The Zoning Administrator, or his or her authorized representative, shall review all AutoCenter Overlay District development standards incorporated in such project plans to ensure compliance with the intent and spirit of the district.

(Ord. O2000-52, passed 8-2-2000; Ord. O2010-32, passed 7-7-2010)

§ 154-14.03 Bed and Breakfast Overlay District (BB).

(A) *Purpose and intent.* This overlay district is adopted to provide for overnight tourist accommodations within residences or guest houses, located in variously zoned properties within the area identified as the Bed and Breakfast Overlay District, as reflected on the city zoning map. The bed and breakfast shall not be used by the public or paying guests for the hosting of receptions, private parties or the like. A bed and breakfast use must comply with all other provisions of the zone in which it is located and must comply with all other ordinances of the city.

(Ord. O99-92, passed 1-5-2000)

(B) *Property development standards.*

(1) *Eligible facilities.* The primary residential structure on the property and any allowed guest house are facilities that are permitted to be used for bed and breakfast activities. Only site-built structures are permitted. Any structure that the city recognizes as historical can be converted to a bed and breakfast. One bed and breakfast facility shall be allowed per legal parcel of land (maximum of four bed and breakfast sleeping rooms per parcel). If two adjacent parcels of land are under one ownership, the resident host can live on one parcel and the bed and breakfast facility can occur on the adjacent parcel. The maximum occupancy of the entire bed and breakfast, including the resident host and family, shall be ten.

(2) *Number of guest rooms.* The maximum number of bed and breakfast guest rooms shall be four. This maximum does not include the resident host's sleeping room(s).

(3) *Length of stay.* The length of stay shall be limited to a minimum of one night and a maximum of 90 days in a 12-month period. In cases where the guests are not related by marriage or blood, the stay shall be limited to a maximum of 30 days.

(4) *Kitchen facilities.* No food preparation or storage facilities (microwave, oven/stove, refrigerator) shall be allowed in the bed and breakfast sleeping rooms, except for a coffee maker provided by the bed and breakfast. The only kitchen facility on the property shall be the main kitchen used by the resident host.

(5) *Bathroom facilities.* The bed and breakfast function shall have one three-quarters or full bath facility, separate from the resident host's required three-quarters or full bath room facility.

(6) *Inspections/licensing registration.* The following licensing conditions apply:

(a) A business license must be in the owner's name, identifying the resident host of the facility;

(b) The resident host must live on the premises;

(c) No more than two occupants shall be allowed per room;

(d) A person who does not reside at the home shall not be employed to assist in the conduct of the bed and breakfast business, except as usual for a residential use (i.e., gardener, pool maintenance and the like);

(e) A guest room shall not be located in the basement or attic without meeting the UBC requirements for exiting;

(f) The bed and breakfast shall be made available for annual inspections to ensure compliance with the provisions of this district;

(g) For annual license fee purposes, bed and breakfast uses shall be considered hotels; and

(h) The resident host shall maintain a guest register for accounting/tax purposes.

(7) *Signage.* Signs for the bed and breakfast function shall be limited to four-square feet with a maximum dimension of four feet. Design review is required if the signage is proposed to be lit. The sign(s) shall complement the nature of the use and be placed near the front door, walkway, over the porch, back door or on the mail box post.

(Ord. O2010-09, passed 2-3-2010)

(8) *Off-street parking.* On-site parking shall be provided per the following:

(a) *One and two bed and breakfast rooms.* One space;

(b) *Three and four bed and breakfast rooms.* Two spaces; and

(c) *Resident host.* Additionally, one on-site space shall be provided for the resident host. All required parking spaces shall be paved. Pavers or turf-blocks may be used to allow for percolation of stormwater runoff. The creation of on-site parking shall not reduce or eliminate the required front yard setback and required landscaping.

(9) *Exterior lighting.* Any exterior lighting shall be residential in nature and character. Lighting shall be located so as to minimize off-site illumination and direct the light away from any public or private street right-of-way or from any residential district or use. All exterior lighting shall be approved by the Design and Historic Review Commission. Lighting shall be in accordance with Article 18 of this chapter of the City Code. No color lighting shall be permitted.

(10) *Sanitary sewer requirement.* Structures used for the purpose of providing bed and breakfast facilities shall be connected to and use a sanitary sewer system. Septic systems are not acceptable.

(11) *Fire protection.* Smoke detectors shall be installed in each sleeping room. A fire escape route shall be identified and placed on the inside door of each bed and breakfast sleeping room.

(12) *Conformance with UBC.* The facilities used for bed and breakfast purposes shall comply with the Uniform Building Code or the Uniform Code for Building Conservation, as required by those codes.

(13) *Cleaning requirements.* The resident host shall provide clean linens and towels as necessary, as well as adequate heating and cooling, ventilation, water and sewage disposal. The resident host shall maintain the outside area in a clean and sanitary manner and shall properly clean the premises and facilities during the guest's stay and after each guest has departed.

(Ord. O99-92, passed 1-5-2000)

(C) *Additions to the Overlay District.* Any addition to the Overlay District shall follow the Amendment process as outlined in Article 3, § 154-03.03. Additional areas of the city may be added to the overlay district, subject to all the following criteria:

(1) The proposed area must be contiguous to the existing Bed and Breakfast Overlay boundary;

(2) The proposed area must be bounded on all sides by public rights-of-way; and

(3) The proposed area must be a minimum of two and one-half net acres in size.

(Ord. O99-92, passed 1-5-2000; Ord. O2010-32, passed 7-7-2010)

§ 154-14.04 Historic Overlay District (H).

(A) *Purpose and intent.* The purpose and intent of this section is to promote the educational, cultural, economic and general welfare of the community and to ensure the harmonious growth and development of the municipality by encouraging the preservation of historic places and structures through the designation of sites and districts of historical significance. It is not intended that the designation of a site or a district as historic should modify uses permitted in existing zones, but rather, the designation of an historic site or an historic district be superimposed over existing zones to encourage the retention of early structures and objects in active use and in substantially their historic appearance, setting and placement. It is intended that the renovation of an historic site shall preserve its distinguishing historic qualities or character and that new structures erected within an historic district or the renovation of an existing structure within an historic district shall harmonize with the general character or ambiance of existing structures in the district in order to preserve the architectural heritage of the district and to promote the historical significance of the site or district among residents and visitors to the community.

('80 Code, App. A, § 114) (Ord. 583, passed 9-16-1952; Ord. 2125, passed 5-4-1983; Ord. O2009-54, passed 10-21-2009)

(B) *Initiation of historic site or district.*

(1) An historic site or an historic district may be created only by ordinance adopted after a public hearing is conducted by the Design and Historic Review Commission on the application for that designation. A direction of the Mayor and Council to the Commission for consideration of a building, structure, object or an area for that designation, or consideration of a building, structure or object or area for that designation on the Commission's initiative, is an "application" subject to this subchapter.

(2) The Mayor and Council shall consider whether to designate by ordinance a building, structure or object as an historic site or an area as an historic district upon the recommendation of the Design and Historic Review Commission. The Commission shall consider either designation upon the direction of the Mayor and Council or upon the application of 35 or more adult residents of the city filed with the Community Development Department.

(3) A fee of $100 shall be required for the filing of an application for either designation. The form of the application shall be determined by the Commission and made available to the public at the Community Development Department office.

('80 Code, App. A, § 114) (Ord. 583, passed 9-16-1952; Ord. 2125, passed 5-4-1983; Ord. O2009-54, passed 10-21-2009)

(C) *Historic district criteria.*

(1) Seven or more properties, whether or not separated by a street, or total cumulative street frontage not less than 300 feet, but in no case fewer than four properties, shall be the minimum criteria for designation of an "historic district".

(2) An "historic district" may be designated only by ordinance if:

(a) The area meets the criteria for historic districts adopted or hereafter adopted by the State of Arizona through the state historic preservation office, or substantially meets the criteria for the listing of districts to the National Register of Historic Places adopted or hereafter adopted by the United States Secretary of the Interior, copies of which shall be on file with the City Clerk and the Community Development Department and made available there for public inspection;

(b) The area possesses a significant concentration, linkage or continuity of sites, buildings, structures or objects which are united by past events of 50 or more years ago, or aesthetically by plan or physical development of 50 or more years ago; and

(c) The area is worthy of preservation and protection for aesthetic interest or value, educational potential or significance in the history of the city.

('80 Code, App. A, § 114) (Ord. 583, passed 9-16-1952; Ord. 2125, passed 5-4-1983; Ord. O2009-54, passed 10-21-2009)

(D) *Historic site criteria.* A building, structure or object within or without an historic district in the city may be designated as an "historic site" only by ordinance (see § 154-03.09) if:

(1) It meets the criteria for historic sites adopted or hereafter adopted by the State or Arizona through the State Historic Preservation Office, or it substantially meets the criteria to qualify for individual listing in the National Register of Historic Places adopted or hereafter adopted by the United States Secretary of the Interior, copies of which shall be on file with the City Clerk and the Community Development Department and made available there for public inspection; or

(2) Any part of it is 50 or more years old and it:

(a) Exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering or architectural past;

(b) Embodies distinguishing characteristics of a style, period, method of construction or development in the city or serves as a valuable example of the use of indigenous materials or craftsmanship;

(c) Represents the notable work of a master builder, designer or architect;

(d) Represents a rare building type, style, design or indigenous building form; or

(e) Is identifiable with a person or event significant in local, state or national history.

('80 Code, App. A, § 114) (Ord. 583, passed 9-16-1952; Ord. 2125, passed 5-4-1983)

(E) *Building and demolition permits for historic sites and structures within historic districts.*

(1) No structure shall be erected within an historic district nor upon an historic site, nor shall any part of an historic site nor any structure within an historic district be demolished and removed, or its exterior renovated or changed in any manner except as permitted by this subchapter. However, nothing in this subchapter shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of an historic site or of a structure within an historic district that does not involve a change in its design,

material, color or other appearance.

(2) The city and all property owners or possessors of property, without exception, desiring to construct, renovate, demolish, remove or otherwise make any changes to the exterior of an historic site or of any structure within an historic district shall apply to the Community Development Department for all permits.

(3) In addition to the forms, plans and fees as may be required for a building permit for a structure outside an historic district, any application to construct, renovate, demolish, remove or otherwise to make any changes to the exterior of an historic site or of any structure within a district shall include photographs, plans, descriptions, dimensions, drawings, sketches or other information sufficient to allow meaningful review and determination of the ultimate appearance and the impact of the proposed project. Professional quality plans, renderings or materials shall not be required.

(4) Following determination by the Community Development Department that an application meets the requirements of the building or other applicable code for issuance of a permit outside an historic district or of the code as modified for historic districts or sites, the Community Development Department shall schedule the project for consideration with the Design and Historic Review Commission. The Commission shall consider the application at a public meeting to be held within 14 days of its receipt by the Chairperson.

(5) Written notice of the meeting shall be delivered or mailed by the Community Development Department Liaison no less than seven days before the meeting. The Commission shall establish rules and procedures governing notice to owners of record of adjacent surrounding properties.

(6) At the meeting the Commission shall review the application and the additional materials submitted with it and discuss the project with the applicant and any others attending to determine whether the project is appropriate and in keeping with the historic character of the site and/or district.

(7) In determining whether to approve an application, the Commission shall follow the United States Secretary of the Interior's *Standards for Rehabilitation*, appearing in C.F.R. Part 67, § 36. The Commission may also formulate additional standards and guidelines not inconsistent with those of the Secretary of the Interior. Copies of these standards and guidelines shall be on file with the City Clerk and the Community Development Department and made available there for public inspection.

(8) The Commission shall take action by approving or denying the application, at a Design and Historic Review Commission public meeting held for that purpose. The Commission shall specify the reason(s) for approval or denial. The Community Development Department shall transmit a copy of the decision, by mail, to the applicant. Failure of the Commission to meet and make a decision on any application submitted within 60 days of receipt of the application by the Community Development Department shall constitute approval of the application unless the applicant consents in writing to an extension.

(9) When the Commission approves an application, a permit for the project shall be issued, subject to compliance with plan check comments from all other city departments. In the event an application is denied by the Commission, no permit shall be issued for the project.

(10) Except for a decision denying an application for demolition or removal, the decision of the Commission shall be final and conclusive.

(11) A decision of the Commission denying an application for demolition or removal of a building, structure or object shall delay issuance of the permit for 120 days after the effective date of the decision. During that 120-day period, the Commission shall endeavor to convince the applicant to preserve the building, structure or object, or the Commission shall try to find someone to purchase it for a price and upon terms agreeable to the applicant, and the buyer must also agree to preserve it for at least five years, if, within the 120-day period, the Commission is unable either to so convince the applicant or to find such a buyer, the permit shall be issued at the request of the applicant at any time, 121 days or more after the effective date of the decision.

('80 Code, App. A, § 114) (Ord. 583, passed 9-16-1952; Ord. 2125, passed 5-4-1983; Ord. O2009-54, passed 10-21-2009) Penalty, see § 154-999

(F) *Public safety exceptions.* Nothing in this section shall prevent the construction, reconstruction, alteration, restoration or demolition of any such feature which the building safety official shall certify is required by the public safety because of an unsafe or dangerous condition.

('80 Code, App. A, § 114) (Ord. 583, passed 9-16-1952; Ord. 2125, passed 5-4-1983)

(G) *Conflicting regulations.* Where the provisions of this section are in conflict with another section of the zoning code, the provisions of this section shall govern.

('80 Code, App. A, § 114) (Ord. 583, passed 9-16-1952; Ord. 2125, passed 5-4-1983; Ord. O97-45, passed 7-2-1997; Ord. O2010-32, passed 7-7-2010)

§ 154-14.05 Airport Overlay District (AD).

(A) *Purpose.* The principal purpose of the Airport Overlay District is to promote the public health, safety and general welfare in the vicinity of the Marine Corps Air Station and the Yuma International Airport by minimizing exposure to high noise levels and accident hazards generated by airport operations and to encourage future development which is compatible with the continued operation of the airport.

('80 Code, App. A, § 122) (Ord. 583, passed 9-16-1952; Ord. 1837, passed 6-20-1979; Ord. 2352, passed 3-18-1987)

(B) *Applicability.*

(1) *Generally.* The provisions and regulations of the Airport Overlay District supersede and are in addition to other provisions and regulations of the zoning ordinance that are applicable as determined by the zoning districts on the official zoning map of the city.

(2) *Application to new construction.* Nothing contained herein shall require any change or alteration in a lawfully constructed or established building, structure or use in existence at the time of the adoption or amendment of the Airport Overlay District. These regulations are intended to regulate only the construction or establishment of any new building, structure or use; moving or relocation of any building, structure or use to a new site or new location; the expansion, extension or reconstruction of any existing building, structure or use; and the operation or continuance at any time following the effective date of the Airport Overlay District of any building, structure or use which has been unlawfully established, erected, remodeled or rehabilitated.

(3) *Not applicable to parcels with gross area of five acres or less.* The provisions and regulations of the Airport Overlay District shall not be applicable to parcels of land with a gross area of five acres or less which are surrounded by and contiguous on all sides to residential dwellings, except for means of ingress and egress, existing at the date of adoption of the Airport Overlay District. However, any new residential units shall be designed and constructed so that the interior day-night sound level will be 45 decibels or less.

(4) *Nonconforming residential subdivision.* Residential subdivisions, as defined by the Arizona Revised Statutes and the City of Yuma Subdivision Regulations, which have been previously zoned, the subdivision plat recorded with the County Recorder, which have utilities constructed, the sewer, water and street improvements constructed to city standards and accepted by the city or county prior to the effective date of the Airport Overlay District, shall be exempt from the Airport Overlay District provided that future development complies with other provisions of the Airport Overlay District, of the zoning ordinance and other applicable city ordinances, regulations and codes.

(5) *Expansion.* If the gross floor area of a structure or project is expanded by less than 50%, the requirements of this section apply only to the area of expansion. If the gross floor area of a structure or project is expanded by more than 50%, the requirements of this section apply to the entire structure, except for existing single-family, mobile home, manufactured housing unit or duplex dwellings or any multi-family property used for residential purposes.

('80 Code, App. A, § 122) (Ord. 583, passed 9-16-1952; Ord. 1837, passed 6-20-1979; Ord. 2352, passed 3-18-1987; Ord. O2002-30, passed 8-7-2002)

(C) *Permitted principal uses.*

(1) For the purpose of the Airport Overlay District, there are hereby created zones (65-70 dB, 70-75 dB, 75-80 dB, greater than 80 dB noise zone, APZ-1, APZ-2 and clear zone) as delineated on the *Airport Noise and Accident Potential Zone Map* and parts thereof as shown on the official zoning map of Yuma. The land uses permitted within the various zones are delineated in Table No. 2 - Airport Overlay District Land Use Matrix. The permitted uses within the Airport Overlay District land use matrix have precedence over and supersede any permitted uses existing within a zoning district of this chapter. If a permitted use is not specifically listed in the Airport Overlay District land use matrix that use is considered inconsistent and not compatible with airport operations and shall be prohibited. This does not preclude a determination of compliance if the city and Marine Corps Air Station, Yuma mutually agree that an individual use is compatible and consistent with the high noise or accident potential zone of the military airport.

(2) Single-family housing, two-family housing, multi-family housing, manufactured housing, recreation vehicles and residential group quarters are expressly considered inconsistent and not compatible with airport operations and shall be prohibited.

(3) This section does not restrict, limit or modify the development and use of any property under the terms of the development plan approved on or before December 31, 2000, except that the development must comply with the sound attenuation standards

prescribed herein.

(4) For territory located in the arrival and departure corridor, but outside Accident Potential Zone One and Two, and outside the noise contour lines, permitted uses shall be determined in accordance with the requirements applicable to territory located in the 65-70dB level as prescribed in the Airport Overlay District Land Use Matrix.

(5) Runway Approach Departure Safety Area/Airport Industrial Overlay Districts as delineated in Table No. 3.

Table No. 2 - Airport Overlay District Land Use Matrix							
Land Use Category	***65-70dB***	***70-75dB***	***75-80dB***	****80dB+***	***APZ-2***	***APZ-1***	***Clear Zone***
(Y= yes / N= no)							
Commercial - Services							
Business services	Y	Y(1)	Y(2)	N	Y(13)	N	N
Contract construction services	Y	Y(4)	Y(5)	N	Y(13)	N	N
Finance, insurance and real estate services	Y	Y(1)	Y(2)	N	Y(13)	N	N

Table No. 2 - Airport Overlay District Land Use Matrix							
Land Use Category	***65-70dB***	***70-75dB***	***75-80dB***	****80dB+***	***APZ-2***	***APZ-1***	***Clear Zone***
(Y= yes / N= no)							
Indoor recreation services	Y	Y(4)	Y(5)	N	N	N	N
Medical and other health services offices	Y(1)	Y(2)	N	N	N	N	N
Personal services	Y	Y(1)	Y(2)	N	Y(13)	N	N
Repair services	Y	Y(4)	Y(5)	N	Y(13)	N	N
Commercial- Trade							
Retail trade - general merchandise	Y	Y(1)	Y(2)	N	N	N	N
Restaurants, eating and drinking establishments	Y	Y(1)	Y(2)	N	N	N	N
Retail trade - automotive, marine craft, RV, aircraft and accessories	Y	Y(4)	Y(5)	N	N	N	N

Retail trade - building materials, hardware and farm equipment	Y	Y(4)	Y(5)	Y(6)	Y(13)	N	N
Retail trade - food	Y	Y(1)	Y(2)	N	N	N	N
Retail trade - furniture, home furnishings and equipment	Y	Y(1)	Y(2)	N	N	N	N
Wholesale trade - exclusive of membership-based businesses	Y	Y(4)	Y(5)	Y(6)	Y(13)	N	N
Industrial/Manufacturing							
Apparel	Y	Y(4)	Y(5)	Y(6)	Y(12) (13)	N	N
Chemicals and allied products	Y	Y(4)	Y(5)	Y(6)	N	N	N
Fabricated metal products	Y	Y(4)	Y(5)	Y(6)	Y(12) (13)	N	N
Food and kindred products	Y	Y(4)	Y(5)	Y(6)	Y(12) (13)	N	N
Furniture and fixtures	Y	Y(4)	Y(5)	Y(6)	Y(12) (13)	N	N
Lumber and wood products	Y	Y(4)	Y(5)	Y(6)	Y(12) (13)	N	N
Miscellaneous manufacturing	Y	Y(4)	Y(5)	Y(6)	Y(12) (13)	N	N

Table No. 2 - Airport Overlay District Land Use Matrix							
Land Use Category	***65-70dB***	***70-75dB***	***75-80dB***	****80dB+***	***APZ-2***	***APZ-1***	***Clear Zone***
(Y= yes / N= no)							
Paper and allied products	Y	Y(4)	Y(5)	Y(6)	Y(12) (13)	N	N
Petroleum refining and related industries	Y	Y(4)	Y(5)	Y(6)	N	N	N
Primary metal					Y(12)		

industries	Y	Y(4)	Y(5)	Y(6)	(13)	N	N
Printing and publishing	Y	Y(4)	Y(5)	Y(6)	Y(12) (13)	N	N
Professional, scientific and controlling instruments	Y	Y(1)	Y(2)	N	N	N	N
Rubber and miscellaneous plastic	Y	Y(4)	Y(5)	Y(6)	Y(12) (13)	N	N
Stone, clay and glass product	Y	Y(4)	Y(5)	Y(6)	Y(12) (13)	N	N
Textile mill products	Y	Y(4)	Y(5)	Y(6)	Y(12) (13)	N	N
Outdoor Recreation							
Auditoriums and concert halls	Y(5)	Y(6)	N	N	N	N	N
Community and regional parks	Y	Y	N	N	Y(11)	N	N
Golf courses and riding stables	Y	Y(4)	Y(5)	N	Y(11)	Y(11)	N
Nature exhibits	Y	N	N	N	N	N	N
Outdoor amphitheaters and music shells	Y(10)	Y(10)	Y(10)	N	N	N	N
Playground and neighborhood parks	Y	Y	N	N	N	N	N
Resort and group camps	Y(1)	Y(2)	N	N	N	N	N
Spectator sports, including arenas	Y(10)	Y(10)	N	N	N	N	N
Water-based recreational areas	Y	Y(4)	Y(5)	N	N	N	N
Public and Quasi-Public Services							
Cemeteries	Y(4)	Y(5)	Y(6)	N	Y(11)	N	N
Cultural activities, including churches	Y(1)	Y(2)	N	N	N	N	N
Government services	Y(1)	Y(2)	Y(2)	N	Y(12) (13)	N	N

Table No. 2 - Airport Overlay District Land Use Matrix							
Land Use Category	***65-70dB***	***70-75dB***	***75-80dB***	****80dB+***	***APZ-2***	***APZ-1***	***Clear Zone***
(Y= yes / N= no)							
Nonprofit organizations	Y(1)	Y(2)	N	N	N	N	N
Residential							
Single-family (15) agricultural residence	Y(7)	N	N	N	N	N	N
Resource Production, Extraction and Open Space							
Agriculture (except livestock)	Y(7)	Y(9)	Y(9)	Y(9)	Y(9)	Y(9)	N
Livestock farming and animal breeding	Y(7)	Y(9)	Y(9)	Y(9)	Y(9)	N	N
Forestry activities	Y(7)	Y(9)	Y(9)	Y(9)	Y(9)	N	N
Fishing activities and related services	Y	Y	N	N	N	N	N
Mining activities	Y	Y	Y	Y	Y(12)	N	N
Permanent open space	Y	Y	Y	Y	Y	Y	Y
Transportation, Communication, Utilities and Miscellaneous							
Communication facilities	Y	Y(2)	Y(3)	N	Y(11)(12)	Y(11)(12)	N
Highway and street right-of-way	Y	Y	Y	Y	Y(11)	Y(11)	Y(11)
Motor vehicle parking	Y	Y	Y	Y	Y(11)	Y(11)	N
Railroad and rapid rail transit	Y	Y(4)	Y(5)	Y(6)	Y(11)	N	N
Signs (per § 154-17.03)	Y	Y	Y(14)	Y(14)	N	N	N
Utility facilities	Y	Y	Y	N	Y(11)(12)	Y(11)(12)	Y

Table No. 2 - Airport Overlay District Land Use Matrix Notes

* The Airport Noise and Accident Potential Map does not establish noise contours above 75dB; therefore where the state permits uses to occur under 80dB such uses are permitted to occur within the 75-80dB range.

(1) Measures to achieve an outdoor to indoor noise reduction level of 25 decibels must be incorporated into the design and construction of all buildings

and the Zoning Administrator must make an express finding, as part of approval, that use of noise reduction level criteria will not alleviate outdoor noise.

Table No. 2 - Airport Overlay District Land Use Matrix							
Land Use Category	***65-70dB***	***70-75dB***	***75-80dB***	****80dB+***	***APZ-2***	***APZ-1***	***Clear Zone***
(Y= yes / N= no)							
(2) Measures to achieve an outdoor to indoor noise reduction level of 30 decibels must be incorporated into the design and construction of all buildings and the Zoning Administrator must make an express finding, as part of approval, that use of noise reduction level criteria will not alleviate outdoor noise.							
(3) Measures to achieve an outdoor to indoor noise reduction level of 35 decibels must be incorporated into the design and construction of all buildings and the Zoning Administrator must make an express finding, as part of approval, that use of noise reduction level criteria will not alleviate outdoor noise.							
(4) Measures to achieve an outdoor to indoor noise reduction level of 25 decibels must be incorporated into the design and construction of portions of buildings where the public is received, office areas, noise sensitive areas or where normal noise level is low.							
(5) Measures to achieve an outdoor to indoor noise reduction level of 30 decibels must be incorporated into the design and construction of portions of buildings where the public is received, office areas, noise sensitive areas or where normal noise level is low.							
(6) Measures to achieve an outdoor to indoor noise reduction level of 35 decibels must be incorporated into the design and construction of portions of buildings where the public is received, office areas, noise sensitive areas or where normal noise level is low.							
(7) Measures to achieve an outdoor to indoor noise reduction level of 25 decibels must be incorporated into the design and construction of new residential buildings or expansions of existing residential buildings.							
(8) Measures to achieve an outdoor to indoor noise reduction level of 30 decibels must be incorporated into the design and construction of new residential buildings or expansions of existing residential buildings.							
(9) No new residential buildings or expansions of existing residential buildings are permitted.							

(10) Compatible if special sound reinforcement systems are installed.
(11) No aboveground buildings or structures.
(12) No new buildings or improvements or expansion of nonagricultural buildings or improvements for uses that result in the release of any substance into the air that would impair visibility or otherwise interfere with operating aircraft, such as any of the following:
(a) Steam, dust and smoke;
(b) Direct or indirect reflective light emissions;
(c) Electrical emissions that would interfere with aircraft and air force communications or navigational aid systems or aircraft navigational equipment;
(d) The attraction of birds or waterfowl such as operation of sanitary landfills or maintenance of feeding stations; and

Table No. 2 - Airport Overlay District Land Use Matrix							
Land Use Category	***65-70dB***	***70-75dB***	***75-80dB***	****80dB+***	***APZ-2***	***APZ-1***	***Clear Zone***
(Y= yes / N= no)							
(e) Explosives facilities or similar activities.							
(13) A maximum of one employee per 3,500 square feet of net lot area shall be allowed.							
(14) Signs with flashing lights or exterior light sources are not permitted.							
(15) Single-family residential that is the primary residence for persons engaging in agricultural use and ancillary residential buildings incident to the primary agricultural use.							

Table No. 3 - RADSA/AIOD-1/AIOD-2 Land Use Compatibility Matrix		
Land Use Category/Activity	***RADSA/AIOD-1***	***AIOD-2***
	(Footnotes 1a, 1b, 2)	***(Footnotes 1c, 2)***
(Y= yes / N= no)		
Cultural, Entertainment and Recreational		
Caretakers residence	Y	Y

Nature exhibits	Y	Y
Parks with passive open space areas, not with active recreation space facilities that concentrate people	Y	Y
Manufacturing of:		
Caretakers residence	Y	Y
Fabricated metal products	Y	Y
Food and kindred products	Y	Y
Furniture and fixtures	Y	Y
Lumber and wood products	Y	Y
Miscellaneous manufacturing	Y	Y
Paper and allied products	Y	Y
Primary metal industries	Y	Y
Printing and publishing industries	Y	Y
Stone, clay and glass products	Y	Y

Table No. 3 - RADSA/AIOD-1/AIOD-2 Land Use Compatibility Matrix		
Land Use Category/Activity	***RADSA/AIOD-1***	***AIOD-2***
	(Footnotes 1a, 1b, 2)	***(Footnotes 1c, 2)***
(Y= yes / N= no)		
Textile mill products	Y	Y
Miscellaneous		
Existing uses (as of October 21, 2000)	Y	Y
Resource Production and Extraction		
Agricultural	Y	Y
Agriculturally-related activities	Y	Y
Caretakers residence	Y	Y
Fishing activities and related services	Y	Y
Forestry activities and related services	Y	Y
Livestock farming and animal breeding	Y	Y
Mining activities and related services	Y	Y
Other resource production and extraction	Y	Y
Personal services	Y	Y

Professional services	Y	Y
Repair services	Y	Y
Trade/Commercial		
Caretakers residence	Y	Y
Retail trade - automotive, marine craft, aircraft and accessories	N	Y
Retail trade - building materials, hardware and farm equipment	N	Y
Retail trade - food	N	Y
Retail trade - furniture, home furnishings and equipment	N	Y
Retail trade - general merchandise	N	Y

Table No. 3 - RADSA/AIOD-1/AIOD-2 Land Use Compatibility Matrix		
Land Use Category/Activity	***RADSA/AIOD-1***	***AIOD-2***
	(Footnotes 1a, 1b, 2)	***(Footnotes 1c, 2)***
(Y= yes / N= no)		
Retail trade - restaurants and eating and drinking establishments	N	Y
Storage	Y	Y
Wholesale trade exclusive of membership-based businesses	Y	Y
Transportation, Communications and Utilities		
Airports	Y	Y
Caretakers residence	Y	Y
Highway and street right-of-way	Y	Y
Other transportation, communication and utility facilities	Y	Y
Railroad, rapid rail transit and street railway uses or ancillary office/maintenance facilities but not terminals, stations or transit centers	Y	Y
Truck terminals	Y	Y
Utilities (below ground okay; above ground requires review as to placement)	Y	Y

Vehicle storage/parking lots	Y	Y

Table No. 3 - RADSA/AIOD-1/AIOD-2 Land Use Compatibility Matrix Footnotes
* Within each land use category listed, land uses and activities may require further evaluation during the development process due to the variation of density requirements for people and structures. These requirements are as follows.
1a A maximum of one person per 2,800 square feet of net lot area (15.55 people per acre) shall be allowed (applies to Runway Approach Departure Safety Area).
1b A maximum of one person per 1,100 square feet of net lot area (39.6 people per acre) shall be allowed (applies to Airport Industrial Overlay District-1).
1c A maximum of one (1) person per 900 square feet of net lot area (48.4 people per acre) shall be allowed (applies to Airport Industrial Overlay District-2).

Table No. 3 - RADSA/AIOD-1/AIOD-2 Land Use Compatibility Matrix		
Land Use Category/Activity	***RADSA/AIOD-1***	***AIOD-2***
	(Footnotes 1a, 1b, 2)	***(Footnotes 1c, 2)***
(Y= yes / N= no)		

(2) The occupancy/density standards of the Uniform Building Code will apply in determining the maximum number of persons per square feet of building area (applies to RADSA, Airport Industrial Overlay District-1 and Airport Industrial Overlay District-2).
(3) In order to establish a 200-foot wide corridor free of surface obstructions along the 34th Street alignment within the RADSA, a north and south building or structure setback of 100 feet from the centerline of 34th Street alignment shall be maintained. To achieve this, the property owner shall select from one of the following development options listed below: a combination of (a) and (b); or (c); or (d).
(a) At the time of development a 34th Street alignment, 49 feet half-width right-of-way is to be dedicated to the city for the construction of a collector street.
(b) An adjoining 51 feet no-build easement will be granted to the city. The no-build easement may be used for a shallow retention basin and/or parking and, the no-build easement may be included within the calculation of the total net lot area in regards to determining density of people per acre. The no-build easement is not required to be landscaped. If landscaping is not emplaced an approved permanent dust control measure shall be utilized.
(c) In lieu of street construction, a 100 feet half-width right-of way may be dedicated to the city.
(d) In lieu of 34th Street construction, a 100 feet half-width no-build easement

may be granted to the city, provided a separate and distinct industrial collector street is constructed to serve the internal property. All development conditions specified in division (3)(b) above apply here, except that all vehicles parked in the 100 feet no-build easement shall be limited to the outer 51 feet of the no-build easement.
(4) Factors to be considered in land use or site development include labor intensity, occupancy loads, building configuration and location, parking and vehicular circulation, structural coverage, flashing light or other exterior light sources, the extent of storage or use of explosive materials or flammables, release of airborne particulates or pollutants which may obscure vision or pose potential explosive hazards; generation of electromagnetic fields or transmission of electrical signals or impulses that would interfere with aircraft operations or radio transmissions or other processes or uses of similar character or origin.
(5) Above ground electrical transmission lines are not allowed.
(6) West AIOD Clear Zone owned by the county and maintained by the Yuma County Airport Authority for runway protection is limited to those uses established by Federal Aviation Regulations (FAR) and approved by the Federal Aviation Administration.
(7) Land use categories and/or activities not listed in this land use compatibility matrix are not permitted.

Table No. 3 - RADSA/AIOD-1/AIOD-2 Land Use Compatibility Matrix		
Land Use Category/Activity	***RADSA/AIOD-1***	***AIOD-2***
	(Footnotes 1a, 1b, 2)	***(Footnotes 1c, 2)***
(Y= yes / N= no)		
(8) All existing uses (as of October 21, 2000) are fully grandfathered and permitted to lawfully operate within the limits of the existing zoning at the effective date of the Plan's adoption subject to:		
(a) Facility/use expansion allowed to maximum permitted under current zoning;		
(b) Compliance with nonconforming use regulations where/if applicable;		
(c) Approach/departure clearance surface slope criteria and other airport surfaces where applicable; and		
(d) By fully grandfathering it is meant that all current uses shall be allowed to continue the current category of use, i.e., property with a current retail sales use (such as a car dealership) can continue to be used for any use within that category (such as retail clothing sales) and shall be allowed to develop or redevelop to the fullest extent allowed under present building code, fire code, development		

standards and lot coverage standards. Vacated facilities may be reestablished within three years if of the same category of land use. The grandfathering specifically does NOT apply to zoning on property that is not currently being used for that purpose, i.e., if the property is presently being used to raise alfalfa but is currently zoned light industrial, a light industrial use would not be grandfathered. A light industrial use could be built on that parcel if, however, it was one of the uses in the list of approved uses for the underlying AIOD or RADSA area and conformed with the occupant load limitations for that AIOD or RADSA area. The occupant load for grandfathered uses would not be restricted other than is presently provided for in Building and Fire Code restrictions.

('80 Code, App. A, § 122) (Ord. 583, passed 9-16-1952; Ord. 1837, passed 6-20-1979; Ord. 2352, passed 3-18-1987; Ord. O2001-03, passed 1-3-2001; Ord. O2002-30, passed 8-7-2002; Ord. O2004-07, passed 3-3-2004; Ord. O2011-30, passed 9-7-2011) Penalty, see § 154-999

(D) *Additional height and use regulations.*

(1) *Heights.* The construction or establishment of any building, structure or use shall comply with the height limits as determined by the zoning district on the official zoning map of the city or the heights as determined from the airport runway approach clearance map, whichever is the more restrictive.

(2) *Hazard marking and lighting.* When in the opinion of the Building Official the construction or existence of any structure, pole, tower, tank or plant material constitutes a hazard to aircraft operation in the vicinity of the airport, the owner of the structure, pole, tower, tank or plant material shall, at his or her own expense, reduce in height or install, operate and maintain such markers and lights as may be necessary to indicate to aircraft operators the presence of an airport hazard, as provided in Federal Aviation Administration (FAA) Advisory Circular 70/7460-ID.

(3) *Communications.* No use or activity shall be made of land within the Airport Overlay District as to create electrical interference with communications between the airport tower and aircraft.

('80 Code, App. A, § 122) (Ord. 583, passed 9-16-1952; Ord. 1837, passed 6-20-1979; Ord. 2352, passed 3-18-1987) Penalty, see § 154-999

(E) *Land use waiver.*

(1) If a property owner desires to develop a parcel of land with a use that is not permitted within the airport noise and accident potential zone in which the property is located, the owner may file an application for a land use waiver in accordance with procedures established in § 154-03.03 of this chapter. Waivers may be granted after public hearings by the Planning Commission and City Council, and upon a specific finding by the Council that the purpose of the Airport Overlay District and the zoning ordinance is preserved. Applications shall be filed with the Planning Division, and shall be accompanied by a detailed site plan, a detailed description of the proposed uses and their relationship to adjacent property.

(2) Applications shall be submitted under one of the two following provisions.

(a) *Submission of a test report.*

1. The test report to be prepared under the supervision of a registered engineer in Arizona in accordance with accepted day-night average sound level methodology of sound measurements. Such test report shall establish the Ldn level for the requested land use as permitted by this Airport Overlay District; or

2. At the option of the applicant, the applicant shall provide an accurate survey map for the petitioned property and financial assurance in a form approved by the city. Said assurance being for the sole purpose to reimburse the city for the actual cost of hiring a registered engineer to conduct the test report.

(b) *Submission of an application, report and plans.* Submission of an application, report and plans which provide the following:

1. A statement acknowledging and not challenging the noise level as indicated by the airport noise and accident potential zone

map;

2. Documentation that the permitted uses within the specific noise zone and/or APZ Zone are not reasonable uses of the property because of one of the following conditions:

a. The permitted uses would have a detrimental effect upon adjacent property; or

b. There are special circumstances applicable to the property including, but not limited to size, shape, topography, adjacent development, street access, utilities and other development constraints.

(3) A land use waiver, shall not be granted if the conditions which created the detrimental effect upon adjacent property or the special circumstances were established by the property owner after the adoption of the Airport Overlay District.

(4) A land use waiver shall not be granted for residential uses within the APZ-1, APZ-2 and clear zones.

('80 Code, App. A, § 122) (Ord. 583, passed 9-16-1952; Ord. 1837, passed 6-20-1979; Ord. 2352, passed 3-18-1987)

(F) *Nonconforming uses.* Any use of land, building or structure lawfully existing at the time the Airport Overlay District or amendments thereto become effective may be continued even though such use does not conform with the regulations of the zoning ordinance or amendments thereto for the Airport Overlay District in which it is located. These special provisions for continuation and reconstruction of legal nonconforming uses shall only apply to uses, structures and buildings which become nonconforming through the adoption of the Airport Overlay District. These special provisions for nonconforming uses will apply since the Airport Overlay District has a large impact area, considerable development presently exists, and a substantial economic hardship would be created if those properties were required to comply with the provisions of the Airport Overlay District and other sections of the zoning ordinance.

(1) *Discontinuance of legal nonconforming uses.*

(a) In the event that a legal nonconforming use of land, building or structure is discontinued for a period of 12 consecutive months, any future use thereof shall be in conformity with the regulations of the Airport Overlay District and the zoning ordinance.

(b) In the event that a legal nonconforming nonresidential use of land, building or structure is destroyed by fire, flood, earthquake, war, riot or so-called act of God to the extent of 75% of its value, according to the appraisal thereof by competent appraisers, then and without further action by the City Council, the future use thereof shall, from and after the date of such destruction, be subject to all the regulations of the Airport Overlay District in addition to the provisions of the other sections of the zoning ordinance.

(c) In the event that a legal nonconforming residential use of buildings or structures is destroyed to any extent by fire, flood, earthquake, war, riot or so-called act of God, it may be reconstructed, except that such reconstruction shall comply with the provisions of the other sections of the zoning ordinance and other applicable city ordinances, regulations and codes. Such reconstruction shall be limited to 100% of the destroyed structure.

(2) *Expansion of a legal nonconforming use.*

(a) *Nonresidential.* A nonresidential legal nonconforming use of land, building or structure shall not be enlarged, extended, reconstructed or structurally altered unless such enlargement, extension, reconstruction or structural alteration, and further use of such property conform with the regulations of the Airport Overlay District in which such property is located, other sections of the zoning ordinance and other applicable city ordinances, regulations and codes. In the event that the above-described nonconformity involves a building or structure, said building or structure shall not be permitted to be relocated elsewhere on the property or enlarged or extended by separate and detached construction.

(b) *Residential.* A legal nonconforming residential structure may expand if such expansion does not exceed 50% of the floor area of the original structure provided that the expansion is in conformance with the regulations of the district applicable immediately prior to the effective date of the Airport Overlay District, other sections of the zoning ordinance and other applicable city ordinances, regulations and codes. This provision shall not permit the construction of separate and detached residential structures or the relocation of such structure elsewhere on the property.

(c) *Accessory structures.* The construction, expansion and alteration of accessory structures, such as garages, barns, swimming pools and fences shall be permitted. Said construction, expansion or alteration shall conform to the requirements of the applicable zoning district.

(3) *Change of legal nonconforming use.* If no structural alterations are made, any legal nonconforming use of land, building or structure may be changed to another legal nonconforming use provided the proposed use is of the same or more restricted classification, upon review and approval by the Building Official and Planning Director. Under no circumstances shall a nonresidential

legal nonconforming use be converted to a residential nonconforming use.

('80 Code, App. A, § 122) (Ord. 583, passed 9-16-1952; Ord. 1837, passed 6-20-1979; Ord. 2352, passed 3-18-1987)

(G) *Administration.*

(1) *Lots divided by Airport Overlay District boundaries.* Whenever a lot of record is divided by an Airport Overlay District boundary, the regulations of these districts shall be determined as follows:

(a) The development shall conform to the land use and design criteria of the respective districts applicable to the lot in accordance with the official zoning map of the city; or

(b) For lots of record of five acres or less in size, development shall conform to the land use and design criteria of the district in which 50% or more of the lot is located in accordance with the official zoning map of the city.

(2) *Concurrent or conflicting regulations.* Where any action in regard to a structure or use is regulated or controlled by more than one provision of the zoning ordinance, such action shall comply with all applicable provisions of both regulations, except that if a conflict exists, the limitation or requirement which is most restrictive shall govern.

('80 Code, App. A, § 122) (Ord. 583, passed 9-16-1952; Ord. 1837, passed 6-20-1979; Ord. 2352, passed 3-18-1987)

(H) *Amendments.*

(1) The City Council, after receiving a recommendation from the Planning Commission and after a public hearing or hearings, may amend Airport Overlay District boundaries or the regulations herein or subsequently established. Amendments may be initiated either by an individual or by Commission initiative in accordance with the procedures established under § 154-03.03 of this chapter.

(2) The boundaries of an Airport Overlay District shall be amended as necessary to ensure that the application of these regulations remains in conformance with the purpose of the zoning ordinance. All amendments to the Airport Overlay District boundaries shall be shown on the official zoning map of the city. Amendments may be considered whenever the following occurs:

(a) Evidence shows that the operation of the airport has or will change substantially and that such modifications will be permanent in nature;

(b) Additional information concerning the health effects of high noise levels or the accident hazards associated with aircraft operations becomes available; and

(c) New evidence is provided which indicates that modifications to any Airport Overlay District is otherwise required.

('80 Code, App. A, § 122) (Ord. 583, passed 9-16-1952; Ord. 1837, passed 6-20-1979; Ord. 2352, passed 3-18-1987)

(I) *Variances.*

(1) A request for a variance from the Airport Overlay District Land Use Matrix provided for in division (C) above, shall be processed in accordance with A.R.S. Title 28, Chapter 25, Article VII, Airport Zoning and Regulations, including, but not limited to, A.R.S. §§ 28-8471, 28-8473, 28-8481 and their successors, except as follows:

(a) The City Planning and Zoning Commission shall be and is hereby designated as the entity that will hear requests for variances under this section and shall make a recommendation to the City Council. Within 30 days after conducting the hearing on the request for variance, the Planning and Zoning Commission shall forward its recommendation to the City Council, which shall, within a reasonable time, hear and decide the request for variance and render a decision. The City Council, in rendering its decision, may affirm, modify or reject the recommendation of the Planning and Zoning Commission.

(b) Any appeal from the decision of the City Council under this section shall be as provided for in A.R.S. § 28-8475.

(2) In addition to the criteria for a variance contained in A.R.S. § 28-8471, a variance shall not be granted without a specific finding that the purpose of military airport compatibility is preserved as required by A.R.S. § 28-8481(C).

(Ord. O2002-30, passed 8-7-2002; Ord. O2010-32, passed 7-7-2010)

§ 154-14.06 Public Overlay District (P).

(A) *Purpose.* The principal purpose of the (P) Public Overlay District is to allow those government which are necessary to serve

the public in particular locations of the city, and to distinguish them from private uses. The (P) Public Overlay District is to provide an overlay designation superimposed over existing zoning districts for those lands held in public ownership by local, state and federal agencies within the city limits. It is intended that each public use conform to the development standards required for all other uses permitted within the underlying zoning district.

('80 Code, App. A, § 123) (Ord. 583, passed 9-16-1952; Ord. 2166, passed 11-2-1983)

(B) *Applicability.*

(1) The (P) Public Overlay District shall not apply to publicly owned land leased to private concerns for use other than by a political subdivision nor shall this district apply to privately owned land which is leased to a government agency.

(2) In the event that a government agency disposes of its property for which a Public Overlay District has been granted, such designation shall automatically expire, and the underlying zoning classification shall remain in effect.

('80 Code, App. A, § 123) (Ord. 583, passed 9-16-1952; Ord. 2166, passed 11-2-1983)

(C) *Permitted principal uses.*

(1) Open space, parks, fine arts center, convention center and public recreational facilities;

(2) Public schools and playgrounds;

(3) Governmental office buildings and grounds, including service and maintenance facilities;

(4) Such public facilities as hospitals, libraries, museums and similar public facilities;

(5) Municipal water production and storage facilities; municipal sewage treatment plants; municipal facilities for the collection, transfer and disposal of solid wastes;

(6) Public safety and law enforcement facilities; and

(7) Airports, armories and military installations.

(D) *Permitted accessory uses.*

(1) Wall-mounted and concealed/disguised personal wireless communication facilities, in accordance with Article 19 herein, are permitted as an accessory use for a legally established nonresidential principal use. Wall strapping of a personal wireless communications facility is not permitted;

(2) Roof-mounted personal wireless communication facilities are permitted on a publicly owned nonresidential building; and

(3) The use of lattice tower structures for any personal wireless communication facility is not permitted.

('80 Code, App. A, § 123) (Ord. 583, passed 9-16-1952; Ord. 2166, passed 11-2-1983; Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002)

(E) *Property development standards.* To meet the purpose of the (P) Public Overlay District, all uses shall meet the minimum development standards as specified by the zoning ordinance for the underlying zoning district or districts in which they are located.

('80 Code, App. A, § 123) (Ord. 583, passed 9-16-1952; Ord. 2166, passed 11-2-1983) Penalty, see § 154-999

(F) *Procedure.* An application for the (P) Public Overlay District shall only be made by an agency of the local, state or federal government, in accordance with the procedures established under § 154-03.03 of this chapter.

('80 Code, App. A, § 123) (Ord. 583, passed 9-16-1952; Ord. 2166, passed 11-2-1983; Ord. O2010-32, passed 7-7-2010)

§ 154-14.07 Planned Unit Developments Overlay District (PUD).

(A) *Purpose.* Planned unit developments (PUDs) are intended to permit greater flexibility and, consequently, more creative and imaginative design for the development of residential areas than generally is possible under conventional zoning regulations. PUDs 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 scenic qualities of open spaces.

('80 Code, App. A, § 195) (Ord. 583, passed 9-16-1952; Ord. 1546, passed 10-27-1976; Ord. O95-040, passed 12-20-1995)

(B) *Applicability*. Variations from strict interpretations of this chapter and subdivision regulations of the city are permitted pursuant to the provisions of this subchapter and § 153-77 of this title.

('80 Code, App. A, § 195) (Ord. 583, passed 9-16-1952; Ord. 1546, passed 10-27-1976; Ord. O95-040, passed 12-20-1995)

(C) *Criteria for establishment.* PUDs are permitted in accordance with the following provisions.

(1) *Location*. A PUD may be permitted in any Residential Estate (RE), any Low Density Residential (R-1), Medium Density Residential (R-2) or High Density Residential (R-3), Transitional (TR), Planned Shopping Center (PSC), Limited Commercial (B-1), General Commercial (B-2) or Business Park (BP) District established by this chapter.

(2) *Size*. The planned unit development shall consist of a minimum net site area of two acres.

(3) *Permitted uses*. Any use permitted as a matter of right in the High Density Residential (R-3) District shall be permitted in conformity with the procedural and regulatory provisions hereinafter set forth.

(4) *Density*. The average lot area per dwelling unit, including common area but excluding area occupied by public or private streets, shall not be less than that required by the zoning district regulations otherwise applicable to the site. In density computations, common area shall include only open space and recreational areas that are to be used exclusively for the residents of the development who receive an undivided ownership and responsibilities for such area.

(5) *Permitted variations*. Variations in type of dwelling unit, yard, setback, lot size, height, circulation facilities and off-street parking requirements may be permitted which are consistent with the spirit and intent of this section.

(6) *Landscaping and irrigation*. Landscaping and irrigation shall be provided in the manner set forth in Article 20 of this chapter.

('80 Code, App. A, § 195) (Ord. 583, passed 9-16-1952; Ord. 1546, passed 10-27-1976; Ord. 2399, passed 4-20-1988; Ord. O95-040, passed 12-20-1995)

(D) *Application*. Applications for a PUD shall be submitted and reviewed in accordance with the following procedure:

(1) *Sketch plan*. In order to obtain information upon city policies and applicable regulations concerning development alternatives, and in order to inform the city of the applicant's intentions, the applicant may submit a general outline of the proposal, including a schematic sketch plan in accordance with guidelines established by the Planning Director. This information shall be reviewed by pertinent city officials and the Planning and Zoning Commission;

(2) *Preliminary plan*. The following minimum information is required in addition to requirements of §§ 153-30 and 153-31 of the subdivision regulations:

(a) *Statement.* A statement of planning objectives to be achieved by the PUD through the particular approach proposed. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made;

(b) *Development schedule*. A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be expected to begin and be completed;

(c) *Statement of intentions*. A statement of intentions with regard to the future selling or leasing of all or portions of the PUD, such as land areas, dwelling units, recreation facilities and the like. Two copies of the proposed deed restrictions and articles of incorporation of a home owners association shall be furnished;

(d) *Quantitative data from the following*. Total number of each type of dwelling units; gross and net parcel size; gross and net residential densities; total amount of open space in various categories; variations in setbacks, height, individual lot size and lot coverage for each dwelling type proposed; total number of parking spaces;

(e) *Economic feasibility study*. Economic feasibility study or market analysis where necessary and requested by the Planning Director or Planning Commission;

(f) *Typical floor plans*. Typical floor plans and placement of structures on individual lots or parcels;

(g) *Pedestrian and vehicular circulation system.* Interrelationship of pedestrian and vehicular circulation system;

(h) *Landscape plan*. A schematic landscape plan indicating the treatment of private and common open spaces;

(i) *Information on adjacent land areas.* Adequate information on adjacent land areas to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features;

(j) *Treatment of perimeter.* Treatment of perimeter of the PUD, including materials and techniques used such as screens, fences and walls; and

(k) *Additional information.* Any additional information which may be necessary to properly evaluate the character and impact of the proposed PUD.

1. Where projects are developed in stages, PUD zoning designation can only be considered for the stages for which the above materials have been presented. Sketch plans including land uses, site design, circulation and adjacent land uses shall be submitted for the remaining lands to be developed in future stages of the project even though they are not under consideration for approval at this time.

2. The preliminary plan shall be heard by the Planning Commission and shall be forwarded to the City Council with the recommendation of the Planning Commission in accordance with the procedures established under § 154-03.03 of this chapter. Upon approval of the preliminary plan by the City Council, PUD zoning shall be designated on the official zoning map.

(3) *Final plan.* Within a maximum of six months following approval of the preliminary plan, the applicant shall file with the Planning Director a final development plan containing in a precise and detailed form the information required in division (D)(2) above and in §§ 153-45 through 153-51 of the city subdivision regulations. At its discretion, and for good cause, the Planning Commission may extend for six months the period for filing of the final development plan upon request by the applicant. The final development plan shall be in substantial conformance with the preliminary development plan, and shall be referred to the Planning Commission for recommendation prior to consideration by the City Council.

('80 Code, App. A, § 195) (Ord. 583, passed 9-16-1952; Ord. 1546, passed 10-27-1976; Ord. O95-040, passed 12-20-1995)

(E) *Final approval.* The approved final development plan, rather than any other provision of this zoning ordinance, shall govern the use of the land and the construction, modification or alteration of any buildings or structures within the PUD.

(1) Minor changes in the location, siting and height of buildings and structures may be authorized by the Planning Commission without additional public hearings if required by engineering or other circumstances not foreseen at the time the final plan was approved. No change authorized by this division may cause any of the following:

(a) A change in the use or character of the development;

(b) An increase in lot coverage;

(c) An increase in the intensity of use;

(d) A change in traffic circulation or public utilities;

(e) A reduction in approved open space;

(f) A reduction of off-street parking and loading space; and

(g) A reduction in required pavement widths.

(2) All other changes in use, or rearrangement of lots, blocks and building tracts or any changes in the provision of common open spaces must be made by the City Council upon report and recommendation by the Planning and Zoning Commission.

(3) If no construction has begun within one year following approval of the final development plan, said approval shall lapse and become void. The Planning and Zoning Commission, upon showing of good cause, may extend for a period of six months, the time for beginning of construction.

(4) After completion of the PUD, any minor extensions, alterations or modifications of existing buildings or structures may be authorized by the Board of Adjustment if they are consistent in concept and character with the PUD.

('80 Code, App. A, § 195) (Ord. 583, passed 9-16-1952; Ord. 1546, passed 10-27-1976; Ord. O95-040, passed 12-20-1995; Ord. O2010-32, passed 7-7-2010)

§ 154-14.08 Smart Growth Overlay District (SGO).

(A) *Purpose.*

(1) The Smart Growth Overlay (SGO) District is designed to promote compact, pedestrian-friendly development, encourage a compatible mix of uses, encourage more condensed residential subdivisions, provide a choice of housing types and transportation modes, preserve open space and provide a consistent development review process.

(2) The SGO District establishes and defines the development pattern, the allowed uses of land and implements standards for the siting and character of improvements and structures through the use and adoption of pattern books or form-based codes as regulatory documents. This approach is intended to allow a broad range of uses and options in order to encourage the development of diverse, attractive neighborhoods.

(3) The development plan review process will assure that adjacent uses are compatible and that design is of a high quality. The Zoning Administrator, or his or her designee, shall review all SGO District project plans to ensure proposed development patterns and standards, as depicted in the pattern book or form-based code, comply with the purpose and intent of the district.

(4) The purpose will be accomplished by the adoption of site-specific pattern books or form-based codes which evaluate urban design projects from the regional to the architectural scale. pattern books or form-based codes include a plan displaying the pattern of development for allowed uses, lot types and development standards and available architectural styles and design standards. Pattern books or form-based codes will support the SGO District by the following actions:

(a) Promoting mixed land uses and mixed-use commercial/residential buildings;

(b) Taking advantage of compact design;

(c) Fostering distinctive and attractive communities by including parks, pedestrian oriented streets, public art and community facilities;

(d) Supporting a variety of transportation choices to enhance the interconnectivity between mixed-use commercial and residential neighborhoods via streets with detached sidewalks, bike paths and walking paths;

(e) Increasing the availability of housing by creating a range of housing opportunities in neighborhoods;

(f) Establishing flexible development standards;

(g) Ensuring high quality architecture and urban design that reflects classic elements, including vernacular, or local, styles; and

(h) Clearly defining and activating the public realm by locating buildings to form street edges and corners and locating buildings to activate the street level.

(5) To accomplish the purpose, it will be necessary to form a special taxing district such as a community facilities district for maintenance of landscaping and non-necessary public infrastructure, for example, pedestrian oriented streets, public art, water features, bike and walking paths. The developer will enter into a development agreement requiring the developer to post assurances until such time that the taxing district generates sufficient revenues to become self-supporting.

(B) *Intent.*

(1) The Congress for the New Urbanism (CNU) was formed in 1993 to advance the principles of New Urbanism and promote their broad application. The CNU later ratified the *Charter of the New Urbanism* at its fourth annual Congress. Its goals promote walkable, neighborhood-based development as an alternative to sprawl. In the process of urban design, this is accomplished by identifying and focusing on development patterns within the scale of neighborhoods, districts and corridors with the idea of regulating within clear, identifiable spatial boundaries.

(2) The CNU Charter outlines principles for building better communities, from the scale of the region down to the block. The principles are intended to guide public policy, development practice, urban planning and design. It is the intent of the SGO District that development shall recognize and be in harmony with the principles of New Urbanism as summarized below.

(a) *Civic sites.* Clearly identified and at a prominent location, civic sites should attract residents to that location where they can meet neighbors or have scheduled community events. They also lead to a "sense of place", which increases pride in one's community.

(b) *Walkability.* A modified grid design, with sidewalks, mixed with linear parks and parkways, encourages residents to move around without the use of automobiles. This is particularly important for children and the elderly, as well as reducing fuel consumption on unnecessary vehicle trips.

(c) *Connectivity.* Plentiful connections between different communities within a development reduces traffic on "connector"

routes, by allowing for traffic to flow on a greater number of local streets.

(d) *Mix of land uses.* Uses in addition to residential within a properly designed development can provide a sense of place. Access to mixed-use centers should be encouraged by both vehicles and non-vehicular means through multiple connections, sidewalks and the like. Mixed-use centers may provide housing and non-housing within the same district, or may provide only nonresidential uses, if well connected to adjacent residential uses. Retail within mixed use must have good visibility from high volume thoroughfares as well as plentiful parking in order to be financially successful. Good design can accommodate both these needs into a mixed-use design.

(e) *Diverse housing types.* Single-family, townhouses, multi-family apartments and condos can be integrated into one development, as long as the scale and design of adjacent uses is compatible with each other. A mix of housing types ensures that people of various socio-economic classes may live in proximity to one another and share a common pride in the community.

(f) *High quality architecture and urban design.* Architecture should reflect classic elements, including vernacular or local, styles. However, overly prescriptive architectural standards may raise the cost of housing construction and should be flexible when considering workforce housing.

(g) *Increased density.* More units on smaller lots allows for preservation of open space, reduces infrastructure and maintenance costs and allows for a more diverse mix of housing stock, which opens communities up to many socio-economic groups.

(h) *Environmental sensitivity.* Open space areas should also be counted toward, not in addition to, other open space requirements, such as setbacks and park dedication. This mainly applies to suburban locations that have existing natural features on site, but there are opportunities even in more urban settings.

(i) *Public transportation.* The structure of these communities (good connectivity, walkability and higher density) should make existing and potential public transportation service more accessible and feasible than conventional subdivisions.

(C) *Applicability.*

(1) Other overlay districts applicable within project boundaries shall not be subordinate to the SGO District. The SGO District may be applied to all underlying commercial and residential districts in conformance with the City General Plan. The overlay shall be established to promote the purpose and intent of this section by allowing flexibility in development patterns and uses not otherwise permitted in the underlying district and to implement stand-alone development standards through the use of site-specific pattern books or form-based codes.

(2) Where the overlay district exists and there is a conflict between the requirements and/or uses specified between the overlay with its supporting documents and the underlying district, the standards of the overlay district shall prevail.

(3) A zoning map change establishing any SGO District shall be subject to the same procedures and requirements as any other zoning map change.

(D) *Permitted principal uses and conditional uses.*

(1) Proposed uses listed in the adopted supporting documents for the SGO District will be supplemental to those listed in the underlying zoning districts. An example of the supplemental uses would be mixed-use buildings, live/work units and carriage houses. A list of those uses as they apply to the specific underlying zoning district shall be included within the pattern book or form-based code.

(2) Proposed uses will be evaluated to ensure they meet the purpose and intent of this section. All uses will be subject to in-house review and approval to ensure development is compatible with adjacent uses, and that identified impacts are mitigated if needed. Final determinations on project status and requirements will be made by the Director of Community Development.

(E) *Rezoning submittal requirements.*

(1) All SGO Districts shall have site-specific names. The naming convention shall be as follows: Smart Growth Overlay (SGO) District - Project Name.

(2) The submittal of a rezoning application shall include a site-specific pattern book or form-based code as the regulatory document(s) for the project.

(3) Pattern books shall contain at a minimum the following sections: Introduction, Community Patterns and Architectural Patterns. Optional sections may be required including, but not limited to, Landscaping and Infrastructure.

(4) Form-based codes shall contain at a minimum the following sections: Regulating Plan, Public Space Standards, Building Form Standards, Administration and Glossary. Optional sections may be required including, but not limited to, standards regulating Blocks, Building Types, Architecture and Landscaping.

(5) Pattern books or form-based codes shall generally include the following information:

(a) A master plan and/or regulating plan displaying the pattern of development for allowed uses;

(b) List(s) of uses that are supplemental to the permitted uses and conditional uses of the underlying zoning district;

(c) Lot types, building types, placement of structures on lots and development standards (i.e., setbacks, lot coverage, building height, landscaping and the like);

(d) Building forms and available architectural styles and design standards;

(e) Pertinent quantitative data such as the total number of each type of commercial building and dwelling units; parcel sizes; residential densities; total amount of open space in various categories; and parking requirements;

(f) Supporting illustrations and standards for streetscapes (local and arterial road connections), lot layouts, building frontages and elevations;

(g) Interrelationship of pedestrian and vehicular circulation system and how pedestrian walkways/pathways and bicycle facilities interconnect to adjoining neighborhoods;

(h) Supporting illustrations and standards for civic spaces and open space such as parks, squares, linear pathways/parks and plazas; and

(i) Any additional information or optional elements to be included with the pattern book or form-based code which may be necessary to properly evaluate the character and impact of the proposed development as determined by the Director of Community Development.

(6) The proposed rezoning action with the adoption of the pattern book or form-based code shall be heard by the Planning Commission and shall be forwarded to the City Council with the recommendation of the Planning Commission. Upon approval of the rezoning action and adoption of the pattern book or form-based code by the City Council, the SGO zoning shall be designated on the official zoning map.

(F) *Minimum requirements; district size.* Forty acres.

(G) *Development, design and landscaping standards.* Development, design and landscaping standards shall be site-specific, dependent upon the type of proposed project. The standards will be included in the pattern book or form-based code and shall be compliant with the purpose and intent of this overlay district.

(H) *Density.* Development shall comply with the overall density standards of the underlying General Plan land use designation(s) and zoning district(s).

(I) *Sign standards.* Sign standards shall be site-specific, dependent upon the type of proposed project. A sign package for the entire development shall be submitted for review and approval.

(J) *Variations, minor deviations and major deviations.*

(1) *Variations submittal requirements.* Variations in the aforementioned submittal requirements may be permitted which are consistent with the purpose and intent of this section as approved by the Director of Community Development.

(2) *Minor deviations to the SGO pattern book or form-based code.*

(a) Proposed deviations to the SGO regulatory documents (pattern book or FBC) that substantially conform to the adopted standards, regulations and guidelines, and are not in conflict with any provisions of the City of Yuma Municipal Code that may apply to the SGO, may be permitted as "minor deviations". Minor deviations may include, but are not limited to:

1. Allowance of a use not listed in the permitted uses of the SGO regulatory documents, if the use is consistent with or similar to the intent of the General Plan, underlying zoning district and SGO designation for the area in which the use is requested;

2. Changes to numbers or letters establishing or referencing text sections or figures, including references to City Code sections;

3. Modifications to park and public space designs described in the regulatory documents;

4. Modifications to informational material contained in the pattern book or the FBC that does not have regulatory effect; and

5. Any other modifications determined by the Director of Community Development to be in accordance with the required findings for a minor deviation.

(b) 1. A request for a minor deviation shall be submitted in writing and shall include the specific text, exhibits or other changes proposed for the minor deviation and other material or information requested by the Department of Community Development in order to review the proposal and document all of the findings identified above.

2. All approved minor deviations shall be documented in writing and maintained by the city with the SGO case file. A minor deviation is not intended to replace the variance process or approve variances described in the City Municipal Code.

3. The Director of Community Development, acting upon any application for a minor deviation that is determined to be complete, shall:

a. Approve the request;

b. Approve the request with conditions or modifications;

c. Deny the request; or

d. Refer the request to the Planning Commission or Hearing Officer for consideration.

4. In order to approve a minor deviation, the Director must make all of the following findings for the minor deviation:

a. The minor deviation substantially conforms to the adopted standards, regulations and guidelines of the SGO;

b. The minor deviation is not in conflict with any provisions of the City of Yuma Municipal Code that apply to the SGO;

c. The minor deviation will not adversely affect public health, safety or welfare;

d. The minor deviation will not adversely affect adjacent property; and

e. The minor deviation will not have adverse environmental effects that have not been previously analyzed.

(3) *Major deviations.* Any proposed deviation to the form-based code or to the pattern book that is not a minor deviation shall be a major deviation. Major deviations to SGO regulatory documents shall be submitted to the Planning Commission for review and approval.

(Ord. O2009-19, passed 3-4-2009; Ord. O2010-32, passed 7-7-2010)

Article 15 - General Provisions

§ 154-15.01 Purpose.

The purpose of this article is to establish general development and performance standards applicable to all zoning districts. The standards and regulations set forth in this article shall qualify or supplement, as the case may be, the district regulations set forth elsewhere in this chapter.

(Ord. O2010-32, passed 7-7-2010)

§ 154-15.02 General Provisions for Buildings and Uses.

(A) *Restoring unsafe buildings and structures.* Nothing in this chapter shall prevent a strengthening or restoration to safe or lawful condition of any building or structure declared unsafe or unlawful pursuant to law.

(B) *Security guards and caretakers.* The occupancy of buildings or premises by security guards or caretakers for sleeping shall not constitute residence occupancy within the meaning of this chapter, except that, within the Airport District any such occupancy shall be expressly limited to the principal building or premises used for commercial, industrial or agricultural purposes only, in accordance with the provisions of this Code. Any such area within a commercial, industrial or agricultural building used for such purpose within the Airport District shall be limited to a maximum of 400 square feet and shall be sound attenuated.

(C) *Minimum lot size.*

(1) Where the provisions of this chapter establish a minimum lot size requirement which would prohibit an application for

rezoning, such application may be considered if it meets the criteria set forth in division (C)(2) below.

(2) Applications which do not meet the minimum lot size as defined under the development standards for that zoning district may be considered for rezoning only if a specific plan of development is submitted at the time of the rezoning request which complies with all other development standards without the necessity of a variance.

(D) *Minimum district size.*

(1) Where the provisions of this chapter establish a minimum district size requirement which would prohibit an application for rezoning, such application may be considered if it meets the criteria set forth in division (D)(2) below.

(2) Applications which do not meet the minimum district size as defined under the development standards for that zoning district may be considered for rezoning only if:

(a) The property is zoned as Agriculture (AG) as a result of having been annexed by the city;

(b) The existing use is a legal nonconforming use in the Agriculture (AG) District;

(c) Rezoning to a more appropriate district is necessary in order to continue or expand the existing activity; and

(d) The proposed district at least 25% of the established minimum district size required by this chapter.

(E) *Legally established yard setbacks.* On any property where there is a legally established building setback line less than that required by the standards established by this chapter, that setback may be continued when expanding a structure for a use permitted by the zoning district in which the property is located. The provision is not applicable to proposed expansions in street yard setback lines.

('80 Code, App. A, § 30) (Ord. 583, passed 9-16-1952; Ord. 2375, passed 9-16-1987; Ord. O97-11, passed 3-5-1997; Ord. O97-23, passed 9-3-1997; Ord. 02000-25, passed 5-3-2000; Ord. O2002-30, passed 8-7-2002; Ord. O2010-32, passed 7-7-2010) Penalty, see § 154-999

§ 154-15.03 Height Limits.

(A) *Specifications.* For the purpose of this chapter, an attic story shall be deemed a full story. No story shall be deemed a first story if its floor level is more than four feet below the mean lot level, except that if any basement or cellar is used for residence occupancy by other than a janitor or caretaker, such basement or cellar shall be deemed to be a first story. A mezzanine story shall be considered a full story if it covers an area greater than one-half of the ground floor area, or if the total height of the story which includes the mezzanine exceeds 24 feet.

(B) *Exceptions to height limits.* The provisions of this section shall not apply to church spires, domes, belfries, cupolas, monuments, water tank towers, fire towers, observation towers, transmission towers used specifically for high voltage electrical transmission, wind-mills, chimneys, smokestacks, silos, derricks, conveyors, flag; or to a parapet wall extending not more than four feet above the limit of height of the building on which it rests; nor on High Density Residential R-3, Business or Industrial Districts, to bulkheads, elevator penthouses, water tanks, monitors or scenery lofts; provided that such structures shall not have an aggregate area greater than 25% of the ground floor area of the building, and provided that no linear dimension of any such structure other than a parapet wall shall exceed 50% of the corresponding street frontage, if the structure be within 25 feet of such frontage.

(C) *Visibility.* No walls, building, signs, vehicles, shrubbery or dense planting or other visual obstruction in excess of 30 inches in height shall be placed on any corner in any zoning district within the visibility triangle. Trees may be permitted, provided that the branches and leaves shall be trimmed to a minimum height of eight feet above the ground to permit unobstructed visibility.

('80 Code, App. A, § 140) (Ord. 583, passed 9-16-1952; Ord. 2096, passed 11-3-1982; Ord. 2235, passed 1-20-1984; Ord. O95-040, passed 9-5-1995; Ord. O2000-35, passed 6-21-2000; Ord. O2010-32, passed 7-7-2010) Penalty, see § 154-999

§ 154-15.04 Projections, Encroachments.

(A) *Specifications.* Except as specified in this section, yards required by this chapter shall be open and unobstructed to the sky.

(B) *Cornices and eaves.* Cornices and eaves may project not to exceed two feet over any minimum required yard.

(C) *Ornaments and balconies.* Sills, leaders, belt courses and similar ornamental features may project six inches over any

minimum yard. An open fire balcony, fire escape or fire tower may project five feet over any yard.

(D) *Bay windows and porches.* A bay window, oriel or balcony, which is not more than eight feet wide may project not more than two feet into any front or side yard. A porte cochere over a driveway may extend into any side yard.

(Ord. O2010-32, passed 7-7-2010)

§ 154-15.05 Swimming Pools.

All swimming pools (municipal, commercial or private) shall be subject to the following criteria.

(A) All swimming pools shall be enclosed by a fence or wall which has a minimum height of five feet measured from the exterior of the fence. Said fence or wall shall have no openings greater than four inches in any dimension and does not afford climbing. All gates in said fence or wall shall be of a self-closing and self-latching type.

(B) All swimming pools shall comply with the minimum front yard setbacks of the applicable zoning district. All swimming pools shall be set back five feet from the side, rear and street side property lines. The required five-foot wall may be located on the side, rear or street wide property lines but shall not be located within the front yard setbacks. In all cases, the sight clearance and fence requirements shall be applicable.

(C) Swimming pools shall not be included in the computation of maximum lot coverage.

(D) Swimming pool equipment shall be installed per manufacturer's specifications; however, if these devices are installed within the rear and/or side yard setbacks they shall adhere to the following:

(1) The side yard setback for pool equipment shall have a minimum distance of four feet from the side property line or the building to maintain fire access.

(2) The rear yard setback for pool equipment shall have a minimum distance of zero feet from the rear property line.

('80 Code, App. A, § 190) (Ord. 583, passed 9-16-1952; Ord. 1497, passed 5-19-1976; Ord. 2235, passed 11-20-1984; Ord. O95-040, passed 9-5-1995; Ord. O2010-32, passed 7-7-2010; Ord. O2014-14, passed 5-7-2014) Penalty, see § 154-999

§ 154-15.06 Walls and Fences.

(A) *Walls and fences.* A wall or fence shall be permitted along any lot line in any Agriculture, Suburban Ranch, Residential Estate, Low Density Residential, Medium Density Residential, High Density Residential or Transitional District, provided, however, that no wall or fence more than three feet in height shall be permitted within a required front yard setback area.

(B) *Development abutting canals, laterals or drainage channels.*

(1) Any lands proposed for residential development adjacent to actively used (non-abandoned) canals, laterals or drainage channels shall have construction thereon a barrier wall to mitigate potential property damage from flooding and to protect the health, safety and general welfare of community residents.

(2) As a general rule, the following guidelines apply to the construction of barrier walls adjoining canals, laterals or drainage channels:

(a) When proposed residential development abuts a canal or lateral the barrier wall shall be a wall of solid masonry material at least six feet high, subject to the provisions of division (B)(2)(d) below;

(b) When proposed residential development abuts a drainage channel the barrier wall may be a wrought iron fence of the same height in lieu of solid masonry;

(c) A wrought iron fence in lieu of solid masonry may be constructed when a canal or lateral abuts a roadway and a solid masonry wall exists on the opposite side of the street protecting the adjoining development;

(d) The topography of the proposed development and its relation to abutting canals, laterals or drainage channels will also affect the type of barrier wall and its height. To this end, the developer of the proposed development shall coordinate with the city and, in consultation with the irrigation district or water users' association, determine the optimal barrier wall type, height and configuration, as well as public access points to linear parks and pathways, possible emergency access points and access points to canals, laterals and

drainage channels at street crossings;

(e) All barrier wall construction shall meet the minimum requirements of the city, construction standard detail drawings, as amended;

(f) The barrier wall shall be located outside the right-of-way and any existing work or facility including embankments and access roads; and

(g) A one-foot non-access easement shall be required outside the irrigation district or water users' association border or the existing work or facility including embankments or access roads.

(Ord. O2006-11, passed 1-18-2006; Ord. O2010-32, passed 7-7-2010)

§ 154-15.07 Manufactured Home Placement Permits.

(A) A manufactured home placement permit shall be required for the installation of any manufactured home within the city. No manufactured home built prior to January 1, 1985 shall be placed or relocated in the city. Application shall be made on the appropriate forms provided for this purpose by the Building Safety Division and shall include a site plan showing the location of the manufactured home, other structures or dwellings on the lot, setbacks between all improvements and distances to property lines. If a manufactured home is placed in a mobile home or manufactured home park, a map of the park showing all existing spaces and points of access shall be required.

(B) The Building Official, or his or her designee, shall issue placement permits only if the manufactured home complies with all applicable zoning and building code requirements including use, setbacks and noise attenuation. A fee to cover administration and inspection costs will be charged as determined by the Arizona State Office of Manufactured Housing.

(C) All manufactured homes shall be anchored to the ground in conformance with the manufacturer's specifications, per the currently adopted Residential Code. All manufactured homes which are set above the ground level shall be skirted.

(D) Placement permits shall be valid for a period of six months from the date of issuance. Manufactured homes shall not be occupied until placement permits have been issued and a final inspection has been performed and approved.

(Ord. O2006-77, passed 12-6-2006; Ord. O2010-32, passed 7-7-2010)

§ 154-15.07.01 Park Model Placement Permits.

(A) A placement permit shall be required for the installation of any park model within the city. Application shall be made on the appropriate forms provided for this purpose by the Building Safety Division and shall include a site plan showing the location of the park model, other structures or dwellings on the lot, setbacks between all improvements and distances to property lines. If a park model is placed in a recreational vehicle, mobile home or manufactured home park, a map showing adjacent structures with distance separations shall be required.

(B) The Building Official, or his or her designee, shall issue placement permits only if the park model complies with all applicable zoning and building code requirements including use, setbacks and noise attenuation.

(C) All park models shall be anchored to the ground in conformance with the manufacturer's specifications, per the currently adopted Residential Code. All park models which are set above the ground level shall be skirted.

(D) Park models shall not be occupied until placement permits have been issued and a final inspection has been performed and approved.

(Ord. O2012-20, passed 11-7-12)

§ 154-15.08 Home Occupations.

(A) *Purpose and intent.*

(1) Establish criteria for operation of home occupations in dwelling units within residential districts;

(2) Permit and regulate the conduct of home occupations in a dwelling unit, whether owner or renter-occupied;

(3) Ensure that such home occupations are compatible with, and do not have a negative impact on adjacent and nearby residential properties and uses;

(4) Ensure that public and private services such as streets, sewers, water or utility systems are not burdened by the home occupations to the extent that usage exceeds that normally associated with residential use;

(5) Allow residents of the community to use their residences as places to enhance or fulfill personal economic goals, under certain specified standards, conditions and criteria, while maintaining the character and integrity of the residential neighborhood;

(6) Enable the fair and consistent enforcement of these home occupation regulations; and

(7) Allow home occupations only in conformance with the regulations and performance standards set forth in this section.

(B) *Performance standards.* All proposed home occupations must meet the following performance standards in order to be permitted.

(1) *Accessory use.* Home occupation activities shall take place within a principal dwelling unit or within an attached or detached accessory structure. The maximum square footage of a home occupation is 300 square feet. Home occupations shall be clearly incidental and subordinate to the residential land use established on the lot or parcel being utilized. Home occupations are prohibited where there is no principal dwelling unit.

(2) *Private recreation areas.* Private recreation areas (e.g., swimming pools, tennis courts and riding areas) may only be used when conducting a home occupation clearly related to the recreation area being used.

(3) *Number of home occupations.* Multiple home occupations may be allowed at one single residence. All home occupations must be within the same 300 square foot area. All areas devoted to the home occupation shall maintain a residential appearance.

(4) *Employees.* The number of employees involves with a home occupation shall be limited to the residents of the principal dwelling unit on the site.

(5) *Hours of operation.* Clients shall only be received between the hours of 7:00 a.m. and 8:00 p.m.

(6) *Clients.* The number of clients that can visit the residence is limited to one client per hour, one at a time.

(7) *Rental units.* Home occupations that take place within rental units or mobile home parks must have the owner's or manager's written permission.

(8) *Sale and display of merchandise.* On-site display and sale or rental of goods/products is prohibited.

(9) *Number of vehicles.* Vehicles related to the operation of a home occupation shall be restricted to one, under one and one-half tons gross vehicle weight, per residence.

(10) *Deliveries.* Deliveries other than standard parcel services are prohibited when associated with a home occupation.

(11) *Signs.* One sign, totaling one-square foot is permitted in the window of the residence. Vehicles used in the home occupation can have signs of one-square foot attached to the doors that advertise the home occupation.

(12) *Storage.* Materials or goods associated with a home occupation shall be stored within the 300 square feet allotted for the home occupation. No material or goods associated with the home occupation can be stored outside.

(13) *Nuisances.* No equipment or activity shall be used in a home occupation that creates noise, vibration, glare, fumes, odor or electrical interference detectable from beyond the subject property boundaries. Noise levels shall not exceed those levels that are currently in existence in the neighborhood. The use of equipment, other than office equipment, shall be limited to the hours of operation listed in division (B)(5) above.

(14) *Health hazards.* No home occupation shall be detrimental to the public health, safety or welfare of the abutting neighbors or the neighborhood or city in general:

(a) Class A, B or C explosives, with the exception of hobby reloading as defined by the Uniform Fire Code;

(b) Class A, B poisons; flammable combustible liquids over five gallons, unless in a licensed vehicle or watercraft;

(c) Corrosive/oxidizing chemicals other that what are normally consumed on premises for normal use (drain cleaner, pool chemicals and the like);

(d) Hazardous materials as defined by the Environmental Protection Agency; and

(e) Pesticides registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1979, which are not used around the home for personal consumption. Home occupations requiring a permit/license from a regulatory body which do not involve the use of hazardous materials may be permissible, provided the occupation is in compliance with all applicable federal, state and local regulations. This prohibits home occupations that involve: hazardous materials that pose a detonation hazard, a deflagration hazard such as combustible dusts or flammable gases or materials that readily support combustion or contain corrosives and the fabrication of semiconductors.

(15) *Mechanized equipment.* Mechanized equipment shall be used only in a completely enclosed building within the 300 square feet designated for the home occupation.

(16) *Access for inspection.* Upon the receipt of a complaint, a City of Yuma Code Enforcement Officer or police officer may enter a structure housing a home occupation to investigate the complaint and determine whether or not the home occupation complies with the conditions of this section.

(17) *Other applicable regulations.* Home occupations shall comply with health codes, building codes and all other applicable local, state and federal regulations.

(C) *Uses not permitted.* The following types of uses shall not be permitted as home occupations in all residential zoning districts:

(1) Barber shop;

(2) Beauty parlor;

(3) Dance studio;

(4) Electrical repair shop;

(5) Massage parlor;

(6) Motor vehicle repairing services;

(7) Real estate or insurance office;

(8) Veterinary office and kennels or similar uses;

(9) Engine repair;

(10) Furniture refinishing;

(11) Medical/cosmetic facilities for animals including animal care or boarding facilities;

(12) Machine shop/metal working;

(13) Mortuaries;

(14) Taxi service with more than one vehicle;

(15) Commercial insecticide, fungicide, herbicide or rodenticide operators; and

(16) Medical or dental office.

(D) *Limited use home occupation.*

(1) *Merchandise parties.* Merchandise parties (i.e., Tupperware, Avon, Mary Kay and the like) held for the purpose of soliciting sales shall be limited to no more than one party per month on the site of the home occupation;

(2) *Contracting service.* Contracting services must, in addition to, the performance standards listed in division (B) above, comply with all of the following additional performance standards:

(a) The contracting service is a sole ownership business;

(b) The contracting service has no employees other than those living in the home;

(c) There are no materials stored on the lot of the residence of the home occupation;

(d) There are no more than 1 one and one-half-ton vehicle associated with the business, parked at the home; and

(e) The home occupation can not serve as a headquarters or dispatch center, where employees come to be dispatched to other locations.

(3) *Home occupation disclosure.* Home occupation operators shall complete a home occupation disclosure form at the time of application of a business license.

(Ord. O2010-32, passed 7-7-2010)

§ 154-15.09 Live/Work Space.

Live/work spaces must contain the following:

(A) The designated residential space shall not be less than 400 square feet in livable area;

(B) A separate bathroom, with a toilet and a tub or shower with hot and cold water;

(C) Cooking facilities including a sink, some countertop, a range and sufficient electrical outlets for a refrigerator and other countertop appliances; and

(D) A designated sleeping area.

(Ord. O2010-32, passed 7-7-2010)

§ 154-15.10 Adult Oriented Businesses.

(A) *Purpose.* It is the purpose of this section to regulate sexually oriented businesses in order to promote the health, safety, morals and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the city. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this section to condone or legitimize the distribution of obscene material.

(B) *Findings.* Based on evidence concerning the adverse secondary effects of adult uses on the community presented in hearings and in reports made available to the City Council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990), *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), *City of Erie v. Pap's A.M.*, 120 S. Ct. 1382 (2000), and on studies in other communities, including, but not limited to: Phoenix, Arizona; Minneapolis, Minnesota; St. Paul, Minnesota; Houston, Texas; Indianapolis, Indiana; Amarillo, Texas; Garden Grove, California; Los Angeles, California; Whittier, California; Austin, Texas; Seattle, Washington; Oklahoma City, Oklahoma; Cleveland, Ohio; Beaumont, Texas; Dallas, Texas; Newport News, Virginia; Bellevue, Washington; New York, New York; and St. Croix County, Wisconsin; and also on findings from the *Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses* (June 6, 1989, State of Minnesota), the City Council finds:

(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises;

(2) Certain employees of sexually oriented businesses, defined in this section as adult theaters and adult cabarets, engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments;

(3) Sexual acts, including masturbation and oral and anal sex, occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos or live sex shows;

(4) Offering and providing such space encourages such activities, which creates unhealthy conditions;

(5) Persons frequent certain adult theaters, adult arcades and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses;

(6) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections;

(7) Since 1981 and to the present, there has been an increasing cumulative number of reported cases of AIDS (acquired immunodeficiency syndrome) caused by the human immunodeficiency virus (HIV) in the United States: 600 in 1982; 2,200 in 1983; 4,600 in 1984; 8,555 in 1985, and 253,448 through December 31, 1992. The Center for Disease Control indicates that of the 753,907 AIDS cases reported in the United States through June of 2000, Arizona accounted for 7,234 of those cases. At the end of 1999, there were 3,195 people reported to be living with AIDS in Arizona;

(8) As of December 2001, there have been 7,966 reported cases of AIDS in the state;

(9) Since 1981 and to the present, there has been an increasing cumulative number of persons testing positive for the HIV antibody test in Yuma County, Arizona;

(10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November 1990;

(11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990;

(12) In his report of October 22, 1986, the Surgeon General of the United States has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components and from an infected mother to her newborn;

(13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts;

(14) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities;

(15) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult oriented films";

(16) The findings noted in divisions (B)(1) through (B)(15) above raise substantial governmental concerns;

(17) Sexually oriented businesses have operational characteristics, which should be reasonably regulated in order to protect those substantial governmental concerns;

(18) A reasonable licensing procedure is an appropriate mechanism to place the burden of reasonable regulation on the owners and operators of the sexually oriented businesses. Further, such a licensing procedure will place an incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the city. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein;

(19) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theatres;

(20) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments;

(21) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases;

(22) In the prevention of the spread of communicable diseases, it is desirable to obtain a limited amount of information regarding certain employees who may engage in the conduct, which this section is designed to prevent, or who are likely to be witnesses to such conduct;

(23) The fact that an applicant for an adult use license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this section;

(24) The barring of such individuals from the management of adult uses for a period of years serves as a deterrent to and prevents conduct which leads to, the transmission of sexually transmitted diseases; and

(25) The general welfare, health, morals and safety of the citizens of the city will be promoted by the enactment of this section.

(C) *Location requirements.*

(1) Adult oriented businesses may be located in Limited Commercial (B-1), General Commercial (B-2), Light Industrial (L-I) or Heavy Industrial (H-I) Zoning Districts as permitted by the appropriate district regulations of this chapter. However, no adult oriented business shall be located within 1,000 feet of:

(a) A church or synagogue or temple;

(b) A public or private elementary or secondary school;

(c) A residential district;

(d) A lot used for a residential use;

(e) Another adult oriented business;

(f) A public park; or

(g) A public or private child day care center, large or small preschool facility.

(2) For purposes of this section, measurement shall be made in a straight line, without regard to intervening structures or objects from the nearest portion of the lot used for the adult oriented business and the nearest property line of the lot used for the purposes enumerated above.

(D) *Number in building.* No more than one adult oriented business may be located in the same building.

(E) *Nonconformity.* Any adult oriented business lawfully operating on the effective date of this chapter that is in violation of divisions (C) and (D) above of this section shall be a nonconforming use. If two or more adult oriented businesses are within 1,000 feet of one another, and otherwise in a permissible location, the adult oriented business which was first established and continually operating at a particular location is the conforming use and the latter established business is nonconforming. In any event, no increase in the floor area of any nonconforming adult oriented business shall be permitted in any building or on any lot containing another adult oriented business or a dwelling unit.

(F) *Encroachment of other uses.* An adult oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the lawful establishment of the adult oriented business, of a use enumerated in division (C) above of this section.

(G) *Variance to location requirements.*

(1) An applicant may make application for a variance from the location requirement of division (C) above of this section above in the same manner as found in § 21 of City Ordinance No. 583, as amended.

(2) The Board of Adjustment, in making its finding about a variance request from the location requirement of division (C) above of this section, shall, as part of the condition in § 21(C)(3)(d) of City Ordinance No. 583, consider the following:

(a) The location of the proposed adult oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight; and

(b) The location of an additional adult oriented business in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any efforts of urban renewal, restoration or historic preservation.

('80 Code, App. A, § 124) (Ord. 583, passed 9-16-1952; Ord. 2515, passed 2-20-1991; Ord. 2687, passed 1-4-1995; Ord. O2003-22, passed 5-21-2003; Ord. O2010-32, passed 7-7-2010) Penalty, see § 154-999

§ 154-15.11 Noise Limitation Standards for B-1 and B-2 Commercial Zones.

(A) The application for any building permit, or business license for a new business, which consists of a single use or single building of 35,000 square feet or greater gross floor area, and which is located within 300 feet of any residential district, and which includes an

outdoor use, operation between the hours of 9:00 p.m. and 7:00 a.m., an exterior loading dock, unscreened mechanical equipment or an outdoor trash compactor (for which an acoustical engineering report has not been previously provided and approved by the city for the same use) shall be accompanied by an acoustical engineering report prepared by a person who is a board certified member of the Institute of Noise Control Engineers indicating the means by which the applicant proposes to comply with the provisions of this section. It shall include drawings, measurements and methods of mitigation in sufficiency to show such compliance. If the city determines that the report needs to have an independent review, the cost of the independent review of the report and drawings by a person who is a board certified member of the Institute of Noise Control Engineers shall be paid in equal half amounts by the applicant and the city. Prior to the independent review of the report, the applicant shall deposit with the city a sum equal to one-half of the cost of the review as determined by the City Engineer. City approval and issuance of a building permit or a business license shall be contingent upon the city approval of the acoustical engineering report and the provision of all recommended mitigation measures recommended by the report.

(B) The operation of facilities, including but not limited to trucking operations, loading operations, operation of mechanical equipment, trash compaction and exterior cleaning operations, but excluding trash and garbage collection operations, shall not produce noise, when measured on any portion of residential property within 300 feet of the property line of the commercial operation to exceed the following standards:

(1) From 7:00 a.m. to 9:00 p.m. = 55 decibels average, not to exceed 75 decibels; and

(2) From 9:00 p.m. to 7:00 a.m. = 45 decibels average, not to exceed 65 decibels.

(C) Where the ambient noise level is greater than the minimum decibels average stated in this section, the decibels average shall be increased to the level of the ambient noise. Each of the noise limits specified above shall be reduced by five dB(A) for noise associated with the sudden release of air or steam, or impact, or bells, or horns, or humming, or screeching, or predominant tone noise, or truck or vehicle idling, or fork-lift operational warning noises, or noise consisting of speech or such speech as would be generated by a paging system.

(Ord. O2010-32, passed 7-7-2010)

§ 154-15.12 4H and FFA.

4-H and FFA animal projects shall be allowed in all residential zones, subject to the following performance standards:

(A) The project time frame is September 1 through April 15 of each year. Included within this timeframe is the time designated for raising veal calves, which begins in January 1 and runs through April 15.

(B) At the beginning of each 4-H and FFA season, the University of Arizona Extension Yuma County 4-H and County FFA Chapter Advisors shall provide the Community Development Director with a list of participants, their addresses, number and type of animals.

(C) The City Code §§ 130-050 through 130-059 and 130-070 through 130-076 applies to the keeping of animals.

(D) Animals shall be housed and/or caged according to standard acceptable 4-H and FFA practice.

(E) 4-H and FFA students shall ensure that 4-H and FFA standards for sanitation and food containment are followed.

(F) 4-H and FFA students shall be required to notify their immediate neighbors (any property touching the subject property) if they propose to keep animals outside the home, in the yard.

(G) Any animals proposed to be kept outside the house shall be located on a well-drained site in the rear portion of the lot (not in the side-yard unless arrangements have been made with the side-yard neighbor).

(H) Division (A) above does not overrule the decision of the property owner (if renting the residence) or the CC&R's who/which may not allow this activity.

(I) In the event the city receives a complaint about the keeping of any 4-H and FFA project animal(s), the city will first notify the University of Arizona Extension Yuma County 4-H and County FFA Chapter Advisors and allow those advisors to work with the student to correct the situation, before proceeding with any code enforcement action.

(J) Animals located on a lot that is adjacent to an agricultural farm field that is producing fresh vegetables must comply with the following additional requirements:

(1) Provide a minimum of a three feet solid barrier fence between the lot and agricultural farm field;

(b) The animal(s) shall be kept a distance of at least 30 feet from the crop in the neighboring field (the distance of separation follows the current *Commodity Specific Food Safety Guidelines for the Production and Harvest of Lettuce and Leafy Greens*, as may be amended);

(c) No run-off is allowed onto any adjacent property; and

(d) Animals shall not be walked within 30 feet of agricultural farm fields.

(Ord. O2009-29, passed 10-7-2009; Ord. O2010-32, passed 7-7-2010; Ord. O2012-05, passed 3-7-12)

§ 154-15.13 Mobile Food Vending.

(A) *Site restrictions.*

(1) A mobile food vendor on private property shall be subject to the following site restrictions:

(a) Mobile food vendors shall operate only upon paved surfaces, not within any required retention areas, and shall not block drive aisles or required parking spaces (§ 154-16).

(b) Each mobile food vendor must maintain a minimum of three paved parking spaces on the site designated for their customers' vehicles. These spaces are in addition to what is required for any existing business at the mobile vending site operating during concurrent hours. Tables and chairs may be used but cannot be located in required parking spaces.

(c) Mobile food vendors shall operate only at sites that provide access to a restroom that meet current City of Yuma Building Codes. Portable restrooms will not be recognized as a required restroom. This restroom must be available to the mobile food vendor(s) and their customers.

(d) The use of signs on the food vending unit and any associated vehicles may not break/ extend beyond the silhouette of the vehicle. All mobile food vendors are subject to the City of Yuma Sign Regulations (§ 154-17). A mobile menu board located no further than five feet from the food vending unit is allowed, but may not be placed upon or block any public sidewalk.

(e) Food vending units shall not be located within:

1. 20 feet of any street right-of-way;
2. Any visibility triangle;
3. 300 feet of the beginning of a freeway entrance ramp and the ending of a freeway exit ramp;
4. 125 feet of a residentially zoned property or residential use;
5. 150 feet of a customer entrance of a business that has a primary use classified as restaurant; or
6. 300 feet of any school property.

(f) Mobile food vendors shall obtain and maintain written permission from the property owner(s) to use the property on which the food vending unit is located. A copy of the written permission shall be provided to the City of Yuma on an annual basis in order to renew the business license, and shall be kept visible to the public, along with the current business license, in the food vending unit.

(g) Mobile food vendors shall obtain and maintain a mobile food unit permit from the Yuma County Health Department. A copy of this permit shall be provided to the City of Yuma on an annual basis in order to renew the business license. Upon revocation of the Yuma County Health Department permit, the City of Yuma business license will be suspended, whether temporarily or permanently.

(h) Only one mobile food vendor is allowed to operate one food vending unit at a mobile vending site. A conditional use permit, heard and decided by the Hearing Officer, is required for more than one mobile food vendor or food vending unit to locate at a mobile vending site.

(i) *Exemptions.* These provisions do not apply to itinerant vendors of non-food related items or seasonal itinerant vendors, as defined in § 154-01.07.

(B) *Operational restrictions.*

(1) Mobile food vending on private property shall be subject to the following operational restrictions:

(a) Mobile food vendors shall not operate between the hours of midnight and 5:00 a.m.

(b) All food vending units shall be removed from the mobile vending site during the hours of non-operation. Any accessory structure(s) used and/or associated with the food vending operation shall also be removed from the mobile vending site during hours of non-operation. This means that all food vending units and their structures shall be removed from the mobile vending site no later than midnight.

(c) The site upon which a food vending unit is operating shall at all times be kept clean and free from litter, garbage, rubble and debris. The mobile food vendor is required to provide their own trash can and to dispose of their own trash at appropriate places. This means that the food vendor(s) have the responsibility of maintaining a clean site, even if their customer(s) are not making the mess.

(d) Mobile food vendors shall not use bells, chimes, microphones, generators louder than 70 decibels at 10 feet, loudspeakers, amplified music, strobe lights, spot lights or any other audible or visual disturbance as a part of its mobile vending operation.

(Ord. O2014-20, passed 8-27-2014)

§ 154-15.14 Transient Food Vending.

(A) *Site restrictions.*

(1) A transient food vendor on private property shall be subject to the following site restrictions:

(a) Transient food vendors shall operate only upon paved surfaces, not within any required retention areas, and shall not block drive aisles or required parking spaces (§ 154-16).

(b) Tables and chairs cannot be used at the mobile vending site.

(c) The use of signs on the food vending unit and any associated vehicles may not break/extend beyond the silhouette of the vehicle. All transient food vendors are subject to the City of Yuma Sign Regulations (§ 154-17). A mobile menu board located no further than five feet from the food vending unit is allowed, but may not be placed upon or block any public sidewalk.

(d) Food vending units shall not be located within:

1. 20 feet of any street right-of-way;
2. Any visibility triangle;
3. 300 feet of the beginning of a freeway entrance ramp and the ending of a freeway exit ramp;
4. 125 feet of a residentially zoned property or residential use;
5. 150 feet of a customer entrance of a business that has a primary use classified as restaurant; or
6. 300 feet of any school property.

(e) Transient food vendors shall obtain and maintain written permission from the property owner(s) to use the property on which the food vending unit is located. A copy of the written permission shall be provided to the City of Yuma on an annual basis in order to renew the business license, and shall be kept visible to the public, along with the current business license, in the food vending unit.

(f) Transient food vendors shall obtain and maintain a mobile food unit permit from the Yuma County Health Department. A copy of this permit shall be provided to the City of Yuma on an annual basis in order to renew the business license. Upon revocation of the Yuma County Health Department permit, the City of Yuma business license will be suspended, whether temporarily or permanently.

(g) Only one transient food vendor is allowed to operate one food vending unit at a mobile vending site. A conditional use permit, heard and decided by the Hearing Officer, is required for more than one transient food vendor to locate at a mobile vending site.

(h) *Exemptions.* These provisions do not apply to itinerant vendors of non-food related items or seasonal itinerant vendors, as defined in § 154-01.07.

(B) *Operational restrictions.*

(1) Transient food vending on private property shall be subject to the following operational restrictions:

(a) Transient food vendors shall not operate between the hours of midnight and 5:00 a.m.

(b) All food vending units shall be removed from the mobile vending site during the hours of non-operation. Any accessory structure(s) used and/or associated with the food vending operation shall also be removed from the mobile vending site during hours of non-operation. This means that all food vending units and their structures shall be removed from the mobile vending site no later than midnight.

(c) The site upon which a food vending unit is operating shall at all times be kept clean and free from litter, garbage, rubble and debris. The transient food vendor is required to provide their own trash can and to dispose of their own trash at appropriate places. This means that the food vendor(s) have the responsibility of maintaining a clean site, even if their customer(s) are not making the mess.

(d) Transient food vendors shall not use bells, chimes, microphones, generators louder than 70 decibels at 10 feet, loudspeakers, amplified music, strobe lights, spot lights or any other audible or visual disturbance as a part of its mobile vending operation.

(Ord. 2014-20, passed 8-27-2014)

§ 154-15.15 Accessory Buildings, Uses and Structures in Certain Residential Districts.

(A) *Applicability.* Accessory buildings or structures and uses shall be incidental to the principal residential use. They must be detached from the principal building, occupy less floor area, cover less lot area, and have a use that is secondary to the primary structure(s) and use(s) on the property. Accessory buildings or structures include storage sheds, workshops, outdoor barbeques, outdoor fireplaces, and any other structures as determined by the Zoning Administrator. Buildings, structures, and uses may all function as "accessory," subject to the provisions below.

(B) *Accessory uses.* Accessory buildings or structures may be used for home occupations in compliance with § 154-15.08.

(C) *Accessory buildings or structures.*

(1) Accessory buildings or structures that exceed 200 square feet in area or eight feet in height are permitted in residential districts, subject to the following standards:

(a) *Use.* Accessory buildings or structures shall not be used as a dwelling, except where permitted by Zoning District. Plumbing is permitted in accessory buildings for a washing machine only.

(b) *Setback.*

1. Accessory buildings or structures shall be located behind the midpoint of the principal building. The leading edge of such buildings, including overhangs, shall be setback at least three feet from side and rear property lines. An additional one foot setback is required for every additional foot in height above eight feet. This provision is applicable within certain identified zoning districts regardless of setback illustrations on plats if the setbacks illustrated on the plat are the same as the standard setbacks for that zoning district. If the setbacks illustrated on the plat are larger than the standard setbacks for that zoning district, then the platted setbacks take precedence.

2. Accessory buildings in the Agriculture (AG) district shall comply with the setback standards required in the district.

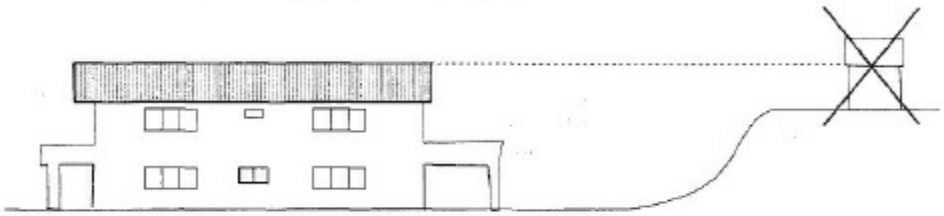
3. Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.

4. On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.

5. Accessory buildings or structures shall comply with all applicable building and fire codes.

(c) *Height.* The maximum allowable building height shall be 15 feet or the height of the principal building, whichever is less. On lots with elevation changes, accessory structures shall not be permitted on lot areas where the accessory structure will be higher than the principal structure roofline. See Illustration 15-1.

Illustration 15-1



(d) *Area.* Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district and shall not occupy more than 30% of the area between the principal structure and the rear property line.

(e) *Compatibility.* Accessory buildings or structures shall be designed with a logical hierarchy of masses with regard to height, size, and volume; and use construction materials and colors that are contextually appropriate and compatible with the principal building and surrounding neighborhood.

(2) Accessory buildings or structures that are between 121 square feet and 200 square feet in area, and less than eight feet in height are permitted in residential districts, subject to the following standards:

(a) *Use.* Accessory buildings or structures shall not be used as a dwelling, except where permitted by Zoning District. Plumbing is permitted for a washing machine only.

(b) *Setback.*

1. Accessory buildings or structures shall not be located in the required front yard building setback. The leading edge of such buildings, including overhangs, shall be setback at least three feet from side and rear property lines. This provision is applicable within certain identified zoning districts regardless of setback illustrations on plats.

2. Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.

3. On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.

(c) *Height.* The maximum allowable building height shall be less than eight (8) feet or the height of the principal building, whichever is less. On lots with elevation changes, accessory structures shall not be permitted on lot areas where the structure will be higher than the principal structure roofline.

(d) *Area.* Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district and shall not occupy more than 30% of the area between the principal structure and the rear property line.

(3) Accessory buildings or structures that are 120 square feet or less in area and less than eight feet in height are permitted in residential districts, subject to the following standards:

(a) *Use.* Accessory buildings or structures shall not be used as a dwelling, except where permitted by Zoning District. Plumbing is permitted for a washing machine only.

(b) *Setback.*

1. Accessory buildings or structures shall not be located in the required front yard building setback. The leading edge of such buildings, including overhangs, can be set along the side and rear property lines. This provision is applicable within certain identified zoning districts regardless of setback illustrations on plats. A four foot separation between the accessory structure and any other structures shall be provided in order to maintain fire and emergency access.

2. Accessory buildings or structures shall comply with the street setback standards required in the applicable zoning district.

3. On a through lot, accessory buildings or structures shall not be located closer to the rear property line than the distance required for the front yard building setback.

(c) *Height.* The maximum allowable building height shall be less than eight feet or the height of the principal building, whichever is less. On lots with elevation changes, accessory structures shall not be permitted on lot areas where the structure will be higher than the principal structure roofline.

(d) *Area.* Accessory buildings or structures shall comply with lot coverage regulations for the applicable zoning district and

shall not occupy more than 30% of the area between the principal structure and the rear property line.

(D) *Appeals.* An applicant may appeal a decision of the Zoning Administrator regarding the compatibility requirement to the Hearing Officer in accordance with § 154-03.02(C).

Table 15-1- Basic Guidelines for Accessory Buildings and Structures			
Height		***Area***	***Accessory Structure Setback***
More than 8 feet	OR	More than 200 square feet	3 feet + 1 foot for each foot over 8 feet in height
8 feet or less	AND	121 - 200 square feet	3 feet
8 feet or less	AND	0 - 120 square feet	0 feet
Structures larger than 200 square feet or 10 feet in wall height require a building permit. Electrical requires separate permits. Additional building requirements may apply.			

(Ord. O2014-29, passed 10-1-2014)

Article 16 - Off-Street Parking and Loading Regulations

§ 154-16.01 Purpose.

The off-street parking and loading regulations are designed to reduce street congestion and traffic hazards by the establishment of minimum standards to ensure adequate number, size and location of off-street parking and loading spaces to be provided with the various land uses permitted in this chapter.

('80 Code, App. A, § 160) (Ord. 583, passed 9-16-1952; Ord. 800, passed 5-17-1960; Ord. 1812, passed 2-7-1979; Ord. O2010-32, passed 7-7-2010)

§ 154-16.02 General Requirements.

(A) *Duty to provide.* The duty to provide and maintain off-street parking and loading spaces herein required shall be the joint and several responsibility of the owner and occupant of the land on which is established any use for which any off-street parking or loading space is required to be provided and maintained.

(B) *Permit.* No building permit shall be issued, no use shall be established or changed, and no structure shall be erected, enlarged or reconstructed unless the applicant has presented satisfactory evidence to the Building Official that the off-street parking and loading spaces herein required are provided in the minimum amounts and maintained in the manner specified; provided, however:

(1) For the enlargement of a structure or for the expansion of a use of structure or land there shall be required only the number of off-street parking and loading spaces as would be required if such enlargement or expansion were a separate new structure or use; and

(2) For a change in the class or use of a structure or land, the number of additional off-street parking and loading spaces required shall be equal to the number required for the new use, less the number of spaces which would have been required for the previous use if it had been established in conformance with this subchapter; but in no case shall the total number of spaces furnished be required to exceed the minimum number required for the new use.

(C) *Paving; materials.* All off-street parking spaces, parking lots and loading areas shall be paved with a durable, dust-free surface of masonry; portland cement, asphalted concrete or other durable, hard-faced material, except residential uses in the agriculture or suburban ranch zoning districts where gravel or ABC may be used.

(D) *Gross floor area.* Gross floor area, for determining off-street parking and loading requirements, shall mean the sum total of the gross areas of the several floors of a building or buildings measured from the exterior faces of exterior walls or from the centerline of walls separating two buildings; and including open areas either covered or open to the sky used for serving the public as customers, patrons, clients or patients. Gross floor area shall not include: underground parking space, uncovered steps, exterior balconies, exterior walkways, restrooms or mechanical equipment areas.

(E) *Joint usage of parking.* The joint use of a parking lot for two or more buildings or mixed uses may be permitted provided that:

(1) The total number of spaces used together is not less than the sum required for various buildings or uses if computed separately;

(2) The lot is in the same zoning district, or in a district that permits as a principal use the activity for which the parking is provided; and

(3) A legal agreement prepared by and between users is filed with the Department of Development Services and the County Recorder.

(F) *Parking spaces for the handicapped.* A minimum 2% of the parking spaces required in all public places shall be provided in convenient locations and reserved for the handicapped, however, that no parking lot shall have less than one such parking space. The stall width for a parking space for the handicapped shall be not less than 12 feet in width and a ramp shall be provided if there is a change of level from the parking lot to the adjoining walk or building. Said spaces and ramps shall further conform to the provisions of A.R.S. § 41-1492.

(G) *Fractional measurements.* Unless otherwise provided for in the specific regulations, one additional parking space shall be required if the fractional number of one-half or more is calculated for required parking spaces.

('80 Code, App. A, § 160) (Ord. 583, passed 9-16-1952; Ord. 800, passed 5-17-1960; Ord. 1812, passed 2-7-1979; Ord. O2010-32, passed 7-7-2010) Penalty, see § 154-999

§ 154-16.03 Parking Lots.

(A) *Design standards.*

(1) *Site plan.* A site plan for any proposed parking lot for four or more required spaces shall be submitted to the Department of Development Services for review and approval at time of application for a building permit for the building to which the parking is accessory, or at such time any land is to be used for a parking lot.

(2) *Minimum parking lot dimensions.* All parking lots shall conform to the following minimum parking lot dimensions where a minimum stall length of 19 feet may be used. In addition, a minimum stall width of nine feet may be used for employee parking, provided said parking shall be clearly designated by pavement marking, signs or other method. A stall width not less than nine feet six inches may be used to meet the parking requirements for office buildings. All other uses shall have a minimum stall width of ten feet.

(3) *Site plan.* The scale of the site plan shall contain not more than 50 feet to the inch. The site plan shall be drawn according to the following requirements and shall show these items detailed herein:

(a) Zoning, setbacks and statement of use;

(b) North arrow and scale;

(c) All adjacent streets, alleys, sidewalks and curbs, with dimensions;

(d) Ownership of the parcel being developed;

(e) Use, total floor area and location of each existing and proposed structure;

(f) Complete dimensions of parking lot;

(g) Grading and drainage plan of parking lot;

(h) Landscaping, walls, lighting and irrigation system;

(i) Type and thickness surface and base of parking;

(j) Number of employees in proposed business;

(k) If public assembly, number of seats and/or occupant capacity; and

(l) If applicable, the number of rooms or beds.

(4) *Entrance and exit driveways.* Separate entrances and exit driveways shall be so located as to minimize traffic congestion on the site and in the public street. Said entrances and exits may be combined in a single driveway where adequate safeguards are provided to minimize congestion and to protect pedestrian and vehicular traffic upon the approval of traffic flow plans on the site and in the public street by the Department of Public Safety and Engineering Division.

(5) *Arrangement of parking spaces.* Parking spaces shall be so arranged as not to require the moving of any vehicle on the premises in order to enter or leave any other stall, or to require the backing of any vehicle across any sidewalk or onto any street.

(6) *Landscaping and irrigation.* Landscaping and irrigation shall be provided in the manner set forth in Article 20 of this chapter except that when required to comply with development standards following the loss of a nonconforming status or change of use a landowner or tenant shall not be required to reduce the parking area by more than 10% or reduce the parking area to a size which would not satisfy the minimum parking requirements for any lawful use of such lot, parcel or land.

(B) *Landscaping.*

(1) *Interior.* A minimum of 5% of the off-street parking lot containing 20 or more spaces shall be landscaped.

(2) *Peripheral planting.* On the exterior edge of a parking lot containing 20 or more spaces, a planting strip not less than three feet in width shall be provided parallel to the front and side yard right-of-way lines. The visibility triangle requirements of shall be complied with on all parking lots including driveways.

(C) *Improvement of parking lots (four or more required spaces).* All parking lots shall be improved as follows:

(1) Designed in compliance with Chapter 192 of this code;

(2) Surfaced with a hard-faced material;

(3) Parking stalls shall be clearly indicated by a four-inch stripe of white traffic paint or other method approved by the Engineering Division;

(4) Wheel-stops for vehicles shall be provided and so located that no part of a parked vehicle shall extend beyond the property line;

(5) A barrier shall be constructed between all parking lots and adjacent residential uses or districts so that the adjacent residents are not unreasonably disturbed, either by day or night, by the operation of vehicles. These barriers shall be required along any property line or required setback line for that portion of the lot which adjoins or lies across the street, alley or other public way from said residential area, except for necessary driveways. The barrier shall be a solid wall or fence, or permanently maintained dense vegetation, and shall be three feet in height within the front yard area and not less than four feet in height within said side and rear yard area. In all cases, the visibility triangle and fence requirements of this code shall be applicable; and

(6) Lighting standards shall be placed so as to reflect the light away from the adjacent areas, and so as not to interfere with traffic movement or control. Illumination of parking area shall be required for all parking areas with four or more parking spaces. Open parking lots shall be illuminated with a minimum of one maintained footcandle of light on the parking surface and seven feet vertical between sunset and sunrise.

(D) *Vehicular access required.*

(1) Each required off-street parking space shall open directly upon an aisle of such width and design as to provide safe and efficient means of vehicular access to said space. Each parking lot shall be designed with appropriate means of vehicular access to an improved public or private street on which the lot or building site has frontage. If a secondary means of permanent vehicular access is provided, such as a paved alley or service road, such means of access shall be improved to city standards.

(2) All vehicular accessways shall be located as far as feasible and in any case not less than 30 feet from the ultimate curb line of intersecting streets.

(3) Along any highway, major or minor arterial street, each building or group of buildings, together with its parking or service areas, shall be physically separated by a vertical curb, maintained planting strip or other suitable barrier to channel and direct vehicular ingress and egress, except for necessary accessways.

('80 Code, App. A, § 160) (Ord. 583, passed 9-16-1952; Ord. 800, passed 5-17-1960; Ord. 1812, passed 2-7-1979; Ord. 2399, passed 4-20-1988; Ord. O2000-25, passed 5-3-2000; Ord. O2004-53, passed 8-18-2004; Ord. O2010-32, passed 7-7-2010) Penalty, see § 154-999

§ 154-16.04 Parking in Residential or Services Districts.

(A) In any residential or services district, all required parking spaces shall be set back from adjoining street right-of-way lines to conform with required front and side street setback lines of such residential or services district. In addition, if any of the required parking spaces have direct access and are perpendicular to the side street, there shall be provided a minimum driveway length of 20 feet as measured between the side street property line and the near end of the parking spaces(s).

(B) The parking of any commercial vehicle of more than one and one-half tons capacity on any lot in any residential district shall be considered a commercial use and is prohibited.

(C) The parking and/or storage of boats, campers, travel trailers and motorhomes are permitted in any residential or services district, provided that said vehicle does not extend beyond the property line into the street right-of-way, that said vehicle shall not be used for living, sleeping or housekeeping purposes. In addition, the site clearance requirements of this code shall be applicable.

('80 Code, App. A, § 160) (Ord. 583, passed 9-16-1952; Ord. 800, passed 5-17-1960; Ord. 1812, passed 2-7-1979; Ord. O2010-32, passed 7-7-2010) Penalty, see § 154-999

§ 154-16.05 Location.

Off-street parking facilities or spaces shall be located as required herein. Where a distance is specified, such distance shall be measured from the nearest point of the building or use served by said parking.

(A) For single-, duplex or multiple-family dwellings and motel/hotels, parking facilities shall be located on the same lot or building site as the buildings they are required to serve.

(B) For mobile home parks and recreational vehicle parks, parking spaces shall be located for convenient access to mobile home or trailer spaces. One parking space shall be located on each mobile home or trailer space and the remaining automobile parking spaces required may be located in adjacent parking areas.

(C) For hospitals, nursing homes, convalescent homes, sanitariums, homes for children or the aged, rooming houses, club rooms or fraternity houses, parking facilities shall be located not more than 150 feet from the building they are required to serve.

(D) For uses other than those specified above, a parking lot may be located on a separate lot provided that such lot shall be located not more than 300 feet from the building or use they are required to serve, and that the lot is either in the same zoning district or in a district that permits as a principal use the activity for which the parking is provided.

('80 Code, App. A, § 160) (Ord. 583, passed 9-16-1952; Ord. 800, passed 5-17-1960; Ord. 1812, passed 2-7-1979; Ord. O2010-32, passed 7-7-2010) Penalty, see § 154-999

§ 154-16.06 Exempt Areas.

The following properties are hereby exempt from the minimum parking space requirements of the zoning ordinance except that all additions to existing buildings and all new construction on said parcels shall conform to the requirements of this section to the extent that such modification exceeds the gross floor area of the existing structures on said lots, or of structures existing on said lots at the time of completion of the downtown parking improvement district:

(A) Blocks 6, 10, 11, 14, 15, 16, 19, 20;

(B) Lots 1 through 4, inclusive, of Block 18; and

(C) Block 7 (except Lots 1, 7, 13 through 16, inclusive), City of Yuma Subdivision.

('80 Code, App. A, § 160) (Ord. 583, passed 9-16-1952; Ord. 800, passed 5-17-1960; Ord. 1812, passed 2-7-1979; Ord. O2010-32, passed 7-7-2010)

§ 154-16.07 Minimum Parking Spaces Required.

For all dwellings or businesses hereafter erected, provisions shall be made to supply the following minimum parking requirements. Any parking spaces required for employees shall be determined according to the maximum number of employees on duty and/or residing on the premises at any one time. If for any reason the classification of any use for the purpose of determining the required amount of off-street parking space is not readily determinable hereunder, the classification of the use shall be fixed by the Planning Director upon recommendation of the Building Official.

(A) *Adult arcade.* One space for each arcade machine plus one space for each employee per shift.

(B) *Adult bookstore.* One space for each 300 square feet of gross floor area.

(C) *Adult cabaret.* One space for each 50 square feet of gross floor area where the public is served, plus an additional 10% of the off-street parking required herein for use by employees.

(D) *Adult motel.* One and one-tenth parking spaces shall be provided for each guest room. When auxiliary commercial uses are included, the following additional standards are required:

(1) One parking space for every 60 square feet of gross floor area where public is served;

(2) One parking space for every 400 square feet of gross floor area of commercial accessory use; and

(3) One space for every six seats, if seats are fixed; or one space for 50 square feet for places of public assembly.

(E) *Adult motion picture theater.* One off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas.

(F) *Adult theater.* One off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas.

(G) *Adult video store.* One space for each 300 square feet of gross floor area.

(H) *Auto rental agencies.* One space for each 200 square feet of gross floor area, plus one parking space for each vehicle to be stored on the lot.

(I) *Auto service station motor fuel sales (retail).* One and one-half spaces for each pump dispenser up to the first six pump dispensers and one space for each additional pump dispenser. (Standing areas at pump dispenser island and interior circulation areas shall not be counted as parking areas.)

(J) *Automobile service and repair shops automotive repair.* Three spaces for each service bay. (A service bay shall not be counted as parking space.)

(K) *Banks.* One space for every 200 square feet of gross floor area.

(L) *Bowling alleys.* Three spaces for each alley, plus one for each billiard table, plus one for each five seats in any gallery. (If other uses are included, each use shall provide the spaces required for that use.)

(M) *Cafes, restaurants, cocktail lounges or bars.* One space for each 50 square feet of gross floor area where the public is served, plus an additional 10% of the off-street parking required herein for use by employees.

(N) *Commercial buildings (not otherwise specified herein).* One parking space for each 250 square feet of gross floor area.

(O) *Commercial recreation uses (not otherwise specified herein).* Parking spaces shall be not less than 30% of maximum occupancy as determined by the Fire Department.

(P) *Child day care services, large.* One space per 300 square feet of gross floor area.

(Q) *Drive-in facilities.* Temporary parking spaces are to be provided in moving lanes, or "stack-up", preceding customer service space:

(1) *Drive-in banks.* Three spaces for each service window.

(2) *Personal service businesses (such as dry cleaners and photo pick-up).* Two spaces for each service window.

(3) *Drive-in theater.* One space for each four viewing spaces within theater.

(4) *Facilities that serve fast food and/or beverages.* Seven spaces for each service window.

(R) *Educational facilities.* Elementary and secondary schools, kindergartens and parochial schools shall provide one space for each classroom, plus one space for each five students of legal driving age and one space for each three non-teaching employees.

(S) *Escort agency.* One space for each 300 square feet of gross floor area.

(T) *Gymnasiums or health studios.* One space for each 400 square feet of gross floor area, plus one space for each employee.

(U) *Hospitals.* One space for each three beds, plus one space for each staff doctor, plus one space for each three employees other than staff doctors.

(V) *Hotels and motels.* One and one-tenth parking spaces shall be provided for each guest room. When auxiliary commercial uses are included, the following additional standards are required:

(1) One parking space for every 60 square feet of gross floor area where public is served;

(2) One parking space for every 400 square feet of gross floor area of commercial accessory use; and

(3) One space for every six seats, if seats are fixed; or one space for 50 square feet for places of public assembly.

(W) *Manufacturing and industrial uses (including open industrial uses).* One space for each 500 square feet of gross floor area or one space for each three employees on the maximum shift, whichever is greater. Open industrial uses: one space per 4,000 square feet of lot area.

(X) *Offices and clinics; medical.* One space for each 150 square feet of gross floor area.

(Y) *Motor fuel sales (wholesale).* One parking space per employee per shift.

(Z) *Motor vehicle or machinery retail sales.* One space for each 400 square feet of gross floor area, plus one space for each two employees, plus one for each 20 outdoor vehicle display spaces.

(AA) *Mortuaries, funeral homes.* One space for each 100 square feet of assembly room floor area, plus one employee, plus one for each car owned by such establishment.

(BB) *Nude model studio.* One space for each 300 square feet of gross floor area.

(CC) *Nursing and personal care facilities, large.* One space for each six beds, plus two spaces for any permanent residence on the property.

(DD) *Places of public assembly.* Churches, auditoriums, exhibition halls, theaters, convention facilities, meeting rooms and other places of public assembly shall provide one off-street parking space for every four seats, if seats are fixed; or one space for each 30 square feet of open assembly area where seats are not fixed, excluding platform and stage areas. For churches, off-street parking shall be required for primary seating only.

(EE) *Offices (not otherwise specified herein).* One space for each 300 square feet of gross floor area, exclusive of floor area used for utility equipment.

(FF) *Residential uses.* The following minimum parking requirements shall be met for all residential uses as specified herein except that for a single-family, duplex or multi-family residence constructed or to be constructed on an existing lot of record prior to December 31, 1978, which is less than 7,500 square feet in area, at least one space per dwelling unit shall be provided.

(1) *Single-family dwellings.* Two spaces for each dwelling unit.

(2) *Duplex dwellings.* Two spaces for each dwelling unit. The requirements of § 154-16.03(A) through (C) shall not be applicable to duplexes.

(3) *Multiple-dwellings.* One and one-half spaces for each efficiency one-bedroom or two-bedroom dwelling unit and two spaces for each dwelling unit containing three or more bedrooms.

(4) *Rooming and boarding houses.* One space for each two guest rooms, plus two spaces for any permanent residence on the property.

(5) *Manufactured home park*. Two spaces for each manufactured home space.

(6) *Manufactured home subdivision*. Two spaces for each lot.

(7) *Recreational vehicle park*. One space for each recreational vehicle space.

(GG) *Retail stores, shops, supermarkets, food stores*. One space for each 300 square feet of gross floor area.

(HH) *Trade schools, business colleges*. One space for each 200 square feet of gross floor area.

(II) *Wholesaling and warehousing*. One space for each 800 square feet of gross floor area.

(JJ) *Shopping centers*. Five and one-half spaces per 1,000 square feet of gross floor area.

(KK) *Self-storage facilities*. Two spaces plus one space for each 50 storage cubicles.

(LL) *Sexual encounter center*. Parking spaces shall be not less than 30% of maximum occupancy as determined by the Uniform Building Code as adopted by the city.

('80 Code, App. A, § 160) (Ord. 583, passed 9-16-1952; Ord. 800, passed 5-17-1960; Ord. 1812, passed 2-7-1979; Ord. 2515, passed 2-20-1991; Ord. 2687, passed 1-4-1995; Ord. O2006-14, passed 2-1-2006; Ord. O2010-32, passed 7-7-2010; Ord. O2011-37, passed 11-2-11) Penalty, see § 154-999

§ 154-16.08 Off-street Loading Regulations.

(A) Every hospital, institution, hotel, commercial or industrial building hereafter erected or established shall have and maintain loading spaces.

(1) Loading spaces shall be not less than 12 feet in width, 40 feet in length, and with 14 feet in vertical clearance.

(2) Loading spaces shall be located and designed so that trucks need not back into a street or alley. No part of an alley or street shall be used for loading except for areas designated by the city for loading.

(3) When the lot upon which the loading spaces are located abuts an alley paved to city standards, such loading spaces may have access from the alley provided that said alley is not adjacent to a residential district.

(4) No loading space for vehicles over two-ton capacity shall be closer than 50 feet to any property in a residential zoning district unless enclosed by a building or a solid fence or wall not less than six feet in height.

(5) No loading berth shall be located within any minimum required front or side yard.

(6) No loading space which is provided for the purpose of complying with the provisions of this chapter shall hereafter be eliminated, reduced or converted in any manner below the requirements established in the ordinance, unless equivalent facilities are provided in conformance to this chapter.

(7) Space allocated for any off-street loading facilities shall not, while so allocated, be used to satisfy the space requirements for any off-street parking facilities, or portion thereof.

(8) Required off-street loading spaces shall be located on the same site as the use being served.

(B) *Loading spaces required*. At least the following amounts of off-street loading space shall be provided for uses other than residential, with adequate means for ingress and egress. The following Table No. 4 shall include and apply to all structures in the city.

Table No. 4 - Loading Space Requirements	
Total Square Feet of Building Space (Gross Floor Area)	***Loading Spaces Required***
12,500 up to and including 40,000	1
40,001 up to and including 100,000	2

100,001 up to and including 160,000	3
160,001 up to and including 240,000	4
240,001 up to and including 320,000	5
320,001 up to and including 400,000	6
For each additional 90,000 over 400,000	1 additional

('80 Code, App. A, § 160) (Ord. 583, passed 9-16-1952; Ord. 800, passed 5-17-1960; Ord. 1812, passed 2-7-1979; Ord. O2010-32, passed 7-7-2010) Penalty, see § 154-999

§ 154-16.09 Variances from the Off-Street Parking and Loading Regulations.

(A) The Board of Adjustment shall have the power to grant variances from the specific requirements of this section, provided that it finds that the spirit and intent of these regulations have been substantially complied with. However, this authority does not grant to the board the power to waive all off-street parking and loading requirements.

(B) The Board shall also be authorized to approve plans for the sharing of off-street parking and/or loading space by two or more users of buildings or land, provided that each use of the shared spaces shall function as if having been provided separately. In addition, a legal agreement shall be prepared by and between property owners specifying the conditions for sharing said space(s), and such agreement shall be filed with the Department of Development Services and with the County Recorder.

('80 Code, App. A, § 160) (Ord. 583, passed 9-16-1952; Ord. 800, passed 5-17-1960; Ord. 1812, passed 2-7-1979; Ord. O2010-32, passed 7-7-2010)

Article 17 - Sign Regulations

§ 154-17.01 Purpose.

(A) The principal purpose of the sign regulations is to establish basic design standards, administrative procedures and other criteria pertaining to the time, manner and placement of both on-site and off-site signage located within the city.

(B) Such controls are established in the interests of public safety, community aesthetics and the public need for clear visual communications. Visual distractions, impediments to traffic visibility and competition with traffic control devices shall be prohibited.

(C) The standards and criteria of this chapter are intended to accommodate a certain limited amount of signage in order to be comprehensible, to promote traffic safety and to maintain community aesthetics. As a result, visual clutter and competition between sign structures shall be avoided to allow approved signage to convey visual information to the public in a clear manner.

(D) It is also the intent of this chapter to secure the gradual and eventual elimination, rather than expansion, of nonconforming signs and nonconforming sign structures. Therefore, the number, size, height, location, spacing, the means of installing and the manner of keeping signs and sign structures shall be regulated in order to achieve these purposes.

('80 Code, App. A, § 161) (Ord. 583, passed 9-16-1952; Ord. 2193, passed 3-21-1984; Ord. 2243, passed 12-19-1984; Ord. O2010-09, passed 2-3-2010; Ord. O2010-32, passed 7-7-2010)

§ 154-17.02 Applicability and General Requirements.

(A) *Scope.* The regulations and provisions of this chapter shall be applicable to the construction, establishment or addition of any new sign, sign structure or sign face, whether on-site or off-site, as well as to the relocation, enlargement, extension, reconstruction, replacement, maintenance or continuance of any existing sign, sign structure or sign face. These regulations shall be applicable within any existing or new development area of the city, as well as within any area newly annexed to the city. Nothing herein shall require any change or modification to any signage lawfully established or constructed prior to the effective date of this section, except as provided in division (C) below of this section and § 154-17.05(E) of this chapter.

(Ord. O2010-09, passed 2-3-2010)

(B) *Responsibility.* The duty to erect and maintain signage in the manner specified herein shall be the responsibility of the owner and/or occupant(s) of the property upon which the signage is located.

(Ord. O2010-09, passed 2-3-2010)

(C) *Nonconforming signage.* Any sign or sign structure lawfully existing prior to the effective date of this chapter, whether on-site or off-site and not meeting the standards and requirements specified herein, shall be considered nonconforming and be subject to the following provisions.

(1) *Continuance.* The lawful use of any nonconforming sign or sign structure may be continued indefinitely, provided, however, that any addition, enlargement or other alteration which would increase the degree of nonconformity shall be prohibited. Any nonconforming sign or sign structure which is abandoned for a period exceeding one year shall be subject to the requirements of § 154-17.05(E) of this chapter pertaining to removal of abandoned signage.

(2) *Repairs and alterations.* Repairs and alterations which do not increase the degree of nonconformity shall be permitted, except that if any sign or structure is damaged or has deteriorated to an extent that the cost of repair equals 50% of its replacement value if sound, or if the cost of alteration exceeds 50% of the replacement value, it shall either be rebuilt or replaced in conformance with the standards and requirements of this chapter, or be removed altogether.

(3) *Replacement of on-site signage.* At such time as the name of an activity changes, any nonconforming on-site signage related to such activity shall either be replaced or modified to meet the requirements of this chapter, unless such signage was previously constructed with interchangeable panels, letters or copy. An act of maintenance or repair, or repainting a previously painted sign face, or repapering a previously papered sign or other similar manner of changing a sign face, none of which would increase the degree of nonconformity, shall not be deemed as replacement hereunder and shall be permitted.

(Ord. O2010-09, passed 2-3-2010)

(D) *Conflict and severability.*

(1) Where an action or requirement pertaining to signage is specified by more than one section of the zoning ordinance, or by another ordinance or regulation as may be adopted by the city, or by another state or federal law or regulation where applicable, such action or requirement shall be dictated by the applicable provisions of such regulations. In cases of overlap between ordinances, regulations or laws, the more restrictive provisions shall control.

(2) If any section, sentence, phrase or other portion of this chapter is held by a court of competent jurisdiction to be invalid or unconstitutional for any reason, such portions shall be deemed as separate, distinct and independent provisions, and such holdings shall not affect the validity of the remaining portions of this chapter.

('80 Code, App. A, § 161) (Ord. 583, passed 9-16-1952; Ord. 2193, passed 3-21-1984; Ord. 2243, passed 12-19-1984; Ord. O2010-09, passed 2-3-2010)

(E) *Message substitution clause.* Subject to the consent of the property owner or person in control or possession of the property, a noncommercial message of any type may be substituted for all or part of the commercial or noncommercial message on any sign allowed under this chapter. No special or additional approval is required to substitute a noncommercial message for any other message on an allowable sign, provided the sign structure is already approved or exempt from the approval requirement and no structural or electrical change is made. When a noncommercial message is substituted for any other message, however, the sign is still subject to the same design, locational and structural regulations (e.g., color, materials, size, height, illumination, maintenance, duration of display and the like), as well as all building and electrical code requirements, as would apply if the sign were used to display a commercial message. In the event of any perceived or actual conflict between the general provisions of this division and any other specific provisions in this chapter, the provisions of this division shall prevail.

(Ord. O2008-05, passed 2-20-2008)

(F) *Sign face area.*

(1) Where a sign has two or more faces, the area of all faces shall be included in determining the sign area, except that only one face of a double-faced sign shall be considered where the angle between faces does not exceed 30 degrees.

(2) Where the sign is a statue or similar three-dimensional figure, the sign area shall be the sum of the four vertical rectangular faces of the smallest polyhedron that entirely encloses such statue or figure.

(Ord. O2012-18, passed 10-3-2012)

(G) *Additional sign regulations.* Signage regulations shall be adhered to as they pertain to properties within the Aesthetic Overlay Zoning District (§ 154-14.01(D)(3)) and within the Old Town Zoning District (§ 154-10.03).

(Ord. O2010-32, passed 7-7-2010)

§ 154-17.03 On-Site Signage.

On-site signage shall be permitted within any zoning district, subject to the general requirements of this chapter and the design standards as specified in this section.

(A) *Address/nameplates.* One address and nameplate not exceeding one square foot in area shall be allowed as a matter of right for any building within any zoning district, and shall be in addition to the maximum sign areas specified herein.

(B) *Freestanding signage on shared premises.* Where more than one user shares the same premises, not more than one permanent freestanding, on-site sign shall be allowed for each street upon which the premises front, in accordance with the design standards as specified herein.

(C) *Standards and criteria for permanent on-site signage.*

(1) Any permanent on-site signage proposed for installation shall conform with the standards and criteria indicated in Table No. 5. The number of any permanent on-site sign structures and the amount of any permanent on-site sign face area which already exists on any given premises shall be counted in accordance with these standards and criteria when determining the amount of permanent signage which may be added.

(Ord. O2010-09, passed 2-3-2010)

(2) *Monument sign.* A freestanding sign, where the entire bottom of the sign is affixed to the ground, provides a solid and continuous background for the sign face from the ground to the top of the sign, which is detached from a building, and the support structure is a base constructed of a permanent material. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height. The sign shall be clad to the ground with a base not less than 75% of the total sign width. The height of the structure erected to support or ornament the sign shall be measured as part of the sign height. To encourage design flexibility, the maximum height of the sign may be lowered in order to decrease required setback from the street. No signs shall be permitted within visibility sight triangles. Low profile signs shall be setback, at a minimum, from the property line as follows:

(a)	Over 6 feet in height	12-feet setback;
(b)	4 feet to 6 feet in height	6-feet setback; and
(c)	4 feet or less in height	2-feet setback.

Table No. 5 - Standards and Criteria for Permanent On-Site Signage						
Zoning District	***Type of Sign/ Installation***	***Max. Total Area of All Sign Face(s)***	***Max. Area of Any Sign Face***	***Max. Number of Signs***	***Maximum Height***	
Within Street Setback	***Outside of Street Setback***					

AG	F-S and W-M	24 sq. ft.	12 sq. ft.	1 each of each sign type per street frontage	F-S: 6 ft. W-M: n/a	F-S: 12 ft. W-M: (*)
SR, RE, R-1, R-2 R-3, MH and R-MH	F-S and W-M	2 sq. ft. per dwelling unit	2 sq. ft.	1 per dwelling unit	F-S: 4 ft. W-M: n/a	F-S: 6 ft.(a) W-M: (*)
50 sq. ft. per development(a)	50 sq. ft.(a)	2 per entrance(a)				
24 sq. ft. for each non-residential use	24 sq. ft.	1 of each sign per street frontage				
TR	F-S	24 sq. ft.	24 sq. ft.	1 per street frontage	4 ft.	8 ft.
	W-M and R-M	24 sq. ft. per building	24 sq. ft.	1 per tenant	n/a	(*)
	U-C	2 sq. ft. per door entrance	2 sq. ft.	1 per door	n/a	(**)
PSC, B-1 and I-P	F-S	1 sq. ft. per 1 ln. ft. of street address frontage	300 sq. ft.	1 per street frontage	(d) (e)	
B-2, L-I and H-I	F-S	1 sq. ft. per 1 ln. ft. of street frontage upon which the sign is located (b) (c)	300 sq. ft.	1 per street frontage	(d) (e)	
PSC, B-1, B-2, I-P, L-I and	W-M and R-M	15% of primary building	300 sq. ft.	(f)	n/a	(*)

H-I		facade			
U-C	4 sq. ft. per front entrance	4 sq. ft.	1 per front entrance	n/a	(*)

Table No. 5 Legend:

(*) A minimum distance below the top of the building's wall equal to 10% of the height of the wall, or a distance equal to 25% the narrow dimension of the sign, whichever is less restrictive; signs on a pitched roof must be located a minimum distance below the roofline equal to 20% of the building's height.

Table No. 5 - Standards and Criteria for Permanent On-Site Signage

Zoning District	***Type of Sign/ Installation***	***Max. Total Area of All Sign Face(s)***	***Max. Area of Any Sign Face***	***Max. Number of Signs***	***Maximum Height***
Within Street Setback	***Outside of Street Setback***				

(**) Maximum height not applicable; however, a minimum 7 ft. vertical clearance shall be required from walking grade to the bottom of the sign.

F-SFreestanding sign

W-MWall-mounted sign

U-CUnder-canopy sign

R-MRoom-mounted sign

n/anot applicable

Footnotes: Table No. 5 and Table No. 6

(a) For either an RV park developed within the (MH) District, or a motel developed within the High Density Residential (R-3) District, which adjoins an interstate highway or prime arterial, one additional freestanding, on-site sign shall be permitted outside of the minimum required street yard setback, with a maximum sign face area of one square foot per one linear foot of interstate or area frontage, up to a maximum of 300 square feet, and with a maximum 35 foot sign height.

(b) In the event that more than one sign is erected on a parcel with more than one street frontage as permitted herein, a minimum space shall be required between signs equal to one-half the length of the total street frontage. The spacing shall be measured along the street lines. In no event shall more than one

permanent freestanding, on-site sign be erected on any street frontage, except as provided herein.
(c) A freestanding, on-site sign structure may be erected at the corner of any lot or parcel under one of the following options:
1. One corner sign with a maximum sign face area equal to the sum of the two intersecting street frontages, up to 300 square feet maximum, provided, however, that no other freestanding, on-site sign shall be erected along either of the two intersecting frontages; or
2. One corner sign with a maximum sign face area equal to either of the two intersecting frontages, up to 300 square feet maximum, provided, however, that no other freestanding, on-site sign shall be erected along whichever frontage is used for calculation purposes.
In the event that a lot or parcel has more than two street frontages, a freestanding, on-site sign may be erected on each resultant corner, provided that the total number of such signs shall not exceed the total number of street frontages, and in no event shall any street frontage be counted more than once for the purpose of calculating the maximum allowable sign face area. Corner signs shall also be subject to all other design standards and requirements of this chapter, such as height, setback, spacing between on-site signs on the same parcel, shared premises, and the like, as may be applicable.

Table No. 5 - Standards and Criteria for Permanent On-Site Signage					
Zoning District	***Type of Sign/ Installation***	***Max. Total Area of All Sign Face(s)***	***Max. Area of Any Sign Face***	***Max. Number of Signs***	***Maximum Height***
Within Street Setback	***Outside of Street Setback***				
(d) The support structure for any signage shall be set back a minimum of 12 feet from any street right-of-way line, except that for any sign not exceeding three feet maximum height, a minimum two foot setback from the street right-of-way line shall be required. The minimum setback from the street right-of-way line to the leading edge of the sign face shall be determined by the vertical clearance of the sign face as specified in the Graph No. 1 below; provided, however, that no sign face shall be set back less than two feet from the street right-of-way line, and no vertical clearance shall be less than eight feet.					
(e) The maximum allowable sign height shall be determined according to the sliding scale indicated in Table No. 7, which specifies a maximum 20 foot height					

for a 50 square foot sign face area, up to a maximum 35 foot height for a 300 square foot sign face area. Within this range, sign height may be increased by six hundredths (.06) foot for each square foot of additional sign face area permitted by this chapter. The scale in Table No.7 below is calculated according to the following formula:
Sign Height = (X-50) x (.06) + 20, where X = the proposed sign face area
(f) The maximum total sign face area as specified for this category may be distributed among each building facade or roof section.

(Ord. 2314, passed 4-16-1986; Ord. O2000-55, passed 8-2-2000; Ord. O2010-09, passed 2-3-2010)

(D) *Temporary signage.* Any temporary signage proposed for installation shall conform with the standards and criteria indicated in Table No. 6 and the footnotes except that the number of signs displaying only a noncommercial message may exceed the maximum number of signs on any given lot or parcel.

(1) Standards and criteria for temporary signage per Table No. 6 (also see footnotes).

(2) In no event shall any temporary signage be erected more than 60 days prior to, nor be allowed to remain more than ten days after, the date of the activity, event or other temporary condition to which the sign relates. For the purposes of this division, the measurement of time shall not include such date or period of the activity, event or other temporary condition.

(3) Lighting for temporary sign installations shall be prohibited.

Table No. 6 - Standards and Criteria for Temporary Signage					
Zoning District	***Type of Sign/ Installation***	***Max. Area of Any Sign Face***	***Max. # of Signs***	***Maximum Height***	
Within Street Setback	***Outside Street Setback***				
AG	Freestanding; Wall-mounted	32 sq. ft.	1 per street frontage	6 ft.	12 ft.
SR, RE R-1, R-2 R-3, MH and R-MH	Freestanding; Wall-mounted	10 sq. ft. (less than 1 acre)	1 per lot or parcel	6 ft.	6 ft.
32 sq. ft. (1 acre or more)	1 per street frontage	6 ft.	8 ft.		
	Freestandin		1 per street		

TR	g; Wall-mounted	32 sq. ft.	frontage	6 ft.	8 ft.
B-1, B-2, PSC, I-P, L-I and H-I	Freestanding	100 sq. ft	1 per street frontage	A distance below the uppermost line of the wall upon which mounted, equal to one-half the vertical dimension of sign	
Wall-mounted	32 sq. ft.	1 per building facade			

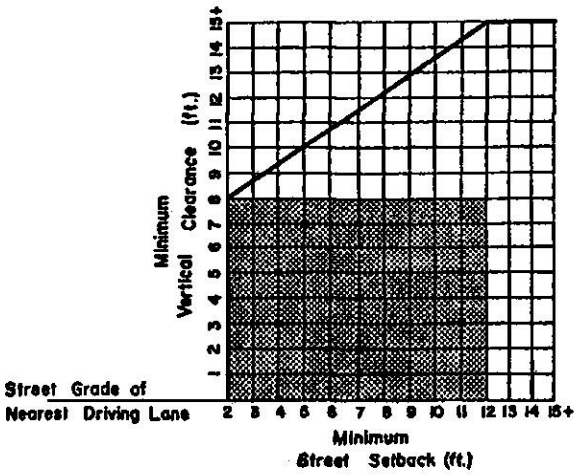
Table No. 7 - Sign Area and Sign Height	
Permitted Sign Face Area (sq. ft)	***Allowable Sign Height (ft.)***
50	20
60	20.6
70	21.2
80	21.8
90	22.4
100	23
110	23.6
120	24.2
130	24.8
140	25.4

Table No. 7 - Sign Area and Sign Height	
Permitted Sign Face Area (sq. ft)	***Allowable Sign Height (ft.)***
150	26
160	26.6
170	27.2
180	27.8
190	28.4
200	29
210	29.6

220	30.2
230	30.8
240	31.4
250	32
260	32.6
270	33.2
280	33.8
290	34.4
300	35

Example: A sign face with a ten foot vertical clearance measured from street grade of the nearest driving lane to the lowest line of the sign face shall be set back a minimum of five feet from the street right-of-way line. No sign face shall be erected to achieve a vertical clearance less than eight feet, unless the sign face is set back a minimum of 12 feet from the street right-of-way line.

Illustrative Example 2 - Graph No. 1



(E) *Directional signage.* Signage provided for the sole purpose of traffic circulation and direction on the premises shall be permitted within any zoning district in the amount of ten square feet per street entrance, and shall be permitted in addition to the maximum on-site sign areas specified herein.

(F) *Schools.* All signs for schools, in any zoning district, shall comply with the following criteria:

(1) Maximum total sign face area of all signs = 150 square feet;

(2) Maximum sign face area per sign (freestanding) = 50 square feet;

(3) Maximum sign face area per sign (wall-mounted) = 100 square feet;

(4) Maximum number of signs = one of each installation type per street frontage;

(5) Maximum height outside streetyard setback = 19 feet;

(6) Maximum height inside streetyard setback = four feet (subject to visibility and clearance requirements); and

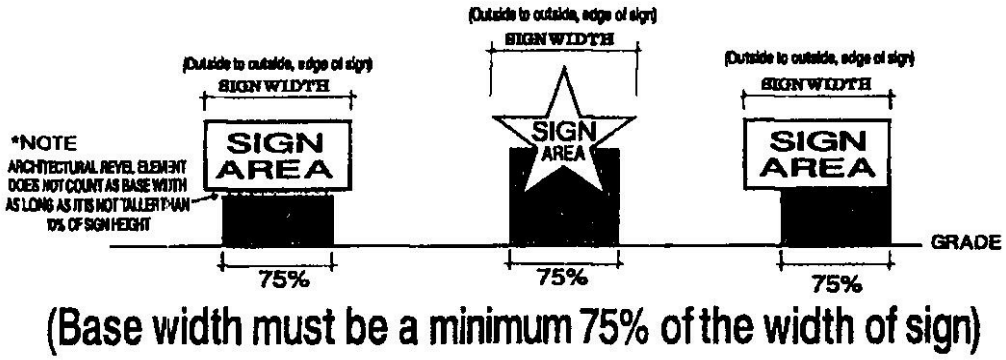
(7) Minimum streetyard setback = 12 feet.

('80 Code, App. A, § 161) (Ord. 583, passed 9-16-1952; Ord. 2314, passed 4-16-1986; Ord. 2533, passed 9-4-1991; Ord. O95-040, passed 9-5-1995; Ord. O2002-46, passed 8-7-2002; Ord. O2010-09, passed 2-3-2010; Ord. O2011-05, passed 2-16-2011) Penalty, see § 154-999

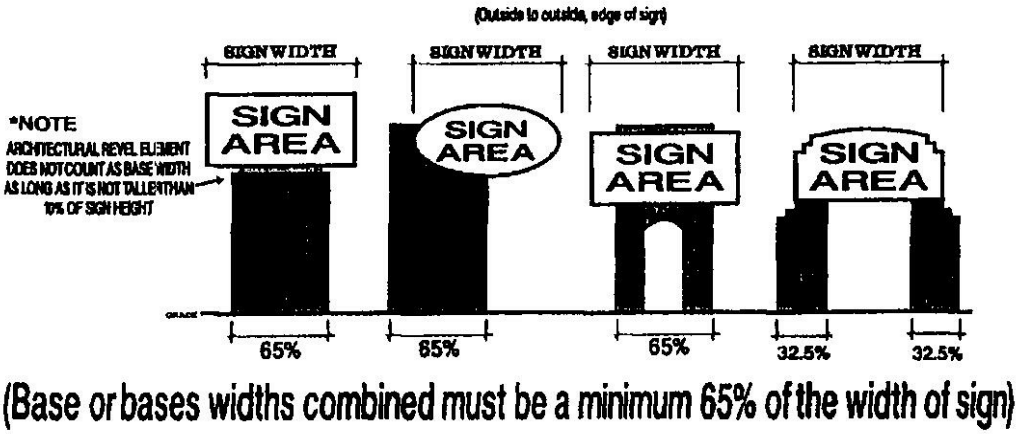
(G) *Signage examples.* The following are illustrative examples.

Illustrative Example 3 - Signage Examples

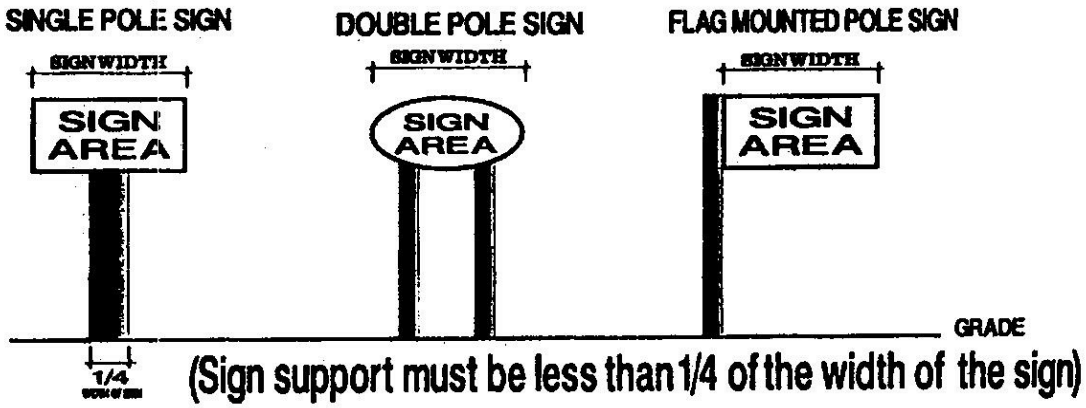
Examples Of Monument Signs



Examples Of Pedestal Signs



Examples Of Pole Signs



('80 Code, App. A, § 161) (Ord. 583, passed 9-16-1952; Ord. 2193, passed 3-21-1984; Ord. 2243, passed 12-19-1984; Ord. O2010-09, passed 2-3-2010; Ord. O2010-32, passed 7-7-2010) Penalty, see § 154-999

§ 154-17.04 Off-Site Signage.

Off-site signage shall be permitted in accordance with the specific standards and criteria set forth in this section, as well as with the additional requirements and provisions of this chapter pertaining to all signage.

(A) *Required zoning districts and frontages.* Off-site signage shall be permitted only on parcels zoned with a General Commercial (B-2), Light Industrial (L-I) or Heavy Industrial (H-I) zoning classification which front along a major arterial street, prime arterial street or interstate highway, as classified by the circulation element of the General Plan, and successors.

(B) *Standards and criteria for off-site signage.* Any off-site signage proposed for installation shall conform with the standards and criteria set forth in the following. The size and location of any off-site signage which already exists shall be considered when determining the amount and location of any new signage proposed for installation under these standards.

(1) *Sign face area.* The maximum sign face area shall not exceed 300 square feet, except that such area may be increased to a maximum of 400 square feet if located on a parcel which fronts along an interstate highway.

(2) *Sign height and vertical clearance.* The maximum sign height shall not exceed 35 feet. In all cases, a minimum ten foot vertical clearance measured from street grade of the nearest driving lane to the lowest line of the sign face shall be required.

(3) *Setback.* The minimum setback from any portion of the sign face or sign structure shall be either 55 feet from the centerline of the arterial street right-of-way or 15 feet from the right-of-way line, whichever produces the greater setback.

(4) *Spacing.* A minimum 600 foot distance, measured as a radius, shall be required between off-site sign installations. In addition, no more than four off-site sign installations shall be located within a linear mile measured along the same street, wherein the beginning point and ending point of such mile coincide with a section line.

(5) *Method of installation.* Each off-site sign shall be erected as a freestanding sign installation as defined by this chapter. No off-site sign shall be erected on the wall or roof of any building.

(C) *Prohibited locations.* Off-site signage shall be prohibited at any of the following locations:

(1) Less than 150 feet from the nearest property line of any residential zoning district;

(2) In any block where the front one-third of any lot or parcels used for residential purposes comprises 50% or more of the block frontage; or

(3) Less than 1,500 feet from the exterior boundary of any federal, state, county or municipal historic park, monument or district.

(Ord. O2010-32, passed 7-7-2010)

§ 154-17.05 Additional Requirements and Provisions.

The following requirements and provisions shall be applicable to all sign installations as regulated by this chapter, both on-site and off-site, whether permanent or temporary.

(A) *Construction and installation standards.* All signs, sign structures and other components including electrical features, shall be designed, constructed and installed in accordance with the requirements of all applicable codes, ordinances and regulations previously adopted, or subsequently adopted, by the city. Those codes and ordinances shall dictate such standards as the means of structural support, allowable stresses, construction materials, wind loads, vibration resistance, seismic loads, electrical wiring and the like.

(B) *Sign label.* The building permit number as required by the City of Yuma Building Safety Division shall be permanently affixed to each sign installation, whether permanent or temporary, for which a building permit is required under this chapter. Any temporary signage for which no permit is required under this chapter shall be affixed with the telephone number of the sign owner. Such information shall be affixed by a weatherproof label, inscription or other permanent means, in a manner legible upon close inspection.

(C) *Maintenance.* Every sign shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, repainting, cleaning and other acts necessary for the maintenance of said sign. If the sign is not made to comply with adequate safety standards, the City Building Official may require its removal in accordance with the provisions of division (E) below of this chapter.

(D) *Damaged or deteriorated signage.* Any sign or structure which is damaged or has deteriorated to an extent that the cost of repair equals 50% or more of the replacement value of the sign if sound, shall either be rebuilt or replaced in conformance with the standards and requirements of this chapter, or be removed altogether.

(E) *Sign removal.* The Building Official shall cause the repair or removal of any sign that endangers the public safety, such as materially dangerous, electrically or structurally defective sign or an abandoned sign, according to the following provisions. The following provisions pertaining to notice, appeal and reoccurrence shall also apply to all signage which is temporary signage extending beyond the permitted time limits according to the criteria specified by § 154-17.03(D) of this chapter.

(1) *Notice.* Written notice shall be sent to the owner of the sign if it is an off-site sign, or to the owner of the premises upon

which an on-site sign is situated. Such notice shall identify any hazards, defects and deficiencies of the sign or sign structure, and the specific section(s) of this chapter or other applicable building code or ordinance adopted by the city to which the violations pertain. Said notice shall further indicate what repairs or other action, if any, would correct the violation(s) as noted, and shall specify a period of 30 days for either the repair or removal to be accomplished.

(2) *Appeal.* The owner of the sign, or the owner of the building or property, upon which it is situated, may appeal the order of the Building Official for removal or repair, by filing a written notice with the Building Official within ten days after receipt of the notice, for final consideration by the appropriate city board. The Board of Appeals shall consider appeals pertaining to the building code; the Electrical Advisory Board shall consider appeals pertaining to the electrical code; and the Board of Adjustment shall consider appeals pertaining to removal of abandoned signage, as well as any appeals from any interpretation made by the Zoning Administrator.

(3) *Emergency.* Should the Building Official determine that the sign or structure causes imminent danger to the public safety, contact shall be made with the owner to require immediate removal or correction. In the event that contact cannot be made with the owner, or the owner fails to correct the danger, the Building Official shall correct the danger by ordering the sign removal. Any sign removed by the Building Official pursuant to such emergency shall be disposed of in the manner deemed appropriate by City Council, upon recommendation by the Building Official. All costs associated with removal of such sign by the city, including all incidental costs, shall be considered a debt owed to the city by the owner of the sign if it is an off-site sign, or the owner of the property if it is an on-site sign, and shall be recovered in the following manner.

(a) The Building Official shall submit a report to the City Clerk for public hearing by the City Council. Such report shall include a description of the work done, an itemized account of all expenses incurred, a legal description of the property upon which the signage is or was located, and the name(s) and address(es) of the property owner and/or sign owner, if reasonably ascertainable.

(b) The City Clerk shall cause notice of the public hearing to be posted on the property involved, published once in a newspaper of general circulation within the city, and served by certified mail to the owner of the property if it is an on-site sign, according to the names and addresses shown on the county assessment roll, and to the owner of the sign if it is an off-site sign if such name and address are reasonably ascertainable. Such notice as specified herein shall be given at least ten days prior to the hearing, and shall further specify the day, hour and place for the hearing.

(c) At the conclusion of the public hearing, the City Council shall confirm or deny the report, with or without any modifications as it deems appropriate, and shall determine whether the charges are to be recovered by personal obligation of the property owner. Should Council order that the charges shall be a personal obligation of the property owner and/or the sign owner, the City Attorney shall be authorized to collect the same by use of all appropriate legal remedies.

(F) *Locations within right-of-way.* No sign shall be located within any existing or prospective public street right-of-way as classified by the circulation element of the Yuma General Plan, nor shall any portion of a sign or sign structure overhang such right-of-way, except as provided in this code.

('80 Code, App. A, § 161) (Ord. 583, passed 9-16-1952; Ord. 2193, passed 3-21-1984; Ord. 2243, passed 12-19-1984; Ord. O2005-91, passed 10-5-2005) Penalty, see § 154-999

(G) *Balloons and inflatable devices.* The following applies to the use of balloons and other inflatable devices used as signs.

(1) Individual balloons/inflatable devices or strings of balloons shall not be higher than the building located on the site.

(2) Individual balloons/inflatable devices or strings of balloons shall be tethered to the ground a distance from the property line equal to the balloon height.

(3) Individual balloons/inflatable devices or strings of balloons are required to be maintained solely on the property of the business for which it is advertising.

(4) Individual balloons/inflatable devices or strings or balloons are not allowed to cross into the right-of-way, whether in the air or on the ground.

(5) Individual balloons/inflatable devices or strings of balloons are not allowed to be cut loose or to blow away. The maintenance and disposal of the balloons is the responsibility of the business that they are advertising. Balloons must be removed and disposed of properly.

(6) The provision of § 154-14.02(C)(3) development standards in the AutoCenter Overlay District does not apply to balloons and inflatable devices.

('80 Code, App. A, § 161) (Ord. 583, passed 9-16-1952; Ord. 2193, passed 3-21-1984; Ord. 2243, passed 12-19-1984; Ord. O2005-91, passed 10-5-2005; Ord. O2007-52, passed 10-3-2007; Ord. O2010-09, passed 2-3-2010; Ord. O2010-32, passed 7-7-2010) Penalty,

see § 154-999

§ 154-17.06 Prohibited and Exempt Signs and Restrictions.

(A) *Prohibited signs.* The following types of signs shall be prohibited:

(1) Portable signs as defined by this chapter;

(2) Streamers displayed for periods exceeding 15 days;

(3) Balloons exceeding four feet in diameter;

(4) Animated, flashing or indexing signs. This category shall not include signage whose only function is to display time, temperature or other message by such electronic means;

(5) Swinging signs;

(6) Signs which rotate more than six revolutions per minute;

(7) Banners, other than for identifying a special event for a maximum period of 15 days;

(8) Any sign attached to a stand pipe or fire escape;

(9) Any sign which impedes access to any door, window or fire escape;

(10) Signs on public property, unless approved through a development agreement. Any signs allowed with an approved development agreement and located within the Aesthetic Overlay (AO) District or the Historic (H) District shall also be required to be reviewed and approved by the Design and Historic Review Commission (DHRC) prior to installation;

(Ord. O2009-54, passed 10-21-2009)

(11) Any sign which facsimilates traffic control devices or emergency vehicles by reason of shape, color or other feature;

(12) Any on-site sign attached to an off-site installation which increases the existing sign face area;

(13) Any off-site sign attached to an on-site sign installation; and

(14) Any other type of signage which does not comply with the regulations and provisions of this chapter.

(B) *Exempt signage.* The following types of sign installations shall be exempt from the requirements of this chapter:

(1) Flags;

(2) Government signs for street names, traffic control or other regulatory purpose of the government;

(3) Holiday decorations; and

(4) Signage located within the interior of any building or other enclosure, and not visible from any public right-of-way or adjoining property, provided, however, this provision shall not exempt such installations from the requirement for any electrical permit, such as an illuminated sign within an enclosed mall, any structural permit or other requirement of an applicable building code or other regulation adopted by the city.

(5) *Temporary signs.*

(a) Temporary signs are only permitted for licensed businesses that are located onsite, whose access or visibility are currently impacted by any type of undergoing active roadway construction, repair or maintenance that is immediately occurring adjacent to/or in front of the property and currently impacted by such.

(b) A temporary sign application is required to be filed with the city to determine placement of such, prior to installation.

(c) The City Administrator or designee is authorized and directed to promulgate regulations to effect this section.

(Ord.O2010-07, passed 1-20-2010)

(6) A sign on a truck, bus, boat, trailer, car or other motorized vehicles and equipment provided the following conditions are

adhered to:

(a) Primary purpose of such vehicle or equipment is not the display of signs;

(b) Such signs are magnetic, decals or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle;

(c) Vehicle/equipment is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate;

(d) Vehicles and equipment are not used primarily as static displays, advertising a product or service, not utilized as storage or shelter; and

(e) During periods of inactivity exceeding 72 hours such vehicle/equipment are not so parked or placed that the signs thereon are displayed to the public. Vehicles and equipment engaged in active construction projects and the on-premise storage of equipment and vehicles offered to the general public for rent or lease shall not be subjected to this condition.

(C) *Signage for which no permits are required.* Permits shall not be required for any of the following sign installations, provided, however, that such installations shall meet all other requirements of this chapter as may be applicable:

(1) Changing the copy of a sign previously designed with interchangeable panels, letters or other graphics;

(2) Cleaning, repair, repapering, repainting a previously painted sign or other maintenance, including replacement of a sign face necessitated by damage or deterioration, none of which increases the existing sign face area. No activity shall be contrary to the requirements of §§ 154-17.02(C) and § 154-17.05(D) of this chapter;

(3) The painting of any on-site signage, whether permanent or temporary, within a window of any building wall, or the installation or modification, of any merchandise display within an existing window;

(4) Temporary signage not exceeding 32 square feet in area and six feet in height; and

(5) Off-site open house real estate signs, subject to the following criteria:

(a) Off-site open house signs may be used on a temporary basis for the purpose of directing traffic to a home for sale;

(b) The signs shall not be placed in any public right-of-way;

(c) The signs shall not exceed an area of four square feet;

(d) The signs shall be used only when sales personnel are at the home being advertised for sale and removed when sales personnel leave the home;

(e) A maximum of three signs for each home or group of homes in the subdivision shall be allowed; and

(f) Signs shall not be erected without the consent of the property owners on whose property the signs are erected.

(Ord. O2008-06, passed 2-20-2008; Ord. O2010-32, passed 7-7-2010)

§ 154-17.07 Administration.

(A) *Responsibilities.* The administration and enforcement of these regulations shall be the responsibility of the City Zoning Administrator and the Building Official, in accordance with the customary duties and responsibilities of each official, respectively, and as further provided by this subchapter and by Article 2; § 154-02.02.

(B) *Issuance of building permits.*

(1) *Permits required.* A permit issued by the City of Yuma Building Safety Division shall be required for the installation, construction, reconstruction, alteration or replacement of all signs and sign structures as specified in the following. Failure to obtain such permit shall be considered a violation of this chapter. Approval of such permit by the city shall not eliminate any requirement to secure a permit from the State of Arizona pursuant to state law where applicable.

(a) *Application.* All permit applications shall be in the form prescribed by the Building Safety Division, and shall further include the information required by this subchapter.

(b) *Permanent signage.* A permit shall be required for all permanent sign installations as regulated by this chapter, including the painting or other attachment of any signage on the exterior of any building, wall, roof, fence or other outdoor surface as a new sign installation. In applying for such permit, the sign owner shall indicate in writing whether the sign is to be an on-site or an off-site sign installation.

(c) *Temporary signage.* A permit shall be required for any temporary sign installation exceeding 32 square feet in sign face area, and exceeding six feet in height, provided, however, that the installer of any temporary sign exceeding ten square feet in sign face area shall register its location, as permitted by this chapter, with the City of Yuma Department of Development Services. In applying for such a permit for temporary signage as required herein, the applicant shall indicate in writing the date by which such signage shall be removed.

(d) *Electrical permits.* If the sign or sign structure is to be illuminated by electrical means, a separate electrical permit shall be required in accordance with the standards and requirements of the electrical code as adopted by the city.

(2) *Requirements for permit applications.* Each application for a sign permit shall be accompanied by a plan or plan(s) drawn to scale which indicate the following:

(a) Complete dimensions to illustrate the sign face area, the height of the sign structure if freestanding, or the dimensions of the wall, roof or canopy upon which mounted or painted;

(b) The total amount of sign face area already existing on the property, whether permanent or temporary, on-site and off-site, and their locations;

(c) The location of the sign installation on the property, as well as the location of all property lines, curb lines, curb cuts and sidewalks pertinent to the sign location;

(d) The method of attachment, illumination and structural support; any calculations as may be required by the Building Official shall also be included; and

(e) The exact location of the property upon which the signage is to be installed, either by address or legal description.

(C) *Fees.*

(1) *Permit fee.* Prior to the issuance of any permit for a sign installation, the Building Safety Division shall collect a permit fee in the amount specified by Table No. 3A of the Uniform Building Code, current edition, and any successors or amendments, as adopted by the city.

(a) Such fee shall be based on the total valuation of the sign and sign structure, whether or not made locally, as calculated according to the building valuation data maintained by the Building Safety Division. The building valuation data include the unit cost per square foot sign face area for illuminated and nonilluminated signage.

(b) For any addition to an existing sign or sign structure, the valuation shall be based upon the square footage of the sign face area to be added.

(2) *Plan check fee.* In addition to the permit fee, a plan check fee shall be collected by the Building Safety Division in the amount of 65% of the permit fee. The plan check fee shall be required at the time that a permit is applied for and plans are submitted, and shall be paid whether or not a permit is issued.

(3) *Investigation fees.* Should there begin any work for which a permit is required by this chapter, and no permit has been issued, the Building Division shall conduct a special investigation prior to issuing any permit for such work. The investigation fee shall equal, and be in addition to, the permit fee.

(a) In addition, the party performing work shall be subject to the penal provisions of this chapter, well as the applicable provisions of any other code or ordinance adopted by the city.

(b) A re-inspection fee shall be assessed when the work for which the inspection is called is not complete, or when corrections previously noted have not been made. Such fee shall be $15 and shall be collected by the Building Safety Division prior to conducting any further re-inspections.

(D) *Variances.* Variances may be granted by the appropriate city board as specified herein, to allow relief from the design standards specified by this chapter. However, no relief shall be granted to permit the erection of signs which are prohibited by § 154-17.06(A) of this chapter.

(1) Requests for variances from the design criteria of this chapter, such as, but not limited to, the size, height, location, spacing

and number of signs, as well as the requirements pertaining to the manner of keeping, shall be considered by the City of Yuma Board of Adjustment. Such variance requests, as well as any appeal from an interpretation made by the Zoning Administrator, shall be considered in accordance with the requirements and criteria of Article 2; § 154-02.02 of this chapter. However, since it is the intent of this chapter to secure the gradual and eventual elimination, rather than expansion, of nonconforming signs and sign structures, the Board of Adjustment shall not grant any variance to increase the degree of nonconformity for any existing signage.

(2) Requests for variances from the structural or mechanical requirements of any building code as may be adopted by the city, or any appeal from an interpretation made by the Building Official, shall be considered by the appropriate board, such as the Board of Appeals or the Electrical Advisory Board, in accordance with their adopted procedures.

('80 Code, App. A, § 161) (Ord. 583, passed 9-16-1952; Ord. 2193, passed 3-21-1984; Ord. 2243, passed 12-19-1984; Ord. O2010-09, passed 2-3-2010; Ord. O2010-32, passed 7-7-2010)

Article 18 - Outdoor Lighting Regulations

§ 154-18.01 Purpose.

The principal purpose of the outdoor lighting regulations is to create standards for outdoor lighting which do not conflict with the reasonable use and enjoyment of property within the city and with astronomical observations. It is the intention of this subchapter to encourage the conservation of energy while increasing night-time safety, utility, security and productivity, through regulation of the types, kinds, construction, installation and use of outdoor electrically powered illuminating devices, lighting practices and systems.

('80 Code, App. A, § 180) (Ord. 583, passed 9-16-1952; Ord. 2396, passed 3-2-1988; Ord. O2010-32, passed 7-7-2010)

§ 154-18.02 General Requirements.

(A) *Top-mounted*. Outdoor advertising sign lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements in Table No. 8.

(1) This is the preferred light source to minimize undesirable light emission into the night sky affecting astronomical observations.

(2) Metal halide lighting used primarily for display purposes shall not be used for security lighting after 11:00 p.m. Metal halide lamps shall be installed only in enclosed luminaries. These lamp fixtures shall be "filtered", a glass, acrylic or translucent enclosure of the light source (quartz glass does not meet this requirement).

(3) Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within, do not require shielding. Dark backgrounds with light lettering and warm white and natural lamps are preferred to minimize detrimental effects.

(4) For purposes of this subchapter, quartz lamps shall not be considered an incandescent light source.

(B) *Bottom-mounted*. An outdoor advertising sign illuminated by any type of bottom-mounted outdoor lighting system or fixture, which is installed at or on the lower portion of any outdoor advertising sign or fixture shall be prohibited unless said lighting fixture is shielded to confine the light to the sign face.

(C) *Mercury vapor*. Mercury vapor lamps and fixtures are prohibited for use as outdoor lighting. Mercury vapor lamps in use for outdoor lighting on the effective date of this chapter shall not be used after January 1, 2011.

(D) *Searchlights*. Prohibited.

(E) *Recreational facilities*. Public or private recreational facilities, which are illuminated with outdoor lighting fixtures conforming to these regulations may operate any time with such illumination. Outdoor recreational facilities not conforming to these regulations shall not be illuminated after 11:00 p.m. except to conclude a specific recreational or sporting event or any other similar activity conducted at or in the facility which was in progress under such illumination; prior to 11:00 p.m.

(F) *Outdoor advertising off-site signs*. The electrical illumination of outdoor advertising off-site signs including those internally illuminated, is prohibited between the hours of 12:00 a.m. midnight and sunrise.

(G) *Flagpoles*. Outdoor lighting fixtures used to illuminate a flagpole shall be mounted on the top of the flagpole structure and adhere to the shielding requirements outlined in Table No. 8. In cases where it is impossible to light a flagpole structure from the top, bottom-mounted lights shall be connected to a timer which extinguishes all but the minimal light source necessary to illuminate the flag between the hours of 11:00 p.m. and sunrise.

('80 Code, App. A, § 180) (Ord. 583, passed 9-16-1952; Ord. 2396, passed 3-2-1988) Penalty, see § 154-999

Table No. 8 - Shielding Requirements	
Fixture Lamp Type	***Shielding Requirements***
Any light source of 70W or less	None
Fluorescent	Fully shielded (3)
Glass tubes filled with neon, argon, krypton	None
High pressure sodium	Fully shielded
Incandescent 150W or less	None

Table No. 8 - Shielding Requirements	
Fixture Lamp Type	***Shielding Requirements***
Low pressure sodium (1)	Partially shielded
Metal halide (2)	Fully shielded
Quartz (4)	Fully shielded

(Ord. O2010-32, passed 7-7-2010)

§ 154-18.03 Permanent Exemptions.

(A) *Nonconforming fixtures.* Legally installed outdoor lighting not conforming to the provisions of this chapter shall be allowed to remain, provided such fixtures are extinguished between the hours of 11:00 p.m. and sunrise by automatic shut-off device.

(B) *Fossil fuel light.* All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels are exempt from all requirements of this code.

(C) *State and federal facilities.* Outdoor light fixtures installed on, and in connection with those facilities and land owned or operated by the federal government or the State of Arizona, or any department, division, agency or instrumentality thereof, are exempt from all requirements of this chapter. Voluntary compliance with the intent of this chapter at those facilities is encouraged.

('80 Code, App. A, § 180) (Ord. 583, passed 9-16-1952; Ord. 2396, passed 3-2-1988; Ord. O2010-32, passed 7-7-2010)

§ 154-18.04 Submittal of Plans.

(A) *Submittal contents.* The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor light fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this chapter. The submittal shall contain, but shall not be limited to, the following:

(1) Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors and other devices;

(2) Description of the illuminating devices, fixtures, lamps, supports, reflectors and other devices and the description may include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required); and

(3) Photometric data, such as that furnished by manufacturers, or similar, showing the angle of cut off of light emissions.

(B) *Subdivision plat certification.* If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying compliance with the regulations of this chapter.

('80 Code, App. A, § 180) (Ord. 583, passed 9-16-1952; Ord. 2396, passed 3-2-1988; Ord. O2010-32, passed 7-7-2010)

Article 19 - Personal Wireless Communications

§ 154-19.01 Purpose.

The principal purpose for the personal wireless communications facilities (PWCF) regulations is to create standards for the construction of a personal wireless communications infrastructure that provides adequate communications services for the citizens of the city while preserving the health, safety, welfare and aesthetic values of the community. The city emphasizes the use of the latest technologies that are sensitive to the minimization of visual clutter, minimizes the impact on the design features of buildings, and will preserve scenic view sheds and major gateways of the city. Individual residential end users receiving communication signals at their home through duly authorized unlicensed consumer electronic devices are exempt from these regulations.

(Ord. O2000-35, passed 6-21-2000; Ord. O2010-32, passed 7-7-2010)

§ 154-19.02 General Application Requirements.

All applications, unless specifically stated herein, are required to include:

(A) *Service area map.* The applicant shall provide a map showing their full personal wireless communications network within a mile radius of the city. The map shall provide the location, mounting type and height of each network structure. The map shall also include arterial streets, state and federal highways and the locations of any proposed or potential new locations for any personal wireless communication facilities for the applicant's network. Subsequent applications will require the submission of any alterations made to the network map initially submitted to the city. The horizontal location of all facilities shall be tied in/referenced to the North American Datum of 1927 (NAD27). The vertical elevation of all facilities shall be tied in/referenced to the National Geodetic Vertical Datum of 1929 (NGVD29);

(B) *Site plan drawn to 20:1 scale.* The site plan must show the building(s) on the site, on-site parking, surrounding parcels, parcel dimensions, property lines, right-of-way distances to centerline of the adjacent street(s), names of all adjacent streets, distances between the wireless facility and any structures and rights-of-way and easements within 150 feet, north arrow and scale, type and location of all landscaping and the irrigation source;

(C) *Easements.* Copies of any necessary, recorded easements for accessing the property;

(D) *Authorization from the property owner of record to use the property.* To be authorized, the applicant must submit a copy of an executed lease or a signed and notarized statement from the property owner;

(E) *Environmental impact analysis.* All personal wireless communication facilities located within a historic district, wetland area, national heritage area or other environmentally sensitive location must submit an environmental impact analysis that certifies that the facility complies with the National Environmental Policy Act;

(F) *Conformity to all applicable state and federal regulations.* All personal wireless communications facilities must conform to all applicable state and federal regulations; and

(G) *Required information.* If the proposed facility transmits in any way, the facility will require the review and written comment of the Marine Corps Air Station (MCAS) if it is located within the specified distances of MCAS and has the maximum power output delineated in Table No. 9. In accordance with the safe operations of the Marine Corps Air Station (MCAS), all transmitter applications that require the review of MCAS must submit the following information:

(1) The longitude and latitude of the location of the proposed personal wireless communications tower;

(2) The mean sea level (MSL) elevation of the site where the communication tower will be located;

(3) The transmission frequencies to be used by the facility; and

(4) The power output of the proposed facility.

Table No. 9 - Distance and Output (MCAS)	
Distance to MCAS	***Maximum Power Output***
1.5 miles or less	2.5 watts or less
10 miles or less	2.5 watts to 5 watts
20 miles or less	5 watts to 25 watts
Any distance within the city	25 watts or greater

(Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002; Ord. O2010-32, passed 7-7-2010)

§ 154-19.03 General Development Standards.

(A) All ground level base stations/equipment cabinets and associated equipment, greater than 75 cubic feet, must be enclosed by a six foot tall or higher painted or stucco masonry wall to screen it from view. Screen walls shall be landscaped with a five foot wide perimeter area according to the landscaping requirements for screening per § 154-20.04.

(B) All roof top mechanical and electronic devices, base stations or similar equipment must be screened from view through the use of a masonry screen wall, parapets or other architectural devices. Rooftop screening shall be considered adequate if it screens all of the base station(s) and associated mechanical and electronic equipment from the view of a pedestrian located at any point on the sidewalk on the opposite side of any adjacent street and at any point on the interior property lines of the subject parcel that do not abut a public right-of-way.

(C) All personal wireless communications facilities must be setback equal to the setback of the principal building on the site or 20 feet from the proposed right-of-way line (as defined by the Major Roadways Plan), whichever is greater, except those antennas located within the public right-of-way by encroachment permit.

(D) No personal wireless communication facilities are permitted on any building designated as an individual landmark or are located within a historic district unless such personal wireless communication facilities are approved through the Design and Historic Review Commission.

(Ord. O2009-54, passed 10-21-2009)

(E) No personal wireless communication facilities are permitted on any building within an Aesthetic Overlay (AO) Designation unless such personal wireless communication facilities are approved through the Design Review Commission.

(F) Panel, whip and other low impact antenna are encouraged.

(G) No signage, other than required identification and safety signage, is permitted on any personal wireless communication facilities.

(H) Lighting of any personal wireless communication facility is prohibited unless required by another public agency.

(I) The owner of any personal wireless communication facility must provide the city with a copy of the notice to the FCC of intent to cease operations. Any personal wireless communication facilities and all associated materials not in use for one year must be removed by the owner and the site must be returned to a state compatible with the surrounding vegetation and/or structure at the owners expense.

(J) The owner of any personal wireless communications facility shall notify the city of the change of ownership for any personal wireless communications facility and the notice must include the contact name, address and phone number of the new owner.

(K) The use of lattice towers is discouraged and towers requiring guy wires are not permitted. Monopoles painted to reduce the visual impact and contrast are preferred.

(L) Unless specifically stated, all personal wireless communications facilities are limited by the height limitations of the district in which the property is located.

(M) Legal nonconforming personal wireless communications facilities established prior to this article may continue operation. However, no expansion of the use is allowed until those facilities are brought into compliance with this section. Any personal wireless communication facilities and all associated materials not in use for one year must be removed by the owner and the site must be returned to a state compatible with the surrounding vegetation and/or structure at the owners expense. A change in the principal use of the parcel will require the personal wireless communications facility to be brought into compliance with this section.

(Ord. O2000-35, passed 6-21-2000; Ord. O2010-32, passed 7-7-2010)

§ 154-19.04 New and Replacement Freestanding Monopoles and Lattice Towers.

(A) In addition to the general application requirements listed in § 154-19.02, the following information shall be submitted:

(1) A statement of intent to lease space for co-location for any new or replacement monopoles or lattice towers over 40 feet in height. Said statement is to contain the number of providers that can be accommodated on the tower and list the number and type of additional antennas the tower will support if any additional space is available; and

(2) Those structures requiring a conditional use permit only are required to submit a visual study depicting "where within a 600 foot radius any portion of the monopole or lattice tower could be seen" and a narrative describing in layman terms the reasons for selecting a monopole or lattice tower and a list of all feasible alternatives, including alternative sites considered in the site search, attempts to co-locate on existing buildings, rooftops, right-of-way structures or other structural features and the factors that have eliminated their consideration.

(B) In addition to the general development standards listed in § 154-19.03, the following development standards shall apply:

(1) Limited to 100 feet in height as measured from the lowest grade of the site adjacent to the tower to the highest point of the device;

(2) A minimum separation of 600 feet distance shall be maintained between the new monopole or lattice tower and any existing freestanding towers or monopoles;

(3) All monopoles or lattice towers must be setback a minimum one foot for every one foot in height of the structure (1:1) from any residential use or zone, or any hillside;

(4) All equipment and monopoles or lattice towers must be setback equal to the principal building on the site or at least 20 feet from the proposed right-of-way line, as determined by the Major Roadways Plan, whichever is greater; and

(5) All antenna arrays shall be limited to a maximum eight foot diameter.

(Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002; Ord. O2010-32, passed 7-7-2010)

§ 154-19.05 Temporary Mobile Personal Wireless Communication Units.

(A) *Permit length limitations.* The following permit length limitations shall apply to temporary mobile personal wireless communication units. All temporary unit locations may be used for a period not to exceed 60 days. A request for an extension may be submitted in writing to the Zoning Administrator for a one time 60-day extension. The provider may not locate another temporary unit within a 600-foot radius of this location for one year after the expiration of the temporary permit. All temporary units require Zoning Administrator approval.

(B) *Abbreviated application requirements.* Due to the temporary nature of these units, the following abbreviated application requirements apply:

(1) *Site plan drawn to 20:1 scale.* The site plan must show the building(s) on the site, on-site parking, surrounding parcels, parcel dimensions, property lines, right-of-way distances to centerline of the adjacent street(s), names of all adjacent streets, distances between the temporary wireless facility and any structures and rights-of-way and easements within 150 feet, north arrow and scale, and location of all landscaping; and

(2) *Written authorization.* The applicant shall provide the city with written authorization from the owner of record to use the property. To be authorized for use the applicant must submit a copy of an executed lease or a signed and notarized statement from the property owner.

(C) *Site and structural requirements for temporary mobile personal wireless communication units.*

(1) All temporary facilities must be setback from the property line, zoning demarcation line or roadway right-of-way line a distance of one foot for every one foot in structure height from a residential use or zone or an arterial street, state or federal highway.

(2) The temporary tower can be no higher than 65 feet in height (measured from the lowest point of natural grade of the lot it is located on to the highest point of the unit) and cannot interfere with any required parking or access to the lot or surrounding lots.

(3) All antenna arrays are limited to a four foot maximum diameter.

(Ord. O2000-35, passed 6-21-2000; Ord. O2010-32, passed 7-7-2010)

§ 154-19.06 Roof-Mounted Personal Wireless Communication Facilities.

(A) *Information to be submitted.* In addition to the general application requirements listed in § 154-19.02, the following information shall be submitted:

(1) Elevations from each cardinal direction drawn to scale;

(2) A rooftop plan, drawn to scale, showing all appurtenances, their dimensions and the percentage of the roof area used; and

(3) A visual study showing how the base station/equipment cabinet will be screened from the view of a pedestrian on the opposite side of any adjacent public rights-of-way and from any side and rear property lines.

(B) *Development standards.* In addition to the general development standards listed in § 154-19.03, the following development standards shall apply:

(1) No one antenna or base station can be greater than 10% of the roof area and total roof appurtenances cannot exceed 25% of the roof area;

(2) Roof-mounted base station and associated equipment must be screened from the view of a pedestrian on the opposite side of any adjacent public rights-of-way and from any side and rear property lines;

(3) A roof-mounted antenna or related base station may be 20 feet high or the height of the antenna or related base station may be equal to or less than the value of 0.5% of the building footprint, whichever is taller, not to exceed 100 feet total height or the building height limitations of the zoning district, whichever is lower. The building footprint is defined as the gross first floor square footage of the building. Attached parking structures, shade structures and the like are not considered a part of the building footprint unless they are enclosed by walls and a roof structure (i.e., a building with a 10,000 square foot building footprint would be permitted to install a 50 foot high wireless facility (0.005 x 10,000), subject to the height limits of the zoning district);

(4) Buildings which exceed the height limitations of the district that they are located in at the time of the enactment of this article, may place a personal wireless facility on the roof, not to exceed 20 feet in height above the roof, subject to the remaining requirements of this article;

(5) No roof surface may be extended for the sole purpose of achieving additional antenna height. An increase in the building footprint may allow for additional antenna height; and

(6) All roof-mounted antenna arrays are limited to a four foot maximum diameter except for those antennas located in Industrial Districts where antenna arrays are limited to an eight foot maximum diameter.

(C) *Encouraged and prohibited structures.*

(1) Whip antennas and other unobtrusive antennas are encouraged.

(2) Lattice towers are permitted for roof-mounted personal wireless facilities only in Industrial Districts and the General Commercial (B-2) District except when the Aesthetic Overlay District is applied to properties with such zoning. In those instances lattice towers are not permitted for roof-mounted personal wireless communications facilities and in all other locations the use of lattice towers is prohibited.

(Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002; Ord. O2010-32, passed 7-7-2010)

§ 154-19.07 Wall-Mounted Personal Wireless Communication Facilities.

(A) In addition to the general application requirements listed in § 154-19.02, the following information shall be submitted:

(1) An elevation, drawn to scale, of the wall the antenna is to be mounted to; and

(2) A cross section of the wall, drawn to scale, showing the protrusion of the antenna and associated materials.

(B) In addition to the general development standards listed in § 154-19.03, the following development standards shall apply.

(1) All wall-mounted antennas, except for wall strapped facilities, on any facade, may not protrude more than 12 inches from the wall and must be painted and textured to blend with the wall that it is attached to.

(2) All wall-mounted antennas on any facade, except for wall strapped facilities, must be located a minimum of 12 inches below the roof line.

(3) Wall strapping is permitted only in the Industrial Districts and the General Commercial (B-2) District and size is strictly limited to monopoles of a two inch diameter or less and lattice structures of a 24-inch diameter or less (see permitted uses). The height of the strapped structure may be 20 feet high or the height of the antenna or related base station may be equal to or less than the value of 0.5% of the building footprint, whichever is taller, not to exceed 100 feet total height or the building height limitations of the zoning district, whichever is lower. Any structures that are strapped to an exterior wall for support and exceed the roof line must be located the greatest distance possible from any adjacent public right-of-way.

(4) No existing roof line may be altered solely to accommodate additional antenna height.

(5) Only panel or whip antenna are permitted for direct mounting to a wall surface. Wall strapped facilities may use a wire parabolic/dish antenna. Antenna arrays for wall strapped facilities shall be limited to a two foot maximum diameter.

(Ord. O2000-35, passed 6-21-2000; Ord. O2002-09, passed 2-20-2002; Ord. O2010-32, passed 7-7-2010)

§ 154-19.08 Concealed/Disguised Personal Wireless Communication Facilities.

(A) In addition to the general application requirements listed in § 154-19.02, the following information shall be submitted. Elevations from all exterior sides drawn to scale showing the building prior to and after installation or elevations drawn to scale showing the plant or natural feature that the facility will mimic from four cardinal directions.

(B) In addition to the general development standards listed in § 154-19.03, the following development standards shall apply:

(1) Must be capable of mimicking an indigenous plant form, natural feature or existing architectural feature. All concealed and disguised facilities are subject to the approval of the Zoning Administrator. The decision of the Zoning Administrator may be appealed to the Design and Historic Review Commission;

(Ord. O2009-54, passed 10-21-2009)

(2) Concealed/disguised personal wireless communication facilities may add up to 12 feet to the height to any architectural feature and/or may increase the area of the structure up to 20% of its original size. All altered architectural features are subject to the height limitations of the zoning district in which the property is located;

(3) All disguised and concealed personal wireless communications facilities must blend into the existing environment to the greatest degree possible. Architecture or natural materials used to mimic colors, plants or vegetation found native to southwest Arizona;

(4) All personal wireless communications facilities disguised as natural features cannot exceed the normal size and bulk of the mimicked plant or feature; and

(5) Any disguised freestanding towers must be set back a minimum one foot for every one foot in height of the structure (1:1) from any residential use or zone, arterial street, state or federal highway or any hillside (slope of 10% or greater).

(Ord. O2000-35, passed 6-21-2000; Ord. O2010-32, passed 7-7-2010)

§ 154-19.09 Personal Wireless Communication Facilities on Public Rights-of-Way and Public Buildings.

In addition to the above standards for wall-mounted, roof-mounted and concealed/disguised antennas, these personal wireless communications facilities have the following additional standards.

(A) An encroachment permit is required for mounting on any municipally held asset. A list of public assets available for potential

co-location is available from the Department of Community Development; however, the location of an antenna on each asset is subject to review and approval of the city.

(B) Antennas may be allowed on flag poles, city-owned light poles, high rise fencing posts and the like up to 100 feet high and may add up to 12 feet to the height to any architectural feature and/or may increase the area of the structure up to 20% of its original size.

(C) Only panel, whip or other unobtrusive antenna are allowed.

(D) Mounting on streetlights may be permitted. The facility may add no more than six feet to the height of the pole and the pole may be altered to a two foot maximum diameter unless approved by the City Engineer.

(E) Locating on a canal right-of-way may be permitted only in conjunction with a light pole as a part of a public linear park and is subject to the approval of the United States Bureau of Reclamation and the County Water Users Association or other irrigation district authority.

(F) All base stations must comply with the minimum setbacks for the zoning district. If an antenna is located on the right-of-way, any associated base station location must either receive the approval of the City Engineer stating that the base station will not constitute a hazard or comply with the setback of the zoning district and be placed on private property. All base stations must meet the screening and landscaping requirements.

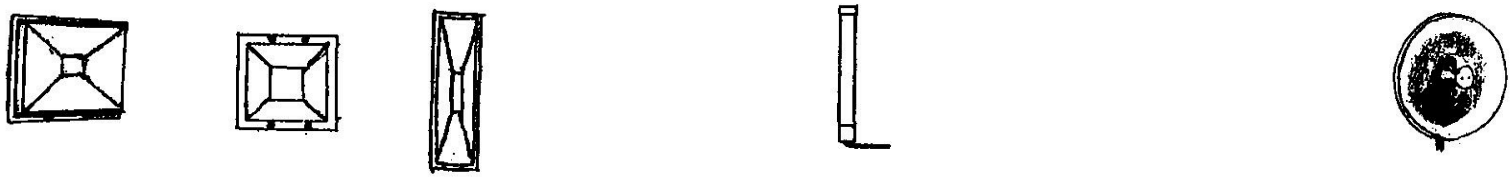
(G) Co-location on public facilities cannot interfere with public safety transmission purposes or diminish the security of public assets.

(H) All antenna arrays are limited to a four foot maximum diameter.

(Ord. O2000-35, passed 6-21-2000; Ord. O2010-32, passed 7-7-2010)

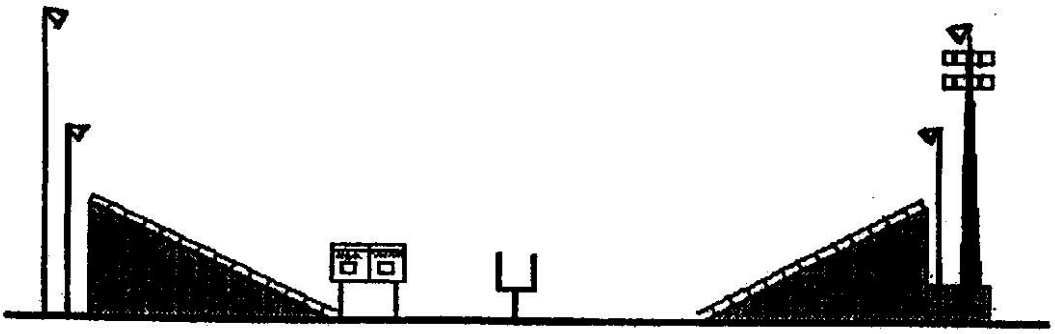
§ 154-19.10 Illustrative Examples and Table of Uses.

Illustrative Example 4 - Types of Antennas

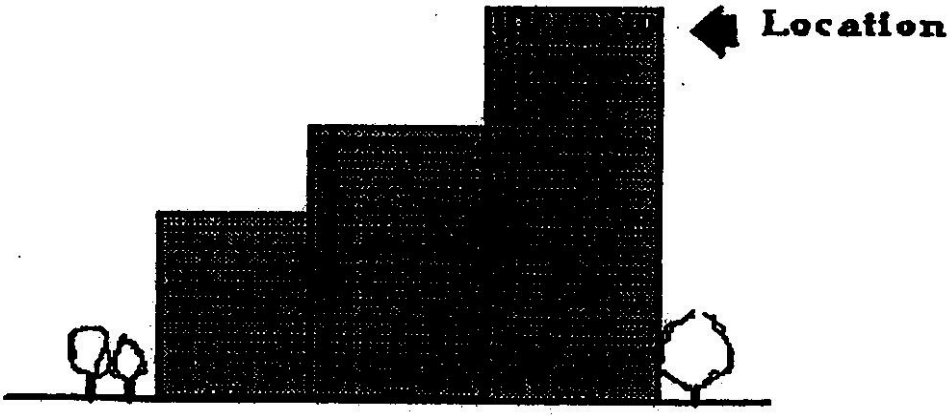


Panel Antenna **Whip Antenna** **Parabolic Ant**

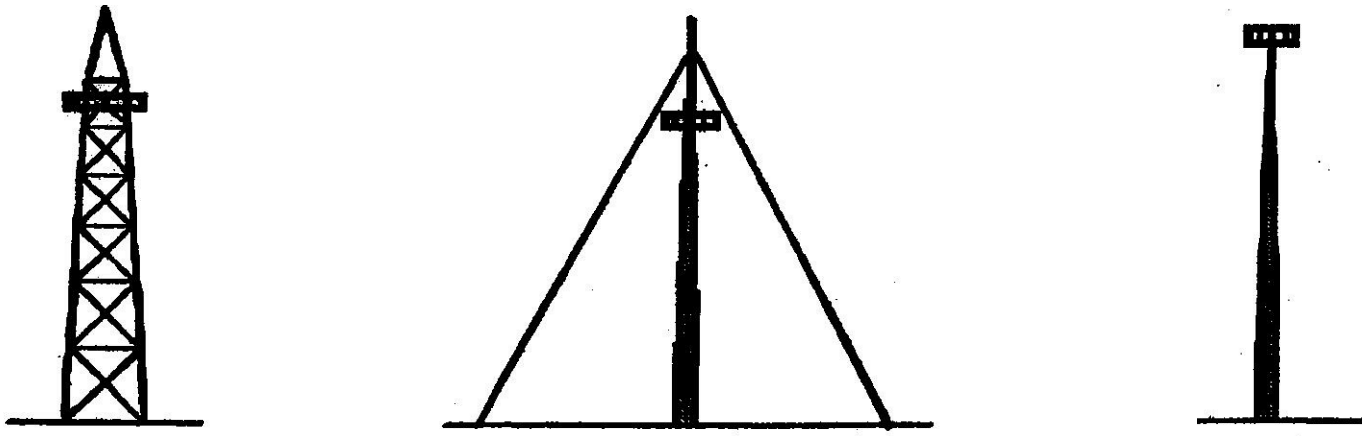
Illustrative Example 5 - Use of Existing Vertical Elements Is Encouraged



Illustrative Example 6 - Use of Existing Building Height and Wall Mounting



Illustrative Example 7 - Types of Towers



Lattice **Guy Wire Not Permitted** **Monopole**

Illustrative Example 8 - Typical Required Screening for Facilities

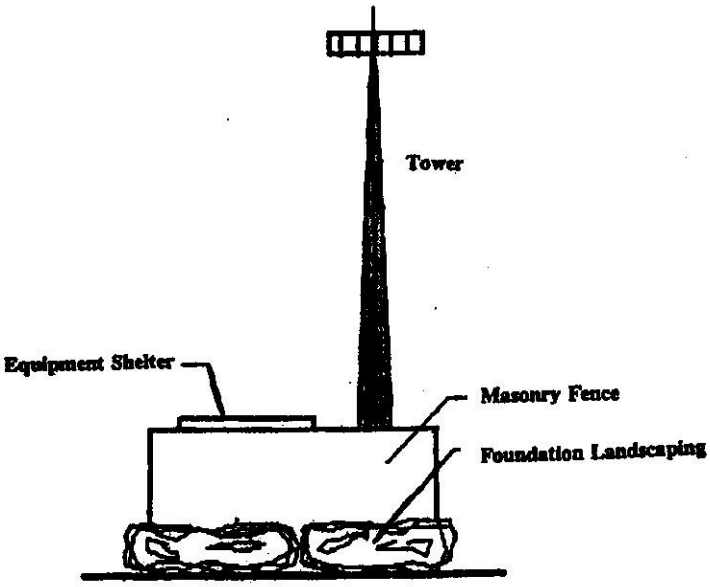


Table No. 10 - Personal Wireless Communication Facilities Permitted Uses by Zoning District

Zoning District	***HP***	***AG and All Residential Districts*** (1)	***OT*** (1), B-1, TR (1) and BP	***B-2***	***L-I, H-I and IP***	***P*** (1)
Antennae Type						
New monopole or tower	Not permitted	Not permitted	Not permitted	Not permitted	Permitted principal or accessory use (2)	Not permitted
Replacement tower/antenna	Not permitted	Not permitted	Not permitted	Not permitted	Permitted principal or accessory use (2)	Not permitted
Lattice	Not permitted	Not permitted	Not permitted	Permitted	Permitted	Not permitted
Roof-mounted	Not permitted	Not permitted	Permitted accessory use (1)	Permitted accessory use	Permitted accessory use	Permitted accessory use

Table No. 10 - Personal Wireless Communication Facilities Permitted Uses by Zoning District						
Zoning District	***HP***	***AG and All Residential Districts*** (1)	***OT*** (1), B-1, TR (1) and BP	***B-2***	***L-I, H-I and IP***	***P*** (1)
Antennae Type						
Wall-strapping	Not permitted	Not permitted	Not permitted	Permitted	Permitted	Not permitted
					Permitte	

Wall-mounted	Not permitted	Permitted accessory use (1)	Permitted accessory use (1)	Permitted accessory use	d accessor y use	Permitted accessor y use
Concealed or disguised	Not permitted	Permitted accessory use (1)	Permitted accessory use (1)	Permitted accessory use	Permitte d accessor y use	Permitted accessor y use
(1) Permitted only in conjunction with legally established nonresidential uses.						
(2) A CUP is required for any freestanding monopole or lattice tower (see § 154-19.04) that meets the principal or accessory use criteria for this industrial zoning district but is located within 300 feet of any residential use or zone, arterial street, state or federal highway, a designated scenic/historic or gateway route (as identified in the Transportation Element of the City General Plan), or a future or existing park area (as identified in the Parks and Recreation Element of the City of Yuma General Plan).						

(Ord. O2000-35, passed 6-21-2000; Ord. O2010-32, passed 7-7-2010)

Article 20 - Landscape Regulations

§ 154-20.01 Purpose.

(A) The purpose of the landscaping regulations is to provide minimum standards for the selection, location and maintenance of plant materials in order to maximize the benefit of such landscaping for both the community and the individual property owner. It is intended that the provision of ground cover, shrubbery and trees shall be in accordance with this article so as to:

(1) Provide soil stabilization to control erosion;

(2) Provide shade to reduce the ground temperature and building heat gain;

(3) Provide ground cover to protect the ambient air quality by reducing dust and loose soil;

(4) Provide plant material to visually buffer building and parking lot masses;

(5) Provide planted screening between residential districts and adjacent uses;

(6) Provide landscape plans to improve surveillance and visibility for the promotion of safety and CPTED (Crime Prevention Through Environmental Design) strategies;

(7) Provide shrubs, vines and planted areas adjacent to walls to reduce the potential for graffiti through anti-graffiti strategies;

(8) Provide attractive landscaping to improve community aesthetics for the promotion of tourism and economic development; and

(9) Provide compliance with the landscaping regulations over time as vacancies and changes occur with nonconforming land, buildings and uses.

(B) When provided in accordance with these regulations, landscaping materials are intended to contribute to the community-wide goals of beautification, energy conservation and the conservation of the community's water resources through the use of drought tolerant plants, efficient irrigation, reduced turf areas and proper maintenance and the fundamentals of xeriscape landscaping.

(C) The regulations as set forth within this article shall be in accordance with Chapter 192 of this code and are intended to be integrated with that chapter so as to provide adequate on-site stormwater detention/retention areas which are visually attractive and which provide for the multiple use of stormwater detention/retention areas wherever possible.

('80 Code, App. A, § 181) (Ord. 583, passed 9-16-1952; Ord. 2584, passed 9-16-1992; Ord. O96-77, passed 8-7-1996; Ord. O2010-32, passed 7-7-2010)

§ 154-20.02 Applicability.

Required landscaping shall apply as follows.

(A) *Applicability in zoning districts.* The regulations as set forth in this article shall apply to all lots in all zoning districts. Lots used exclusively for one-family dwelling units, when not otherwise required as a part of an approval process to provide landscaping, shall be exempt from the requirements of this article.

(B) *Change of use.*

(1) When the use of a lot, parcel, land, building or structure changes, or after two years of vacancy, or upon expansion of any building, parcel, structure or use by an area or value of 50% or more, the development standards as set forth in this article shall apply.

(2) If the gross floor area of an existing building is increased by 50% or more cumulative after the effective date of this amendment, the requirements of this article shall apply to the entire lot upon which the building is located.

(3) If the land use of 50% or more of the gross floor area on a lot is changed cumulative after the effective date of this amendment, the requirements of this article shall apply to the entire lot upon which the building is located.

(C) *City landscaping guidelines.* The city landscaping guidelines shall be used in conjunction with this article to provide guidance for both the commercial landscaping firm and the private property owner.

(D) *Conflicts with other regulations.*

(1) Where portions of this article are in conflict with other portions of the zoning code, the more restrictive regulation shall apply.

(2) Where portions of this article are in conflict with federal or state-mandated requirements for airports (FAA and/or military requirements for planting height limits and plant debris), or for the public utility companies as defined in § 154-01.07, the Planning Director may waive portions of the landscaping regulations to the extent of the conflict.

(E) *Parking lots.* The requirements for landscaping and irrigation within a parking lot (four or more spaces) as found in Article 16 of this chapter shall be provided in the manner set forth in this article except that when required to comply with development standards following the loss of a nonconforming status or change of use a landowner or tenant shall not be required to reduce the parking area by more than 10% or reduce the parking area to a size which would not satisfy the minimum parking requirements for any lawful use of such lot, parcel or land.

(F) *Uses prohibited; alleys.*

(1) Parking, loading activities, product display and sales shall not be permitted in any required landscaped area.

(2) Alleys may not be counted toward fulfillment of the rear or side yard setback requirement. Rear or side yard setbacks along alleys shall not be required to be landscaped.

(G) *De minimus standards.* In cases where site development occupies 5% or less net site area, the landscape development standards of this article shall apply only to the developed area of the site.

('80 Code, App. A, § 181) (Ord. 583, passed 9-16-1952; Ord. 2584, passed 9-16-1992; Ord. O96-77, passed 8-7-1996; Ord. O2000-25, passed 5-3-2000; Ord. O2010-32, passed 7-7-2010)

§ 154-20.03 General Requirements.

(A) *Building permit application.*

(1) One copy of the landscaping plan shall be submitted to the Department of Community Development at the time of building permit application or zoning clearance (if applicable pursuant to this article). This plan shall be on file in the Development Services Division for 90 days after the certificate of occupancy is issued and with the Planning and Neighborhood Services Division thereafter.

(2) All landscaped areas must meet minimum landscaped standards as set forth herein, and shall be maintained by home owners associations, maintenance districts, improvements districts, private individuals or companies, and/or the City Parks and Recreation

Department and Public Works Department. All irrigation systems shall be subject to the Uniform Building Code requirements of the City and shall be installed only as approved by permits issued by the Department of Community Development.

(B) *Encroachment permits required.* Those projects which include use of the public right-of-way for landscaping shall include a request for an encroachment permit with an additional three copies of the landscaping plan following building permit approval. If approved, the encroachment permit shall be issued by the City Engineer concurrently with building permit issuance by the Development Services Division.

(C) *Assurance of installation.* Landscaping and irrigation systems shall be installed as approved on the submitted plans prior to issuance of a certificate of occupancy. An assurance of installation in a form approved by the city and executed by the lot owner and the financial institution for an amount sufficient to guarantee the installation of the approved landscaping plans within six months of occupancy shall be accepted by the Planning Director in lieu of immediate installation of the landscaping.

(D) *Maintenance required.* Property owners are responsible for the perpetual maintenance of all landscaped areas on their lot and adjoining parkways. The owners of lots which do not have properly maintained landscaped areas will be subject to penalties as set forth in this chapter.

(E) *Maintenance required.* The City of Yuma is responsible to ensure that maintenance is performed on all landscaped areas located within medians, dedicated retention basins and exterior landscaping located within the rights-of-way on collector and arterial roadways that are adjacent to residential developments.

('80 Code, App. A, § 181) (Ord. 583, passed 9-16-1952; Ord. 2584, passed 9-16-1992; Ord. O96-77, passed 8-7-1996; Ord. O2010-32, passed 7-7-2010; Ord.O2014-06, passed 2-19-2014) Penalty, see § 154-999

§ 154-20.04 Numbers and Coverage of Plant Materials, Irrigation.

(A) All landscaped areas shall be composed of a combination of plant materials and nonvegetative ground cover designed to accomplish the goals stated in the purpose of this article and to the minimum standards as set forth below.

(B) All landscaped areas shall include a permanent, water efficient, underground, irrigation system controlled by automatic valves. Ground cover may be a combination of vegetative and nonvegetative material.

(1) *Groundcover.* One shrub per 100 square feet of groundcover area may be substituted in lieu of vegetative groundcover requirements.

(2) *Non-vegetative groundcover.* Rock, mulch, minimum "ź-inch Minus" shall be used for 100% coverage of the landscaped area.

(a) If Yuma grey gravel is used, the following applies:

1. A minimum of 20% of the total non-vegetative groundcover area must be a rip rap of a different color. The gradation of the rip rap is to be a minimum of three inches and a maximum of eight inches.

2. One boulder is required for every 500 square feet of non-vegetative groundcover, with the boulders of the same color as the Yuma grey gravel or the color of the rip rap. Minimum size of the boulders shall be 18 inches.

(b) If colored gravel is used, the requirements for 20% different color rip rap and the boulders required for every 500 square feet do not apply.

(c) Colored gravel is required within special zoning district overlays, including: the Auto Center Overlay, the Aesthetic Overlay, and the Historic District Overlay.

(C) Landscaped areas may also be used for stormwater detention/retention basins, provided that no graded slope is located closer than four feet to any public or private sidewalk and that no graded area exceeds a 4:1 slope within any street parkway or setback.

(D) The total amount (minimum number, size, area) of required landscaping shall be computed for each component area as follows (except as otherwise approved):

(1) *Street parkways and setbacks (including all streets surrounding a subdivision).*

(a) *Trees.* One per 750 square feet; 50% 15-gallon; 50% 24-inch box;

(b) *Shrubs.* One per 250 square feet and one per eight feet (on center of solid perimeter screening or subdivision wall); 50%

five-gallon; 50% one-gallon;

(c) *Groundcover.* 50% vegetative; 50% non-vegetative (50% vegetative may be reduced to 30% vegetative provided the 30% vegetative consists of turf); one-gallon (36 inches on center) or flats (12 inches on center); and

(d) *Groundcover.* One shrub per 100 square feet of groundcover may be substituted in lieu of vegetative groundcover requirements.

(2) *Required screening setbacks between districts.*

(a) *Trees.* One per 25 feet (on center) of solid perimeter screening or subdivision wall; 24-inch box (nondeciduous);

(b) *Shrubs.* One per eight feet (on center) of solid perimeter screening or subdivision wall; five-gallon;

(c) *Ground cover.* Minimum area 100% non-vegetative;

(d) *Required screening.* Required screening setbacks between residential districts and adjacent uses shall provide sufficient screening so that the residential uses are effectively shielded from any adverse effects of the adjacent uses. The screening shall be composed of plant material as noted above and a six-foot high solid masonry wall; and

(e) *Screen row.* A screen row of 15-gallon trees (nondeciduous), planted 25 feet on center (or major fraction thereof), shall be provided along any rear lot line for a lot on which a residential structure greater than one-story in height is located with a rear lot line adjacent to any other residential structure.

(3) *Publicly or privately-owned joint use detention/retention basin/park.*

(a) *Trees.* One per 1,500 square feet; 24-inch box;

(b) *Shrubs.* One per eight feet (on center) of solid perimeter screening or subdivision wall; and one per 250 square feet of non-vegetative ground cover areas; five-gallon (on walls); 50% five-gallon (other than walls); 50% one-gallon (other than walls);

(c) *Groundcover.* One hundred percent of areas containing less than 4:1 slope in turf, but not less than 20% of the gross site area; 100% of remaining area in non-vegetative ground cover; and

(d) *Amenities.* The following amenities shall be provided to the approval of the Zoning Administrator and the Parks Superintendent: minimum a three-foot wide concrete walking path; pedestrian-scale lighting; drinking fountain (chilled water is not required).

(4) *Publicly or private-owned detention/retention basin (not used as a part of a required street setback or as a park).*

(a) *Trees.* One per 2,000 square feet; trees may be deleted from minor basins containing less than 4,000 square feet in area or less than 18 inches in depth and from basins in remote fenced locations with no public access; 15-gallon;

(b) *Shrubs.* One per eight feet (on center) of solid perimeter screening or subdivision wall (shrubs may be deleted from basins in remote fenced locations with no public access); five-gallon; and

(c) *Groundcover.* One hundred percent non-vegetative.

(5) *Landscape within parking areas (interior and peripheral).*

(a) *Trees.* One per 15 parking spaces (or major fraction thereof), evenly distributed in tree well planters of a minimum 25 square feet area; 24-inch box canopy tree;

(b) *Shrubs.* One per eight feet (on center) of solid perimeter screening or subdivision wall; five-gallon;

(c) *Groundcover.* Twenty percent vegetative; 80% non-vegetative; one-gallon (36 inches on center) or flats (12 inches on center); and

(d) *Groundcover.* Two five-gallon shrubs per 15 parking spaces (or major fraction thereof) may be substituted in lieu of vegetative groundcover requirements.

(6) *All other open areas (not used for building, paving, sidewalks or future building expansion).*

(a) *Trees.* One per 1,500 square feet; 15-gallon;

(b) *Shrubs.* One per 750 square feet; five-gallon;

(c) *Groundcover.* Twenty percent vegetative; 80% non-vegetative; one-gallon (36 inches on center) or flats (12 inches on center); and

(d) *Groundcover.* One shrub per 100 square feet of groundcover may be substituted in lieu of vegetative groundcover requirements.

(7) *Future building pads in development projects within the Transitional (TR), Limited Commercial (B-1) and General Commercial (B-2) Districts.* Ground cover; 100% vegetative, non-vegetative or combination thereof.

(Ord. O2010-32, passed 7-7-2010; Ord. O2014-06, passed 2-19-2014)

§ 154-20.05 Development Standards.

(A) *Plant specifications.* The minimum size, number, type and area for all required plant material shall be as noted in § 154-20.04. All trees which are listed in the Arizona Nursery Association Guide and whose size is specified by caliper size shall be provided according to that publication's specifications. Trees may be clustered, however no tree should be located within 20 feet of another tree. All trees shall be staked with two lodgepole stakes seven feet in height above grade with wire ties protected with rubber fittings. All shrubs (vines) planted along solid walls shall be staked to promote a vertical growth pattern. Staking details shall be shown on the plans submitted for approval.

(B) *Calculation of areas and distribution of plant materials.* The calculation and distribution of landscaping shall be done in the following manner:

(1) The combined area of the parkways and setbacks on each street frontage shall be calculated as one unit. The area to be landscaped shall be calculated as follows:

Parkway + Setback - (Driveways + Sidewalks) = Landscaped Area Per Frontage

(2) The plant materials may be distributed anywhere within the landscaped area for each street setback frontage but each parkway shall contain no less than 10% of the landscape material which would have been normally required in the parkway. The calculation of setback areas for corner lots may separate adjoining setbacks on adjacent streets on an equal basis.

(3) The calculation of plant material for retention basins shall be made separately unless the retention basin is within the setback.

(C) *Lots which have an area greater than two acres.* Lots which have an area greater than two acres shall provide a total landscaped area of 15% of the lot size. If the area of the required landscaping (including setbacks, parkways and retention basins) does not exceed 15% of the gross lot area, additional landscaping shall be placed on the lot to meet the minimum landscaped area of 15%. The total amount of trees, shrubs and ground cover for these landscaped areas shall be computed at the ratio noted above and shall be maintained in accordance with this article. All other standards contained in this article shall be maintained.

(1) Industrial zoned properties (L-I and H-I) over two acres in size may elect to submit landscaping plans to the Zoning Administrator or designee (per § 154-20.06) in lieu of meeting the requirement to provide a total landscaped area of 15% of the lot size.

(2) The Zoning Administrator or designee is authorized to approve landscaping plans that provide less than 15% of the lot size for industrial zoned property provided such plans meet the spirit and intent of the landscaping code.

(3) Such landscaping proposals submitted to the Zoning Administrator or designee for this purpose shall focus landscaping requirements on the property's street frontages, parkways, setback areas and retention basins within those setback areas, parking areas and the principal structure.

(D) *Retention basins; fences and grading.*

(1) Retention basins shall be designed, graded and landscaped so as to aesthetically enhance the natural configuration of the area. Plantings located in the basin shall be adaptable to periods of submersion. Retention basins shall be shaped consistent with good landscape design standards as well as meeting stormwater retention requirements (Chapter 192). Retention basins shall be designed in order to facilitate multiple uses of the basin whenever possible.

(2) Graded slopes shall be designed to provide gentle, undulating contours (contour grading) and shall maintain an average 5:1 slope, not to exceed a slope of 4:1 when used as a joint-use park facility. In all other cases, where a basin is not used as a joint use park facility, graded slopes shall maintain an average 4:1 slope, not to exceed a slope of 3:1.

(3) Gunite or concrete ground cover within stormwater detention/retention basins shall be prohibited. In all cases, the designed bottom elevation of the stormwater basin shall be a minimum of one-foot above the highest recorded ground water level.

(4) Six foot high wrought iron fences (designed to discourage climbing), or equivalent as approved by the Zoning Administrator, shall be installed around stormwater retention basins which have a designed water depth greater than three and one-half feet, and shall allow the basin to be visible at all times. Openings in the fence shall not allow the passage of a six-inch sphere. Any pedestrian gates shall be of a self-closing and self-latching type. In all cases, the requirements for the visibility triangle shall be applicable.

(E) *Visibility triangles.* The only landscaping materials permitted in any visibility triangle shall be ground cover (less than 18 inches in height). The area included in the visibility triangle shall be excluded from the tree and shrub count for that parkway or setback.

(F) *Arizona Department of Transportation (ADOT) right-of-way.* Parkways within the Arizona Department of Transportation (ADOT) rights-of-way shall be landscaped with trees, shrubs and ground cover in conformance with the Arizona Department of Transportation regulations.

(G) *Public utilities and fire facilities.*

(1) A minimum three-foot-wide clear space shall be maintained around the circumference of fire hydrants and Fire Department Connections (FDC). Ground cover materials used within this three-foot wide area shall be approved by the City of Yuma Fire Marshal.

(2) Trees shall not be planted directly under or over utility lines nor shall they be planted within utility easements. Trees which have a mature height of 25 feet or greater shall not be planted near overhead utility lines.

(3) A ten-foot clearance shall be maintained in front of the facilities and appurtenances of any public utility and a three-foot clear space shall be maintained around the circumference of any such facility or appurtenance. Ground cover materials used within this area shall be approved by the appropriate public utility.

(H) *Prohibited plants.*

(1) The use of the following plant types is prohibited due to their pollen seeds which aggravate allergies and other health problems:

(a) Common Bermuda grass (Cynodon dactylon);

(b) Mulberry, female (Morus); and

(c) Olive (Olea europaea) except the male or fruitless varieties.

(2) The use of the following plant types is prohibited in parkways which have a width of ten feet or less due to their tendency to create visibility problems as well as because of their invasive root structures:

(a) Palms;

(b) Ficus;

(c) Elm; and

(d) Eucalyptus.

(I) *Protection of planted areas.* Turf areas shall be separated from other planting areas by a minimum four inch by four inch concrete mow strip. Planted areas shall be separated from any adjacent paved or unpaved vehicular parking or drive area by concrete curbing measuring at least six inches by six inches above grade. Any plant material with a mature height of 18 inches or greater shall be setback at least two feet from any adjacent parking, aisle or driveway.

(J) *Provision of soil treatment.* All non-vegetative planting areas shall be prepared with treatments to eliminate native seed germination. Typical methods for treatment include chemical pre-emergent sprays, soil fabric, mechanical removal or a one and one-half inch ABC base beneath the non-vegetative ground cover.

('80 Code, App. A, § 181) (Ord. 583, passed 9-16-1952; Ord. 2584, passed 9-16-1992; Ord. O96-77, passed 8-7-1996; Ord. O2001-

93, passed 11-20-2001; Ord. O2010-32, passed 7-7-2010; Ord. O2010-57, passed 11-17-2010) Penalty, see § 154-999

§ 154-20.06 Variances.

The Zoning Board of Adjustment shall have the power to grant variances from the specific requirements of this article, provided that it finds such a variance request to be in substantial compliance with the spirit and intent of these regulations. Should the variance requested constitute not more than a 20% difference in the code requirement, the request may be considered a minor variance, and reviewed under the applicable code provisions by the Minor Variance Committee. However, this authority does not grant the Zoning Board of Adjustment or the Minor Variance Committee the power to waive all landscaping requirements.

('80 Code, App. A, § 181) (Ord. 583, passed 9-16-1952; Ord. 2584, passed 9-16-1992; Ord. O96-77, passed 8-7-1996; Ord. O2010-32, passed 7-7-2010)

§ 154-20.07 Review of Regulations.

The City Planning and Zoning Commission and the City Council shall review these landscaping regulations in the manner set forth in § 154-03.03 of this chapter no more than 60 months after the adoption of these amendments to this article.

('80 Code, App. A, § 181) (Ord. 583, passed 9-16-1952; Ord. 2584, passed 9-16-1992; Ord. O96-77, passed 8-7-1996; Ord. O2010-32, passed 7-7-2010)

Article 21 - Nonconforming Provisions

§ 154-21.01 Extending Existing Uses or Structures.

(A) Any existing nonconforming use which is not otherwise unlawful may be hereafter extended throughout any part of a building or structure which was manifestly arranged or designed for such use at the time of the enactment of this chapter, but no building or structure containing a nonconforming use shall, except as may be authorized by a certificate of occupancy, be hereafter extended or enlarged except in conformity with the provisions of this chapter.

(B) No building or structure in which a nonconforming use is abandoned for a period of exceeding two years or is superseded by a permanent conforming use subsequent to the enactment of this chapter, shall again be devoted to any prohibited use.

(C) In no instance shall legally established nonconforming manufactured home parks, recreational vehicle parks and/or recreational vehicle cooperatives be expanded to increase the number of manufactured home spaces or recreational vehicle spaces.

(Ord. O2010-32, passed 7-7-2010)

§ 154-21.02 Replacing Nonconforming Buildings or Structures.

(A) Any nonconforming building or structure which is hereafter damaged to an extent exceeding 50% of its reproduction value, exclusive of foundations, by fire, flood, earthquake, war, riot or so-called act of God, may not be restored, reconstructed or used for any other than a purpose permitted under the provisions of this chapter governing the district in which the building or structure is located.

(B) The replacement and installation of manufactured home units and recreational vehicle units within a legally established nonconforming manufactured home park, recreational vehicle park and/or recreational vehicle cooperative shall meet the minimum placement standards for the individual unit as required by the Manufacturing Housing Park (MHP) District.

(Ord. O2010-32, passed 7-7-2010)

§ 154-21.03 Nonconforming Airport District Overlay.

(A) *Nonconforming uses.* Any use of land, building or structure lawfully existing at the time the Airport Overlay District or amendments thereto become effective may be continued even though such use does not conform with the regulations of the zoning ordinance or amendments thereto for the Airport Overlay District in which it is located. These special provisions for continuation and

reconstruction of legal nonconforming uses shall only apply to uses, structures and buildings which become nonconforming through the adoption of the Airport Overlay District. These special provisions for nonconforming uses will apply since the Airport Overlay District has a large impact area, considerable development presently exists, and a substantial economic hardship would be created if those properties were required to comply with the provisions of the Airport Overlay District and other sections of the zoning ordinance.

(B) *Discontinuance of legal nonconforming uses.*

(1) In the event that a legal nonconforming use of land, building or structure is discontinued for a period of 12 consecutive months, any future use thereof shall be in conformity with the regulations of the Airport Overlay District and the zoning ordinance.

(2) In the event that a legal nonconforming nonresidential use of land, building or structure is destroyed by fire, flood, earthquake, war, riot or so-called act of God to the extent of 75% of its value, according to the appraisal thereof by competent appraisers, then and without further action by the City Council, the future use thereof shall, from and after the date of such destruction, be subject to all the regulations of the Airport Overlay District in addition to the provisions of the other sections of the zoning ordinance.

(3) In the event that a legal nonconforming residential use of buildings or structures is destroyed to any extent by fire, flood, earthquake, war, riot or so-called act of God, it may be reconstructed, except that such reconstruction shall comply with the provisions of the other sections of the zoning ordinance and other applicable city ordinances, regulations and codes. Such reconstruction shall be limited to 100% of the destroyed structure.

(C) *Expansion of a legal nonconforming use.*

(1) *Nonresidential.* A nonresidential legal nonconforming use of land, building or structure shall not be enlarged, extended, reconstructed or structurally altered unless such enlargement, extension, reconstruction or structural alteration, and further use of such property conform with the regulations of the Airport Overlay District in which such property is located, other sections of the zoning ordinance and other applicable city ordinances, regulations and codes. In the event that the above-described nonconformity involves a building or structure, said building or structure shall not be permitted to be relocated elsewhere on the property or enlarged or extended by separate and detached construction.

(2) *Residential.* A legal nonconforming residential structure may expand if such expansion does not exceed 50% of the floor area of the original structure provided that the expansion is in conformance with the regulations of the district applicable immediately prior to the effective date of the Airport Overlay District, other sections of the zoning ordinance and other applicable city ordinances, regulations and codes. This provision shall not permit the construction of separate and detached residential structures or the relocation of such structure elsewhere on the property.

(3) *Accessory structures.* The construction, expansion and alteration of accessory structures, such as garages, barns, swimming pools and fences shall be permitted. Said construction, expansion or alteration shall conform to the requirements of the applicable zoning district.

(D) *Change of legal nonconforming use.* If no structural alterations are made, any legal nonconforming use of land, building or structure may be changed to another legal nonconforming use provided the proposed use is of the same or more restricted classification, upon review and approval by the Building Official and Planning Director. Under no circumstances shall a nonresidential legal nonconforming use be converted to a residential nonconforming use.

('80 Code, App. A, § 122) (Ord. 583, passed 9-16-1952; Ord. 1837, passed 6-20-1979; Ord. 2352, passed 3-18-1987; Ord. O2010-32, passed 7-7-2010)

§ 154-21.04 Nonconforming Signage.

Any sign or sign structure lawfully existing prior to the effective date of this chapter, whether on-site or off-site, and not meeting the standards and requirements specified herein, shall be considered nonconforming and be subject to the following provisions.

(A) *Continuance.* The lawful use of any nonconforming sign or sign structure may be continued indefinitely, provided, however, that any addition, enlargement or other alteration which would increase the degree of nonconformity shall be prohibited. Any nonconforming sign or sign structure which is abandoned for a period exceeding one year shall be subject to the requirements of § 154-17.05(E) of this chapter pertaining to removal of abandoned signage.

(B) *Repairs and alterations.* Repairs and alterations which do not increase the degree of nonconformity shall be permitted, except that if any sign or structure is damaged or has deteriorated to an extent that the cost of repair equals 50% of its replacement value if sound, or if the cost of alteration exceeds 50% of the replacement value, it shall either be rebuilt or replaced in conformance with the standards and requirements of this chapter, or be removed altogether.

(C) *Replacement of on-site signage.* At such time as the name of an activity changes, any nonconforming on-site signage related to such activity shall either be replaced or modified to meet the requirements of this chapter, unless such signage was previously constructed with interchangeable panels, letters or copy. An act of maintenance or repair, or repainting a previously painted sign face, or repapering a previously papered sign or other similar manner of changing a sign face, none of which would increase the degree of nonconformity, shall not be deemed as replacement hereunder, and shall be permitted.

(Ord. O2010-32, passed 7-7-2010)

Article 22 - Non-Profit Medical Marijuana Dispensaries

§ 154-22.01 Purpose.

Marijuana in any form, including medical marijuana, is illegal under federal law pursuant to the Controlled Substances Act (21 U.S.C §811). However, under Arizona State law, the Arizona Medical Act (Proposition 203, passed by the voters in 2010) allows a qualifying patient who has an identified debilitating medical condition, to obtain and use marijuana to treat or alleviate the qualifying debilitating medical condition or its associated symptoms. Proposition 203 also contains provisions for dispensaries to provide medical marijuana to qualifying patients. This change in state law means that it is possible that medical marijuana dispensaries could be operating in the City of Yuma. The city has a duty to ensure that the dispensaries are located and operated in a manner that least harms the health, safety and general welfare of its citizens. The purpose of this article is to ensure the health, safety and welfare of the general public. Furthermore, the City of Yuma does not condone the use of medical marijuana or violation of federal law.

(Ord. O2011-06, passed 3-2-2011)

§ 154-22.02 Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ENCLOSED, LOCKED FACILITY. A closet, room, greenhouse or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.

MEDICAL MARIJUANA. All parts of any plant of the genus cannabis, whether growing or not, and the seeds of such plant.

NON-PROFIT MEDICAL MARIJUANA DISPENSARY. A not-for-profit entity that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to cardholders. A nonprofit medical marijuana dispensary may receive payment for all expenses incurred in its operation. For the purposes of this article, a medical marijuana dispensary and medical marijuana cultivation, together, are considered one use.

(Ord. O2011-06, passed 3-2-2011)

§ 154-22.03 Location Restrictions and Operating Provisions.

Medical marijuana cultivation and dispensing are subject to the following location restrictions and provisions:

(A) A non-profit medical marijuana dispensary may contain cultivation, infusion, and/or dispensing of medical marijuana, or any combination thereof, at one location.

(B) Non-profit medical marijuana dispensaries shall be permitted uses in the B-2 and L-I zones, subject to conditions and limitations identified in this article. Nonprofit medical marijuana distribution facilities shall not be permitted in any Heavy Industrial District by way of a CUP (from a Light Industrial District).

(C) Non-profit medical marijuana dispensaries shall not be permitted on any site that has any of the following Zoning Overlays: Historic District Overlay, Aesthetic Overlay (and all properties that have a development agreement requiring the Aesthetic Overlay standards), Auto Center Overlay, or Bed and Breakfast Overlay designation.

(D) Non-profit medical marijuana dispensaries must meet the following distance separation requirements:

(1) Must be located at least 1,000 feet from a residentially zoned property, regardless if the residential property is located in the city or the county. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which

the medical marijuana dispensary and cultivation business is conducted or proposed to be conducted), to the zoning boundary line of the residentially zoned property.

(2) Must be located at least 1,000 feet from all public and private: preschools, kindergartens, elementary schools, secondary or high schools; any place of worship; any public park, adult-oriented businesses, large and small day care facilities, or public community center, regardless if these uses are located in the city or the county. This distance shall be measured in a straight line from the exterior walls of the building (or portion thereof in which the medical marijuana dispensary and cultivation business is conducted or proposed to be conducted), to the property line of the protected use.

(3) Must be located at least 5,280 feet from another medical marijuana dispensary and cultivation business, regardless if the medical marijuana dispensary and cultivation business is located in the city or the county. This distance shall be measured from the exterior walls of the building or portion thereof in which each of the medical marijuana businesses are conducted or proposed to be conducted.

(E) Non-profit medical marijuana dispensaries are not allowed as an accessory use in any zone.

(F) Non-profit medical marijuana dispensaries are not allowed as a home occupation in any zone.

(G) The number of non-profit medical marijuana dispensaries shall be limited to one for each 50,000 population within the City of Yuma, with the population determined by the most recent Decennial Census reported by the U.S. Census Bureau.

(H) Non-profit medical marijuana dispensaries shall only be located in permanent structures on properties that front on roadways classified as expressways, as identified in the adopted City of Yuma General Plan.

(I) Non-profit medical marijuana dispensaries shall be located in a permanent building/structure affixed to a permanent foundation. Non-profit medical marijuana dispensaries shall not be located in any other type of non-permanent structure such as, but not limited to, a trailer, cargo container, or motor vehicle.

(J) The retail aspect of any non-profit medical marijuana dispensary shall be limited in physical size based on the building code requirements for a structure that has only one exit door.

(K) Non-profit medical marijuana dispensaries shall have operating hours not earlier than 8:00 a.m. and not later than 5:00 p.m., Monday through Saturday, noon to 5:00 p.m. on Sunday.

(L) Drive-through services are prohibited.

(M) No use or consumption in any manner of marijuana is permitted on the premises of any non-profit medical marijuana dispensary.

(N) Non-profit medical marijuana dispensaries must comply with City of Yuma sign code regulations.

(O) Non-profit medical marijuana dispensaries shall have interior lighting of sufficient intensity to illuminate every place that members of the public are permitted access, with overhead light fixtures that have an illumination of not less than two foot-candles as measured at the floor level, when the dispensary is open to the public.

(P) Non-profit medical marijuana dispensaries shall have exterior lighting of sufficient intensity and number to illuminate every portion of the property with an illumination level of not less than one foot-candle as measured at the ground level, including, but not limited to, landscaped areas, parking lots, driveways, walkways, entry areas, and refuse storage areas, at all times between sunset and sunrise.

(Q) Non-profit medical marijuana dispensaries shall be configured such that there is an unobstructed view of every public area of the premises, unaided by closed circuit cameras or any other means, by a manager. No public area shall be obscured by any door, curtain, wall, two-way mirror, or other device. A manager shall be in the public portion of the dispensary at all times it is in operation or open to the public, in order to enforce all rules and regulations.

(R) If windows exist in the building that houses a non-profit medical marijuana dispensary, there shall be an unobstructed view through those windows, from the outside of the building in.

(S) Non-profit medical marijuana dispensaries shall provide for proper disposal of marijuana remnants or by-products, and shall not be placed within the facility's exterior refuse containers.

(T) Non-profit medical marijuana dispensaries shall comply with all other applicable city, state and federal regulations.

(U) Business licenses for non-profit medical marijuana dispensaries shall not automatically renew. Annual staff review and

approval is required.

(Ord. O2011-06, passed 3-2-2011)

Penalty

§ 154-999 Penalty.

It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this chapter. Any person, firm or corporation violating any of the provisions in this chapter shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed $1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of said sections occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

('80 Code, App. A, §§ 114 and 161) (Ord. 583, passed 9-16-1952; Ord. 2125, passed 5-4-1983; Ord. 2193, passed 3-21-1984; Ord. 2243, passed 12-19-1984; Ord. O2010-32, passed 7-7-2010; Ord. O2010-64, passed 12-15-2010; Ord. O2011-05, passed 2-16-2011)

Appendix A: Cielo Verde Specific Plan

(A) *Purpose.* Provide resident and regionally supported commercial sites on the north portion of the property. Provide an attractive living environment for permanent homeowners as well as seasonally retired, second home and vacation home buyers and renters on the south portion of the property. Provide protected development rights through the adoption of a specific plan, which works in conjunction with a development agreement and the platting process.

(B) *Project description.*

(1) Cielo Verde is a 382-acre mixed-use master planned development, providing a variety of commercial uses and housing types in a pedestrian-oriented, neighborhood-focused community planned primarily for adult living.

(2) The project takes advantage of the existing topography of the site by providing a linear park, which follows existing drainage contours of the site. The land plan minimizes major earth moving for stormwater control and provides a significant community amenity which doubles as a recreation area for its residents and guests.

(3) Designated areas are planned to contain open space, ramadas, security lighting, landscaping and linear walking paths throughout the project. Other active recreation activities and structures (putting greens, tennis courts, a recreation center, for example) may be added. Alternate uses are contemplated in most areas to provide flexibility in order to respond to evolving market demands in the future.

(4) There are two distinct commercial areas: resident-supported commercial sites line the central entry road leading into the residential portion of the project, and more community/regional commercial areas along 32nd Street provide for accommodation of larger retail and service establishments.

(5) A maximum of 1,932 residential lots can be developed on approximately 317 acres of the property designated for residential uses. There are a range of residential lot sizes and dwelling unit types provided. Minimum residential lot sizes range from 1,800 square feet for the RV park lots, to 6,000 square feet for the manufactured home/site built lots. Multi-family units are limited to lower density townhomes and apartment clusters. Within individual neighborhoods, lot sizes can be considerably larger than the minimum permitted area.

(6) The development of the master community shall be achieved in stages as market demands arise. Parcels may be developed or further subdivided to meet these demands. The developer's credit assurances required for the public facility improvements outlined in the development agreement shall not be posted until each parcel is replatted for the final development or a building permit is issued for any given parcel. The improvements shall include the improvements adjacent to the parcel being developed, in accordance with the provisions of this specific plan, the development agreement, and the individual plats, as well as any improvements that need to be in place in order to provide road, fire and utility access to the parcel.

(C) *Policies.*

(1) *Project policies.*

(a) To create a development which offers a variety of housing types with support commercial facilities and a centrally located park/ recreation area within convenient walking or biking access from all areas of the community;

(b) To provide the necessary infrastructure and services for residential and commercial uses;

(c) To create an aesthetically cohesive community by providing a common desert landscape theme;

(d) To create distinct neighborhoods throughout the plan linked by pedestrian and non-automotive personal vehicular pathways; and

(e) To create community identity readily associated with the Cielo Verde Specific Plan Community.

(2) *Design policies.*

(a) To create a sense of community and neighborhood identity;

(b) To use open space, landscaping and urban design to strengthen identity and image;

(c) To use fences, walls, landscaping and berms on the perimeter of neighborhoods to provide privacy screening, define property limits, separate use areas and provide security;

(d) To promote building height and bulk appropriate to the size, shape and topography of the site and in harmony with its setting;

(e) To utilize a variety of site sizes to encourage efficiency in design and to facilitate a mixture of housing product types and densities;

(f) To provide designated automotive parking areas which facilitate both vehicular and pedestrian movements;

(g) To utilize landscaping and screening making parking areas visually attractive and compatible with their surroundings;

(h) To use appropriate signage for the purpose of identification and direction. The design of permitted signs should be consistent with and architecturally integrated into building and streetscape design themes;

(i) To place outdoor lighting in such a way that it accents architectural features and outdoor spaces while minimizing glare or excessive light spillage on neighboring sites; and

(j) To maintain the design objective of creating human scale spaces and buildings that do not appear monumental or monotonous in the context of the community.

(D) *Concepts.*

(1) *Neighborhood concept.*

(a) Cielo Verde is a master-planned development designed to create a sense of traditional community. While streets are amply designed to accommodate circulation of the largest recreation vehicles and delivery of manufactured housing units, as well as fire and municipal service vehicles, the emphasis is on pedestrian and other non-automotive transportation modes.

(b) A secondary network of walking and biking paths is incorporated into some street sections and also follows a branching central linear park to connect smaller-scale residential neighborhoods with recreation and social activity facilities and local shopping and commercial services.

1. *Commercial development.*

a. The commercial site has business frontage on 32nd Street and Interstate 8 (I-8) at the city's eastern "gateway" interchange. In addition to providing a regional center for highway-oriented retail activity, the commercial development will create a buffer between the highway and adjoining residential neighborhoods while providing an important amenity for local residents.

b. The central entry road leading into the residential site passes through a neighborhood-scale shopping area which is intended to be a place for local retail shops and services, located within walking and bicycling distance of all of the housing neighborhoods. The neighborhood shopping area at the entrance to Cielo Verde will present a variety of shops and services for local residents, and once fully developed will help to reduce the amount of vehicular traffic entering and exiting onto 32nd Street as many of the residents needs will be met on-site.

2. *Residential development.*

a. Targeted to the seasonal visitor and retiree markets, Cielo Verde presents an opportunity for transitional lifestyles. The alternative of rental occupancy is presented in each housing type in order to provide choice and to permit new residents to try out the community before making a long-term commitment. The presence of site built housing within Cielo Verde will also give a greater

range of choice for second-home buyers and will provide a supply of lots to local builders who may wish to participate in development of the community.

b. A variety of residential housing forms will be created, clustered in discreet neighborhoods of approximately 50 to 100 homes. The co-existence of site built and manufactured homes along with RV units and so-called "Park Models" has already been demonstrated to work effectively, from a market viewpoint, in the Foothills community in east Yuma. In addition, multi-family units including low-density townhomes as well as clustered rental apartment units may be offered in the project, if warranted by market conditions.

c. Cielo Verde will complement existing housing supply by offering a range of lot sizes, many larger than the minimum required for each housing type, with a variety of premium features.

(2) *Streetscape/circulation concept.*

(a) While the major collector roads within the development are consistent with local standard and with precedent well established in the city, street sections within and between the individual residential neighborhoods are generally narrower than commonly found in other comparable local developments. Resulting reduced traffic speed and emphasis on pedestrian circulation will contribute to safety and help to create the character of a traditional town.

(b) Pedestrian and non-automotive "unique vehicle" uses are provided by attractive and fun to use sidewalks and pathways within some road sections. Elsewhere, a system of off-street pathways follows the contour of the linear park system, branching into each neighborhood.

(c) Ample street widths and turning radii are provided in all cases for fire and municipal service vehicles as well as for mobile vacation vehicles and manufactured home deliveries.

(3) *Open space/recreation concept.* As presently envisioned in the Master Plan, community facilities may include a recreation center with indoor/outdoor pool, wading pools, rooms for crafts and social functions, dance floor, auditorium and stage with outdoor bandstand seating, tennis, shuffleboard, volleyball and baseball playing areas, and playgrounds and other social and athletic facilities. Designated areas accessible to and available for use by all the residents include a linear park significantly exceeding the minimum required proportionate amount of site area, which connects the neighborhoods with walking and bicycling trails.

(E) *Densities.*

(1) *Maximum residential project density.* A maximum density of six units/acre independent of higher densities permitted in multi-family districts located on commercial and residential portions of the site, shall not be considered in calculating overall lot density. The Cielo Verde Specific Plan is allowed a total maximum of 1,932 dwelling units, exclusive of multi-family housing.

(2) *Multi-family residential density.* Multi-family residential density shall be in accordance with city standard and shall be determined independent of overall residential density limits.

(3) *Density averaging permitted.* Densities shall be calculated by averaging residential units over the Cielo Verde development site, excluding the multi- family site area. The multi-family units permitted as an alternative use within a portion of the residential and commercial development area will not be used in determining overall density on the single-family residential portion of the site.

(F) *Cielo Verde Commercial District.*

(1) *Primary uses.* Primary uses permitted in the Cielo Verde Commercial District include the following:

(a) Retail sale, rental or repair of goods, materials and equipment, including wholesale activities, provided that wholesale items are available for retail sale to the general public;

(b) Hotel, motel, guest lodging or entertainment establishment and associated business;

(c) Any business providing a service or installing a product for individuals, households or other businesses;

(d) High-density multi-family development;

(e) Indoor or outdoor restaurants, cocktail lounges, tourist lodging, theaters and any form of commercial recreation and entertainment conducted wholly within an enclosed building, except no adult-oriented businesses shall be allowed;

(f) Enclosed self-storage facilities;

(g) Retail motor fuel sales and convenience markets, including automotive service and repair within such facilities;

(h) Grocery stores, neighborhood grocery stores, convenience markets and specialty food and beverage stores;

(i) General offices such as banks and other financial establishments;

(j) Drive-through facility for any restaurant, banks, retail store or service business;

(k) Shops and salons providing services for personal grooming and apparel;

(l) Religious institutions including related buildings and activities;

(m) Residential care facility, small or large;

(n) Membership-based lodging;

(o) Miscellaneous social services;

(p) Offices and clinics; medical;

(q) Nursing and personal care, small or large;

(r) Hospitals;

(s) Medical and dental labs;

(t) Home health care services;

(u) Miscellaneous health and allied services; and

(v) Health clubs and gymnasiums.

(2) *Accessory uses.* Accessory uses permitted in the Cielo Verde Commercial District include the following:

(a) Fabrication, assembly or craftsmanship of such goods and materials which are sold on the premises; provided, however, that such activity is clearly incidental and essential to a principal retail or service use as provided herein; and further provided that the area devoted to such activity shall not exceed 40% of the gross floor area of the principal use. Any other manner of fabrication, manufacturing, processing or other type of industrial activity shall be prohibited; and

(b) Sidewalk sales and promotional events which are temporary and incidental to any principal use permitted herein; provided, however, that such activity does not displace any required parking or landscaped area as specified by this chapter.

(G) *Development standards for the Cielo Verde Commercial District.*

(1) *Minimum lot area.* Twelve thousand square feet.

(2) *Maximum building height.* Forty feet.

(3) *Yards.*

(a) Fifteen-foot setback abutting public or private street;

(b) Twenty-foot setback with solid six-foot high screening (landscape/wall) adjacent to residential areas; and

(c) Zero-foot setback between lots of the same zoning.

(4) *Noise limitations.* Noise limitations shall be in accordance with § 154-15.11 of the city zoning ordinance.

(5) *Parking and loading.* Off-street parking and loading shall be provided in the manner specified in Article 16 of the city zoning ordinance.

(6) *Lighting.* All exterior lighting fixtures shall be arranged and located as to direct the light away from any public or private street right-of-way or adjoining residential district.

(7) *Landscaping.* Any required yard fronting on a public or private street right-of-way shall be landscaped as set forth in Article 20 of the city zoning ordinance and shall not be used for parking, loading, maneuvering aisle or product display.

(8) *Design review.* All developments proposed in the Commercial District shall be subject to Design Review by DCD staff. DCD staff shall use the development standards of § 154-14.01(D) of the Aesthetic Overlay District for review guidelines.

(H) *Cielo Verde Residential District.*

(1) *Purpose.* Individual neighborhood developments may be produced in the form of subdivided lots or as operating rental parks. These alternate forms of development are intended to provide flexibility in order to respond to evolving market demands in the future. Operating rental parks may be subdivided into lots at future times in compliance with City of Yuma Subdivision Regulations. Subdivided lots may be rented and collectively operated as rental parks, with individual lots owned by the developer or by the homeowner.

(2) Primary uses permitted in the Cielo Verde Residential District include the following:

(a) Recreational vehicle subdivisions;

(b) Park models, including such units exceeding 400 square feet. currently referred to as "super park models" or "vacation homes";

(c) Manufactured homes;

(d) Site built dwellings;

(e) Lot size requirements and square feet per unit type, are subject to development standards;

(f) Low and medium density multi-family dwellings;

(g) Small and large residential care facilities;

(h) Home occupations;

(i) Accessory buildings, structures and uses such as a vestibule, carport, garage, noncommercial storage facilities, boat and trail storage areas;

(j) Accessory uses of buildings or structures incidental to any permitted use;

(k) Golf courses, community swimming pools, tennis courts, shuffleboard courts, softball and volleyball areas and any other recreational or community facilities, as may be warranted by community interests;

(l) Open space, parks, linear parks, outdoor performance amphitheater, outdoor/indoor seasonal festival activities and recreational facilities;

(m) Municipal water production and storage facilities; municipal sewage treatment plants; municipal facilities for the collection, transfer and disposal of solid waste;

(n) Stormwater storage facilities and retention areas;

(o) A religious institution, including related buildings and activities, located on Parcel 15 only of the recorded Cielo Verde plat, at the southwest corner of 36th Street and Avenue 8-1/2 E;

(p) Recreational vehicle parks; and

(q) Manufactured home parks.

(2) *Development standards.*

(a) *Minimum parcel sizes/area per unit.*

1. *Recreation vehicle, park model.* One thousand eight hundred square feet;

2. *Manufactured home or multi-family lot size.* Two thousand four hundred square feet;

3. *Site built residence lot size.* Six thousand square feet;

4. *Minimum site area for a recreation vehicle subdivision.* Three acres; and

5. *Dwellings on lot.* More than one dwelling unit may reside on a lot, as long as the lot size includes the combined minimum square footage for each dwelling type. For example, if a recreation vehicle (1,800 square feet) and a site built residence (6,000 square feet) are on one lot, that lot will have to be a minimum of 7,800 square feet.

(b) *Minimum lot widths.*

1. *RV, park model, manufactured home or multi-family lot width.* 40 feet;

2. *Site built lot width.* 50 feet; and

3. *Lots with circle driveways or dual driveways.* 60 feet.

(c) *Minimum setbacks.*

1. *Front yard setback.*

a. *RV, park model, manufactured home.* Ten feet;

b. *Site built or multi-family.* Twenty feet; site built single-family homes may be constructed with a 15-foot front yard setback, but shall maintain an increased rear yard setback as shown in division (H)(2)(c)3. below. Front entry garages shall maintain a minimum 20-foot front yard setback.

2. *Side yard setback.*

a. *RV, park model, manufactured home, site built.* Seven feet; and

b. *Multi-family.* Zero feet.

3. *Rear yard setback.* Ten feet; site built single-family homes constructed with a 15-foot front yard setback shall maintain a minimum 15-foot rear yard setback.

4. *Street side setback.* Ten feet.

5. *Setback between dwellings.* Fourteen feet.

(d) *Lot coverage.* Fifty percent maximum.

(e) *Off-street parking.* One parking space, as defined in Article 16 of this chapter, shall be provided for each parcel for a recreation vehicle subdivision use, and shall not be located within any public or private drive or street or other access way. Said parking shall be paved with a durable, dust-free surface, and shall be located within either 50 feet of the residential use being served or within a designated parking area. No parking space shall be located within the minimum street setback as specified herein. A minimum of one visitor parking space shall be provided for each five recreation vehicle subdivision parcels. All other uses shall provide off-street parking as required by Article 16 of this chapter.

(f) *Lighting.*

1. In order to carry out the overall development concept and theme of Cielo Verde, the lighting of the project will accentuate the project features.

2. The open spaces will be lighted for pedestrian utilization. The lighting of these areas will be by pedestrian scale lights that will provide low-level light to the major pathway system.

3. The individual residencies will light the residential neighborhoods. Each residence will have illuminated address for ease of visitor way finding and emergency vehicle response.

4. Interior street will have limited lighting. Intersections will be lighted.

(g) *Streets.*

1. *Street corners.* Twenty-five feet minimum radius.

2. *Local street width.* Twenty-two feet of driving surface. Local streets shall accommodate "eyebrow" parking spaces for guest and residential overflow parking.

3. Ring Road Street with medians shall have 60 feet of right-of-way. Included in the right-of-way will be a five foot meandering sidewalk on one side, one 12 foot asphalt driving lane in each direction, an eight foot paved shoulder between the travel lane and face of curb and a six foot raised, center median.

4. Ring Road without medians shall have 60 feet of right-of-way. Included in the right-of-way will be two 12 foot asphalt driving lanes, excluding gutter and five foot meandering sidewalks on both sides of the roadway.

5. Thirty-Sixth Street shall have 80 feet of required right-of-way. Cross sections shall be the same as the Ring Road cross

sections with appropriate modifications approved by staff to accommodate left turn bays.

(h) *Driveway standards.* Twelve feet wide, four feet from property lines.

(i) *Curbing.* City standards or modified wedge curb and gutter (see detail).

(j) *Stormwater drainage.* Drain to master drainage areas in parks and recreational area set aside for such use.

(k) *Utilities.* The following utilities, as available to the site, shall service each residential parcel: electricity, telephone, cable service, natural gas, city water, city sewer or city approved alternative wastewater collection and treatment system.

(l) *Fire hydrants.* Fire hydrants shall be located along streets at 500-foot intervals, subject to review of the City Fire Department.

(m) *Walls and fences at exterior boundaries.* Walls or fences shall be located at exterior boundaries adjacent to arterial streets.

(n) *Landscaping.*

1. The landscaping of Cielo Verde will set the visual tone of this unique community. The character of the landscape will utilize a blend of native and cultivated-drought resistant plants in accordance with the city's approved plant list. These will be arranged in groupings that replicate natural settings.

2. For the right-of-way areas, the density and sizes of materials as stated in the ordinance will be utilized. However, the landscape materials will be arranged in natural groupings and spacing. The plants will not be placed on specific center-to-center dimension.

3. The major open spaces will utilize the same concept as above. The informal groupings of arid adapted plants will be combined with accent areas of turf. Turf will be utilized in small areas that will be useful and functional to the residents. The quantity and sizes of the plantings will conform to the city landscape ordinance requirements (Article 20) but the groupings will be natural in appearance.

(o) *Design.* Side entry garages for site built single-family homes shall incorporate additional architectural treatments such as windows, pop-outs or other architectural features to enhance the street-side appearance. The design shall be subject to the review and approval of the Department of Community Development.

(I) *Cielo Verde Manufactured Housing Park District.*

(1) *Primary uses.*

(a) Manufactured home parks;

(b) Recreational vehicle parks;

(c) Private parks, recreation areas and facilities;

(d) Recreational vehicle cooperatives;

(e) Public schools, parks and recreation facilities;

(f) Child day care services, small;

(g) Residential care facility, small; and

(h) Nursing and personal care facility, small.

(2) *Accessory uses.*

(a) Accessory buildings, structures and uses in manufactured home parks such as vestibule, carport, garage, storage or recreation facilities and joint boat and trailer storage areas;

(b) Overflow recreational vehicle parking (dry camps), not to exceed 20% of the total number of manufactured home and recreational vehicle spaces; and

(c) Home occupation.

(3) *Development standards.*

(a) *Minimum park area.* Three acres (A lot, parcel or tract of land less than three acres may be rezoned if it adjoins existing similar zoning).

(b) *Maximum one unit per lot.* There shall be not more than one manufactured home per each manufactured home space. The location of recreational vehicles on a manufactured home space for human occupancy is permitted provided it is the only occupied unit on the space, and also provided that the unit is self-contained or that restrooms and shower facilities are provided.

(c) *Minimum services and equipment.* All manufactured homes shall be equipped with toilet, bath and kitchen facilities and shall be connected to a sanitary sewer. Water, electrical and telephone service shall be provided.

(d) *Unit rental space sizes.*

1. *Manufactured home park.*

a. *Minimum per space.* One thousand eight hundred square feet minimum per manufactured home space;

b. *Minimum width.* Thirty feet; and

c. *Minimum depth.* Sixty feet.

2. *Recreational vehicle park and recreational vehicle cooperative.*

a. *Minimum per space.* Minimum area of 1,200 square feet per recreational vehicle space;

b. *Minimum width.* Twenty-five feet; and

c. *Minimum depth.* Forty-eight feet.

(e) *Streets.*

1. *Local street width.* Twenty-two feet; and

2. *Street corners.* Twenty-five feet.

(f) *Curbing.* City standards or modified wedge curb and gutter.

(g) *Off-street parking.*

1. *For manufactured housing parks.* Minimum two parking spaces per lot; and

2. *For recreational vehicle parks and recreational vehicle cooperatives.* Minimum one parking space per lot.

(h) *Walls and fences at exterior boundaries.* Walls surrounding the exterior perimeter of manufactured home park neighborhoods shall be provided at a minimum height of six feet.

(i) *Utilities.* The following utilities, as available to the site, shall service each residential parcel: electricity, telephone, cable service, natural gas, city water, city sewer or city approved alternative wastewater collection and treatment system.

(j) *Fire hydrants.* Fire hydrants shall be located along streets at 500-foot intervals, subject to review of the City Fire Department.

(k) *Washroom and laundry facilities.* Washroom and laundry facilities shall be provided in enclosed structures.

(l) *Park manager accommodations.* One dwelling unit or manufactured home will be permitted for the use of the park manager or cooperative; such building may also include a management office.

(m) *Refuse collection areas.* Shall be provided at centralized locations for convenient access.

(n) *Minimum recreation areas.* Open space and recreational areas to be not less than 5% of total area devoted to manufactured home development.

(o) *Lighting.*

1. Lighting for this district will continue the theme of Cielo Verde. The park pathways and some selected areas of the open spaces will be illuminated with low-level pathway lights.

2. The individual residences will have illuminated addresses to light the residential areas.

3. Interior streets will have limited lighting. All intersections will be lighted.

(p) *Stormwater drainage.* Stormwater drainage shall be provided in accordance with final approved plat plan.

(q) *Management.* The park manager or cooperative association shall be responsible for the management and maintenance of all private streets and facilities as specified herein.

(r) *Setbacks from the periphery of the park.*

1. Front yard. Five feet;

2. *Side yard (including street side).* Five feet; and

3. *Rear yard.* Five feet.

(s) *Separation.* As required in the Building Safety Code or by development agreement.

(t) *Maximum height.* Maximum height of buildings is 20 feet.

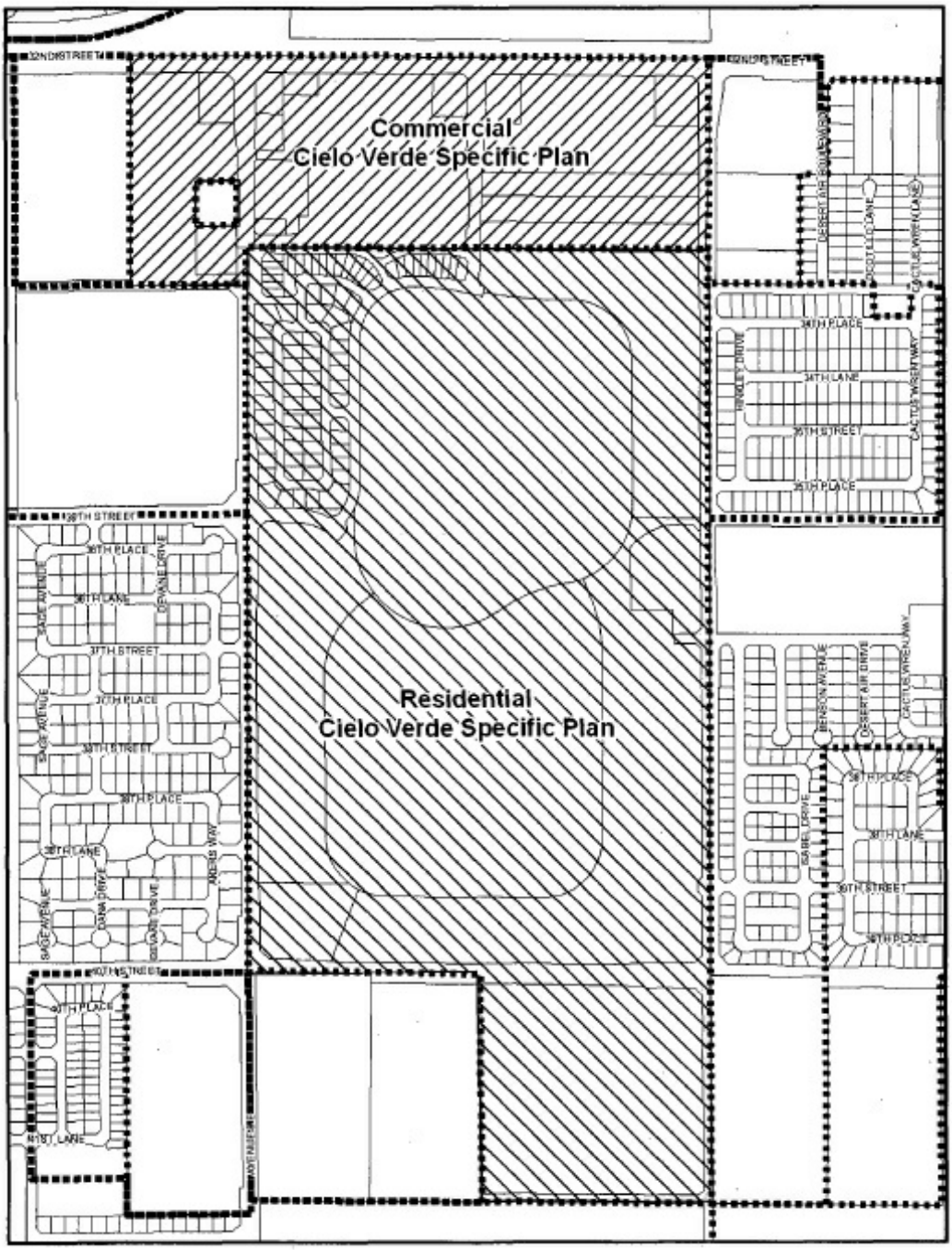
(u) *Visibility.* All structures located at the corner of public streets shall comply with the visibility triangle requirements of the zoning code. See § 154-06.04(F)(5) through (F)(9).

(v) *Tie downs.* All manufactured homes and park model recreational vehicles in manufactured home or recreational vehicle parks shall be anchored to comply with wind and seismic standards as adopted by the city.

(w) *Landscaping.* Landscaping for this section of the project will maintain the same character as the rest of Cielo Verde. Planting will utilize the same plant palette, informal groupings and densities. Densities of plants and sizes will be as required by the city landscape ordinance (Article 20). Spacing of the plants will be based upon natural groupings and the growth characteristics of each plant.

(Ord. O2010-32, passed 7-7-2010; Ord.O2014-16, passed 8-27-2014)

Cielo Verde Specific Plan



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