

ARTICLE 14

ZONING

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ZONING

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ORDINANCE NUMBER 1078

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF WICKENBURG, ARIZONA, REPEALING THE "1979 WICKENBURG ZONING ORDINANCE" AND ALL AMENDMENTS THERETO EXCEPT REZONING ORDINANCES AFFECTING SPECIFIC PROPERTY AND THE MAP ENTITLED "1979 ZONING MAP OF THE TOWN OF WICKENBURG, ARIZONA"; AND ADOPTING THE "ZONING ORDINANCE OF THE TOWN OF WICKENBURG, ARIZONA" BY REFERENCE, INCLUDING THE ADOPTION BY REFERENCE OF THE MAP ENTITLED "THE 2010 ZONING MAP, TOWN OF WICKENBURG, ARIZONA" SETTING FORTH REGULATIONS FOR THE USE OF LAND IN THE TOWN, INCLUDING GENERAL RULES OF CONSTRUCTION AND INTERPRETATION OF THE ZONING ORDINANCE; LAND USE REGULATIONS FOR SINGLE FAMILY RESIDENTIAL DISTRICTS, RM-1/ RM-2 DISTRICTS - MULTIPLE FAMILY RESIDENTIAL, MHP/RVP DISTRICTS- MOBILE HOME PARK RESIDENCE DISTRICTS, PSC DISTRICT - PLANNED SHOPPING CENTER DISTRICTS, COMMERCIAL DISTRICTS, RESORT AND RECREATION DISTRICTS, MUDD DISTRICTS - MIXED USE DEVELOPMENT DISTRICTS, INDUSTRIAL DISTRICTS, WELL HEAD PROTECTION OVERLAY ZONES INCLUDING PERMITTED USES, SETBACK, HEIGHT, MINIMUM LOT AREA AND LOT COVERAGE REQUIREMENTS, OFF-STREET PARKING AND LOADING REGULATIONS, SIGN REGULATIONS, LANDSCAPING, IRRIGATION AND LIGHTING REGULATIONS, WIRELESS COMMUNICATIONS REGULATIONS, GENERAL ADDITIONAL REGULATIONS; SETTING FORTH REQUIREMENTS FOR, OVERLAY ZONES AND AREAS; ESTABLISHING HEARING BODIES AND THE DUTIES OF SUCH HEARING BODIES; SETTING FORTH ADMINISTRATIVE REGULATIONS INCLUDING PROCEDURES FOR ADOPTION AND AMENDMENT OF REZONING ORDINANCES, THE ZONING ORDINANCE, AND THE GENERAL PLAN, APPROVAL OF USE PERMITS AND VARIANCES, REQUESTS FOR INTERPRETATION OF THE ZONING ORDINANCE, PROCEDURES FOR ANNEXATION, CLAIMS FOR DIMINUTION OF VALUE, PROTECTED DEVELOPMENT RIGHTS, AND APPEALS OF DEDICATIONS, EXACTIONS AND ZONING REGULATIONS; PROVIDING FOR DEVELOPMENT REVIEW INCLUDING DESIGN GUIDELINES; SETTING FORTH REGULATIONS FOR NON-CONFORMING USES; PROVIDING A GLOSSARY OF TERMS AND DEFINITIONS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY

WHEREAS, The Town of Wickenburg desires update its Zoning Ordinance to promote the public health, safety and general welfare of the residents of the Town, to comply with new laws and to be more easily used by Town staff and the general public; and

WHEREAS, the Town of Wickenburg does not intend by the adoption of this Zoning Ordinance to rezone land to change the zoning classification of existing land uses within existing zoning districts, but rather to update land use regulations with zoning districts and create additional zoning districts to benefit future uses; and

WHEREAS, a public hearing was held before the Planning and Zoning Commission on September 23, 2010 and before the Town Council on October 4, 2010, 2010 in compliance with A.R.S. § 9-462.04.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL of the Town of Wickenburg, County of Maricopa, State of Arizona as follows:

Section I In General

Those certain documents known as the "2010 Town of Wickenburg Zoning Code Amendments" and the "2010 Zoning Map of the Town of Wickenburg", three copies of which shall remain on file in the office of the Town Clerk, are hereby declared to be public records.

The Town Code of the Town of Wickenburg, Arizona shall be amended by adopting by reference those public records entitled the "2010 Town of Wickenburg Zoning Code Amendments" and the "2010 Zoning Map of the Town of Wickenburg" which documents are hereby adopted and incorporated by reference.

Section II Providing for Repeal of Conflicting Ordinances

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III Providing for Severability

If any Section, Sub-Section, sentence, clause, phrase or portion of this Ordinance, or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV Providing for Penalties

1. A citation issued pursuant to Section 14-27-5 shall direct the person to whom the citation is issued to pay a fine in the amount of not more than three hundred dollars (\$300) for each offense. Payment of the fine shall constitute a finding of responsibility for the violation for purposes of Section 14-27-7.
2. Upon a finding by the magistrate court that a person is responsible for a civil violation. That person, corporation, or other legal entity shall be subject to a civil fine of not more than \$300 for each violation imposed by the Town magistrate court.
3. Any judgment for civil fines or penalties may be collected as any other civil judgment, as provided for in the Arizona revised statutes.
4. Any person found responsible by the magistrate court for committing three or more civil violations of the Zoning Code, a Zoning Ordinance, a Use Permit, variance or design review approval within a twenty-four-month period, whether by admission, by payment of the fine, by fault or by judgment after hearing shall be determined to be a habitual offender. For purposes of calculating the twenty-four-month period under this Subsection a, the dates of the Commission of the offenses are the determining factor. A habitual offender who subsequently violates the Zoning Code, a Zoning Ordinance, Use Permit, variance, or design review approval shall be guilty of a Class I Misdemeanor Offense and shall be subject to the penalties set by the Arizona revised statutes. Notwithstanding the above elective penalty, upon conviction of a habitual offender of a violation of the Zoning Code, a Zoning Ordinance, a Use Permit, variance, or design review approval, the court shall impose a fine of not less than five hundred dollars for each count upon which a conviction is obtained. A judge shall not grant probation to a habitual offender or suspend any part of a sentence or fine imposed upon a habitual offender for any sentence required by this Subsection, except on the condition that the habitual offender pays the fine imposed by the court, as provided in this Section.
5. Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.
6. A person who fails or refuses to provide evidence of his or her identity to the Town Zoning Administrator, building official, building inspector, the Code enforcement officer, a police officer or any other authorized agent of the Town upon request, when such agent has reasonable cause to believe the person has committed a violation of the Zoning Code, is guilty of a class I misdemeanor. Evidence of identity shall consist of a person's full name, residence address, and date of birth.

APPROVED, PASSED AND ADOPTED by the Mayor and Common Council of the Town of Wickenburg, Arizona, this 4th day of OCTOBER 2010.

ARTICLE 14-1 TITLE AND PURPOSE

14-1-1	Title
14-1-2	Purpose

Section 14-1-1 Title

This Ordinance shall be known as “The Zoning Ordinance of the Town of Wickenburg, Arizona” and may be referred to as “this Ordinance” or “the Zoning Ordinance”.

Section 14-1-2 Purpose

The purpose of this Ordinance is to provide adequate light, air, safety from fire, health and other dangers, while accomplishing the following:

- A. Conserve land and building values.
- B. Reduce or avoid congestion in the public streets.
- C. Promote the public health, safety, and general welfare of residents of the Town.
- D. Direct growth with a priority to those areas where public services and infrastructure are available or can be economically provided.
- E. Ensure consistency and conformity with the General Plan of the Town.
- F. Maintain and enhance the appearance of new development.
- G. Ensure compatibility among land uses.
- H. Ensure the provision of open space for recreation, light, air and fire safety.

ARTICLE 14-2 GENERAL RULES

- 14-2-1 General Rules for Language Construction
- 14-2-2 Interpretation of the Zoning Ordinance

Section 14-2-1 General Rules for Language Construction

The following rules of construction shall apply:

- A. The particular controls the general.
- B. Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:
 - 1. "And" indicates that all connected words or provisions shall apply.
 - 2. "Or" indicates that the connected words or provisions may apply singly or in any combination.
 - 3. "Either . . . Or" indicates that the connected words or provisions shall apply singly but not in combination.
- C. References to Departments, Commissions, Boards, or other offices are to those of the Town unless otherwise indicated.
- D. References to a public official in the Town are to that person who performs the function referred to and includes a designee of such official.
- E. References to days are to calendar days unless otherwise indicated.
- F. References to measurements are in feet unless otherwise indicated.
- G. The words "activities" and "facilities" include any part thereof.

Section 14-2-2 Interpretation of the Zoning Ordinance

As development occurs within the Town, questions will arise regarding the requirements of the Zoning Ordinance. This Section sets forth the rules for interpretation of the Zoning Ordinance.

- A. Rules of Interpretation.
 - 1. The requirements of this Ordinance are the minimum requirements for development in the Town.
 - 2. This Ordinance is not intended to interfere with or abrogate or annul any easements, covenants or other agreements between parties, except that if this Ordinance imposes a greater restriction, this Ordinance shall control.
 - 3. Where the requirements imposed by this Ordinance are less restrictive than comparable requirements imposed by any other provisions of this Ordinance or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern.
- B. Interpretation of the Zoning Ordinance. Procedures to request an interpretation of this Ordinance shall be governed by Section 14-24-6.

ARTICLE 14-3 ZONING DISTRICTS AND BOUNDARIES

14-3-1	Zoning Districts
14-3-2	Boundaries of Zoning Districts
14-3-3	Boundary Determination

Section 14-3-1 Zoning Districts

In order to (i) classify, regulate, and restrict the location of business, trades, industries, residences and other land uses, and the location of buildings designed for specified uses; (ii) regulate and limit the height and bulk of buildings hereafter erected, reconstructed or structurally altered; (iii) regulate and limit the intensity of the use of lot areas; and (iv) regulate and determine the area of yards, courts and other open spaces within and surrounding such buildings, the Town is hereby divided into Districts as follows

RI-175	Single-Family Residential
RI-87	Single-Family Residential
RI-35	Single-Family Residential
RI-18	Single-Family Residential
RI-12	Single-Family Residential
RI-9	Single-Family Residential
RI-6	Single-Family Residential
RM-1/-2	Multiple Family Residential
MHP/RVP	Mobile Home Park Residential/Recreational Vehicle Park
PSC	Planned Shopping Center
MUDD	Mixed Use Development
C-1	Neighborhood Commercial
C-2	Central Business
C-3	Major Street Commercial
RR	Resort and Recreation
I-1	Planned Industrial
I-2	Light Industrial
I-3	Heavy Industrial

Section 14-3-2 Boundaries of Zoning Districts

The boundaries of these districts are shown on the map made a part of this Ordinance, which map is designated as the "Zoning District Map." The Zoning District Map and all the notations, references, and other information shown thereon are made a part of this Ordinance by reference and have the same force and effect as if the Zoning District Map and all the notations, references and other information shown thereon were all fully set forth or described herein.

Section 14-3-3 Boundary Determination

- A. Where uncertainty exists with respect to the boundaries of any zoning district as shown on the Zoning District Map, the following rules shall apply:
 1. Where zoning district boundaries are indicated as approximately following street or alley lines or the centerlines thereof, such lines shall be construed to be the zoning district boundaries.
 2. Where zoning district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be the zoning district boundaries.

3. Where zoning district boundaries are indicated as approximately following the line of any stream, irrigation canal or other waterway, or railroad right-of-way, or the boundary line of public land, the center of such stream, canal, or waterway, or of such railroad right-of-way, or the boundary line of such public land shall be construed to be the zoning district boundaries.
 4. In unsubdivided land or where a zoning district boundary divides a lot or parcel of land, the location of such boundary, unless indicated by dimensions shown on the Zoning District Map, shall be determined by the use of the scale appearing on said map.
 5. Where such boundaries have been changed by the Council pursuant to Article 14-24 and where such changed boundaries are shown on a detailed map, the detailed map shall govern in the event there is any difference between the boundaries shown on the Zoning District Map or subsequent amendments thereto, and the detailed map.
- B. All territory which may hereafter be annexed into the Town shall be placed in zoning classifications which permit densities and uses no greater than those permitted by the County having jurisdiction immediately before annexation. Subsequent changes in zoning of the annexed territory shall be made pursuant Section 14-24-2.
- C. Whenever any street, alley or other public way is vacated by official action of the Council, the zoning districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended zoning districts.
- D. Except as hereinafter provided:
1. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except in conformity with the regulations of the district in which the building or land is located.
 2. The minimum yards and other open spaces required by this Ordinance for buildings shall not be encroached upon or considered as meeting yard or open space requirements for any other building.
 3. No lot area shall be reduced beyond the minimum lot area required by the district regulations set forth in this Ordinance.
 4. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) principal building on one (1) lot.

ARTICLE 14-4 SINGLE-FAMILY RESIDENTIAL DISTRICTS**14-4-1 Purpose****14-4-2**

Permitted Uses Matrix

14-4-3

Additional Regulations

14-4-4

Height, Yard, Area and Density Regulations

14-4-5

Development Review Guidelines for Single Family Residential Developments

Section 14-4-1 Purpose

The principal purpose of these zoning districts is to conserve and protect the existing and future single-family residential character of the Town, taking into consideration existing conditions including the present size of lots, use of land and availability of utilities and future land use needs, and accommodating the varying lifestyles of the community from low density, equestrian estates to more urban type medium density residential uses.

Section 14-4-2 Permitted Uses Matrix

The following matrix sets forth permitted and conditionally permitted uses in all Single-Family Residential Districts:

USES	SPECIAL REQUIREMENTS	ZONING DISTRICT						
		All Single-Family Residential Districts						
		RI-175	RI-87	RI-35	RI-18	RI-12	RI-9	RI-6
Accessory Buildings and Uses		X						
Agriculture		X	X	X	-	-	-	-
Bed and Breakfast Lodging		C	C	C	-	-	-	-
Cemetery or Mausoleum		C						
Community Center		C						
Fairs, Circuses, Outdoor Concerts and Other Special Events		T						
Farms		X	X	-	-	-	-	-
Farm Stands		X	X	X	X	X	X	X
Funeral Homes		C						
Golf Course Including Clubhouse(s) and Driving Range(S) Located Thereon, but not Including Miniature Courses.		C						
Group Homes for the Handicapped		C						
Guest Ranch		C	C	C	-	-	-	-
Home Occupations		X						
Horse Boarding		C	C	C	-	-	-	-
Mobile Home and Travel Trailer Parks on Sites with Less Than 10 Acres		C						
Modular Home		X	X	X	X	X	X	X
One Single Family Dwelling Per Lot		X						
Park, Playground, Recreation Field and Public Buildings Owned or Operated by a Public Agency		X						
Pocket Park		X	X	X	X	X	X	X
Privately and Commercially Operated Recreational Lake, Swimming Pool, Tennis Court		C						
Seasonal Produce Stand		X						
Public School and or Private School		C						
Religious Assemblies		X	X	X	X	X	X	X
Roping Arena		X	X	X	-	-	-	-
Seasonal Temporary Uses		T						
Television / Radio Stations and Transmitters		C						
Temporary Buildings		A						
Wireless Communication Facility		C						
Yard and Garage Sales		X						

x = permitted, c = Conditional Use Permit required, t = Temporary Use Permit required, A= administrative Use Permit, "-" = not permitted

Section 14-4-3 Additional Regulations *Ord. 1166

- A. Accessory Buildings and uses shall be limited to the following and shall comply with the requirements of Section 14-21-4:
1. Private garage, garden house, tool house.
 2. Guest house.
 3. Quarters for servants and caretakers employed on the premises, but not as a rental unit.
 4. Private swimming pool.
 5. Tennis Court.
 6. Sport Court.
 7. Barns.
 8. Medical marijuana qualifying patient cultivation and designated caregiver cultivation, limited to cultivation for one (1) qualifying patient of up to twelve (12) medical marijuana plants in compliance with A.R.S. §36-2806.01. ⁸
- B. Group homes for the handicapped shall comply with the following standards:
1. A maximum of ten (10) residents per home, not including staff.
 2. No sign, graphics, display or other visual means of identifying the group home, other than the address visible from a public street.
 3. Compliance with all applicable Building and Fire Safety Regulations. If a group home has one (1) or more non-ambulatory residents, additional building Code requirements to protect such residents shall apply.
 4. A separation between such group homes of a minimum of eight hundred feet (800').
 5. Registration with the Planning Department.
 6. Any license, certification, or registration required for the group home by a State or Federal agency shall be obtained and a copy provided to the Town.
 7. On-site parking spaces consistent with the requirements of Article 14-17 and the configuration and design approved by the Zoning Administrator to preserve the residential character of the home. The Town may require landscaping to screen parking spaces.
 8. No group home for the handicapped shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of other persons. Any conflicting or more stringent requirement established by State or Federal law or regulation of a specific type group home for the handicapped (such as a group home for the developmentally disabled pursuant to A.R.S Section 36-582 or an assisted living home pursuant to A.R.S. Title 36, Chapter 4) shall apply in addition to the conditions listed herein and shall preempt any conflicting condition listed herein. If the owner of a group home for the handicapped believes any requirement of the Zoning Ordinance prevents the establishment of a group home for the handicapped in an economically viable manner, the owner shall submit to the Zoning Administrator a written request for accommodation and the reasons why the accommodation is required. The written request shall contain sufficient facts to allow the Zoning Administrator to make an individualized determination of the group home's needs, to address the Town's safety and welfare concerns, and to assure compliance with this Section. The Zoning Administrator shall review the written request and make a determination within five (5) working days upon receipt of the letter. The following items shall be determined:

- a. Whether an accommodation should be made pursuant to the requirements of the Fair Housing Act; and
 - b. If so, the nature of the accommodation taking into consideration the requirements of the Fair Housing Act, public safety and welfare concerns, and the residential character of the neighborhood.
- . The accommodation shall be made only to the extent necessary to comply with the Fair Housing Act.
- C. Home Occupations (including home professions) shall first receive approval by the Zoning Administrator and comply with the following requirements:
 1. The Home Occupation shall not detract from or change the character or exterior of the residence.
 2. No one other than the residents of the dwelling unit shall be employed in the conduct of the Home Occupation.
 3. There is no storage of mechanical equipment except for that which is customarily used for domestic, hobby, or household purposes. Properties within the R1-175, R1-87 and R1-35 shall be exempt from this requirement.
 4. The total area used in the conduct of the Home Occupation shall not exceed fifteen percent (15%) or two hundred fifty (250) square feet of the habitable dwelling, whichever is less.
 5. There are no outside storage of any kind related to the Home Occupation.
 6. There are no commodities sold on the premises.
 7. A Home Occupation includes the use of the dwelling unit by professional persons for consultation, but not for the general practice of the profession.
 8. The Home Occupation shall not contribute to additional traffic volume within the residential neighborhood.
 9. There shall be no advertising of the Home Occupation on the premises.
 10. The Home Occupation shall not create any disturbing or offensive activity, noise, vibration, smoke, dust, odor, heat, glare, or other unhealthy or unsightly condition.
 11. The Home Occupation shall not create a traffic or parking problem as deemed by the Zoning Administrator.
 12. There shall be sufficient parking on-site, and there shall be no off-site parking, for any employees, clients, customers or general public visits to the residential property for business purposes.
 13. Hazardous Materials: none of the following materials shall be used or stored on the premises:
 - 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.
 - c. Flammable combustible liquids over five gallons, unless in a mobile unit or watercraft.
 - d. Corrosive/oxidizing chemicals other than what are normally consumed on premises for normal use (drain cleaner, pool chemicals, etc.).
 - e. Hazardous materials as defined by the Environmental Protection Agency (EPA).
 - f. 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.

- D. Modular homes shall be certified by the State of Arizona Department of Building and Fire Safety, Office of Manufactured Housing as a factory-built building which has been constructed in compliance with an approved plan pursuant to A.R.S. Title 41, Chapter 16, Article 2. Compliance shall be indicated by a blue metal tag affixed to the unit by the Office of Manufactured Housing.
1. The unit shall be certified by the State of Arizona Department of Building and Fire Safety, Office of Manufactured Housing as a factory-built building which has been constructed in compliance with an approved plan pursuant to A.R.S. Title 41, Chapter 16, Article 2. Compliance shall be indicated by a blue metal tag affixed to the unit by the Office of Manufactured Housing.
 2. Modular home applications shall be subject to design review approval by the commission. *Ord. 1166
 3. All modular homes shall be installed on a permanent foundation and connected to utilities. *Ord. 1166
- E. Bed and Breakfast Lodging. No more than six (6) guest rooms on one acre or less, ten (10) guest rooms on more than one acre of land.
- F. Guest Ranch. The property must be ten (10) acres or more in size and comply with the following requirements:
1. The building coverage shall not exceed fifteen percent (15%) of the gross site area exclusive of any perimeter streets.
 2. The lot width must be a minimum three hundred (300) feet.
 3. Setbacks shall be:
 - a. Front Yard: Seventy-Five (75) feet
 - b. All side Yards: Fifty (50) feet
 - c. Rear Yard: One Hundred (100) feet
 4. There shall not be more than six (6) guest units per acre of gross site area.
 5. The maximum height shall not exceed two (2) stories or thirty (30) feet.
 6. There shall not be more than one (1) identification sign which does not exceed twenty (20) square feet in area.
 7. The guest ranch shall be under unified ownership and management. Not more than twenty (20) percent of the guest units of the guest ranch shall be used for dwelling unit
- G. Television/Radio Stations and Transmitters. FAA approval shall be obtained.
- H. Temporary Buildings shall be removed upon the earlier of six (6) months from issuance of the Temporary Use Permit or completion of the temporary use. The Commission may approve one (1) six (6) month extension.
- I. Yard and Garage Sales shall comply with the following requirements:
1. Five (5) Yard Sales are permitted per year, for a combined total of ninety-six (96) sale hours.
 2. Signage shall meet Town requirements as to size, amount, and placement, (for example):
 - a. Must not exceed three (3) feet in height.
 - b. Must be anchored to the ground and not be placed in the street, median, sidewalk, and/or pedestrian circulation areas.
 - c. Allowed only while the event is ongoing.
 - d. Must be removed when event has been completed.
 - e. No sign permit is required.

Section I4-4-4 Height, Yard, Area and Density Regulations

Height, yard, area and density regulations for Single Family Residential Districts are as follows:

Zoning District Matrix										
Associated General Plan Land Use Categories	Zoning Districts	Maximum Building Height			Minimum Yard Setbacks				Minimum Lot Area	Minimum Lot Width
	<u>Single Family Residential</u>	<u>Stories</u>		<u>Feet</u>	<u>Front</u>	<u>Rear</u>	<u>Interior Side</u>	<u>Street Side</u>	<u>Square Feet / Acres</u>	<u>Feet</u>
Rural - 1 du/4 (acres or more)	R1-175	2	AND	30'	60'	65'	30'	40'	175,000	200'
SF Rural (0-2 du/acre)	R1-87	2	AND	30	50'	55'	25'	35'	87,000	175'
SF Rural (0-2 du/acre)	R1-35	2	AND	30	40'	45'	20'	30'	35,000	145'
SF Rural (0-2 du/acre)	R1-18	2	AND	30	30'	35'	15'	20'	18,000	100'
SF Low Density (2-5 du/acre)	R1-12	2	AND	30	30'	35'	10'	15'	12,000	90'
SF Low Density (2-5 du/acre)	R1-9	2	AND	30	25'	30'	8'	12'	9,000	80'
SF Low Density (5-10 du/acre)	R1-6	2	AND	30	20'	25'	6'	10'	6,000	60'

du= dwelling unit(s)

Section I4-4-5 Development Review Guidelines for Single Family Residential Developments

All tract home subdivisions developed within a Single-Family Residential District shall comply with Section I4-25 and shall comply with the Subdivision Ordinance set forth in Chapter II of the Town Code.

ARTICLE 14-5

RESERVED FOR FUTURE USE

ARTICLE 14-6

RESERVED FOR FUTURE USE

ARTICLE 14-7 RM-1 AND RM-2 DISTRICTS – MULTIPLE FAMILY RESIDENTIAL

14-7-1	Purpose
14-7-2	Permitted Uses Matrix
14-7-3	Height, Yard and Area Regulations
14-7-4	Development Review Guidelines

Section 14-7-1 Purpose

RM-1: The principal purpose of this zoning district is to make provision for two-family and multiple family dwellings in areas that are suitable and appropriate taking into consideration existing conditions such as present land use, lot sizes and public facilities. This District permits a greater density of population than the single-family residential districts.

RM-2: The principal purpose of this zoning district is to make provision for multiple family dwellings in centrally located portions of the Town that are suitable and appropriate for apartments, townhomes, condominiums and patio homes and that are in close proximity to the Central Business District, Library, and Community Center.

Section 14-7-2 Permitted Uses Matrix

<u>USES</u>	<u>ZONING DISTRICT</u>	
	<u>RM-1 DISTRICT</u>	<u>RM-2 DISTRICT</u>
Accessory buildings and uses	X	
Amusement Parks and Outdoor Theatres	C	
Any Use Permitted in the R1-6 District - Single Family Residential	X	
Boarding and Lodging Houses	X	
Circuses and Carnival Grounds	T	
Funeral Homes and customary accessory uses including cremators as approved by the Town and the appropriate air quality agencies	C	
Hospitals and Clinics	C	
Mini-Warehouses	C	
Multiple-Family Dwellings	X	
Educational or philanthropic institution, but not penal or mental treatment institutions	X	
Modular Buildings	C	
Religious Assemblies	X	
Two-Family Dwellings	X	
Uses Permitted by Conditional Use Permit Within Single Family Residential Districts, – Except Guest Ranches	C	
Zoos	C	

x = permitted, c = Conditional Use Permit required, t = Temporary Use Permit required, “-” = not permitted

Section 14-7-3

Height, Yard and Area Regulations

Zoning Districts	Maximum Building Height			Minimum Yard Setbacks				LOT SIZE
<u>MULTIFAMILY DWELLING</u>	<u>STORIES</u>		<u>FEET</u>	<u>FRONT</u>	<u>REAR</u>	<u>INTERIOR SIDE</u>	<u>STREET SIDE</u>	<u>SQUARE FEET</u>
RM-1	2	OR	30	15	20	5/0*	10	6,000 +
	2	OR	30	10	15	5/0*	10	3,500-5999
	2	OR	30	10	10	5/0*	10	3,000-3499
	2	OR	25	10	10	5/0*	10	2,000-2999
	2	OR	20	5	10	5/0*	10	1,500-1999
RM-2	3	OR	40	15	20	5/0*	10	6,000 +
	2	OR	30	10	15	5/0*	10	3,500-5999
	2	OR	30	10	10	5/0*	10	3,000-3499
	2	OR	25	10	10	5/0*	10	2,000-2999
	2	OR	20	5	10	5/0*	10	1,500-1999

* IF ATTACHED

A. Additional Regulations:

1. Accessory buildings and uses permitted are Home Occupations, private garages, storage garages where the lot is occupied by a multiple family dwelling. If a private garage or storage garage is not part of the main building, it shall be located not less than twenty (20) feet from the front lot line.
2. In apartment projects, such amenities shall include one or more of the following: tot lots, clubhouse, pool, sports courts, or other such recreational areas which contribute to the overall well-being and livability of the residents within the development.

B. Lot Area Per Dwelling Unit: The minimum lot area per dwelling unit shall be as follows:

<u>TYPE OF DWELLING</u>	<u>MINIMUM REQUIRED AREA PER DWELLING</u>	<u>LOT WIDTH</u>
<u>Single Family Dwelling</u>	6,000 Square Feet	60 Feet
<u>Two-Family Dwelling</u>	3,000 Square Feet	30 Feet
<u>Efficiency Unit</u>	1,500 Square Feet	15 Feet
<u>One Bedroom Dwelling Unit</u>	2,000 Square Feet	20 Feet
<u>Two Bedroom Dwelling Unit</u>	3,000 Square Feet	30 Feet
<u>Three Bedroom or Larger Dwelling Unit</u>	3,500 Square Feet	35 Feet

- C. Where a lot is located in a Multiple Family Residential more than one (1) principal building may be located on the lot but only when the locations of such buildings conform to all the open space requirements around the lot for the zoning district in which the lot is located. Yard regulations in such case may be applied around the principal buildings as though there were only one (1) principal building on the lot.

Section 14-7-4 Development Review Guidelines

All development in the RM-1 and RM-2 Multiple Family Residential Districts shall comply with Article 14-25 and the Subdivision Ordinance (as applicable) set forth in Chapter 11.

ARTICLE 14-8

Reserved For Future Use

ARTICLE 14-9 MHP DISTRICT MOBILE HOME PARK RESIDENCE AND RVP DISTRICT RECREATIONAL VEHICLE PARK

- 14-9-1 Purpose
- 14-9-2 Permitted Uses
- 14-9-3 Procedural Regulations
- 14-9-4 Mobile Home Park and Recreation Vehicle Regulations
- 14-9-5 Prohibition for Mobile Homes

Section 14-9-1 Purpose

MHP: The principal purpose of this zoning district is to make provision for mobile home parks in locations that are suitable and appropriate taking into consideration existing conditions such as the character and use of adjoining land, accessibility from a major street or highway, availability of utilities, present and future needs for such facilities to accommodate permanent residents and traveling public. In general, the intensity of use of mobile home parks is similar to that of low-density multiple family residential developments.

RVP: The purpose of this zoning district is to provide Recreational Vehicle Parks suitable and appropriate in terms of site area, the character of adjacent and nearby land uses, and accessibility to and from a major highway.

Section 14-9-2 Permitted Use Matrix Ord. 1166

A. The following are Permitted Uses:

<u>USES</u>	<u>ZONING DISTRICT</u>	
	<u>MHP</u>	<u>RVP</u>
Accessory Uses of Laundry Building, Managers Office/Quarters, and Designated Storage Compound	X	
Limited Commercial Sales as per Section 14-9.a-29-4-B-13	-	X
Mobile Home Parks subject to Section 14-9-3 and 14-9-4	X	
Modular Buildings	X	X
Open Space Facilities	-	X
Recreation Facilities	X	
Service Buildings Consistent with Mobile Home Parks	X	-
Manufactured Home	X	X
Park Model	X	X
Tiny Home	X	X

Section 14-9-3 Procedural Regulations

- A. **MHP:**
1. The MHP District may be approved through the rezoning process set forth in Section 14-24-2.
 2. A Plan of Development shall be submitted at the same time an application is filed for a change of zoning to an MHP District.
 3. In addition to the requirements of Section 14-25-4, a Conceptual Site Plan shall be submitted and approved by Council concurrently with any application for a change of zoning to an MHP Zoning District. Approval of the Conceptual Site Plan and any additional conditions may be attached to any rezoning approval of the property. The Conceptual Site Plan shall be considered part of the record for the rezoning application.

4. A Conceptual Site Plan shall include the following information:
 - a. The location and arrangement of buildings, structures and other improvements upon the land, including but not limited to walks, roadways, interior and boundary streets, lighting, planting and signs.
 - b. A narrative discussing how the proposed use or uses would conform to the requirements and regulations for the specific proposed zoning districts listed above and how the subject parcel of land shall be developed according to the requirements of this Ordinance.
 5. The Commission shall hold a public hearing for the purpose of making a recommendation for both the plan and rezoning request in accordance with procedures presented in Section 14-24-2.
 6. The Commission shall submit its written recommendations to Council together with its reason for recommending approval, approvals with conditions, or denial. If recommended for approval, or approval with conditions, specific evidence and facts shall be shown that the site plan for a Mobile Home Park meets the requirements of the regulations of the MHP District.
 7. Permits for construction or development of an MHP shall not be issued until after zoning approval has been granted and the project is reviewed by the Zoning Administrator, Building Official, Town Engineer, Fire Chief, and any other applicable person or position as determined by the Zoning Administrator.
- B. RVP:
1. Each application for Recreational Vehicle Park zoning shall be accompanied by a Conceptual Site Plan which shall include the following:
 - a. Site Plan: Fully dimensioned and including the location of all structures, recreational vehicle pads, recreation/open spaces, driveways and parking areas, designated storage compound, walls, sidewalks, landscape areas and other elements of the park.
 - b. Landscape Plan: Including a schematic representation of the location of all plant materials and screening walls, a plant materials schedule including plant name and variety, number used in plan, on center spacing when appropriate and plant characteristics.
 - c. Building Elevations for all on-site structures.
 - d. Details of all perimeter walls, designating material and finish.
 - e. By note or narrative a list of the proposed accessory uses.
 2. A Conceptual Site Plan shall be required to be submitted and approved by Council concurrently with any application for a change of zoning to and RVP Zoning District.
 3. A Conceptual Site Plan shall include the following information:
 - a. The location and arrangement of buildings, structures and other improvements upon the land, including but not limited to walks, roadways, interior and boundary streets, lighting, planting and signs.
 - b. A narrative discussing how the proposed use or uses would conform to the requirements and regulations for the specific proposed zoning districts listed above and how the subject parcel of land shall be development according to the requirements of this Ordinance.
 4. The Conceptual Site Plan and all supplemental data thereto shall be reviewed by the Commission and may be denied or forwarded with a recommendation to the Town Council in accordance with Article 14-24. The Town Council shall approve the Conceptual Site Plan prior to the adoption of the requested zone change.
 5. Permits for construction or development of an MHP shall not be issued until after zoning approval has been granted and the project is reviewed by the Zoning Administrator, Building Official, Town Engineer, Fire Chief, and any other applicable person or position as determined by the Zoning Administrator.

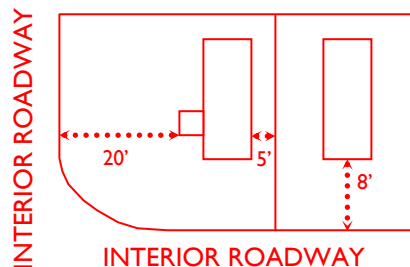
Section 14-9-4

Mobile Home and Recreational Vehicle Park Regulations

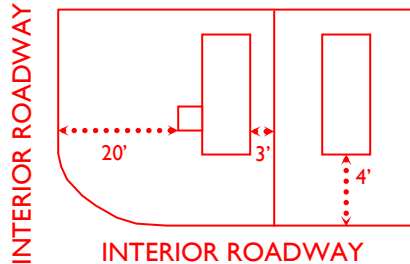
ZONING DISTRICTS	MAXIMUM BUILDING HEIGHT			MINIMUM YARD SETBACKS				MINIMUM LOT AREA	MINIMUM LOT WIDTH
	<u>STORIES</u>		<u>FEET</u>	<u>FRONT</u>	<u>REAR</u>	<u>INTERIOR SIDE</u>	<u>STREET SIDE</u>	<u>ACRES</u>	<u>FEET</u>
MHP	I	OR	15	20	10	8	8	10	25 / 36
RVP	I	OR	15	10	10	5	10	6	25

A. MHP:

1. Ownership: The mobile home park and the buildings and appurtenant facilities shall be under a single ownership or management or supervision of a central authority or subject to such other supervisory lease or ownership control as may be necessary to carry out the provisions of this Ordinance relating to mobile home parks.
2. Area: The Mobile Home Park Site Plan shall contain a gross area of not less than ten (10) acres.
3. Utilities: Every mobile home space or site shall be provided with permanent underground connections and underground distribution lines for electric power, water supply and sewage disposal in compliance with applicable Town ordinances.
4. Parking Regulations: Parking regulations are as set forth in Article 14-17 of this Ordinance.
5. Space and Setback Regulations: The following are mobile home space and travel trailer space and setback requirements for Mobile Home Parks:
 - a. Each mobile home space shall have an area of not less than three thousand (3,000) square feet and a width of not less than thirty-six (36) feet, and each travel trailer space shall have an area of not less than one thousand (1,000) square feet and a width of not less than twenty five (25) feet.
 - b. The number of spaces designed or used for travel trailers shall not exceed twenty percent (20%) of the total number of spaces provided in such mobile home park.
 - c. Mobile Homes shall provide the following minimum setbacks:
 - i. No less than eight (8) feet from the nearest edge of any interior drive or roadway.
 - ii. No less than five (5) feet from any mobile home space boundary not in common with the edge of any interior drive or roadway, except that in the case of mobile home spaces having boundaries in common with two (2) or more interior drives or roadways, the minimum setback from the nearest edge of interior drives or roadways shall not be less than twenty (20) feet on the mobile home's entry side and not less than five (5) feet on the mobile home's non-entry side.



- d. Travel trailers shall provide the following minimum setbacks:
 - i. No less than four (4) feet from the nearest edge of any interior drive or roadway.
 - ii. No less than three (3) feet from any mobile home space boundary not in common with the edge of an interior drive or roadway except that in the case of a travel trailer space having boundaries in common with two (2) or more interior drives or roadways, the minimum setback from the nearest edge of interior drives or roadways shall be not less than twenty (20) feet on the travel trailer's entry side and not less than three (3) feet on the travel trailer's non-entry side.



- e. Travel trailers may be located on mobile home spaces but the minimum setbacks required of mobile homes shall be provided.
 - f. The location of mobile homes on travel trailer spaces shall be prohibited.
 - g. The minimum distance between mobile homes or travel trailers in the same Mobile Home Park shall be ten (10) feet.
 - h. Service buildings to house toilet, bathing and other sanitation facilities and utilities shall be provided as required by the Maricopa County Health Department.
 - i. Minimum distance or setbacks required herein shall be the shortest of horizontal dimensions measured from the nearest portion of the sidewall of a mobile home or travel trailer, or from the patio cover, carport, cabana, ramada or similar appurtenances.
 - j. The Mobile Home Park shall be enclosed on all sides, excluding driveways, by a decorative solid wall, opaque fence or suitable plant materials not less than three and one half (3 ½) feet nor more than six (6) feet in height on sides adjoining a street and not less than six feet (6') in height along all other sides of the Mobile Home Park. Wall and fence design standards to be followed are outlined in Section 14-21.
6. Landscaping and open space requirements for Mobile Home Parks and subdivisions are outlined in Article 14-19.
- B. RVP:
- 1. Minimum site area shall be no less than six (6) acres.
 - 2. Maximum density shall not exceed twenty (20) recreational vehicles spaces per acre.
 - 3. Minimum space size shall be no less than twenty-five (25) feet x fifty (50) feet.
 - 4. Minimum paved parking pad area per space shall not be less than twelve (12) feet x fifty (50) feet. No graveled area shall be allowed within any parking, driving, or any other area where vehicles may travel within the RV Park.
 - 5. Development shall comply with open space standards as outlined within Section 14-19-8 for RV Parks.

6. Setbacks:
 - a. All yards which are adjacent to a street right-of-way line shall require a minimum landscape setback of twenty (20) feet, at back of which shall be installed a six (6) foot wall.
 - b. Perimeter: No recreational vehicle space shall be located within twenty (20) feet of perimeter property lines and/or thirty (30) feet of a public street right-of-way line.
 - c. There shall be a minimum separation of ten (10) feet between all Recreational Vehicle Parking pads.
7. Access
 - a. There shall be no direct access from a recreational vehicle space to a public street or alley.
 - b. All recreational vehicle spaces or appurtenant/accessory uses shall be served by internal private streets having a minimum width of twenty-five (25) feet. All internal private streets shall be surfaced and maintained with not less than two (2) inches of asphalt (plant mixed) placed over four (4) inches of aggregate base or equivalent.
8. Storage: A storage area shall be provided for the storage of personal goods, boats and other accessory recreational vehicle. No outside storage or storage structures shall be allowed except in the designated compound.
9. Utilities: All utilities within the Park shall be placed underground.
10. The Recreational Vehicle Park, including all structures, accessory and appurtenant uses, and facilities shall be under single ownership or under management or supervision by a central authority who will be responsible for initial and perpetual compliance with the provisions of this Ordinance and any stipulations or conditions attached to the property at the time the Council approves a rezone and development plan request.
11. Not more than one (1) recreational vehicle shall be allowed per designated space.
12. Limited commercial sales such as a convenience store are permitted when incorporated into the design of an RV Park:
 - a. Sale of convenience type items to those persons occupying a space in the park or their guests subject to the following restrictions:
 - i. The use must be specifically approved by the Commission and Town Council with the zone change request, filed pursuant to Article 14-24-2.
 - ii. All sales of convenience items shall occur within an enclosed building.
 - iii. The maximum building area devoted to the sale of convenience items shall not exceed one thousand (1,000) square feet.
 - iv. The sale and filling of propane tanks is permitted while the sale of gasoline and/or diesel fuel is prohibited.
 - v. Signs advertising the sales area shall not be visible to the general public and shall be limited to an aggregate of thirty-two square feet (32²) including directional signs.
 - vi. The area occupied by the structure used for the sale of convenience items shall not be included in the required open/recreational space.
 - vii. Architecture of the building devoted to the limited commercial sales shall be integrated into the design of the RV Park and shall comply with the following design guidelines:
 - (a) The use of design methods such as window, column, and facade treatments to create undulation and reduce the massing of the building.
 - (b) That the design of the building shall have a residential character to negate potentially negative impacts to surrounding residential neighborhoods and districts

Section 14-9-5 Prohibitions on Mobile Homes

No mobile home shall be placed in any zoning district except an MHP District within the boundaries of the park. A permit must be obtained for placement of any mobile home pursuant to both state and local statutes.

ARTICLE 14-10 PSC DISTRICT PLANNED SHOPPING CENTER

14-10-1	Purpose
14-10-2	Procedural Regulations
14-10-3	Permitted Uses
14-10-4	Yard and Height Regulations
14-10-5	Parking Regulations
14-10-6	Conceptual Site Plan Review Criteria and Additional Regulations

Section 14-10-1 Purpose

The principal purpose of this zoning district is to provide for well designed and attractive retail shopping facilities on sites in appropriate locations to serve adjacent and nearby residential neighborhoods. Permitted uses in this zoning district include the retail sale of merchandise and services customarily considered as shopping center uses.

Section 14-10-2 Procedural Regulations

- A. The Planned Shopping Center Zoning District may be approved through the rezoning process set forth in Section 14-24-2.
- B. The Commission shall review any PSC development plan according to the following:
 1. The recommendation of the Commission shall include the reasons for approval or disapproval of the plan, and if recommended for approval, specific evidence and facts showing that the plan meets the requirements of the regulations for the Planned Shopping Center Zoning District.
 2. The recommendation of the Commission may include reasonable additional requirements as to landscape treatment including grading and planting plants, vehicular ingress and egress, signs, lighting, screening and set-back of buildings.
 3. The Commission may require a traffic analysis showing the road for a shopping center in the location requested and the inadequacy of the existing zoning to meet this need, and such other information deemed necessary to achieve the purpose of the Planned Shopping Center Zoning District.

Section 14-10-3 Permitted Uses

- A. A building or premises shall be used only for the following purposes:
 1. Retail sale of merchandise, services, recreational and otherwise, parking area and other facilities customarily considered as shopping center uses.
 2. Accessory Businesses pursuant to Article 14-11-3
 3. Signs: Sign regulations are provided in Article 14-18 hereof.
 4. Uses permitted on the shopping center site in existence prior to the establishment of the Planned Shopping Center Zoning District shall be permitted to continue as a legal non-conforming use.
 5. Temporary Uses: The Zoning Administrator may issue a Temporary Use Permit for the following temporary uses:
 - a. Outdoor Sales subject to all requirements in Section 14-11-3.
 - b. Merchandise may be displayed on private sidewalks adjacent to buildings occupied by a bona fide Town merchant subject to compliance with the requirements set forth below:

- i. The business has a valid Town Business Permit.
 - ii. A minimum passage of four feet (4') is maintained for pedestrian traffic at all points.
 - iii. Towns' Fire Chief must approve the display of any flammable material.
 - iv. All merchandise displayed on the private sidewalk shall consist of goods that are regularly stocked by the bona fide Merchant.
 - v. The area shall not be used for storage.
 - vi. The area shall remain free of boxes, pallets, packing material or other refuse.
- c. The following temporary use is allowed, upon issuance of a permit by the Zoning Administrator:
- i. Seasonal temporary uses such as Christmas tree sales at Christmas and pumpkin sales at Halloween lasting no more than thirty (30) days.
- d. Temporary Signs and Attention Getting Devices as follows:
- i. Banners, spinners, balloons, window signs, etc., in conjunction with outdoor sales.
 - ii. Special event window signs for a period of thirty (30) days in conjunction with annual events such as the Desert Caballeros Ride, Gold Rush Days, Bluegrass Festival or other events sponsored and coordinated by the Chamber of Commerce or the Town.
 - iii. Two (2) sixteen (16) square feet signs in conjunction with temporary uses.
 - iv. Temporary Signs may be allowed in accordance with the following:
 - (a) No such sign or attention getting devices shall in any way interfere with the safe and orderly flow of traffic or in any way present a danger to the health, safety and welfare of the public at large.
 - (b) A Permit authorizing the use of Special Attention Getting Devices must be issued by the Planning and Building Department prior to the installation of said devices. In order to obtain the Permit, the applicant shall make application to the Planning and Building Department along with the required fees as established by resolution of the Council and a plan depicting or narrative describing, the type and location of all Special Attention Getting Devices to be utilized on site.

Section 14-10-4**Yard and Height Regulations**

ZONING DISTRICTS	MAXIMUM BUILDING HEIGHT			MINIMUM YARD SETBACKS (IN FEET)			
<u>COMMERCIAL</u>	<u>STORIES</u>		<u>FEET</u>	<u>FRONT</u>	<u>REAR</u>	<u>INTERIOR SIDE</u>	<u>STREET SIDE</u>
PSC	2	OR	30	50	50	50	50

MINIMUM LOT AREA	MINIMUM LOT WIDTH	LOT COVERAGE MAXIMUM
<u>ACRES</u>	<u>FEET</u>	
5 ACRES	NONE	NONE

Section 14-10-5**Parking Regulations**

Parking requirements for the PSC Zoning District are set forth in Section 14-17-2.

Section 14-10-6 Conceptual Site Plan Review Criteria and Additional Regulations**A. Conceptual Site Plan Review Criteria:**

1. The site shall be a minimum of five (5) acres in size
2. The shopping center site and the buildings and appurtenant facilities shall be in a single ownership or under management or supervision of a central authority; or they shall be subject to other supervisory lease or ownership control as may be necessary to carry out the purpose of regulations relating to the Planned Shopping Center Zoning District.
3. The Conceptual Site Plan shall set forth the proposed design of the shopping center in conformance to this Ordinance and other guidelines which may exceed the minimum requirements for architecture, landscaping, open space, and parking.
4. Residential zoned property may be rezoned to the Planned Shopping Center (PSC) Zoning District provided that the five (5) acres is located at an intersection. Further, the PSC Zoning District may be included as part of a larger development which may include a combination of both residential and commercial areas.

B. The additional regulations are as follows:

1. The shopping center buildings may be designed and built as a whole, unified, and single project or in phases. If constructed within phases, a minimum of twenty-five percent (25%) of the entire project shall be constructed within the first phase. Compliance with the Landscaping Section shall be required in full as outlined within Section 14-19-7.
2. Any part of the shopping center site not used for buildings or other structure, loading and access ways, or pedestrian walks shall be landscaped with grass, trees, or shrubs.
3. Any lighting shall be placed so as to reflect the light away from adjoining zoning districts.

ARTICLE 14-11 COMMERCIAL DISTRICTS

14-11-1	Purpose
14-11-2	Permitted Uses Matrices
14-11-3	Additional Regulations
14-11-4	Yard, Height, and Area Regulations
14-11-5	Parking and Loading Requirements
14-11-6	Landscaping Requirements

Section 14-11-1 Purpose

The purpose of the commercial zoning districts is to provide for the retail, office, and employment needs of the Town by providing a clear concise list of uses in a progression of intensities while providing development guidelines to help mold the character and aesthetics of the community.

C-1 District: The purpose of this zoning district is to provide for shops and services in convenient locations to meet the daily needs of families in the immediate residential neighborhoods. Principal uses permitted in this zoning district include food markets, drugstores and personal service shops.

C-2 District: The purpose of this zoning district is to protect and conserve the central business district, to expedite traffic movement by requiring new business to provide off-street loading and unloading space, to encourage the provision of central public parking facilities, and to provide for business and other uses that serve the entire community.

C-3 District: The purpose of this zoning district is to make provision for commercial uses and services that are needed to serve the local population and persons traveling through the community. Uses permitted in this district are located along major streets to provide convenient access. Permitted uses are required to provide off-street parking and loading and unloading facilities in order to expedite traffic movement on adjoining streets.

Section 14-11-2 Permitted Uses Matrices

<u>USES</u>	<u>Districts</u>		
	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>
Accessory Buildings	X		
Accessory Business	X		
Adult Uses	-	-	C
Airport and aircraft parking, heliport, helipad or landing area/ runway	-	-	C
Amusement Facility	X	-	X
Antique Stores	X		
Art Galleries	X		
Automobile and Boat sales including display rooms	-	-	X
Automobile and Motorcycle repair shops and garages	-	-	X
Automobile Parts and supplies		X	X
Automobile Rentals	-	-	X

Bakeries, bread, ice cream parlors and candy stores, including the manufacturing of bakery, ice cream and candy products for onsite retail sales only	X		
Banks	X		
Bar, Tavern	-	X	X
Barber and Beauty Shops	X		
Behavior Health Facility			X
Book, Stationery and Gift Stores	X		
Building Materials and Supply Stores	-	-	X
Business Schools, colleges, universities, nursery schools, including art/dancing/vocal/instrumental schools, riding academies, trade/vocational schools	C	C	X
Cabinet and Carpenter Shops	-	-	X
Car Wash	-	-	X
Caretaker's Residence	-	-	X
Cleaning agencies or pressing establishments	X		
Community Centers/Conference Centers	-	X	X
Convenience Stores	X		
Craft Shops which include ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, photography, dress designing, sculpturing and wood carving, clock shops	X		
Child Care Centers	X		
Delicatessen Stores	X		
Dress or Clothing Shops	X		
Drive-in or Drive Through Restaurants	-	-	X
Drug Stores	-	X	X
Farmers Market	-	X	-
Feed Stores	-	-	X
Florist Shops	X		
Funeral Homes and customary accessory uses including cremators ⁽³⁾	C	C	C
Garage, public	-	X	X
Gasoline Service Stations	-	X	X
Governmental buildings, public utility offices and exchanges but not including storage and repair facilities	-	X	X
Grocery Stores and Meat Markets, provided there is no slaughtering of animals or poultry on the premises	-	X	X
Hardware Stores	X		
Headquarters for non-profit membership organizations	-	X	X
Health Clubs, Gymnasiums and similar facilities	X		
Hospitals	-	-	x
Hospitals and Clinics for animals	-	-	X
Hotels, Motels		X	X
Household Appliance Repair Stores	X		
Household Appliance Stores	X		

Ice Cream Stores	X		
Impound Lot	-	-	X
Jewelry Stores	X		
Key Shop	X		
Laundry agencies and self-service laundries	X		
Liquor Stores limited to retail sales of package goods for off-site consumption	X		
Lofts	X		
Marijuana Establishments (Ord. 1210/11-20)			X
Medical and Dental offices and clinics	X		
Medical Marijuana Dispensary 			X
Mini-Warehouses	C	C	X
Museums	-	X	X
Nursery, flower and plant sales	-	-	X
Offices	X	X	X
Outdoor Sales	X	X	X
Parking Lots	-	X	X
Pawn Shops and non-chartered Financial Services	-	-	X
Pet Stores	-	-	X
Photographers' and Artists' Studios	X	X	X
Race Track	-	-	C
Radio and Television Stores	C	C	X
Radio and Television Studios, excluding transmitter antennas	-	X	X
Rail and Bus Terminals, Taxi Service, and storage	-	X	X
Restaurants and Cafes	-	X	X
Restaurants including drive-thru services	-	-	X
Restaurants other than drive-in or drive-through restaurants	-	X	X
Service establishments combining retail outlet and showroom with workshops for saddlery and harness, interior decorating, custom dressmaking, custom tailoring, electrical appliance sales and service, millinery, photography, plumbing supplies and parts, printing, rubber stamps, data processing service, and household appliance repair	-	X	X
Shoe Repair Shops		X	
Shopping Center – Large 			X
Swap Meets	T	T	T
Swap Meet, Permanent			C
Tailor Shops	X	X	X
Tattoo Parlors	-	X	X
Taxidermists	-	-	X
Theaters, but not including a drive-in theater	-	X	X
Theaters with drive-in	-	-	X
Urgent Care Facility	-	C	X

Section 14-11-3 Additional Regulations**A. Adult Uses**

1. Having considered the findings of the Detroit Common Council set forth in the decision of the United States Supreme Court in *Young V. American Mini Theaters*, 427 U.S. 50 (1976) concerning the experience of the Town of Detroit that adult uses in certain locations contribute to neighborhood deterioration through an increase in crime and diminution of property values, among other adverse consequences; the findings contained in a study made in 1977 by the Los Angeles Department of City Planning entitled, Study of the Effects of the Concentration of Adult Entertainment Establishments in the City of Los Angeles concerning the similar experience of Los Angeles; the Adult Business Study dated May 25, 1979, prepared by the Planning Department of the City of Phoenix, Arizona, reaching similar findings and conclusions; the findings in the *Young Decision* that important and substantial government constitutional basis for reasonable regulation of the location of adult uses; the *City of Renton V. Playtime Theaters Decision* in which the United States Supreme Court held that: 1) regulation of the location of adult uses is a valid governmental response to the serious problems created by adult uses provided that 2) said regulations are not under inclusive; 3) that reasonable alternative avenues of communication have been provided, and 4) that in assessing the impact of adult uses, data and evidence collected and generated by other cities may be relevant; the Town Council has determined that persons seeking to operate adult uses shall be required to observe specific location requirements and obtain Conditional Use Permits before they commence business, as provided for in this Section.
2. No Conditional Use Permit shall be granted for any adult use unless all of the following requirements are met:
 - a. The adult use is not located within one thousand (1,000) feet of any other adult use.
 - b. The adult use is not located within five hundred (500) feet of an establishment that sells or serves alcohol or alcoholic beverages.
 - c. The adult use is not located within one thousand (1,000) feet of a public school accredited by the State of Arizona, a private school, a church or public park.
 - d. No adult use shall be located on property abutting or immediately adjacent to any zoning district other than C-3, and the under-roof area occupied by said use shall be at least five hundred feet (500') from any of the following zoning districts: All Single-Family Residential Districts, Multiple Family Residential Districts, MHP, RVP, C-1, C-2 and PSC. The Council may waive this requirement if a petition requesting such waiver and signed by fifty one percent (51%) of those persons residing within a one thousand-foot (1,000') radius is received and verified by the Zoning Administrator.

B. Aircraft Parking shall be located on land contiguous to an approved airport or landing strip.

C. Yard Sales: Yard sales shall be permitted for not-for-profit organizations on commercial properties subject to the following restrictions:

1. A "No-Fee" Yard Sale Permit is required and available at Town Hall.
2. No more than two (2) yard sales per organization per calendar year shall be permitted and no longer than three (3) days per sale.
3. The restriction on conducting the use in a fully enclosed building shall not apply.

D. Parking Lots shall be located adjacent to or across the street or alley from the use for which off-street parking is required.

E. Outdoor Sales in compliance with the following requirements:

1. That Outdoor Sales may be allowed sixteen (16) days out of each calendar year. Multiple day sales are allowed; however, no single sale may exceed four (4) days in length. Only the following are authorized to conduct, or obtain a Permit for Outdoor Sales:

- a. Non-profit, charitable or religious organizations and fraternal or service clubs.
 - b. A Town merchant who shall possess a valid Town Business Permit for a specific identifiable location in a commercial zoning district within the Town. All merchandise offerings shall consist of items normally stocked by the holder of the Business Permit.
 - c. The site of such sales be kept in a clean and orderly fashion, free of refuse and other debris.
 - d. No element of the sale will obstruct or interfere with the safe and normal flow of traffic.
 - e. No element of the sale shall constitute a condition which, in the opinion of the Zoning Administrator, Building Inspector or Fire Chief, presents a danger to the health, safety or welfare of the general public.
2. Private Vehicle Sales on vacant land or upon a business that is not associated with automobile sales is specifically prohibited.
- F. Swap Meets for the sale of handcrafted items, antiques, collectibles and used merchandise, subject to the following minimum standards:
1. Minimum Site Area: Two (2) Acres.
 2. Parking: As required for uses located in the C-3 Zoning District (Article 14-17, Off Street Parking and Regulations), and subject to the standards of site development as indicated in Article 14-25, Development Review.
 3. Setbacks: As required in Article 14-11-4, C-3 Zoning District, Major Street Commercial; however, additional setback requirements may be imposed by the Council depending upon the particular site and situation.
 4. Screening: That the portion of the site, which is occupied by vendors, shall be screened from public view by a six-foot (6') masonry or wood wall, fifteen (15) gallon screening trees spaced fifteen feet (15') on center, or other appropriate screening as approved by the Zoning Administrator.
- G. Incidental or accessory storage, not within a completely enclosed building, shall be screened from adjoining zoning districts by a solid fence or wall at least six (6) feet in height.
1. No outside storage shall be allowed within the C-1 or MUDD Zoning Districts.
 2. Outside storage within the C-2 and C-3 Zoning Districts shall require an Administrative Use Permit.
- H. Any lighting shall be placed so as to reflect light away from adjoining residential zoning districts.
- I. Merchandise for Sale Events permitted as sale items may be displayed on private sidewalks adjacent to buildings occupied by a merchant shall comply with the following requirements:
1. Private Sidewalk Sales shall comply with the following requirements:
 - a. The merchant shall possess a valid Town Business Permit.
 - b. A minimum passage of four feet (4') shall be maintained for pedestrian traffic at all points.
 - c. The Town Fire Chief must approve the display of any flammable material.
 - d. All merchandise displayed on the private sidewalk shall consist of goods that are regularly stocked by the merchant.

- e. The area shall not be used for storage.
 - f. The area shall remain free of boxes, pallets packing material or other refuse.
2. Temporary Retail Sales Events shall comply with the requirements listed above for private sidewalk sales.
- J. Accessory Businesses:
- I. Accessory Businesses shall:
 - a. Obtain a Town Business Permit pursuant to Chapter 9 of the Town Code.
 - b. Obtain an Administrative Use Permit from the Zoning Administrator and comply with all requirements set forth in this Paragraph I.
 - c. Obtain written permission of the owner of the principal business on the property and the property owner.
 - d. Not operate in a public right-of-way.
 - e. Be operated only on Friday, Saturday, and/or Sunday and only during the hours of operation of the primary business; provided however, that if the business is machine-operated and does not require a person to operate it, the Accessory Business may be operated twenty-four (24) hours a day, seven (7) days a week.
 - f. Not interfere with or prevent compliance with other Town Code provisions, State and Federal requirements for access by persons with disabilities and shall not impede access to any adjacent use.
 - g. Maintain the site of the Accessory Business in a clean and orderly manner free of refuse and debris.
 - h. Not obstruct or interfere with the safe and normal flow of pedestrian and vehicular traffic.
 - i. Not have more than one sign with a size greater than four (4) square feet.
 - j. Notify the Building Department if a shade structure is used and pay the applicable inspection fee if the size of the shade structure is greater than ten feet by ten feet (10' x 10').
- K. Medical Marijuana Facilities: Medical marijuana dispensaries, off-site cultivation sites, and designated caregiver cultivation locations shall be located, developed, and operated in compliance with the following standards: 👁️ 🗿
- 1. **Applicability.** The minimum requirements of this Section shall apply to all medical marijuana dispensary and medical marijuana cultivation site uses located in any zoning district.
 - 2. **General.** A medical marijuana dispensary, medical marijuana offsite cultivation site, or medical marijuana designated caregiver cultivation location shall: 🗿
 - a. Be located in a permanent building and shall not be located in a temporary structure, trailer, cargo container, motor vehicle, or other similar non-permanent enclosure.
 - i. A medical marijuana dispensary shall not exceed 2,000 square feet of net floor area, including all storage areas, retail space, cultivation areas, and offices. ☆
 - ii. Cultivation conducted onsite at a medical marijuana dispensary shall not exceed a 250 square foot area and shall comply with all rules and regulations of the State of Arizona and its' agencies. ☆

- b. Supply:
- i. Proof that the dispensary is State-approved, certified and registered with the Arizona Department of Health Services pursuant to Arizona Revised Statutes, Title 36, Chapter 28.1; and
 - ii. A copy of the operating procedures adopted in compliance with A.R.S. § 36-2804(B)(1)(c); and
 - iii. A survey sealed by a registrant of the State of Arizona showing the location of the nearest medical marijuana dispensary or off-site cultivation facility; and
 - iv. A security plan as provided below; and. ⚖
 - v. Written documentation signed by the property owner(s) that it is aware of the proposed use and that it has consented to the medical marijuana related use being conducted on the premises; and, ☆
 - vi. A copy of the documentation submitted to the Arizona Department of Health Services with its application for certification by the Department. ☆
- c. Comply with all registration and recordkeeping required by the Town, Maricopa County and Arizona law and shall maintain, at all times, a valid certification and registration with the Arizona Department of Health Services. Should the dispensary or designated caregiver lose its certification or authorization to operate or become uncertified by the Arizona Department of health Services, it shall immediately cease operations within the Town. If the dispensary or caregiver is reinstated by the Arizona Department of Health Services, before resuming operations in the Town, it shall resubmit the required information and fees to the Town Planning official. ☆
- d. Obtain, maintain and display a valid Town of Wickenburg Business registration or permit as may be required by the Town Code.
- e. If cultivation at an off-site cultivation site is proposed, supply the name of the dispensary with which it is affiliated. If designated caregiver cultivation is proposed supply the names and residence locations of the qualifying patients for whom the medical marijuana will be cultivated and the location of the closest medical marijuana dispensary to the residence of each qualifying patient. ⚖
- f. If medical marijuana is supplied to the dispensary by a qualified patient or caregiver, provide the name and contact information of the qualified patient or caregiver.
- g. Not provide off-site deliveries of medical marijuana except a medical marijuana designated caregiver may deliver medical marijuana from a dispensary or designated caregiver cultivation location to the qualifying patient for whom he/she is the designated caregiver. ☆
- h. Not sell merchandise other than medical marijuana except and only coincident with the purchase of medical marijuana, a medical marijuana dispensary may sell materials necessary for the consumption or use of medical marijuana to a qualifying patient or designated caregiver who purchase medical marijuana. ☆
- i. Not have drive-through facilities or take-out windows.
- j. Not emit dust, fumes, vapors or odors into the environment.
- k. Prohibit consumption of medical marijuana on the premises.
- l. Not permit or provide indoor or outdoor seating areas or facilities for the consumption of medical marijuana anywhere on the site.
- m. Permit annual fire inspections pursuant to the Town of Wickenburg Fire Code.

- n. Prior to Town approval of an application for a cultivation site, the applicant shall conduct a public meeting to receive public comment on the proposed site. The applicant shall provide notice at least ten (10) days prior to the meeting via U.S. mail to all owners of property located within a 1,000-foot radius of the proposed location. The notice shall contain the date, time and location of the meeting and a description of the proposed use. The applicant shall also post a notice of the meeting at the Town's posting places and at the proposed location at least ten (10) days prior to the meeting. ☆
 - o. Retail sales shall not be conducted at medical marijuana off-site cultivation sites. ☆
 - p. A medical marijuana dispensary shall prominently display at least two (2) signs stating "no loitering is allowed on or in these premises." At least one (1) of the signs shall be visible on the exterior of the dispensary. Each sign shall be no smaller than one (1) square foot in area. ☆
3. **Location.** Medical marijuana facilities shall be a minimum distance from the uses set forth in the table below. Measurements shall be made in a straight line in any direction from the closest perimeter business walls. ☆

USE OR USE CLASSIFICATION	SEPARATION REQUIREMENT (FEET)*
Day care center, public or private	2,000 ◆
Schools, public or private	2,000 ◆
Any other medical marijuana dispensary	5,000 ◆
Rehabilitation and treatment centers	2,000 ◆
Residential units	250 ◆

4. **Hours of Operation.** A medical marijuana facility shall have operating hours not earlier than 8:00 a.m. and not later than 8:00 p.m.
5. **Security Plan Requirements.** A medical marijuana facility shall submit a security plan containing the following information:
- a. Proof that any cultivation and storage of medical marijuana will take place in an enclosed, locked facility equipped with locks or other security devices that permit access only by persons authorized to enter pursuant to state and local law.
 - b. A floor plan that details the security measures required by Arizona law including an on-site alarm system and a single secure entrance.
 - c. Additional protections, if any, against medical marijuana diversion and theft.
 - d. Provide and update as needed the names and contact information for all persons who are authorized as owners, agents, volunteers and employees, to access the dispensary, offsite cultivation site or designated caregiver cultivation location. ⚠
 - e. At the request of the Town Police Department, a medical marijuana dispensary or cultivation facility shall, at the owner's sole expense, provide a twenty-four (24) hour surveillance video that feed to the Town of Wickenburg Police Department. ☆

6. **Designated Caregiver Cultivation Locations.** In addition to the above applicable requirements, designated caregiver cultivation locations shall be subject to the following regulations:
 - a. A designated caregiver may cultivate at his residence for a single qualifying patient subject to compliance with A.R.S. §36-2806.01.
 - b. Cultivation by a designated caregiver for more than one (1) but not more than five (5) qualifying patients shall be located in the C-3 Commercial District in compliance with this Code, regulations of the Arizona Department of Health Services and Arizona State Law.
 - c. More than one (1) designated caregiver may co-locate cultivation locations as long as the total cultivation area does not exceed two hundred fifty (250) square feet.
 - d. Designated caregivers shall comply with all lawful, applicable health regulations, including those promulgated by the Arizona Department of Health Services.
- L. **Recreational Marijuana:** To the fullest extent allowable by law, the Town of Wickenburg prohibits recreational marijuana sales and recreational marijuana establishments in any zoning district in the town. (Ord. 1210/11-20)
- I. **Limited Exception.** the operation of a marijuana establishment and marijuana testing facilities are prohibited in the Town of Wickenburg except where required by State Law for a dual licensee who
 - a. Operates both a nonprofit medical marijuana dispensary and marijuana establishment cooperatively in a shared location; and
 - b. Has not forfeited or terminated the nonprofit medical marijuana dispensary registration from the Department of Health Services.
2. **Regulations and Sale.** Marijuana establishments PERMITTED above shall be regulated as outlined in Section 14-11-3, subsection K. The fee for permit of a marijuana establishment shall be established by resolution of council. the sale of marijuana and marijuana products is tangible personal property as defined in A.R.S. § 42-5001 and subject to the transaction privilege tax in the retail classification and use tax.
3. **Public Places.**
 - a. The use, sale, cultivation, manufacture, production, or distribution of marijuana or marijuana products is prohibited on property that is occupied, owned, controlled, or operated by the town.
 - b. The use, sale, cultivation, manufacture, production, or distribution of marijuana or marijuana products is prohibited on property that is occupied, owned, controlled, or operated by the state or a political subdivision of this state that has adopted rules, regulations, or policies prohibiting the use, sale, cultivation, manufacture, production, or distribution of marijuana or marijuana products on its property.
 - c. It is unlawful for an individual to smoke marijuana in a public place, sports facility or open space in the town.
 - d. Violation of this paragraph is a petty offense.
4. **Regulations for Primary Residence for Personal Use.** To the fullest extent allowable by law, marijuana possession, consumption, processing, manufacturing, transportation, and cultivation is permitted in a residential zoning district in the town and is subject to the following conditions and limitations:
 - a. It shall be unlawful for any individual who is at least 21 years of age to possess, transport, cultivate or process more than six (6) marijuana plants.

- b. It shall be unlawful for two or more individuals who are at least twenty-one (21) year of age to possess, transport, cultivate or process more than twelve (12) marijuana plants at the individuals' primary residence.
- c. Except as provided by A.R.S. § 36-2801 et al. and this Section, it shall be unlawful for an individual to otherwise cultivate marijuana in a residential zoning district within the town limits.
- d. Individuals shall not process or manufacture marijuana by means of any liquid or gas, other than alcohol, that has a flashpoint below one hundred (100) degrees Fahrenheit.
- e. Kitchen, bathrooms, and primary bedroom(s) shall be used for their intended use and shall not be used primarily for residential marijuana processing, manufacturing, or cultivation.
- f. A residence shall not emit dust, fumes, vapors, or odors into the environment and individuals shall ensure that ventilation, air filtration, building and design standards are compatible with adjacent uses and the requirements of adopted building codes of the town.
- g. Cultivation shall be limited to a closet, room, greenhouse, or other enclosed area on the grounds of the residence equipped with a lock or other security device that prevents access by minors.
- h. Cultivation shall take place in an area where the marijuana plants are not visible from public view without using binoculars, aircraft, or other optical aids.

5. Enforcement; Penalties.

- a. Except as otherwise provided herein or in A.R.S. § 36-2853, violation of any provision of this section is Punishable pursuant to section 14-27 of the town code.
- b. Violations of this section are in addition to any other violation enumerated within the town ordinances or the Town Code and in no way limit the penalties, actions, or abatement procedures which may be taken by the town for any violation of this section, which is also a violation of any other ordinance or Code provision of the town or federal or state law. Conviction and punishment or judgment against any person under this section shall not relieve such person from the responsibility of correcting prohibited conditions, or removing prohibited structures or improvements, and shall not prevent the enforced correction or removal thereof.
- c. Marijuana establishment permits may be revoked by the town for violation of any provision of this section, for any violation of the requirements of the permit, or if the department revokes the license for a marijuana establishment.

M. Large Shopping Center Uses: ~~P~~

- 1. Applicability. The following standards and guidelines are applicable to any retail structure in excess of sixty-five thousand (65,000) square feet.
- 2. Site Design.
 - a. Each large shopping center shall provide a roofed arcade or other design amenity, as approved by the Development Review Committee, extending along at least sixty percent (60%) of the length of the front of the building. Arcades shall be supported by columns and at least ten feet (10') wide as measured from the building face to the columns supporting the arcade. The balance of the frontage shall have pop-out features to mimic the arcade or other design amenity.

- b. At least two (2) of the following design features shall be provided: pedestrian plaza with benches, window shopping walkway, windmill, water tower fountain or clock tower.
3. Landscaping.
 - a. Peripheral. A thirty (30) foot wide landscape buffer shall be provided along the front property line and along all abutting arterial roadways with breaks for approved access points. A minimum fifteen (15) foot wide landscape buffer shall be provided along all other property lines and along all internal roadways. No parking is permitted within these required landscape areas.
 - b. Where the façade faces adjacent residential uses, a landscaped earthen berm and/or block wall at least six feet (6') in height, shall be provided.
 - c. Parking lot. A minimum of twenty percent (20%) of the parking area shall be landscaped. Landscaped areas shall be protected by raised curbs and shall be a minimum of one-hundred fifty (150) square feet in size, except that parking lot islands shall be a minimum of twelve feet (12') wide between parallel parking rows and shall run the length of the parking aisle walkways capped at each end by the termination of the island. No parking space shall be located more than one-hundred feet (100') from a landscaped area.
 - d. Landscape plans shall include public art that is reflective of the town's western heritage and shall be approved by the development review committee.
 4. Pedestrian Circulation.
 - a. Perimeter public sidewalks at least six feet (6') wide shall be provided along all sides of the property abutting a public street.
 - b. A continuous internal sidewalk, not less than six feet (6') wide, shall be provided to connect the perimeter sidewalk or public right-of-way to the primary customer entrance(s) of every principal building on the site. At a minimum, walkways shall connect focal points of pedestrian activity including, but not limited to, street crossings, building and store entry points, and transit stops and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or other such materials for no less than fifty percent (50%) of the length of the individual walkway.
 - c. Four (4) foot-wide pedestrian walkways shall be provided in the parking aisle medians.
 - d. Sidewalks, not less than eight feet (8') wide, measured from the face of the building, shall be provided along the full length of every building facade that has a customer entrance, and along any façade abutting a public parking area.
 - e. An outer court area shall be provided along at least fifty percent (50%) of the length of the front of the building. Each outer court shall start at the outside face of any column, planter or other amenity provided as part of the arcade or walkways, and shall extend a maximum of twenty feet (20') measured perpendicular to the building face. The outer court shall be equal in grade (flush) with the adjacent sidewalk and drive aisles. It shall also provide decorative materials to define the perimeter of the outer court and enhance the outer court itself. The outer court shall further incorporate bollards or other decorative elements and signage to prevent parking, loading and /or unloading at the main entry.
 - f. Internal sidewalks shall have weather protection features such as awnings or arcades within thirty feet (30') of all customer entrances.
 - g. All internal sidewalks shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as paver, brick or scored concrete to enhance pedestrian safety and attractiveness of the walkways.
 - h. The primary entrance(s) shall have raised crosswalks which connect to the parking area.

5. Parking Lot Orientation. Parking areas shall provide safe, convenient, and efficient access. Parking areas shall be distributed on the sides and front of the primary building in order to decrease walking distances from parking areas to the building to reduce the overall scale of the paved surface. No more than twenty-five percent (25%) of the off-street parking area for the entire property shall be located between the front façade of the principal building(s) and the primary abutting street.

Section 14-11-4 Yard, Height and Area Regulations (Ord. 1209 – 1/21)

ZONING DISTRICTS	MAXIMUM BUILDING HEIGHT			MINIMUM YARD SETBACKS				MINIMUM LOT AREA	MINIMUM LOT WIDTH	LOT COVERAGE
<u>COMMERCIAL</u>	<u>STORIES</u>		<u>FEET</u>	<u>FRONT</u>	<u>REAR</u>	<u>INTERIOR SIDE</u>	<u>STREET SIDE</u>	<u>SQUARE FEET / ACRES</u>	<u>FEET</u>	<u>Max %</u>
C-1	2	OR	30	15'	20'	0 / 10'	15'	NONE	NONE	NONE
C-2	3	OR	40	0 / 25'	20'	0 / 10'	0'	NONE	NONE	NONE
C-3	2	OR	30	25'	20'	10'	15'	NONE	NONE	NONE

- A. Front Yard Setback exceptions:
1. C-2: No front yard setback required unless adjacent to a residential district in which case the minimum setback shall be the setback required by the residential district but may not exceed twenty-five feet (25').
- B. Side Yard Setback exceptions:
1. C-1: Minimum side yard setback when property is adjacent to a residential zone shall be five (5) feet.
 2. C-2: The side yard regulations when property is adjacent to a residential zone shall be 10 feet. (Ord.1209-1/21)
- C. Rear Yard Setback exceptions:
1. C-1: Minimum twenty-five-foot (25') setback from property line when adjacent to a residential zone even when separated by an alley.
 2. C-2: The rear yard regulations are the same as those in the C-1 District – Neighborhood Commercial.
 3. C-3: The rear yard regulations are the same as those in the C-1 District – Neighborhood Commercial.

Section 14-11-5 Parking and Loading Requirements

All parking and loading requirements for commercial uses are outlined in Section 14-17-2.

Section 14-11-6 Landscaping Requirements

All landscaping requirements for commercial developments are outlined in Section 14-19-5.

ARTICLE 14-12 RESORT AND RECREATION DISTRICT

14-12-1	Purpose
14-12-2	Permitted Uses Matrix and Accessory Uses
14-12-3	Height, Yard, Area Matrix
14-12-4	Development Review Guidelines

Section 14-12-1 Purpose

The Resort and Recreation District is established to provide for the development and operation of temporary lodging, recreation opportunities and associated specialized commercial guest facilities while protecting adjacent land uses from inappropriate and adverse impacts. The intent is to provide for the designation and regulations of certain land uses that are primarily intended for visitors to the Town. The Resort and Recreation District may be applied to property that is best suited to accommodating the needs of the visiting public without inappropriate impact upon the daily functioning of the community or inappropriate impacts upon surrounding properties.

Section 14-12-2 Permitted Uses Matrix and Accessory Uses

The following matrix sets forth Permitted and Conditionally Permitted Uses in the Resort and Recreation District:

<u>USES</u>	<u>ZONING DISTRICT</u>
	<u>RR</u>
Bed and Breakfast	X
Convention Center	C
Go-Cart Tracks	C
Golf Courses	X
Guest Ranches	X
Helistops	C
Horse Boarding	X
Hot Air Launch Pads	C
Hotels	X
Inn's	X
Motels	X
Open Air Pavilions	C
Petting Zoos	C
Religious Assemblies	X
Residential	C
Residential Facilities for nonpermanent occupancy	X
Resorts	X
Shooting Range	C
Skate Board Parks	C
Timeshare Projects	X

- I. Accessory Uses: The following are Accessory Uses and may be established only when part of, or accessory to a Permitted Use:
- Entertainment, cultural and recreation facilities including lawn bowling, exercise facilities, handball and racquetball facilities, tennis, swimming and spa facilities, volleyball courts, dinner theaters, museums, art galleries, nature walk trails and amusement game rooms.
 - Service and specialty uses including beauty and barbershops, health spas, gift shops, newsstands, and specialty food shops (including on-site preparation and service).
 - Restaurants, dining facilities, bars, cocktail lounges and specialty food shops (deli's) with or without alcohol (including on-site preparation and service), excluding drive-through facilities.
 - Conference and gathering facilities including meeting rooms and chapels, with or without provisions for catering into the facilities designed to serve two hundred (200) people or less in a single room.
 - Business offices for the Resort.
 - Freestanding open-air pavilions less than one thousand (1,000) square feet, for outdoor events.
 - Riding and hiking trails.
 - Equestrian facilities and horse stables, excluding boarding of horses for commercial purposes.
 - Observatories.
 - Living quarters for persons employed and deriving a major portion of their income on the premises, if occupied by such persons and their immediate families.
 - Live entertainment for the enhancement of the guest's visit to the temporary lodging facilities, excluding sexually oriented performances.
 - Support facilities such as outdoor cooking areas, pool house, shade structures (ramada's and gazebo's) laundry facilities (for guests only), and other like uses as permitted by the Zoning Administrator.
 - Campgrounds that may consist of temporary or permanent buildings, tent areas, or other structures (bunk houses, mess halls, etc.).
 - Motion picture studios and sets including the temporary use of domestic and wild animals in motion picture and television production, provided that said animals are kept and maintained pursuant to all applicable regulations, and are not retained on the premises for a period exceeding sixty (60) days.

Section 14-12-3**Height, Yard, Area Matrix**

ZONING DISTRICT	MAXIMUM BUILDING HEIGHT			MINIMUM YARD SETBACKS				MINIMUM LOT AREA
	<u>STORIES</u>		<u>FEET</u>	<u>FRONT</u>	<u>REAR</u>	<u>INTERIOR SIDE</u>	<u>STREET SIDE</u>	
RR	3	OR	40	40	25	20	25	10

- Building Separation
 - Distance between two (2) main buildings shall be a minimum of twenty-five (25) feet.
 - Distance between main building and accessory building/facility – fifteen (15) feet.
 - Distance between accessory and accessory – ten (10) feet.
- Building Height
 - In conjunction with a Conditional Use Permit application, the Council may allow an increase to the building height up to an additional twenty five percent (25%) of the allowable, provided that the applicant provides acceptable justification for the need to exceed the height limit.

Section 14-12-4**Development Review Guidelines**

All development in the Resort Zoning District shall comply with Article 14-25 of this Code.

ARTICLE 14-13 MULTI-USE DEVELOPMENT DISTRICT (MUDD)

14-13-1	Purpose
14-13-2	Permitted Uses
14-13-3	Yard, Height, and Area Regulations
14-13-4	Design Guidelines

Section 14-13-1 Purpose

Multi-Use District: The purpose of this district is to allow for incremental development of residential to commercial property. The Zoning Administrator may determine whether a proposed use meets the intent of the Zoning District if such a use is not specifically listed. Some of the aspects of the District include:

- A. High-quality office, storefront retail, restaurant and entertainment to integrate with various residential components in order to create an urban center where people live, work, and entertain.
- B. Developments that create a compacted pedestrian environment and promote pedestrian activities that would balance day and night uses.
- C. Innovative integration of compatible uses through the conversion of existing buildings and the development of new buildings in a manner that fosters sensitive and sustainable site design and architectural style.

Section 14-13-2 Permitted Uses

<u>USES</u>	ZONING DISTRICT
	<u>MUDD</u>
Accessory Buildings	X
Antique Stores	X
Art Galleries	X
Banks	X
Business Schools, Colleges, universities, Nursery Schools, including Art/Dancing/Vocal/Instrumental Schools, Riding Academies, Trade/Vocational	X
Candy Stores	X
Craft Shops which include ceramics, mosaics, fabrics, jewelry, leather goods, silk screening, photography, dress designing, sculpturing and wood carving, clock shops	X
Delicatessen Stores	X
Dress or Clothing Shops	X
Florist Shops	X
Grocery Stores and meat markets, provided there is no slaughtering of animals or poultry on the premises	X
Health Clubs, Gymnasiums and similar facilities	X
Lofts	X
Medical and Dental Offices and Clinics	X
Offices	X
Outdoor Sales	X
Photographers' and Artists' studios	X
Residential Office	X
Restaurants and Cafes, but not including those having dancing or floor shows, or drive-in car service	X
Retail Stores for sale of new merchandise	X

Service establishments combining retail outlet and showroom with workshops for saddlery and harness, interior decorating, custom dressmaking, custom tailoring, electrical appliance sales and service, millinery, plumbing supplies and parts, printing, rubber stamps, data processing service, and household appliance repair	X
Shoe Repair Shops	X
Tailor Shops	X

Section 14-13-3 **Height, Yard and Area Regulations**

- A. **Residential Multi-Use:** Multi-Use Developments that are predominately residential shall maintain a residential character and the following Residential Development Standards shall apply:

DEVELOPMENT STANDARDS	SINGLE-FAMILY RESIDENCE AS THE PRIMARY USE	MULTI-FAMILY RESIDENCE AS THE PRIMARY USE
SETBACKS (FEET)*		
Front	0/20	0/20
Rear	25	25
Side	0/10	0/10
Maximum Density (Du/Ac)	4 TO 8	8 TO 12
Maximum Building Height (Feet)	30	30

*Where setbacks are listed with 0 see "D" below.

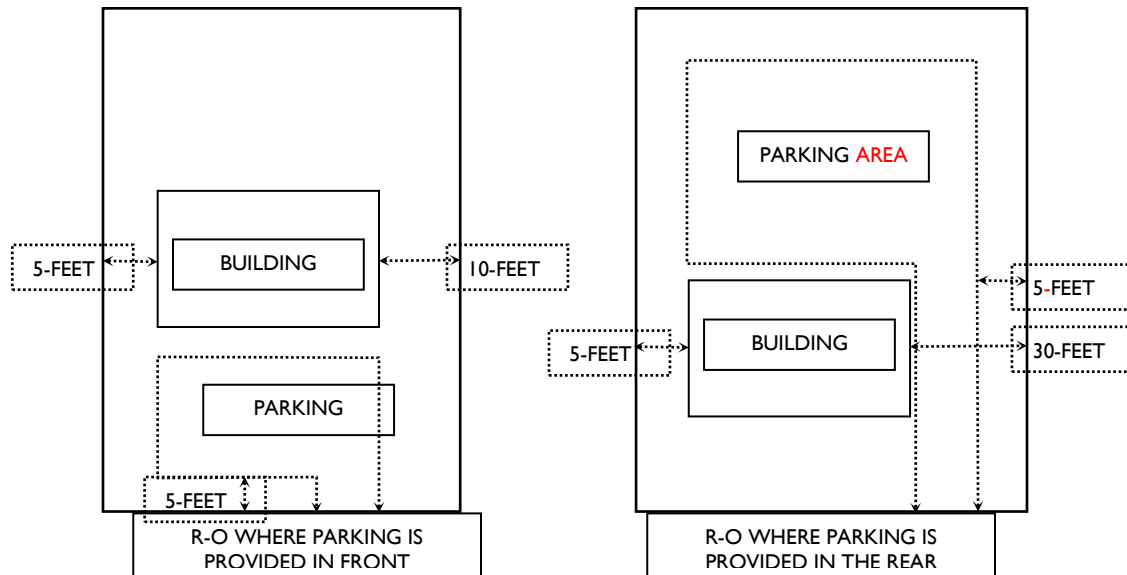
- B. **Commercial Multi-Use:** Multi-Use Developments that are predominately non-residential shall maintain a non-residential character and the following Non-Residential Development Standards shall apply:

DEVELOPMENT STANDARDS	CMU
SETBACKS (FEET)*	
Front Minimum	0/15
Rear	25
Exterior Side	0/15
Interior Side	0/5
Maximum Building Height	30/40
Landscape Buffer Abutting Residential Zones	10
Maximum Lot Coverage	50%

*Where setbacks are listed with 0 see "D" below.

- C. While a development may be predominately residential or commercial in nature, Mixed Use Developments may combine both residential and commercial uses in ways that will provide live, work, play living conditions.
- D. **Zero Setback:** Zero (0) setbacks are permitted along the front, interior and exterior side property lines when either adjacent structures also have zero setbacks or when part of a Planned Area Development (PAD).
- E. If property along a collector or arterial street is zoned commercial or is adjacent to a commercial zone and was previously used as a residential dwelling, the home may be converted from a dwelling to an office with the following requirements:
1. The building must maintain its residential appearance and appear as a dwelling from the exterior.
 2. Signage is limited to a single non-illuminated monument sign a maximum of twelve (12) square feet.
 3. Additional landscaping and screening may be required as determined by the Zoning Administrator.

4. The following drawings for Parking shall be complied with:



Section 14-13-4 Design Guidelines

- A. The percent of residential and non-residential uses shall determine which table of Development Standards shall be used. For example, if the floor area of a Mixed-Use Development is fifty one percent (51%) commercial and forty-nine percent (49%) residential, then the Development shall be considered a Commercial Mixed-Use Development.
- B. Parking Standards: Parking calculations shall be made using the table in Article 14-17 using the individual uses proposed within the development. A reduction in required parking spaces may be granted with Council approval if all of the following criteria are met:
 1. Pedestrian Circulation System is provided through a network of sidewalks.
 2. Modern techniques for screening and increasing parking lot densities are used (for example, underground parking and parking garages).
 3. The area that would have been used for parking is provided as open space with landscaping (i.e. trees and shrubs).
 4. The remaining parking is adequate for the proposed use(s).
- C. Landscape Standards: All Mixed-Use Developments shall comply with the Landscape Standards within Section 14-19.
- D. All Multi-Use Developments shall comply with the Design Standards set forth in Article 14-25 and Application Review Standards for a Planned Area Development (PAD) as set forth in Section 14-22-1.

ARTICLE 14-14 INDUSTRIAL DISTRICTS

14-14-1	Purpose
14-14-2	Permitted Uses Matrix
14-14-3	Conditional Uses
14-14-4	Height, Yard and Area Regulations
14-14-5	Parking and Loading Regulations
14-14-6	Landscaping Requirements
14-14-7	Additional Regulations

Section 14-14-1 Purpose

IND-1 – Planned Industrial: The purpose of this zoning district is to provide sufficient space in appropriate locations for certain types of business and manufacturing free from offense in modern landscaped buildings, to make available more attractive locations for these businesses and factories and to provide opportunities for employment closer to residence with corresponding reduction of travel time from home to work.

IND-2 – Light Industrial: The purpose of this zoning district is to provide for light industrial uses in locations which are suitable and appropriate taking into consideration the land uses on adjacent or nearby properties, access to a major street or highway, rail service or other means of transportation, and the availability of public utilities. Principal uses permitted in this zoning district include the manufacture, compounding, processing, packaging or treatment of materials which do not cause or produce objectionable effects that would impose hazard to adjacent or other properties by reason of smoke, soot, dust, radiation, odor, noises, vibrations, heat, glare, toxic fumes, or other conditions that would affect adversely the public health, safety and general welfare.

IND-3 – Heavy Industrial: The purpose of this zoning district is to provide for heavy industrial uses in locations which are suitable and appropriate taking into consideration land uses on adjacent or nearby properties, access to a major street or highway, rail service or other means of transportation and the availability of public utilities. Principal uses permitted in this zoning district include the industrial uses that are not permitted in any other zoning district.

The Zoning Administrator may determine whether a proposed use meets the intent of the Zoning District if such a use is not specifically listed.

Section 14-14-2 Permitted Uses Matrix

<u>USES</u>	<u>ZONING DISTRICTS</u>		
	<u>I-1</u>	<u>I-2</u>	<u>I-3</u>
Acid manufacture	-	-	X
Ammonia manufacture	-	-	X
Any Use Permitted in the C-3 District – Major Street Commercial, subject to all the use regulations for the C-3 Zoning District except residential uses and except medical marijuana dispensary ☆ Ord. 1088/6-11	-	X	-
Any other office, laboratory and manufacturing uses similar to those uses enumerated herein which do not create any danger to the public health, safety and general welfare in surrounding areas and which do not create any offensive noise, vibration, smoke, dust, odor, heat or glare and which, by reason of high value in relation to size and weight of merchandise received and shipped, create very little truck traffic.	X	-	-
Art needlework, hand weaving and tapestries	X	-	-
Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condensers, transformers, and crystal holders.		X	
Automobile graveyards	-	-	X
Blast furnaces and coke ovens	-	-	X
Books, hand binding and tooling	X	-	-

Celluloid and plastics manufacture	-	-	X
Chemicals, manufacture and storage	-	-	X
Cement, lime, gypsum or plaster of paris manufacture	-	-	X
Compounding of cosmetic and pharmaceutical products	X	-	-
Construction equipment, limited to sales, service and rental.	-	X	-
Distillation of bones	-	-	X
Drop forge industries	-	-	X
Explosives, manufacture or storage	-	-	X
Fat, grease, lard, or tallow, rendering of	-	-	X
Feed lots, commercial	-	-	X
Fertilizer manufacture	-	-	X
Garbage, offal, or dead animals reduction or dumping	-	-	X
Gas manufacture	-	-	X
Glue, soap, candle or tallow, manufacture or storage	-	-	X
Impound lot	-	-	X
Iron and steel rolling or manufacture	-	-	X
Jewelry, manufacture from precious metals and minerals	X	-	-
Junkyards	-	-	X
Laboratories, research, experimental and testing	X		
Laboratories, experimental, photo or motion pictures, research or testing.	-	X	-
Laundry and dry-cleaning plants, wholesale or retail.	-	X	-
Manufacture of clay, leather, metal and glass products of a handicraft nature	X	-	-
Manufacture, compounding, processing, packaging or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals, perfumed toilet soap, toiletries, but not including the refining and rendering of fats and oils.	-	X	-
Manufacture, compounding, assembling or treatment of articles or merchandise, from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, leather, paper, plastics, precious or semi-precious metals or stones, light sheet metal, shell, textiles, tobacco, wire, yarns, wood not involving planning mills, and paint not employing a boiling process.	-	X	-
Manufacture of electrical or electronic apparatus, musical instruments, games and toys	X	-	-
Manufacture of medical, dental and drafting instruments	X	-	-
Manufacture of optical goods and equipment, watches, clocks and other similar precision instruments	X	-	-
Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay.	-	X	-
Match factories		-	X
Medical Marijuana designated caregiver cultivation site ☆Ord. 1088/6-11		X	
Medical Marijuana Cultivation Facility 🗑Ord. 1084/2-11		X	
Motion picture producing	X	-	-
Offices	X	-	-
Petroleum or its products, refining of	-	-	X
Radio and television broadcasting stations and studios, but not including transmitter towers and stations	X	-	-
Rock crushers, crushing and screening plants, batch plants	-	-	X
Rubber, reclaiming or the manufacture of synthetic rubber or its constituents	-	-	X
Smelting of tin, copper, zinc or iron ores	-	-	X
Stock foods made of kelp, fish or fishmeal, manufacture or storage	-	-	X

Stockyards or slaughter of animals	-	-	X
Tanneries or the curing or storage of rawhides	-	-	X
Warehouses and storage contractors offices, lumberyards, building materials, repair shops and storage yards, including outdoor storage of equipment, provided that such storage yards shall be screened from view from any street or residential zoning district by a solid wall or fence not less than six (6) feet in height above grade, but not including the warehousing and storage of explosive material and junk.	-	X	-
Wholesale storage of gasoline	-	-	X
Wool pulling or scouring	-	-	X

Section 14-14-3 Conditional Uses

- A. The uses permitted with a Conditional Use Permit as set forth in Section 14-11-3 shall also be permitted within each Industrial District subject to Council approval in accordance with the requirements of Section 14-24-4.

Section 14-14-4 Height, Yard and Area Regulations

ZONING DISTRICTS	MAXIMUM BUILDING HEIGHT			MINIMUM YARD SETBACKS				MINIMUM LOT AREA	MINIMUM LOT WIDTH
<i>INDUSTRIAL</i>	<i>STORIES</i>	<i>FEET</i>		<i>FRONT</i>	<i>REAR</i>	<i>INTERIOR SIDE</i>	<i>STREET SIDE</i>	<i>SQUARE FEET / ACRES</i>	<i>FEET</i>
IND-1	3	OR	40	50*	50	25 50*	25	35,000 SQ. FT.	150
IND-2	3	OR	40	20 + 1*	10 25*	20 + 1*	10	10,000 SQ. FT.	80
IND-3	3	OR	40	25*	20 35*	25*	10	NONE	NONE

*see exceptions below

A. Front Yard Exceptions:

1. IND-1: For through lots, a front yard shall be provided along both front lot lines
2. IND-2:
 - a. Minimum front yard setback is twenty feet (20') plus one foot (1') per additional foot of building height over twenty feet (20').
 - b. Where the frontage between two (2) intersecting streets is located partly in the IND-2 Zoning District and partly in a commercial or residential zone, the minimum building setback line shall, under no circumstances, be less than the minimum required front yard for the respective commercial or residential zone.
3. IND-3: Where the frontage between two (2) intersecting streets is located partly in the IND-3 Zoning District and partly in a residential or commercial zoning district, there shall be a front yard equal to the front yard required in the adjoining residential or commercial zoning district but such yard need not exceed twenty-five (25) feet in depth.

B. Side Yard Exceptions:

1. IND-1: There shall be a side yard on each side of a building having a minimum width of not less than twenty-five (25) feet, except when the side yard is adjacent to a residential zoning district the setback shall be thirty feet (30').
2. IND-2: Minimum setback shall be thirty feet (30') when adjacent to a residential zone.

3. IND-3: Where a corner lot abuts a residential zoning district whether or not separated by an alley, there shall be a side yard on the street side of such corner lot having a width of not less than ten (10) feet. If a side yard is otherwise provided it shall have a width of not less than ten (10) feet

D. Rear Yard Exceptions:

1. IND-2: If the rear yard abuts a residential zoning district, the minimum distance shall be increased to twenty-five (25) feet.
2. IND-3: Where a lot abuts a residential zoning district whether or not separated by an alley, there shall be a rear yard having a depth of not less than thirty-five (35) feet.


Section 14-14-5 Parking and Loading Regulations

The Parking Regulations are as provided in Article 14-17.

Section 14-14-6 Landscaping Requirements

The Landscaping Requirements are set forth in Section 14-19-5.

Section 14-14-7 Additional Regulations

- A. IND-1:
 1. All uses except for parking, loading and unloading shall be conducted within a completely enclosed building.
 2. Any lighting shall be placed so as to reflect the light away from adjoining residential zoning districts.
 3. Required yard adjacent to any street shall not be occupied by any use or structures except for drives and roadways, signs, and lighting as permitted in this Ordinance.
- B. IND-2:  Ord. 1084/2/11
 1. Any use, including incidental or accessory storage, not within a completely enclosed building shall be screened from adjoining residential zoning districts by a solid fence or wall at least six (6) feet in height provided that no goods, materials or objects shall be stacked higher than the fence or wall so erected.
 2. Any lighting shall be placed so as to reflect the light away from adjoining residential zoning districts.
 3. All medical marijuana facilities located in the IND-2 Zoning District shall comply with the requirements set forth in Section 14-11-3(K) of this Code.
- C. IND-3:
 1. A building or premises other than the residence of the family of the operator or caretaker employed on the premises of a commercial or industrial use, shall not be used for dwelling, mobile home parks, travel trailer parks, mobile home subdivisions, hotels, resort hotels and motels.
 2. Any use, including incidental or accessory storage, not within a completely enclosed building shall be screened from lots in adjoining residential zoning district by a solid fence or wall at least six (6) feet in height.
 3. Any lighting shall be placed so as to reflect the light away from adjoining residential zoning districts.
 4. Signs are as provided in Section 14-18-13 hereof.

ARTICLE 14-15

Reserved For Future Use

ARTICLE 14-16 WHPOZ – WELL HEAD PROTECTION OVERLAY ZONE

14-16-1	Purpose
14-16-2	General Provisions
14-16-3	Designated Well Head Protection Overlay Zoning Districts
14-16-4	Permitted Uses
14-16-5	Uses Permitted as A Conditional Use
14-16-6	Non-Conforming Uses
14-16-7	Prohibited Uses in Well Head Protection Areas

Section 14-16-1 Purpose

The purpose of the Well Head Protection Overlay Zone (WHPOZ) is to designate areas in which a Municipal Well Head is located and to delineate the area around each of the Municipal Well Heads, which requires protection from contamination. It is recognized that Regulations on development are necessary to protect these well heads. The designation of a Well Head Protection Overlay Zoning District will regulate the uses which are allowed in the District in order to minimize potential contamination of the Town's groundwater supply by limiting the allowed uses to those which do not involve the use of septic tanks, volatile or corrosive liquids, chemicals or other agents which, if spilled, leaked or dumped, onto or into the ground, have been found to pose a threat of groundwater contamination which could be a hazard to humans and/or animals.

Section 14-16-2 General Provisions

- A. The Well Head Protection Overlay Zoning District is an overlay zone and may be combined with any other zoning district. The provisions of the underlying district shall govern the development of any lot or parcel subject to the regulations set forth in this Article.
- B. All portions of a lot or parcel located within the Well Head Protection Overlay Zoning District as designated on the Zoning Map shall be subject to the regulations set forth in this Article.

Section 14-16-3 Designated Well Head Protection Overlay Zoning Districts

The following areas are designated as the initial Well Head Protection Areas of the Town and are rezoned to Well Head Protection Overlay Zone (WHPOZ) and the Zoning Map of the Town is amended to reflect such rezone:

A. Well Head Protection Zone- Number 1- Sols Wash, Barnett and Remuda Wells

Beginning at the centerline of the Hassayampa River at the point where it intersects a line connecting the southwest corner of Section 1 Township 7 North, Range 5 West of the Gila and Salt River Baseline and Meridian and the northwest corner of the southwest quarter of the southwest quarter of Section 6 Township 7 North, Range 4 West of the Gila and Salt River Baseline and Meridian. From the point of beginning following the centerline of the Hassayampa River in a northerly or upriver direction for the distance of seven and one-half miles and extending one-half mile to either side of said centerline to form the perimeter line of the Well Head Protection Zone. The jurisdiction of the Town over the Well Head Protection Zone terminates at the point the perimeter line intersects the Town Limits as they exist today or in the future.

Well Head Protection Zone- Number 2- Mariposa Well

Beginning at the vertical centerline of the Mariposa Well casing as situated in the northwest quarter of the northwest quarter of the southwest quarter of the northeast quarter of Section 11, Township 7 North, Range 5 West of the Gila and Salt River Baseline and Meridian and having a radius to the perimeter line of the Well Head Protection Zone of 1600' which extends 360 degrees outward from the vertical centerline of said well to construct a circle which forms the perimeter of the Well Head Protection Zone.

Well Head Protection Zone – Number 3 – Vulture Mine Well

Beginning at the vertical centerline of the Vulture Mine Well casing as situated in the southwest quarter of the northwest quarter of the northwest quarter of the northwest quarter of Section 3, Township 7 North, Range 5 West of the Gila and Salt River Baseline and Meridian and having a radius to the perimeter line of the Well Head Protection Zone of 1,750' which extends 360 degrees outward from the vertical centerline of said well to construct a circle which forms the perimeter line of the Well Head Protection Zone.

- B. Additional Well Head Protection Areas may be designated by the Town Council pursuant to the procedures set forth in Article 14-24 of this Town Code and upon findings by the Council that contaminants are reasonably likely to move toward and reach the surface and subsurface area surrounding a water well or well field supplying the Town's Public Water System.

Section 14-16-4 Permitted Uses

The following land uses or activities will be permitted in Well Head Protection Overlay Zones when such uses or activities are connected to, and utilize exclusively, the municipal water and sewer systems

- A. Residential Uses.
- B. General Office Uses, Medical Offices and Hospitals when waste is disposed of in an approved manner.
- C. Permanent Parks and/or open space if dedicated to passive or active recreational activities when it is found by the Zoning Administrator that none of the activities to be conducted therein will pose a potential treat of contamination to the Town's groundwater supply.
- D. Churches, upon securing the required Conditional Use Permit.
- E. Septic Systems in accordance with Section 13-3-2, Section 14-16-6.E. and Section 14-16-7.A.

Section 14-16-5 Uses Permitted as a Conditional Use

Uses, which have not been specifically permitted in Section 14-16-4, may be permitted with a Conditional Use Permit if the following findings are made by the Council:

- A. That locating the proposed use within the WHPOZ will not negatively impact the Well Head, well, or water.
- B. That locating the proposed use within the WHPOZ shall not be detrimental to surrounding neighborhoods.
- C. That the proposed use shall provide all necessary screening and landscaping to help minimize or mitigate any potential negatives that could arise from the development or use.

Section 14-16-6 Non-Conforming Uses

Any use that exists on the date of passage of this Ordinance shall be considered Legal Non-Conforming. The Town shall make a concerted effort to eliminate legal non-conforming uses and to that end, the following steps shall be implemented:

- A. Identify all Legal Non-Conforming Uses within the Town.
- B. Prioritize the Legal Non-Conforming Uses for management, mitigation or elimination. The basis for prioritization shall be the potential threat that is posed by the use as determined by reference to Figure 1 in the Well Head Protection Plan and Program.

- C. If potential threats of contamination cannot be managed or mitigated, the Town Council may find that the use should be eliminated in accordance with appropriate statutory authority granted to the Town by the State of Arizona.
- D. Failure to notify the Town of deteriorated or worsened conditions shall constitute a Class I Misdemeanor subject to the penalty provisions of Article 1-8 of the Town Code.
- E. NOTE: Septic Systems are not allowed in the adopted Well Head Protection Areas.

Section 14-16-7 Prohibited Uses in Well Head Protection Areas

- A. The use of septic systems in subdivisions, leachates, petroleum products, corrosives and caustics in any manufacturing or recovery process is expressly prohibited.
- B. The accumulation, dumping or disposal of any waste products.
- C. Underground storage tanks for gasoline, diesel fuel, fuel oil, or other petrochemical products.
- D. Feed Lots and Boarding Facilities are subject to a Use Permit supported by a Hydrologist's Study paid for by the applicant; and the Hydrologist's recommendations were followed along with a Manure Maintenance Plan; and the Hydrologist shall be selected by Town staff or any other such use related to the standing or grazing of cattle, horses or other livestock.

In order to approve uses, which are not otherwise permitted, the following findings must be found:

- A. That the proposed use is consistent with the General Plan.
- B. That the proposed use poses no inherent threat of groundwater contamination or any such inherent threat has been sufficiently mitigated by operational safety measures. All such operational safety measures shall be supported by a sealed and signed finding by the appropriate registered professional that the proposed use incorporates adequate measures to ensure that groundwater contamination will not occur as a result of the establishment of the use or activity. Under no circumstances shall an architect be deemed the appropriate registered professional.
- C. In order to be issued a Conditional Use Permit, an application which includes a Site Plan and complete Operations Plan must be submitted to the Town along with the documentation supporting the registered professional's finding that the proposed use will not pose a threat to the Town's groundwater supply.
- D. That Town will only consider applications for uses that employ or store petroleum products, caustics, or corrosives when the Commission makes a finding that adequate measures as certified by a registered professional and confirmed by the Town Engineer have been provided to minimize any potential threat of groundwater contamination.
- E. Any person aggrieved by a decision of the Commission may, within fifteen (15) days, appeal said decision to the Town Council.

ARTICLE 14-17 OFF-STREET PARKING AND LOADING REGULATIONS

14-17-1	Purpose
14-17-2	Off-Street Parking Regulations
14-17-3	Parking Lot Location and Placement Requirements
14-17-4	Loading and Unloading Regulations

Section 14-17-1 Purpose

The purpose of this Section is to provide parking requirements for the uses which may locate within all developments.

Section 14-17-2 Off-Street Parking Regulations (Ord. 1209 – 1/21)

- A. All new development and single or aggregate additions to existing structures which increase the total floor area of the structure by more than twenty-five (25) percent and located in any zoning district, with exception to the C-2 Central Business District, shall provide on-site parking using the ratios provided below:

PARKING REQUIREMENT MATRIX (Ord. 1209 – 1/21)		
LAND USE	REQUIRED VEHICLE PARKING	REQUIRED ADDITIONAL PARKING STANDARDS
<i>Residential Uses</i>		
Boarding and Lodging Houses	1 Space per D/U and/or Guest Room	
Bed and Breakfast	1 Space per Guest Room	
Convalescent / Nursing Home	1 Space per 5 Beds	
Community Center	1 Space per 500 Sq. Ft.	
Group Home	1 Space per 3 Beds	1 Additional Space per Full Time Staff Member On Duty
Mobile Home Park	1 Space per Trailer / Mobile Home Space	
Mobile Home Subdivision	2 Spaces per Lot	
Multifamily	1.5 Spaces per D/U	1 Additional Parking Space per 5 D/U For Visitor Parking
Recreational Vehicle Park	1 Space per RV Pad	1 Additional Parking Space per 5 Recreational Vehicle Spaces shall be Provided for Guest and Accessory Vehicle Parking.
Single Family	2 Spaces per D/U	
Travel Trailer Park	1 Space per Trailer / Mobile Home Space	
<i>Two Family Dwelling</i>	2 Spaces per each two-family dwelling	
<i>Assembly</i>		
Religious Assemblies	1 Space per 5 Seats Provided in Main Auditorium/Sanctuary	
Funeral Homes	1 Space per 500 Sq. Ft. of Floor Area	
Private Clubs / Lodges	1 Space per 625 Sq. Ft. Of Floor Area	
Schools, Colleges, Universities, Other Institutions of Learning	1 Space per 5.5 Employees	Plus 1 Space per 12 Students
Theatres	1 Space per 6 Seats	
<i>Commercial</i>		
Clinics	1 Space per 400 Sq. Ft. of Floor Area	
Commercial Buildings	1 Space per 400 Sq. Ft. of Floor Area	
Hospital	1 Parking Space per 4 Beds	Plus 1 Additional Space per 4 Employees and 1 Space per 1.5 Doctor Assigned to Staff
Hotels / Motels	1 Space per 1.5 Guest Room	Plus 1 Additional Space per 4 Employees
Institutions of Religious, Charitable or	1 Space per 6 Beds	Plus 1 additional space per 4.5 Employees

Philanthropic Nature		
Office	1 Space per 400 Sq. Ft. of Floor Area	
PSC Shopping Center	3 Spaces per 1,250 Square Feet of Floor Area	
<i>Industrial</i>		
Industrial	1 Space per 4 Employees plus 1 Space per 625 Sq. Ft. of Floor Area When Total Number of Employees Cannot be Calculated	Service Vehicles or Company Vehicles must be Provided Parking on the Premises

- I. **Fractional Measurements Involving Parking Spaces:** Unless otherwise provided for in the specific Parking Regulations, one (1) additional parking space shall be required if the number of required parking spaces results in a fractional number of more than one-half (1/2).

Section 14-17-3 Parking Lot Location and Placement Requirements

- A. The required parking spaces shall be located on the same premises as the use they are intended to serve. A variance may be requested and reviewed by the Board of Adjustment if the required parking spaces are proposed to be located within four hundred (400) feet of the premises they are intended to serve. The Variance will be subject to the review criteria provided in Section 14-2-8.
- B. Two (2) or more buildings or uses may provide joint parking spaces if the total of the required number of spaces is not less than the sum of spaces required for each individual building or use computed separately. If joint parking is requested, the owners of the respective properties shall create and record joint access and cross access easements in perpetuity or until one (1) or both uses change such that the parking provided on each property is sufficient for the properties individually. A copy of the recorded easements shall be provided to the Town and shall be kept on file. Documentation that demonstrates compliance shall be required if the owners request dissolution of the easements.
- C. **Parking Lot Setbacks:** All parking lot setbacks shall be as set forth in Section 14-19.
- D. **Front Yards in Residential Districts:** No more than fifty percent (50%) of the front yard of any single-family dwelling unit or group home for the handicapped located in a single-family residential district may be used for parking spaces.
- E. **Access to Parking from an Alley:** Any parking lot may use an abutting alley for direct access to parking spaces; provided that adjacent property is not residentially zoned and the full width of the alley is dedicated to the public and fully improved with a hard, all-weather, dust-free surface, properly drained to prevent retention of surface water. A landscape buffer of ten feet (10') shall be required as outlined in Article 14-19 for non-residential property.
- F. **Access to Parking from a Street:** Access to a parking lot from a street shall be limited to driveways, and there shall be no direct access to any off-street parking space from the street.
- G. **Ingress and Egress:** No entrance or exit to a parking lot shall be located closer to an abutting residential district than fifteen (15) feet.
- H. **Parking Design Specifications:** All required parking areas including spaces and attendant back-up maneuvering area, shall be designed and constructed in accordance with the following:
 1. **Width:** All parking spaces shall be nine feet (9') in width measured perpendicular to the side parking space stripes, and nineteen feet (19') in length measured perpendicular to the front parking space stripe.
 2. **Surface:** All commercial parking spaces, attendant back-up/maneuvering areas and driveways shall have a dust free and permanent surface consisting of a minimum of two inches (2") of asphaltic concrete pavement over four inches (4") of aggregate base.

3. Striping: All parking lots shall be striped and maintained in a legible manner. The Parking Lot Design Layout shall be in accordance with the following chart:

PARKING SPACE ANGLE (DEGREE)	AISLE WIDTH	
	ONE-WAY	TWO-WAY
90°	24'	24'
60°	18'	20'
45°	13'	20'
30°	12'	20'
0°	12'	20'

4. All parking areas, which are co-terminus with landscape areas, shall be bordered with a six-inch (6") continuous curb or an approved alternative, which, in no case, shall include bumper blocks.
5. All parking areas shall terminate at a distance no less than three feet (3') from the exterior wall of any building or structure. The intervening area shall be appropriately landscaped, if not used as an elevated sidewalk. If used with other than parallel parking, the sidewalk shall have a minimum width of five feet (5'). If the intervening area is landscaped, the depth of the parking space may be reduced to seventeen and one-half feet (17½') for ninety-degree (90°) parking.
6. Continuous curbing shall be utilized to protect screening walls and refuse enclosures from vehicular contact.
7. All parking areas shall be screened from street view as described below in Section 14-19-9.B of this Article.
- I. Driveways: No driveway shall exceed thirty feet (30') in width at property line and there shall be a minimum of thirty feet (30') between driveways. When approved by the Arizona Department of Transportation (if driveway abuts ADOT right-of-way), the Zoning Administrator or Commission, driveway width and separation may be adjusted on a case-by-case basis to insure adequate and safe ingress and egress.

Section 14-17-4 Loading and Unloading Regulations

- A. Loading and Unloading requirements for commercial and industrial uses are as follows:
1. Loading and Unloading for Commercial Buildings: For all commercial buildings hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) loading and unloading space for each twenty-five thousand (25,000) square feet of floor area, or fraction thereof, devoted to such use in the building
 2. Loading and Unloading for Wholesale, Manufacturing, and Industrial Buildings: For all wholesale, manufacturing the industrial buildings hereafter erected, or for any building converted to such use or occupancy, there shall be provided one (1) loading and unloading space for each ten thousand (10,000) square feet of floor area, or fraction thereof, devoted to such use in the building.
 3. Location of Required Loading and Unloading Spaces: The required loading and unloading spaces shall in all cases be on the same lot as the use they are intended to serve. In no case shall required loading and unloading spaces be part of the area used to satisfy the parking requirement.

4. Collective Action Relative to Loading and Unloading: This Ordinance shall not be construed to prevent the joint use of loading and unloading spaces for two (2) or more buildings or uses if the total of such spaces when used together is not less than the sum of the spaces required for the various individual buildings or uses computed separately.
5. Mixed Uses: In the case of mixed uses, the required loading and unloading spaces shall be the sum of the required loading and unloading spaces for the various uses computed separately and such spaces for one (1) use shall not be considered as providing required loading and unloading for any other use.
6. Location of Loading Space: Required off-street loading space may occupy all or any part of a required rear yard, except as provided elsewhere in this Ordinance and may be partially or entirely enclosed within a building. Where a side yard abuts an alley in a non-residential district, loading space may be located in that side yard.
7. Use of Alley for Maneuvering Space: Where a building or use in a non-residential district requiring off-street loading space abuts an alley, such alley may be used for maneuvering space for loading and unloading spaces; provided, however, that no alley abutting any residential district may be so used.

ARTICLE 14-18**SIGN REGULATIONS**

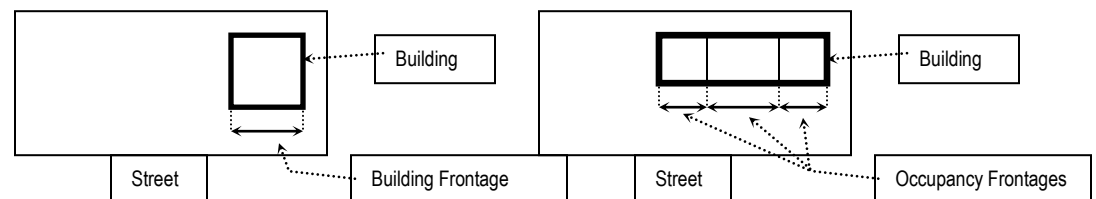
14-18-1	Purpose and Intent
14-18-2	Definitions
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Section 14-18-1**Purpose and Intent**

- A. The purpose of this Article is to provide fair and comprehensive regulations relating to signs in the Town.
- B. It is the intent of the citizens of the Town of Wickenburg to:
1. Establish a Sign Program to enhance and preserve the aesthetics of the Town and maximize establishment identifications, minimize visual clutter and maintain a high quality of signs throughout the Town.
 2. Promote and protect the general health, safety, welfare and community environment by establishing a comprehensive system for the regulation of all advertizing devices, displays, signs and their housing, structure or form, while maintaining or improving economic stability through an attractive Sign Program.
 3. Reduce signs or advertising distractions and obstructions that may contribute to traffic accidents, and reduce hazards that may be caused by signs.
 4. Preserve the distinct historic character and small-Town quality now enjoyed by both the community and visitors alike.

Section 14-18-2**Definitions**

1. **Frontage Street:** The width of a lot at the street right-of-way line.
2. **Frontage/Exposure, Building:** The horizontal width of any given building as measured at grade, along the face of the building which is closest to and most nearly parallel with the contiguous street right-of-way line.
3. **Frontage/Exposure, Occupancy:** The width of that portion of a multi-tenant structure which is occupied by a given tenant.



4. **Menu Board:** A sign used to display the establishment's menu items, generally placed on the outside of the building's main entrance or in a drive-thru.
5. **Mural:** A sign painted on the wall of a building or structure in such a manner that the wall becomes the background surface of the sign. Murals shall not be used to promote or advertise a commercial product, service or business.
6. **Raceway:** A cabinet which contains the wiring and wall attachments for sign letters and which projects from the wall. Sign letters are attached to the raceway.
7. **Sign:** Any object, device, display or structure, or part thereof, for visual communication which is used or intended to attract the attention of the public, when the display of the object, device, display, or structure is visible beyond the boundaries of the public or private property upon which the display is made visible words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Excluded from this definition are: National or State flags, window displays, athletic scoreboards, or the official announcement or signs of government.
8. **Sign, A-Frame:** A portable sign used to display advertising or business logo.
9. **Sign, Abandoned:** An on-site or off-site sign associated with an abandoned business or property that has been vacated for six (6) months or more.
10. **Sign, Advertising:** A sign which lists products, services, and/or prices.
11. **Sign, Animated:** A sign or part of a sign that exhibits movement or the optical illusion of movement of any part of the sign structure, design or pictorial segment, including the movement of any illumination of or the flashing and varying of light intensity, the automatic changing of all or any part of the facing of a sign; the movement of a sign set in motion by the atmosphere. Time and temperature devices shall be considered animated signs. Banners and flags shall not be considered not animated signs.
12. **Sign, Awning, Canopy or Marquee:** A sign that is mounted or painted on, or attached to, an awning, canopy, or marquee that is otherwise permitted by Ordinance. For the purpose of this Ordinance, a marquee is defined as a canopy constructed of rigid materials which projects over an entrance to a building.
13. **Sign, Banner or Temporary Banner:** A sign designed to advertise products, businesses, or events, and which are temporary in nature printed on cloth, vinyl, or plastic suspended from two (2) ends. Attachment or suspension may be from buildings and/or poles. A banner may or may not contain text or graphics.
14. **Sign, Blade:** A sign which hangs perpendicular to the wall face of a building typical of historic building with zero (0) setbacks. Blade signs typically hang over the public right of way.
15. **Sign, Bulletin Board:** A sign which identifies a noncommercial institution or organization on the premises of which it is located and contains the name of the institution or organization, the names of individuals connected with it, and general announcements of events or activities occurring at the institution or similar messages of general interest to the public.
16. **Sign, Business:** A sign which attracts attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.
17. **Sign, Construction:** A temporary sign erected on the premises on which construction is taking place, during the period of such construction, reconstruction or repair of a building indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

18. **Sign, Directional:** A sign limited to directional messages, principally to direct and aid the flow of pedestrian or vehicular traffic such as “one-way,” “entrance,” and “exit” building address and providing directional information relating to points of interest, institutions, facilities and districts.
19. **Sign, Directory:** A sign listing the names and/or uses and/or locations of the various businesses or activities within a building or a multi-tenant development not for the purpose of bringing same to the attention of vehicular traffic.
20. **Sign, Double Face:** A sign having copy on two faces of equal dimension with an interior angle between the two faces of forty-five (45) degrees or less.
21. **Sign, Facade:** See Sign, Wall.
22. **Sign, Face:** The area or display surface used for the message.
23. **Sign, Flashing:** A directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.
24. **Sign, Freestanding:** A non-movable sign not affixed to a building and mounted on its own self-supporting structure.
25. **Sign, Governmental:** A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance or other governmental regulation.
26. **Sign, Ground:** A freestanding sign, other than a pole sign, placed upon or supported by the ground independent of any other structure, except footings.
27. **Sign, Historic:** A sign which can be shown through photographs or other records/evidence to have been in existence prior to 1950.
28. **Sign, Identification:** A sign used to present the name of the business, place, organization, building or person the sign is attached.
29. **Sign, Illuminated:** A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed towards the sign.
30. **Sign, Mansard:** A sign permanently affixed to a wall or surface designed to protect the edge of a roof, constructed no more than twenty (20) degrees from vertical.
31. **Sign, Memorial:** A sign memorializing a person, event, structure or site.
32. **Sign, Menu Board:** A sign used to display the establishment’s menu items. A menu board is generally placed on the outside of the building’s main entrance and/or drive-thru.
33. **Sign, Non-Conforming:** A sign lawfully existing on the effective date of an ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended ordinance.
34. **Sign, Obscene:** A sign that the average person, applying contemporary state standards would find that the item, taken as a whole, appeals to the prurient interest, depicts or describes, in a patently offensive way, sexual activity or lacks serious literary, artistic, political or scientific value.
35. **Sign, Obsolete:** A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product, activity conducted, or product available on the premises where such sign is displayed.

36. **Sign, Off-Site:** A sign which directs attention to any business, commodity, service or entertainment/event conducted, sold or offered at a location other than the premises on which the sign is located.
37. **Sign, Pole:** A sign that is mounted on a freestanding pole or other support so that the bottom edge of the sign face is six feet (6') or more above grade.
38. **Sign, Political:** A temporary sign which supports the candidacy of any candidate for public office, or urges action on a governmental issue, endorses or opposes a political party, or that relates to views about issues placed on the ballot of an upcoming National, State or local level.
39. **Sign, Portable:** A sign that is not permanent, affixed to a building, structure or the ground.
40. **Sign, Private Sale or Event:** A temporary sign advertising private sales of personal property at a residential or other non-commercial property such as "house sales," "garage sales," "rummage sales," "estate sales," "bake sales," "lemonade stands".
41. **Sign, Program:** A coordinated program of one or more signs for an individual business establishment or a business center.
42. **Sign, Projecting:** A sign that is wholly or partly dependent upon a building for support and which projects more than twelve (12) inches from such building.
43. **Sign, Real Estate:** A sign pertaining to the sale or lease of a building or premises, or a portion of the building or premises, on which the sign is located.
44. **Sign, Roof:** A sign that is mounted on the roof of a building or which is wholly or partly dependent upon a building for support and which projects above the eave line of a building with a gambrel, gable or hip roof or the deck line of a building with a mansard or within six inches (6") of the top of a parapet.
45. **Sign, Soffit:** A sign which hangs underneath a canopy, awning or overhead to help create a pedestrian friendly environment.
46. **Sign, Special Event:** A sign relating to the promotional event such as, but is not limited to, bazaars, street fairs, art fairs, shows, exhibitions, sporting events, runs, bicycling events, block parties, and may include events of a general Town-wide civic or public benefit nature. This does not include private sale or event signs, or special attention attracting devices, as defined herein.
47. **Sign, Special Exhibition:** A temporary sign related to a museum exhibition or special show.
48. **Sign, Temporary:** A sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material that is not permanently attached to the ground, wall, or building and that is designed or intended to be displayed for a period of time not to exceed thirty (30) days.
49. **Sign, Wall:** A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than twelve (12) inches from such building or structure.
50. **Sign, Window:** A sign that is applied or attached to the interior or exterior of a window or located in such manner within a building that it can be seen from the exterior of the structure through a window. This does not include private sale or event signs, or special attention attracting devices, as defined herein.
51. **Special Attention Attracting Device:** A device, sign, or banner meant to draw attention to a business, event, grand opening, or other activity.

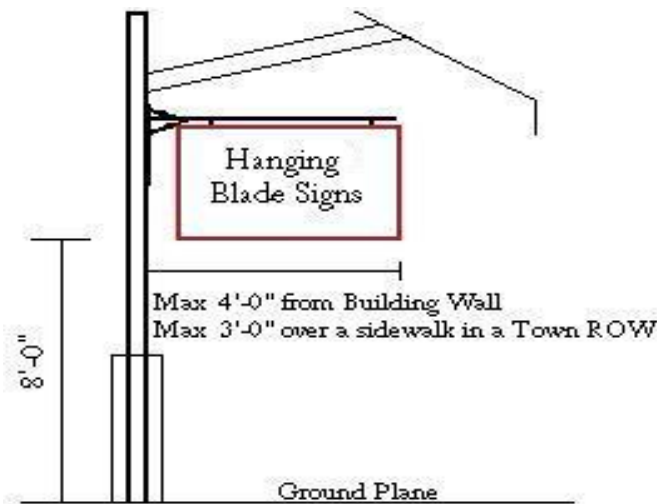
Section 14-18-3 General Regulations**A. Location and Placement of Signs:**

1. No sign shall be allowed on any property unless the sign is specifically permitted in the zoning district.
2. No sign may be posted on public or private property, including a right-of-way, without the property owner's prior permission.
3. Every sign and its supporting structure shall be designed and constructed to conform to the provisions of all applicable technical codes.
4. No sign shall be erected, relocated or maintained so as to prevent free ingress to, or egress from, any door, window or fire escape nor shall any sign be attached to a standpipe or fire escape.
5. No sign shall be erected or maintained at or near any intersection of streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of its position, shape, color or illumination, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or with any device mounted on a police or fire protection vehicle; or which makes use of the words, "Stop," "Look," "Danger," or any other word, phrase, symbol or character in such manner as to interfere with, mislead, or confuse traffic.
6. No sign shall be erected or painted upon or attached to any tree, rock or other natural feature, or to any fence post or utility pole or structure.
7. The regulations of this Ordinance shall not apply to signs of metal, stone or other incombustible material when built into or attached to the walls of a building or structure, provided that such tablets shall bear only the name of the owner or architect, name or use of the building, date of building erection or reading matter commemorating a person or event. Size of such signs shall be limited to three (3) square feet and no more than one (1) per building.
8. Exposed raceways and cabinets on buildings are prohibited when the light source is visible.

B. Design Criteria:

1. Signs are regarded as an integral and complementary element of the overall architectural character of the Town and shall be integrated with the building and landscape design.
2. All freestanding signs shall have a substantial base or planter with a minimum height of two (2) feet that includes three times (3x) the square footage of the sign and base planted with shrubs various groundcover as outlined and defined within Article 14-19.
3. All signs except those consisting of individual letters mounted against a non-differentiated surface shall have edge treatment or border.
4. Signs, which are designed to be compatible with Town's Western/Southwestern character or typifying those of the roadside west of the 1920's, 1930's and 1940's, are encouraged.
5. Blade and Soffit signs shall be permitted within the Heritage District subject to the following standards:
 - a. Encroachment into the right-of-way may be permitted up to three (3) feet. An approved Encroachment Permit shall be required prior to installation and issued by the Zoning Administrator.
 - b. Blade signs shall be no larger than six (6) square feet.

- c. Soffit signs shall be no larger than three (3) square feet.
- d. A Blade or Soffit sign shall extend no more than four (4) feet from the building wall to which it is connected or adjacent.
- e. Minimum clearance shall be no less than seven (7) feet from the ground.
- f. Blade or Soffit signs shall not project above the eave, soffit, parapet, or roof line of the building.
- g. Lighting shall be limited to external illumination (up or down lighting) where light at the property line measure not more than one (1) foot candle.



- h. Lighting shall be limited to external illumination (up- or down lighting) where light at the property line measures no more than one (1) foot candle.
- i. No internal illumination shall be permitted.

C. Specific Sign Standards:

I. Directional signs are permitted in any zoning district subject to the following requirements:

a. Offsite

- i. Offsite signs shall be located along a State or Federal highway not more than one-quarter (1/4) mile (one thousand three hundred twenty [1,320] feet) from the intersection or turn-off ramp or roadway providing direct access from said State or Federal highway to the facility, institution, area or business district to which the public is being directed.
- ii. Offsite signs shall be allowed only upon the approval by the Commission of the size, design and precise location of each individual sign.

b. Onsite

- i. Onsite signs shall be allowed in all zoning districts when approved as part of a Sign Program or on an individual basis by the Zoning Administrator or upon appeal from his/her decision as stipulated in Section 14-18-16-D of this Ordinance.
- ii. Onsite signs shall be limited in area to three (3) square feet.

- iii. Freestanding onsite directional signage shall not exceed four (4) feet in height.
- iv. Unless otherwise permitted, directional signs shall not be counted against the total allowed sign area for a given site, building or occupancy.

2. Menu Boards:

- a. One (1) preview menu board and one (1) ordering menu board is allowed per business. Such signs may be free standing or wall-mounted.



- b. The maximum area for each menu wall-mounted sign shall not exceed six (6) square feet.
- c. Sound boxes shall satisfy the following criteria:
 - i. Noise generated by the sound box shall not emanate beyond the property line.
 - ii. Maximum height of the sound box shall not exceed four (4) feet.
- 3. Official Signs or Notices issued by a governmental entity are allowed in all zoning districts and do not require a Sign Permit. Such signs shall be removed no later than ten (10) days following the event to which they refer.
- 4. The following apply to Private Sale Signs:
 - a. Such signs do not require a Sign Permit and are permitted in any residential district.
 - b. Private Sale Signs shall be posted only during the hours the sale is being conducted.
 - c. Private Sale Signs shall be placed only on private property and shall not be placed on any sign, tree, light pole, fence, traffic signal or controller, utility box or other structure within the right-of-way.
 - d. The individual or company responsible for installing the Private Sale Signs shall remove them at the end of the private sale or event.

D. Sign Program:

- 1. Signs for individual establishments wishing to utilize more than two (2) signs or for projects/structures with more than two (2) occupancy frontages shall be allowed only in accordance with a Sign Program as approved by the Zoning Administrator or upon written appeal as specified in Section 14-18-16.D.
- 2. Submittal requirements for a Sign Program are outlined within Section 14-25-4.G.

E. Obsolete Signs:

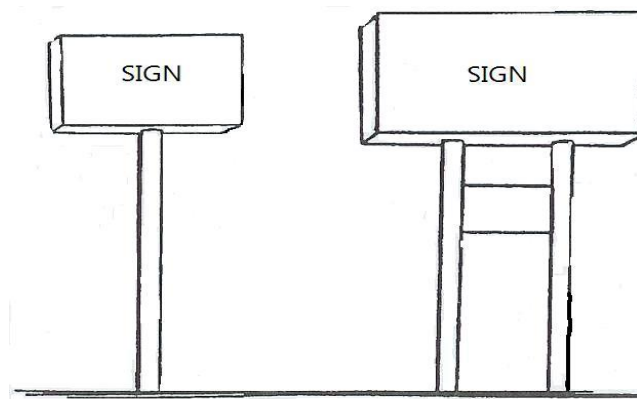
1. An obsolete sign and its supporting structure and frames shall be removed by the owner of the property, his agent, or person having the beneficial use of the building or structure upon which such sign or sign structure is erected within six (6) months of the date of the business vacating the premises or of receipt of notification from the Zoning Administrator that the sign is obsolete, whichever is earlier.

F. Maintenance of Signs:

1. Sign Maintenance: All signs shall be maintained in order to prevent and eliminate any peeling, cracking, discoloration, covering with dirt or other material and other similar problems caused by common weather conditions. All signs shall be cleaned and repainted as necessary. All cracked or broken sign faces and nonfunctioning interior lamps shall be repaired or replaced within forty-five (45) working days following receipt of notification from the Zoning Administrator that the sign requires repair or maintenance a thirty day extension may be applied for and submitted to the Zoning Administrator for approval or denial.
2. Appeal: Upon payment of the appropriate fee as established by resolution of the Town Council, any party who may be aggrieved by a maintenance directive may appeal same directly to the Board of Adjustment.

G. Prohibited Signs: Signs not specifically listed within or authorized by this Ordinance are prohibited including, but not limited to, the following:

1. Animated and Flashing Signs: No animated sign or flashing sign shall be allowed except as permitted below:
 - a. Where otherwise permissible, by this Article, or any Town Code or ordinance, any pennants, banners, revolving barber poles and clocks including those which alternately display time and temperature having a maximum face area not to exceed three (3) square feet may be installed.
2. Obscene Signs: No person, as principal, agent or otherwise, shall exhibit, post or display or cause or permit to be exhibited, posted or displayed, upon any advertising structure, any obscene statements, symbol or sign.
3. Miscellaneous Signs and Posters: The tacking, painting, pasting or otherwise affixing of signs or posters of a miscellaneous character, visible from a public way, on the walls of buildings, sheds, trees, fences, utility poles or other structures, or upon vehicles or trailers where such vehicles or trailers are used primarily as support for such signs, is prohibited
4. New Pole signs and/or roof signs except as specifically approved by the Commission when it can be found that a ground or wall sign is not feasible due to site limitations of area and/or line of sight interruptions for vehicular traffic. New Pole signs that are approved shall be no more than thirty (30) feet in height.



5. Portable Signs except the following:
 - a. Special Event Signs utilized by bona fide nonprofit organizations, educational, religious and charitable, on a periodic basis for a term not exceeding two (2) weeks which announce or provide directional information for/to a special event which is not held more than one (1) time in any given four (4) month period.



- b. Signs which identify a business which are painted on or permanently affixed to an operable vehicle which is utilized on a daily or otherwise regular basis in the conduct of said business.
 - c. Temporary A-Frame Signs pursuant to a valid Temporary Sign Permit. ☉
 - d. Temporary banner Signs pursuant to a valid Temporary Sign Permit. ☉
6. Signs which exceed three (3) square feet in area and which are mounted, attached or painted on motor vehicles, trailers or boats and are parked on the premises.



NOT PERMITTED
OVER 3 SQUARE FEET

7. Offsite signs including any form of remote signage such as off premise advertising signs or billboards unless specifically allowed by this Article.
8. All signage erected for a Home Occupation.
9. Internally illuminated cabinet or can signs when light source is visible.
10. Banner signage shall not be used for permanent signage on a property.

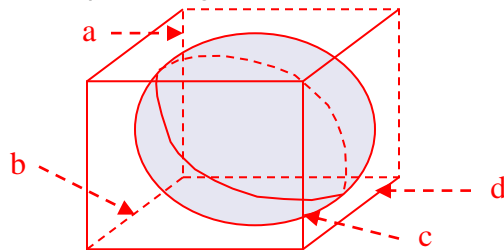
Section 14-18-4 Measurement of Signs; Sign Area and Sign Height

- A. All sign areas shall be measured in accordance with the following:
 - I. The area of signs with all copy mounted on a single geometric plane shall consist of the entire area within a continuous exterior perimeter which bounds all portions of the sign including background panels except those which are entirely opaque and have the same color and texture as the building to which the sign is attached. Necessary structural supports are also excluded from the sign area calculation.

2. Double face signs shall be counted as one (1) sign and the area shall be calculated as that which is visible from any single viewing position on or above the ground.

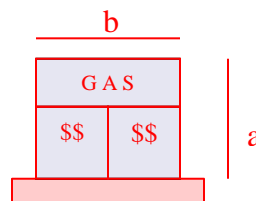


3. Spherical, free form sculptural and other non-planar signs are counted as one (1) sign and the area shall be calculated as the sum of the two (2) largest of the four (4) vertical sides of the smallest polyhedron that will encompass the sign structure.

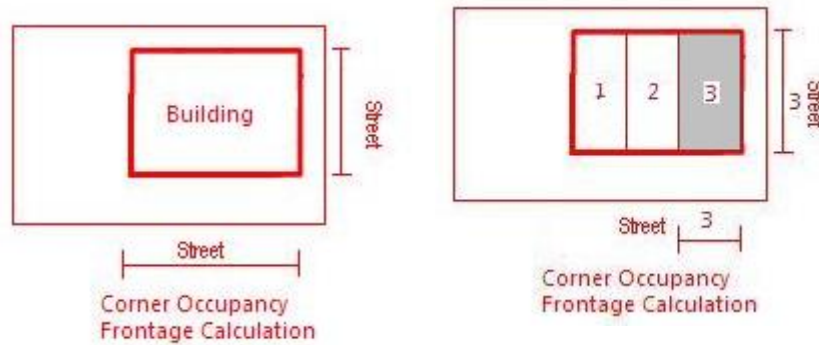


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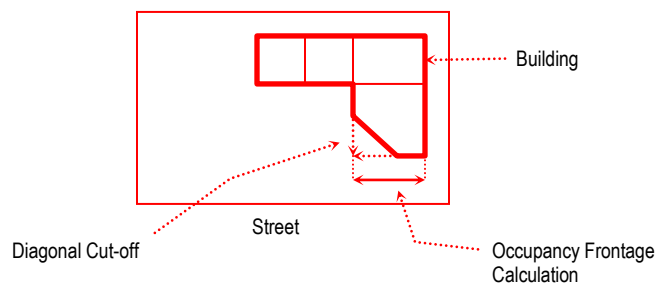
4. For a sign having multiple components (e.g., a service station identification/price sign combination) and mounted on the same surface; the sign area will constitute the area defined by the smallest continuous exterior perimeter that will encompass the several components of the sign.



5. Total sign area for a site, building or occupancy shall include the aggregate area of all permitted signs, except onsite directional signs and window signs as allowed by this Ordinance.
6. When calculating the allowed sign area for a given occupancy, the following shall apply:
- Allowed sign area ratios are indicated in those sections of this Article which set forth the regulations for each respective zoning district.
 - Interior Occupancies: Allowed sign area calculations shall be based on the linear distance of the width of the single occupancy from which the building or occupancies address is derived.
 - Corner Occupancies: Each building face shall be allowed sign area based on the ratio of the respective zoning district for each individual building face fronting on a public street. However, in no case shall the aggregate sign area exceed the maximum allowed sign area for a single frontage or interior occupancy business as allowed in the respective zoning district.



- d. Diagonal Cutoffs: A corner occupancy which has a diagonal cutoff at the corner may calculate the allowed sign area as follows:
 - i. Project a line along the front and side exposures to the point of intersection.
 - ii. Select the resultant distance for either the front or side exposures projection.
 - iii. Add the distance of the selected projection into the linear measurement of the actual building exposure for the exposure selected.
 - iv. The result may be utilized in conjunction with the appropriate ratio for the respective zoning district to establish the allowed sign area for the exposure so measured. The allowed sign area thereby calculated may be placed only: a) on the diagonal cutoff; b) the exposure for which the calculation was made; or, c) upon approval by the Zoning Administrator, a non-calculated exposure.
 - v. The remaining exposure not calculated with the diagonal cutoff exposure (street or street side) shall be allowed sign area in accordance with the linear distance of the actual building exposure (non-projected) and the ratio allowed by the respective zoning district.
 - vi. In no case shall the total sign area exceed that allowed by the respective zoning district.



- e. Multiple Story Structures: Prior to issuance of a building permit for any multiple story structure, a Sign Program detailing all signage upon the building(s) shall be approved by the Commission. No Sign Permits shall be issued for any sign without such approval.
7. All linear occupancy frontage distances shall be measured at sidewalk or grade level immediately adjacent to that portion of the structure being utilized for the occupancy in question.

B. Sign heights shall be measured as follows:

1. Freestanding/Ground Sign: The height of signs shall be measured as the vertical distance between the top of the curb, or crown of the roadway where no curb exists, to the top of the sign. The total sign height shall include any monument base or other structure erected to support or ornament the sign.
2. Wall Signs: The height of wall signs shall be measured as the vertical distance between the top of the curb, or crown of the roadway where no curb exists, to the top of the sign including ornamentation.

Section 14-18-5 Sign Lighting Standards

The following lighting standards apply to all signs within all zoning districts:

- A. Lighting shall be placed to direct the light away from residential districts or residences.
- B. Signs illuminated by external lighting shall have the light source shielded in such a manner as to eliminate visibility from and reduce light glare to adjacent properties.
- C. Subdivision entrance signs be illuminated by reverse pan channel lettering or hard mounted lettering where light source is shielded in such a way as to eliminate visibility from and reduce light glare to adjacent properties.

Section 14-18-6 Signs Allowed in the Single-Family Residential Zoning Districts

The following signs are permitted in Single-Family Residential Zoning Districts:

- A. Address Signs not exceeding two (2) square feet in area. Address signs which are readily visible from the street are required to be installed on all new construction prior to issuance of a Certificate of Occupancy in a manner acceptable to the Town's Public Safety Departments. Address signage shall be verified by the Building Official prior to issuance of a Certificate of Occupancy. Address signs shall not require a permit.



- B. Name Plate Sign indicating the resident's name, title and address. Such signs shall not exceed two (2) square feet in area and shall be limited to one (1) per premise or dwelling unit. Name plate signs do not require a permit.
- C. Permanent Subdivision Identification Signs may be allowed upon approval by the Commission of the size, color, location, materials and maintenance provisions for the specific sign. It is intended that such signs will be mounted on a monument base or wall. The verbiage shall be limited to the name of the subdivision and shall not include any sales information.
- D. Temporary real estate and miscellaneous signs as described in Section 14-18-14-C1.
- E. Bulletin Boards for non-commercial organizations or institutions such as schools, civil organizations, or lodges shall be limited to one (1) on the premises and subject to the following conditions:

1. Maximum size: Twelve (12) square feet in area.
 2. Maximum Height:
 - a. Freestanding Sign: Six (6) feet
 - b. Wall mounted: Eight (8) feet
 3. If illuminated, the source of illumination shall not be visible.
 4. Such sign shall be located at least fifteen (15) feet from any lot line.
- F. Other signage allowed in the respective zoning districts may be allowed up to thirty-two (32) square feet of sign area for each building or occupancy upon approval by the Commission of the size, height and location of such signs.
- G. Onsite Directional Signs pursuant to Section 14-18-3-C-1.b.

Section 14-18-7 Signs Allowed in the Multiple Family Residential Zoning Districts

The following signs are permitted in the RM-1 and RM-2, Multiple Family Residential Zoning Districts:

- A. Any sign allowed in the Single-Family Residential Zoning Districts, subject to all sign regulations for the aforementioned districts.
- B. Signs for an allowed use or building shall be limited to one (1) on the premises and subject to the following conditions:
 1. Maximum size: Twelve (12) square feet in area.
 2. Such sign shall be located in the front yard.
 3. If attached to a building, no part of such sign shall project more than one (1) foot from the building, nor shall it extend beyond the corner of the building nor, shall it extend above the top of a parapet wall, or the eave line of gable, gambrel mansard or similar type roof.
 4. If such sign is a ground sign it shall be located at least ten (10) feet from any lot line and it shall not exceed four (4) feet in height.
 5. If such sign is illuminated, the source of illumination shall not be visible and no flashing or intermittent illumination shall be employed.
 6. For properties with a frontage greater than five hundred feet (500'), an additional ground sign shall be permitted and shall not to exceed twelve (12) square feet for each five hundred-foot (500') increment.

Section 14-18-8 Signs Allowed in the MHP, Mobile Home Park and the RVP, Recreational Vehicle Park Zoning Districts

The following signs are permitted in the MHP and RVP Zoning Districts:

- A. Any sign allowed in the RM-1 and RM-2, Multiple Family, Zoning District.
- B. A Sign Program detailing all proposed signs visible from public rights-of-way shall be submitted to the Commission for approval. Such Sign Program shall show the size, location, height, sign copy, type and extent of illumination for any sign proposed to be illuminated.

- C. Total sign areas visible from public rights-of-way shall not exceed fifty-five (55) square feet.

Section 14-18-9 Signs Allowed in the PSC, Planned Shopping Center Zoning District

The following signs are allowed in the PSC, Planned Shopping Center Zoning District:

- A. Prior to issuance of Sign Permits for any business or occupancy in the Planned Shopping Center Zoning District, a Sign Program detailing all signage within the project shall be approved by the Commission. The following signs are allowed in this District.
- I. Identification Sign for each permitted use or principal building subject to the following conditions:
 - a. The maximum area of such sign shall not exceed one (1) square foot in area for each two (2) lineal feet of building or occupancy frontage.
 - b. No part of such sign shall project more than one (1) foot from the building nor shall it extend beyond the corner of the building nor shall it extend above the height of the building.
 - c. Such sign may be illuminated provided the source of such illumination shall not be visible.
 2. Identification Ground Sign containing the name of the shopping center and the names of up to three (3) designated primary tenants subject to the following conditions:
 - a. Not more than one (1) sign per street frontage of the shopping center.
 - b. Such ground sign shall not exceed forty-eight (48) square feet in sign area, nor shall it exceed eight (8) feet in height above grade nor shall it extend or project over any street or alley line.
 3. Directional Signs not exceeding two (2) square feet in area.
 4. Blade and Soffit Signs in compliance with Section 14-18-3 (b) (5)
 5. Menu Boards shall be no larger than two (2) square feet.
 6. One (1) parking lot wall or ground sign per parking lot entry or exist not exceeding six (6) square feet in area and limited to off-street parking instructions and direction. Such sign may have interior illumination.
 7. Freestanding or pad tenants may be allowed one (1) Ground Identification Sign in accordance with the following:
 - a. Such sign shall not exceed twelve (12) square feet in area, exclusive of base.
 - b. No such sign shall be located within one hundred (100) feet of any other ground sign.
 8. Temporary real estate, construction and subdivision signs pursuant to Section 14-18-14(C) (1). Such signs do not require a Sign Permit.
 9. Temporary A-Frame Signs pursuant to a valid Temporary Sign Permit. ☉
 10. Temporary Banner Signs pursuant to a valid Temporary Sign Permit. ☉

Section 14-18-10 Signs Allowed in Commercial Zoning Districts

- A. The following signs are allowed in the C-1, Neighborhood Commercial Zoning Districts:

- I. Any sign allowed by this Ordinance in any residential zoning district is subject to the sign regulations of the respective district. In the event that a property within a commercial zoning district is developed with a residential use, the sign allowances shall be those permitted within that residential zoning district.

2. Address Signs not exceeding two (2) square feet in area. Address Signs which are readily visible from the street are required on all new commercial construction regardless of the zoning district prior to issuance of a Certificate of Occupancy. Address signs do not require a Sign Permit.
3. Onsite Directional Signs pursuant to Section 14-18-3(C) (1) (b).
4. One (1) Ground Sign per site not exceeding twenty-four (24) square feet in area nor six (6) feet in height.
5. Window Signs, internal only, shall be permitted within all commercial districts.
6. Total sign area for each building or occupancy frontage shall not exceed one (1) square foot of sign area for each two (2) linear feet of street or occupancy frontage.
7. In no case shall the allowable sign area for each building or occupancy exceed sixty-four (64) square feet including all ground and wall mounted signs.
8. Temporary real estate, construction and subdivision signs pursuant to Section 14-18-13(C) (i). Such signs do not require a Sign Permit.
9. If the property has a Use Permit for a commercial establishment then the C-1 sign regulations shall be allowed.
10. Temporary A-Frame Signs pursuant to a valid Temporary Sign Permit. ☉
11. Temporary Banner Signs pursuant to a valid Temporary Sign Permit. ☉

B. The following signs allowed in the C-2, Central Business, Zoning District:

1. Any sign permitted in the C-1, Neighborhood Commercial District.
2. One (1) Freestanding Sign per street frontage per site not exceeding twenty-four (24) square feet in area nor six (6) feet in height.
3. Total sign area for each building or occupancy shall not exceed one (1) square foot of sign area per one and one-half (1½) lineal feet of street or occupancy frontage. Total sign area shall not exceed one hundred (100) square feet per business.
4. In no case shall the allowed sign area for each building or occupancy exceed one hundred (100) square feet including all Freestanding and Wall Mounted Signs except "E" below.
5. Signs identifying the rear or side entrance of any given establishment shall be limited in size to five (5) square feet.
6. Window Signs, internal only, shall be permitted within all commercial zoning districts.
7. Off-site Directional Kiosk shall be permitted if approved by the Town Council.
8. Temporary A-Frame Signs pursuant to a valid Temporary Sign Permit. ☉
9. Temporary Banner Signs pursuant to a valid Temporary Sign Permit. ☉

C. The following signs are allowed in the C-3, Major Street Commercial Zoning District:

1. Freestanding Signs in accordance with the following regulations:
 - a. One (1) Ground Sign per site, two (2) ground signs per site having a street frontage exceeding five hundred (500) feet.
 - b. Ground Signs shall not exceed eight (8) feet in height nor thirty-two (32) square feet in area.
2. Total sign area for each building shall not exceed one and one-half (1½) square feet of sign area per lineal foot of street or occupancy frontage.
3. In no case shall the allowable sign area for each building or occupancy exceed 250 square feet including all Ground and Wall Mounted Signs.
4. Blade and Soffit Signs in compliance with Section 14-18-3(B)(5).
5. Menu Boards shall be no larger than two (2) square feet.

6. Window Signs, internal and external, shall be permitted within all commercial zoning districts.
7. Temporary A-Frame Signs pursuant to a valid Temporary Sign Permit. ☉
8. Temporary Banner Signs pursuant to a valid Temporary Sign Permit. ☉

Section 14-18-11 Signs Allowed in the Mixed Use Development District

The following signs are allowed in the Mixed Use Development Zoning District:

- A. All signs listed within the C-I Commercial Zoning District.
- B. Upper floor signage is permitted as illustrated below:



- C. Temporary A-Frame Signs pursuant to a valid Temporary Sign Permit. ☉
- D. Temporary Banner Signs pursuant to a valid Temporary Sign Permit. ☉

Section 14-18-12 Signs Allowed in the Heritage Area

- A. Historic Signs: Signs which have been accepted and certified as historic by the Commission may be utilized in all zoning districts subject to the following:
 1. All such signs shall be restored or recreated in the same precise location for which certification was granted by the Commission.
 2. The restoration or recreation of a Certified Historic Sign shall be consistent with the details of color, copy and artwork approved by the Commission.
 3. Any such sign may not be utilized to increase the allowed sign area for a business product or service which is located on or sold on the premises for which the Historic Sign was approved; however, the Historic Sign may be utilized in place of non-historic signs regardless of the square footage of the Certified Historic Sign.
 4. The Commission may grant historic certification to a sign which was in existence prior to 1950, whether or not the sign has been in continuous use, upon making the following findings as based on the evidence presented:

- a. That the sign in question is typical of signs, which were utilized during the time period when the sign was erected, painted or installed.
- b. That the sign in question typifies state of the art design and execution as such sign represents.
- c. That the recreation or restoration of the sign in question will not detract from the visual quality of the Town's streetscape; nor interfere in any manner with any permitted sign or any sign for which an application has been submitted to the Town.

B. Size Adjustment in Heritage Area:

- I. A twenty percent (20%) increase in the area of wall mounted building signs in the Heritage Area may be authorized by the Zoning Administrator or on appeal, by the Commission when it is found that the subject sign(s) is consistent with the following criteria:
 - a. The sign(s) is part of an approved Sign Program that addresses the character, color, architectural compatibility, size and location of all signs to be located on the subject site and building. The applicant is responsible for providing plans and documentation that addresses architectural compatibility, character, color, size, and location of the proposed signs.
 - b. Signs that project above the roofline (bottom of eave or top of parapet) are prohibited.
 - c. Lexan, Plexiglas, plastic, vacu-form, can signs or similar materials or construction are not eligible for the increase in area.

Section 14-18-13 Signs Allowed in the Industrial Districts

A. The following signs are allowed in the IND-1, Planned Industrial Zoning District:

- I. Ground or Wall Identification Signs for single tenant sites subject to the following conditions:
 - a. One (1) sign per street frontage.
 - b. Maximum sign area shall not exceed two hundred (200) square feet.
 - c. Maximum height of a ground sign shall not exceed six (6) feet.
 - d. Maximum height of a wall sign shall not exceed fifteen (15) feet.
- 2. Identification Wall Sign for each tenant in a multi-tenant site are subject to the following conditions:
 - a. One (1) sign per street or occupancy frontage.
 - b. Maximum sign area: Ten (10) square feet.
 - c. Maximum height to top of sign shall not exceed ten (10) feet.
- 3. Directory Ground Sign for multi-tenant sites subject to the following conditions:
 - a. One (1) sign per street or building frontage.
 - b. Maximum sign area: The lesser of thirty-three (33) square feet or three (3) square feet per tenant.
 - c. Maximum height: Six (6) feet.
- 4. Off-Site Monument Sign subject to the following conditions:
 - a. A finding has been made by the Commission that onsite signage will not provide adequate notice to the traveling public of the location of business(s) located in the Industrial Development.
 - b. No more than one (1) monument sign per Industrial Development shall be permitted off-site.
 - c. The size, design, height and location of each Monument sign must be approved by the Commission.

- B. The following signs are allowed in the IND-2, Light Industrial Zoning District:
1. Any sign permitted in the IND-1 District – Planned Industrial.
 2. Identification Wall Signs for each tenant in a multi-tenant site are subject to the following conditions:
 - a. One (1) sign per street or occupancy frontage.
 - b. Maximum sign area: Twenty-five (25) square feet.
 - c. Maximum height: Ten (10) feet.
- C. The following signs are allowed in the IND-3, Heavy Industrial Zoning District:
1. Any sign allowed in the IND-1 District – Planned Industrial.
 2. Identification Wall Signs for each tenant in a multi-tenant site are subject to the following conditions:
 - a. One (1) sign per street or occupancy frontage.
 - b. Maximum sign area: Twenty (20) square feet.
 - c. Maximum height: Ten (10) feet.
- D. Off-Site Signs shall be allowed only upon the approval by the Commission or upon appeal to the Council, of the size, design, height and precise location of each individual sign.

Section 14-18-14 Temporary Signage and Event Banners


- A. Grand Openings: Onsite, Special Attention Getting Devices may be allowed for a maximum period of thirty (30) days commencing with the first (1st) day of the applicant's designated grand opening subsequent to the opening of a new business or change of ownership of an existing business in accordance with the following:
1. No such Special Attention Getting Devices shall in any way interfere with the safe and orderly flow of traffic or in any way present a danger to the health, safety and welfare of the public at large.
 2. No such Special Attention Getting Devices shall in any way violate the regulations of any applicable Codes or Ordinances.
 3. No Animated or Flashing Signs may be allowed.
 4. A Sign Permit authorizing the use of Special Attention Getting Devices must be issued prior to the installation or display of such devices.
- B. Special Events: Special Event Signs may be allowed subject to the following:
1. A Sign Permit authorizing the use of Special Event Signs is required except for window signs or posters if such signs are displayed for less than four (4) weeks prior to the special event. All such window signs and posters shall be removed within three (3) days after the last day of the special event.
 2. Banners hung for special events shall comply with the requirements of Section 14-18-13(D).
- C. Real Estate and Construction Signs.
1. Temporary Signs for real estate, construction and subdivisions shall not require a Sign Permit.

- a. One (1) Temporary Sign not more than thirty-two (32) square feet in area, which denotes the realty company, architect, engineer, owner and/or contractor may be established upon the site of any building or structure under construction, alteration or in process of removal. Corner properties are permitted to display two (2) signs at thirty-two (32) square feet in area.
 - b. Temporary Real Estate Signs. Each lot or parcel of land may have one (1) temporary Real Estate Sign plus one (1) additional sign for every three hundred thirty (330) feet of street or highway frontage in excess of three hundred thirty (330) feet subject to the following:
 - i. Such signs are limited to advertising the sale, lease or hire of the real property on which they are located.
 - ii. Such signs are allowed in residential zoning districts subject to the following:
 - (a) Such signs located on sites of one (1) acre or less may not exceed six (6) square feet.
 - (b) Such signs located on sites of more than one (1) acre may not exceed sixteen (16) square feet.
 - iii. Such signs are allowed in all non-residential zones (MHP, PSC, C-1, C-2, C-3, IND-1, IND-2 and IND-3), but such signs shall not exceed twenty (20) square feet.
 - c. Removal of Temporary Signs. Temporary Signs referred to in this Subsection shall be removed from the premises within thirty (30) days after the property has been sold or leased, or within thirty (30) days after completion of construction, alteration, or removal of the structure.
 - d. Placement of Temporary Signs. Temporary Signs referred to in this Subsection may be placed within any required setbacks or yard areas but may not be located in any public rights-of-way.
2. Development "Coming Soon" Signs: Shall be permitted with the issuance of a Temporary Sign Permit and shall not exceed thirty-two (32) square feet in area. These signs are limited to one (1) per lot with the exception of those lots with five hundred feet (500') or more of frontage may erect a second (2nd) such sign. The time limit for "Coming Soon" Signs shall not exceed six (6) months. A Building Permit is required and the building shall be under construction before the sign may be erected.
 3. Construction Directional Signage: The Town may issue Temporary Sign Permits to be erected off-site that would provide directions to specific locations if road construction is occurring at or near the place of business. These Permits may be issued for a time period not to exceed six (6) months.

D. Promotional Banners

1. In addition to the banners otherwise authorized by this Article, Temporary Onsite Banners for non-commercial purposes may be posted within the Heritage Area subject to the following standards:
 - a. Maximum size of three feet (3') in height and fourteen feet (14') in width.
 - b. Have steel reinforced grommets on every corner of the sign.
 - c. Be constructed of a durable material with adequate airways.
 - d. Duration of no longer than four (4) weeks, not to exceed thirty (30) days in a calendar year.
2. The following off-site locations may be used for the display of banners for non-commercial purposes:
 - a. The eastside of the railroad overpass.
 - b. The Town Hall fence.
 - c. The banner arms on the Hassayampa Bridge.

3. The Town shall maintain a Blanket Permit with the Arizona Department of Transportation (ADOT) for the installation of banners in ADOT's right-of-way. The Town will calendar and install all banners in the approved locations. An application for the use of the approved locations must be filed with the Town not less than ten (10) working days prior to the requested installation date.
 4. Banners may be displayed in the approved locations for up to two (2) weeks prior to the event and will be removed one (1) day after the event concludes or as soon thereafter, as is feasible for the Town to remove the banner.
 5. Banners announcing the events subject to approval of the Zoning Administrator. Any such banner may be hung across Highway 60 or 93/89 for a period not to exceed twenty (20) days immediately preceding the event being announced. All such banners shall be removed within one (1) day after the conclusion of the event.
 6. Banners shall require a Temporary Sign Permit to be erected.
- E. Special Exhibition Signs shall be permitted subject to the following:
1. Each exhibit shall be permitted a banner for display for no more than two (2) weeks prior to the exhibit date and shall be removed within three (3) days after the last day of the exhibition.
- F. Political Signs are allowed in all zoning districts subject to the following: *Ord. 1082/5-19-14
1. Political signs up to 16 square feet in area are permitted on property zoned for residential use. Political signs up to 32 square feet in area are permitted on property zoned for nonresidential use, undeveloped town property, and town rights-of-way. Political signs shall not exceed 6 feet in height.
 2. Political signs placed within the right-of-way shall contain the name and telephone number of the candidate or campaign committee contact person.
 3. Political signs may be placed in town rights-of-way for the designated periods before and after elections as provided in A.R.S. Section 16-1019, as amended, and shall thereafter be removed. (Ord. 1221/11-2021)
 4. Political signs may be placed in town rights-of-way and on town property used as a polling place only in compliance with the following requirements:
 - a. Political signs placed in the right-of-way shall not:
 - i. Block visibility to any roadway or property. A political sign located within 15 feet of back of curb, or edge of pavement if there is no curb, shall be presumed to obstruct clear vision.
 - ii. Interfere with the requirements of the Americans with Disabilities Act, 42 USC §§ 12101 through 12213 and 47 USC §§ 225 and 611.
 - b. Political signs posted on property owned by the Town of Wickenburg, which is used as a polling place, shall be:
 - i. Limited to a single sign not exceeding 4 square feet for each candidate or ballot question.
 - ii. Posted only during the early voting period or on the date of an election.
 - iii. Located outside the 75-foot limit.
 5. A political sign placed in the right-of-way that obstructs clear vision or interferes with the requirements of the Americans with Disabilities Act or otherwise presents a dangerous situation at the discretion of the building inspector shall be deemed to constitute an emergency and, pursuant to A.R.S. section 16-1019, may be immediately relocated or removed by a town peace officer or building inspector. If a sign is relocated or removed under these circumstances, the candidate or campaign committee that placed the sign shall be notified within 24 hours after the removal or relocation.


6. If a political sign is placed in violation of these requirements but does not constitute an emergency, the town may notify the candidate or campaign committee that placed the sign of the violation and require the sign to be relocated. If the sign is not relocated and remains in violation for more than 24 hours after the candidate or campaign committee was notified, the town may remove the sign. The town shall contact the candidate or campaign committee and shall retain the removed signs for at least 10 business days to allow the candidate or campaign committee to retrieve the sign without penalty.
 7. Political signs shall not be placed on any structure owned by the town.
 8. Political signs are not counted against the allowed aggregate sign area on the building or property where such sign is displayed.
- G. Temporary Sign Standards: Temporary Signs not otherwise addressed by this Article may be allowed in accordance with the following:
1. No such Sign or Special Attention Getting Devices shall in any way interfere with the safe and orderly flow of traffic or in any way present a danger to the health, safety and welfare of the public at large.
 2. A Permit authorizing the use of Special Attention Getting Devices must be issued by the Town's Planning and Building Department prior to the installation of said devices. In order to obtain the Permit, the applicant shall make application to the Planning and Building Department along with the required fees as established by resolution of the Council and a plan depicting or narrative describing, the type and location of all Special Attention Getting Devices to be utilized onsite.
 3. Temporary Sign Permits may be issued for a total of ninety (90) days per year. This may include one (1) Permit for ninety (90) days or multiple Permits for fewer days where the total time does not exceed ninety (90) total days per year. This Permit may be issued for a time frame beyond ninety (90) days at the discretion of the Zoning Administrator.
- H. Ideological Signs:
1. Any sign, temporary or permanent, may contain an ideological message.
 2. Ideological Signs shall not require a Sign Permit.
 3. Ideological Signs may be placed in any zoning district and on any type of property as long as the sign is placed with the permission of the property owner.
 4. An Ideological Sign may not advertise a business or commercial service, and, if it does, will be deemed an off-site sign.
- I. A-Frame Signs:  Ord. 1082/1-17-11
- Temporary A-Frame Signs shall be permitted in PSC Planning Shopping Center, C-1 Neighborhood Commercial, C-2 Central Business and C-3 Major Street Commercial zoning districts upon the issuance of a Temporary Sign Permit contingent on compliance with the following Conditions:
1. SIZE. A-Frames may be no greater than three feet (3') in width and four feet (4') in height.
 2. NUMBER. One (1) A-Frame sign shall be allowed for each business, and two (2) businesses may utilize one (1) shared A-Frame sign.
 3. DISPLAY. Only during the posted hours the business is open to conduct business.

4. LOCATION. A-Frame signs shall be located only:
 - a. At grade level.
 - b. On the property of the business being advertised or offsite with the written consent of the property owner.
 - c. In Town right-of-way, a minimum of four feet (4') from back of curb or edge of street shoulder should no curb exist.
5. PROHIBITED LOCATIONS. A-Frame Signs shall not be located:
 - a. In parking aisles or stalls.
 - b. In driving lanes.
 - c. On trails.
 - d. On public sidewalks.
 - e. On fences, boulders, trees, planters, other signs, vehicles, utility facilities, or any structure.
 - f. Within a minimum distance of twenty feet (20') from any other A-Frame Sign.
6. CONSTRUCTION AND MAINTENANCE. A-Frame Signs shall be done in a professional manner free from chipping paint, cracks, gouges, and/or loss of letters, and shall be printed material. No hand-written signs shall be permitted.
7. ELEMENTS PROHIBITED ON A-FRAME SIGNS. The following shall be prohibited on A-Frame Signs:
 - a. Any form of illumination, including flashing, blinking, or rotating lights.
 - b. Animation.
 - c. Reflective Materials.
 - d. Attachments, including but not limited to balloons, ribbons and speakers.
8. TEMPORARY PERMIT REQUIRED. Applicants for A-Frame Signs shall obtain a Temporary Sign Permit, which shall expire one (1) year from date of issuance. If two (2) businesses are advertised on one (1) A-Frame, each business must obtain a Temporary Sign Permit.
9. REMOVAL OF A-FRAME SIGNS. All signs permitted pursuant to this Section shall be removed from the property upon the expiration of the Temporary Sign Permit.

J. Banner Signs:  Ord. 1082/1-17-11

Temporary Banner Signs shall be permitted in PSC Planning Shopping Center, C-1 Neighborhood Commercial, C-2 Central Business and C-3 Major Street Commercial zoning districts upon the issuance of a Temporary Sign Permit contingent on compliance with the following Conditions:

1. SIZE. Banner Signs shall be a maximum size of three feet (3') by fourteen feet (14').
2. NUMBER. One (1) Banner Sign per business.
3. DISPLAY. Banner Signs shall be permitted to be displayed at all times as long as the banner is firmly affixed to the building of the business. Banner Signs that are not firmly affixed to the building of the business are permitted only during the posted hours the business is open to conduct business.
4. LOCATION. Banner Signs shall be located only:
 - a. On the building of the business below the roof line on the property of the business securely attached to freestanding poles.
 - b. In Town right-of-way, a minimum of four feet (4') from back of curb or edge of street shoulder should no curb exist.

 Ord. 1082/1-17-11

5. PROHIBITED LOCATIONS. A-Frame Signs shall not be located:
 - a. In parking aisles or stalls.
 - b. In driving lanes.
 - c. On trails.
 - d. On public sidewalks.
6. ELEMENTS PROHIBITED ON A-FRAME SIGNS. The following shall be prohibited on A-Frame Signs:
 - a. Any form of illumination, including flashing, blinking, or rotating lights.
 - b. Animation.
 - c. Reflective Materials.
 - d. Attachments, including but not limited to balloons, ribbons and speakers.
7. TEMPORARY PERMIT REQUIRED. Applicants for Banner Signs shall obtain a Temporary Sign Permit, which shall expire one (1) year from date of issuance.
8. REMOVAL OF BANNER SIGNS. All signs permitted pursuant to this Section shall be removed from the property upon the expiration of the Temporary Sign Permit.

Section 14-18-15 Murals

- A. Murals may be allowed in the C-1, C-2, C-3, RR and MUDD zoning districts in accordance with the following criteria and stipulations:
1. No mural may be used for the off-site advertising of a business.
 2. All murals shall require a Sign Permit.
 3. All mural applications shall be accompanied by a detailed color rendering of the proposed mural shall be filed with the Zoning Administrator for submittal to the Town Council. The Council shall review the proposal in the context of the following criteria:
 - a. Size and context.
 - b. Content: Commercial content or advertising of any kind is prohibited.
 - c. The relationship of the mural to community character.
 - d. Qualifications and ability of artist to maintain (or later remove) the mural.
 - e. Maintenance or Obliteration Plan.
 4. The Zoning Administrator shall submit recommendations to the Town Council to approve, approve with conditions or deny the mural application. A written letter of decision shall be mailed to the applicant. The letter shall include all conditions attached to the decision.
 5. In order to approve a proposed mural, the Zoning Administrator shall make the following finding: "That the proposed mural is appropriate as to size, content, relationship to the community and further, that the Zoning Administrator has investigated the artist's qualifications and found him/her to be competent to complete the project and that the maintenance plan will keep the original appearance fresh."
 6. In the event the mural application is rejected, the applicant may appeal the decision to the Zoning Administrator. If the Zoning Administrator upholds the decision to deny the mural application, the Zoning Administrator's decision may be appealed in accordance with the procedures set forth in Section 14-18-16(d) of this Article.

Section 14-18-16 Permits, Approval and Registration Required

- A. When this Article requires a Sign Permit or approval of the Zoning Administrator, an application for a Sign Permit shall be made on forms provided by the Zoning Administrator. When a Sign Permit is required, the Zoning Administrator shall examine applications within a reasonable time after filing for the Permit. If it appears from the application and any supporting documents that the requested sign(s) and any existing sign(s) or uses directly related to the application and in the ownership and control of the Permit applicant violate any applicable provision of this Article or any other Town Code or Ordinance, then the Zoning Administrator shall not issue the Sign Permit until the violation is corrected.
- B. Any sign whether or not a Permit is required may contain a non-commercial message.
- C. Sign Permit Required:
1. A Sign Permit and Business Permit is required for all signs, unless specifically accepted excepted, which are intended to be erected, painted or otherwise installed in the Town and for changes to existing legal nonconforming signs to decrease the sign area pursuant to section 14-18-17.A.3. Sign Permits shall not be required for minor repairs or for repainting of any permitted sign. *Ord. 1154
 2. Application for Sign Permit: In addition to information required in accordance with the Town's Building Code, application for Signs Permits shall include:
 - a. Site Plan indicating the location of the sign in relation to nearby buildings, structures, rights-of-way, easements and driveways.
 - b. A scaled drawing indicating the dimensions of the sign, sign copy, all materials and the method of construction and attachment to the building.
 - c. Name of person, firm or corporation erecting signs and all attendant structures.
 - d. Written consent of the owner of the building, structure or premises on which sign is to be erected.
 - e. For a decrease in the sign area of an existing legal non-conforming sign, the applicant shall also provide a photograph and dimensions of the existing sign. *Ord. 1154
 - f. Other reasonable information as may be required by the Zoning Administrator when reviewing the application or as the applicant may believe will assist the Zoning Administrator.
- D. Appeal of Decision:
1. If the applicant or any interested person is aggrieved by a decision of the Zoning Administrator, the applicant or interested person may submit an Appeal, in writing, together with the appropriate Appeal Fee as established by Town Council resolution, to the Board of Adjustment within ten (10) days following the date of decision by the Zoning Administrator. Within thirty (30) days of the date the Appeal is filed, the Board of Adjustment shall affirm, modify or reverse the decision of the Zoning Administrator.
- E. Issuance of and Effect of Permit:
1. If the work authorized by a Sign Permit has not been completed within six (6) months after issuance, the Permit shall become null and void.
 2. All rights and privileges acquired under a Sign Permit are mere licenses that are revocable at any time by the Town, and all such Permits shall so state.
 3. The granting of a Sign Permit shall not be deemed to be a permit for approval of any violation of this Article. The provisions of this Article shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation, erecting or owning any sign, or resulting from the negligence or willful acts of such person, firm or corporation, its agents, employees or workmen, in the construction, maintenance, repair or removal of any sign erected in accordance with a Permit issued hereunder. Nor shall issuance of such Permit be construed as imposing on the Town or its officers or employees, any responsibility or liability by reasons of the approval of any signs, material or devices under the provisions of this Ordinance.

*Ord. 1154/9-21-15

Section 14-18-17 Non-Conforming Signs

- A. Legal Non-Conforming Signs shall mean a sign or signs lawfully existing at the time of the enactment of this Article that does not conform to the regulations as set forth herein. Notwithstanding any provisions to the contrary contained herein, a Legal Non-Conforming Sign may be utilized in perpetuity except as noted below:
 - 1. A Legal Non-Conforming Sign may not be altered in any manner not in conformance with this Ordinance; however, the sign(s) shall be maintained as required by Section 14-18-3 of this Article.
 - 2. All signage on a property that has been vacant for six (6) months or more must be brought into compliance or removed.
 - 3. A legal non-conforming sign may be altered to decrease the sign area, subject to compliance with the permitting requirements set forth in section 14-18-16. *Ord. 1154
- B. Non-Conforming Signs: Upon adoption of this Ordinance, the following signs shall be removed from display, obliterated or dismantled within six (6) months:
 - 1. Portable Signs, unless specifically authorized in Section 10-18-3 of this Article.
 - 2. Any sign not enjoying or that has lost legal nonconforming status.

Section 14-18-18 Enforcement and Penalties

The Zoning Administrator has the authority to revoke any Permit if the sign authorized by the Permit has been constructed or is being maintained in violation of this Article or the Sign Permit.

- A. Notice of the Zoning Administrator's decision to revoke a Sign Permit shall be served upon the holder of the Permit; a) by personally delivering a copy of the notice to the holder of the Permit, or to one of its officers; or b) by leaving a copy of this notice with any person in charge of the premises; or c) in the event that no such person can be found, by affixing a copy of the notice in a conspicuous position at an entrance to the premises and by depositing in the United States mail, certified, another copy of the notice addressed to the last known post office address of the holder of the Permit.
- B. The notice shall state the reasons and grounds for revoking the Permit, specifying the deficiencies or defects in such sign in a reasonable and definitive manner and the violations charged. Such notice shall specify what repairs, if any, will make such an installation conform to the requirements of this Section and shall specify that the sign must be removed or made to conform to the provisions of this Code within the notice period provided herein. This notice shall be known as a non-compliance notice.
- C. The holder of the Permit may Appeal the decision of the Zoning Administrator to the Board of Adjustment. The Appeal must be filed within fourteen (14) days of the date the notice was served.
- D. If no Appeal has been filed by the end of the fourteen (14) day Appeal period, then the Permit is revoked and the sign is illegal. The Zoning Administrator then shall initiate the procedure for the removal of the illegal sign.

*Ord. 1154/9-21-15

ARTICLE 14-19 LANDSCAPING, IRRIGATION, AND LIGHTING REGULATIONS

14-19-1	Purpose
14-19-2	Applicability
14-19-3	General Requirements
14-19-4	Permitted Plant Materials
14-19-5	Irrigation and Maintenance Responsibilities
14-19-6	Non-Residential Open Space Requirements
14-19-7	Mobile Home Subdivision, Park, and Recreational Vehicle Park Landscaping
14-19-8	Parking Lot Landscaping and Maintenance
14-19-9	Lighting Requirements

Section 14-19-1 Purpose

The purpose of this Article is to provide requirements for landscaping to enhance to the views within the Town, improve the livability of the residents, provide for screening of buildings and parking, and improve the aesthetics of development through the liberal use of trees, shrubs and various groundcovers.

Section 14-19-2 Applicability

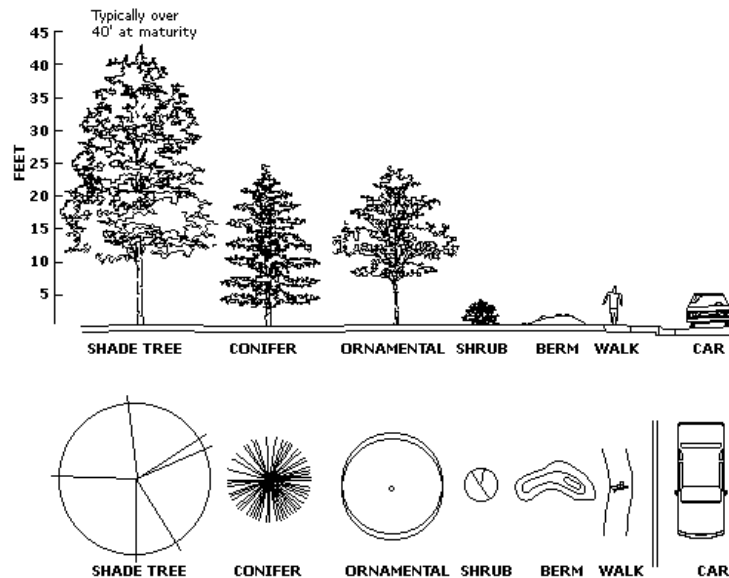
The standards set forth in this Article apply to new developments and developments currently existing if the building or use expands or increases twenty-five percent (25%) above what is currently on the site. The standards set forth in this Article shall be the minimum landscaping requirements for any lot or development as applicable, except buildings or additions to buildings located in the C-2 Zoning District existing prior to July 6, 1987 for which the standards may be modified or eliminated upon approval by the Zoning Administrator on a case by case basis, depending on the area available for the installation of landscaping materials and screening walls.

Section 14-19-3 General Requirements

A. Definitions:

1. **Shrub** - is a horticultural rather than strictly botanical category of woody plant, distinguished from a tree by its multiple stems and lower height, usually less than fifteen to twenty feet (15-20') tall. A large number of plants can be either shrubs or trees, depending on the growing conditions they experience.
2. **Ground cover** - is a plant or other material used for the purpose of growing over or spreading over an area of ground to hide it or to protect it from erosion or drought. For the purposes of this Code, groundcover would include those items listed below in Section 14-19-3(f).
3. **Conifer** - any of various mostly needle-leaved or scale-leaved, chiefly evergreen, cone-bearing gymnospermous trees or shrubs such as pines, spruces, and firs.
4. **Deciduous** - descriptive of trees or shrubs, usually of temperate climates, that shed their leaves annually; characteristic of most hardwoods and a few softwoods.
5. **Evergreen** – descriptive of trees or shrub with foliage that persists and remains green throughout the year.
6. **Clear-Cutting** - a management technique in which all of the trees in an area are cut at the same time. This technique is sometimes used to cultivate shade-intolerant tree species.
7. **Critical Root Zone** - portion of the root system that is the minimum necessary to maintain vitality or stability of the tree. Encroachment or damage to the critical root zone will put the tree at risk of failure.

8. **Caliper** - the diameter of a tree trunk indicated in inches or centimeters measured from mid-chest height.
9. **Drip Line** – the imaginary line under the outer most leaves of the canopy of a tree. This line is used as a reference point for watering and feeding trees, shrubs, and plants.
10. **Frontage** – shall include property lines adjacent to streets.
11. **Interior Property Lines** – shall include sides and rear property lines when not adjacent to a street.
12. **Symbology** --



- B. Landscape Plan Required: a Landscape Plan shall be submitted with all Site Plan reviews for all non-residential uses.
- C. Timing of Landscaping Installation:
 - I. Phased Projects:
 - a. All perimeter landscaping for the project shall be installed at the time of the phase of development being constructed and shall be completed prior to issuance of the first Certificate of Occupancy.
 - b. Interior landscaping relating to the phase under development shall be installed prior to issuance of a Certificate of Occupancy.
- D. Landscaping within a Development (Multiple Family Residential open space, Mobile Home Park, Recreational Vehicle Park, Commercial, Planned Shopping Center, Industrial) shall comply with the following:
 - I. Quantity of Landscaping:
 - a. Within property line landscape buffers: one (1) tree and four (4) shrubs per twenty (20) linear feet.
 - b. Within interior landscaped areas: one (1) tree and six (6) shrubs per four hundred (400) square feet.
 2. All shrubs planted shall be a minimum of one (1) gallon in size.
 3. Groundcover as defined below in 14-19-3(f).

4. Trees planted shall have the following characteristics:
 - a. Low litter
 - b. Evergreen
 - c. Drought Tolerant
 5. A Saguaro or similar cactus having a minimum height of eight feet (8') may be substituted for a twenty-four inch (24") box tree.
 6. All unpaved areas that are open to the sky shall be landscaped.
 7. Planting Details: All required plant materials shall be installed in a hole having a minimum dimension that is twice (2x) the diameter and six inches (6") deeper than the dimension of the root ball of the plant to be installed. All backfill shall consist of a combination of topsoil as amended for the specific soil conditions, which have been identified on the site by the Landscape Architect or Designer.
- E. Groundcover: All areas not containing a structure, driveway, pedestrian path, or sidewalk shall contain groundcover as defined above. Groundcover planted in the designated area at an on-center distance which can be reasonably expected to provide total coverage of the area required to be landscaped within a one (1) year period as determined by the average rate of growth for the given plant species and variety. Groundcover may also consist of in whole or in part, rock, "river run rock" or decomposed granite when utilized in conjunction with a "desert" Landscape Plan.
- F. Maintenance:
1. Provision shall be made for appropriate water service to all landscaped areas requiring water.
 2. All plant materials shall be maintained in a living condition and dead materials shall be replaced within thirty (30) days. The developer shall be responsible for the first (1st) year, after which the owner shall be responsible for maintenance and replacement.
 3. All required landscape areas shall be maintained in a weed and litter free condition.

Section 14-19-4 Permitted Plant Materials

Plant materials shall consist of those species recognized as appropriate for landscaping use in Wickenburg's climate:

- A. The use of native and/or drought tolerant plants is required.
- B. The use of color providing plant materials is encouraged.
- C. The use of boulders and other hard decorative or ornamental elements is encouraged.
- D. The use of artificial plant materials is prohibited.

Section 14-19-5 Irrigation and Maintenance Responsibilities

- A. All plant material installed on a property which requires water for survival shall receive water from a sprinkler or drip line system to ensure the plant material receives adequate water to maximize survivability.
- B. All plant materials shall be maintained in a living condition and dead material shall be replaced within thirty (30) days. All required landscape areas shall be maintained in a weed and litter free condition.

Section 14-19-6 Non-Residential Open Space Requirements

The following landscape standards shall apply to all Commercial Districts, the Mixed-Use Development District and the Heritage Area. Landscape materials as specified in 14-19-3 shall be installed in the required minimum yard setbacks, except driveways, screening walls, or signs as follows:

- A. Entire front yards and street side yards of all zoning districts listed below shall be landscaped.
- B. C-1 Commercial:
 - 1. Perimeter Landscaping:
 - a. There shall be landscaped frontages having a minimum depth of thirty (30) feet which shall be devoid of parking and structures except for screening walls having a maximum height of three (3) feet.
 - b. Minimum landscaping buffer when adjacent to residential developments or zones shall be fifteen (15) feet. In all other cases the minimum landscape setback for interior property lines shall be ten (10) feet.
 - 2. Interior landscaping: Shall provide a minimum of fifteen percent (15%) landscaping not including perimeter landscaping within the interior of the site.
- C. C-2 Commercial:
 - 1. Perimeter Landscaping:
 - a. There shall be landscaped frontages having a minimum depth of five (5) feet which shall be devoid of parking and structures except for screening walls having a maximum height of three (3) feet.
 - b. Minimum interior property line setback for landscaping shall be zero (0) except when adjacent to a residential development or zone in which case the minimum landscape setback shall be ten (10) feet.
 - 2. Interior Landscaping: Shall provide a minimum of ten percent (10%) landscaping not including perimeter landscaping within the interior of the site.
- D. C-3 Commercial:
 - 1. Shall provide a minimum of ten percent (10%) landscaping not including perimeter landscaping within the interior of the site.
 - 2. There shall be minimum landscaped frontages having depths equal to fifteen (15) percent of the depth of the developable lot provided, however, that the landscaped setback need not exceed twenty-five (25) feet in depth. Said yards shall be devoid of parking and structures except for allowed signs, delineation devices or screening walls. For the purpose of this Subsection, developable lot shall be defined as that portion of the parcel which is suitable for development, excluding designated floodways, washes and other topographical impediments to development as determined by the Zoning Administrator.
 - 3. Upon approval by the Zoning Administrator, or on Appeal to the Commission, the configuration of the landscape setback may be adjusted as follows:
 - a. Calculate the area of the required landscape setback.
 - b. The depth of the landscaped setback may be varied to enhance function and aesthetics; however, the landscaped area calculated in "a" above shall, in all cases, be provided within the front fifty (50) feet of the site, and in no case shall the depth of the landscape area be less than ten (10) feet at any given point.

- c. Any portion of the adjacent right-of-way which is not occupied by required off-site improvements shall be landscaped.
 - d. No structure other than allowed signs, delineation devices and screening walls shall encroach into the setback which would have been required by Subsection B-I above regardless of other approved variations.
 - 4. In order to allow any variation or adjustment in the depth of the landscaped setback, the Zoning Administrator or on Appeal, the Commission shall make the following findings:
 - a. That within the front fifty (50) feet of the parcel in question an equal or greater area of landscaping is provided as would have resulted by adherence to the landscape setback requirement set forth in Subsection B-I above.
 - b. That the variation or adjustment in the configuration of the required setback yields enhanced function, aesthetics and in general an equal or superior development than would have been possible by the strict adherence to the front yard landscape setback requirement set forth in Subsection B-I above.
- E. Mixed Use Development District (MUDD): required landscaping shall be calculated using the commercial and residential standards outlined above according to the percentages of land devoted to both residential and commercial use.
- F. Planned Shopping Center (PSC):
 - 1. Perimeter Landscaping:
 - a. Frontage: At least thirty feet (30') of the required front yard and the required street side yards in the PSC District.
 - b. Interior Property Line.
 - 2. Interior Landscaping: Shall provide a minimum of ten percent (10%) landscaping not including perimeter landscaping within the interior of the site.
- G. Industrial (IND-I):
 - 1. Perimeter Landscaping: Shall be twenty-five feet (25') plus one-foot (1') for each additional foot of building height over twenty (20) feet.
 - a. If frontage between the two (2) intersecting streets is located partly in a commercial or residential zone, there shall be a landscaped strip having a minimum of twenty-five feet (25') extending the entire width of the front yard. Landscaped front yard shall be at least equal to the height of the principal structure and not less than twenty feet (20').
 - b. There shall be a landscaped street side yard devoid of parking and structures having a minimum width of twenty-five (25) feet except for corner lots having the rear lot line in common with the side lot line of a key lot or where the separation of such lot lines is an alley, the yard along each street side of such corner lot shall conform with the front yard regulations.
 - c. There shall be a side yard on each side of a building having a minimum width of not less than ten (10) feet, except when the side yard is adjacent to a residential or commercial zoning district in which case there shall be a landscaped side yard devoid of parking, and structures having a minimum width of fifty (50) feet.
 - 2. Interior Landscaping: Shall provide a minimum of five percent (5%) landscaping not including perimeter landscaping within the interior of the site.

H. Industrial (IND-2) & (IND-3):

- I. Perimeter Landscaping: Shall be fifteen feet (15') plus one-foot (1') for each additional foot of building height over twenty (20) feet.
 - a. If frontage between the two (2) intersecting streets is located partly in a commercial or residential zone, there shall be a landscaped strip having a minimum of fifteen feet (15') extending the entire width of the front yard. Landscaped front yard shall be at least equal to the height of the principal structure and not less than twenty feet (20').
 - b. There shall be a landscaped street side yard devoid of parking and structures having a minimum width of twenty-five feet (25') except for corner lots having the rear lot line in common with the side lot line of a key lot or where the separation of such lot lines is an alley, the yard along each street side of such corner lot shall conform with the front yard regulations.
 - c. There shall be a side yard on each side of a building having a minimum width of not less than ten (10) feet, except when the side yard is adjacent to a residential or commercial zoning district in which case there shall be a landscaped side yard devoid of parking, and structures having a minimum width of fifty (50) feet.
2. Interior Landscaping: Shall provide a minimum of five percent (5%) landscaping not including perimeter landscaping within the interior of the site.

Section 14-19-7 Mobile Home Subdivision, Park and Recreational Vehicle Parks Landscaping

Landscape materials as specified in 14-19-3 shall be installed in the required minimum yard setbacks, except driveways, screening walls, or signs as follows:

- A. Entire front yards and street side yards.
- B. Mobile Home Park – Landscape – Open Space Standards:
 - I. In order to permit flexibility in the development of mobile home parks, the strict application of regulations pertaining directly to an individual mobile home space or travel trailer space and to the location thereon of mobile homes and travel trailers need not be applied provided any variation therefrom is consistent with the purpose of this Ordinance, open space is maintained at a ratio of two (2) square feet for each square foot of covered area, and the average area per mobile home space or travel trailer space in the mobile home park is not less than three thousand (3,000) square feet, except that there shall be no variation in required minimum distance between mobile homes, travel trailers, buildings, and lot lines.
- C. RV Parks: Open space and/or recreational facilities shall be provided at a minimum ratio of two hundred (200) square feet per recreational vehicle space.

Landscaping and Perimeter Treatment:

- I. A six (6) foot high, eight (8) inch wide, decorative masonry wall and fifteen (15) gallon trees, spaced not more than twenty (20) feet on center shall be installed in those areas abutting adjacent residential zones and public right s-of-way around the perimeter of the park, or an approved alternative shall be installed on the perimeter of the Recreational Vehicle Park. For perimeter yards which are coterminous with street right-of-way lines the wall shall be located at the back of the required landscape setback
2. A twenty (20) foot landscape strip shall be provided in back of wall as described in Paragraph I of this Subsection.

3. All areas other than surfaced areas such as driveways and parking pads or occupied by structures shall be landscaped.
4. One (1) tree shall be provided per five (5) recreational vehicle spaces.

Section 14-19-8 Parking Lot Landscaping

- A. Surfacing and Drainage: Every parking lot shall be constructed and maintained so as to provide a hard, all-weather, dust-free surface, properly drained to prevent retention of surface water.
- B. Screening: Where the interior side lot line or rear lot line of a parking lot abuts a residential district and is not separated there from by an alley, a solid, un-pierced, masonry screen wall not less than five (5) feet in height above grade shall be erected abutting the lot line; provided, however, in no case shall a screen wall extend closer to a street line than the minimum required setback for residential properties in the same block.
- C. Landscaping: The area between the street line and the parking lot shall be suitably landscaped and maintained by the owner or operator of the parking lot.
- D. Developments in C-1, C-2, C-3, and PSC Districts shall provide landscape areas in the matrix of the parking lot at a ratio of not less than one hundred (100) square feet per six (6) spaces. Trees shall be no less than a twenty-four to thirty-six-inch (24" – 36") box with drip line irrigation. Pedestrian walkways shall be provided for the PSC with shade trees planted along the walkway.
- E. Landscape materials as specified in this Section shall also be installed in required setbacks for parking lots.



Section 14-19-9 Lighting Requirements

- A. Parking Lot Lighting: All parking lots used shall be illuminated in accordance with the height schedule and standards set forth below:
 1. Residential: Fourteen (14) feet maximum
 2. Industrial/Commercial: When adjacent to a residential zoning district, fourteen (14) feet maximum
 3. Commercial: Twenty (20) feet maximum
 4. Industrial: Twenty (20) feet maximum
- B. Parking lots, which may be utilized during hours of darkness, shall be illuminated. All parking lots which are not utilized at night shall have timers on all light poles fixtures to turn lights off at the closing of the business or 10:00 p.m., whichever is earlier.
- C. All exterior lighting fixtures shall comply with the requirements of Article 14-19A.
- D. The wattage for each exterior light fixture on the site shall be indicated in the required Lighting Plan.
- E. Exterior lighting shall refer to all sources of light either temporary or permanent used for illumination or advertisement and shall include, but is not limited to any search, spot or flood light for buildings and structures, recreational area, parking lot lighting, landscape lighting, billboards and other signage and street lighting.
- F. This Section shall not apply to navigational lighting systems at Airports.



ARTICLE 14-19A WESTERN SKY REQUIREMENTS

14-19A-1	Purposes and Applicability
14-19A-2	Definitions
14-19A-3	Regulations

Section 14-19A-1 Purposes and Applicability

A. Purposes: The purpose of this Article is to:

1. Implement the Wickenburg General Plan related to exterior lighting;
2. Promote and protect the public health, safety and welfare;
3. Preserve, protect, and enhance the natural beauty of the night sky;
4. Encourage and promote the conservation of energy resources;
5. Promote safety and security for persons and property;
6. Eliminate light trespass onto abutting properties;
7. Enhance community personality.

B. Applicability:

1. All exterior lighting installed after the effective date of this Ordinance in all zoning districts in the Town shall conform to the requirements of this Ordinance.
2. Existing exterior lighting installed prior to the effective date of this ordinance shall be considered legal non-conforming.
3. This Article shall not apply to indoor lighting.

Section 14-19A-2 Definitions

A. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this Section it's most reasonable application.

1. Area Light: Light that produces over 1800 lumens. Area lights include, but are not limited to, streetlights, parking lot lights and yard lights.
2. Ballast: A device used with a discharge lamp to obtain the necessary voltage, current, and/or wave form for starting and operating the lamp.
3. Bollard: A post-shaped light fixture that is useful along pathways, garden borders and other areas that require definition at night. These fixtures cast light downward in a full 360-degree pattern or have half lenses that confine illumination to 180 degrees. Bollards shall use cut-off optics.
4. Bulb: The source of electric light; to be distinguished from the whole assembly (see luminaire).



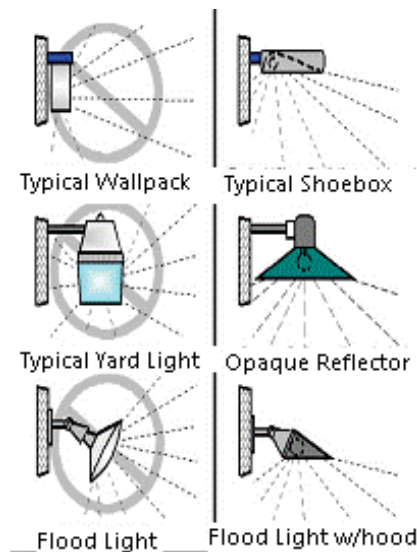
5. Candela (CD): Unit of luminous intensity.
6. Existing Lighting: Any and all lighting installed prior to the effective date of this Ordinance.
7. Exterior Lighting: Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this Ordinance.
8. Fixture: The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.
9. Floodlight: Light that produces up to 1800 lumens (see addendum I for light output of various lamps) and is designed to "flood" a well-defined area with light. Generally, floodlights produce from 1000 to 1800 lumens.
10. Foot Candle: Illuminance produced on a surface one-foot (1') from a uniform point source of one (1) candela; measured by a light meter.
11. Full Cut-Off Fixtures: Fixtures, as installed, that are designed or shielded in such a manner that all light rays emitted by the fixture, either directly from the lamps or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
12. Glare: Intense light that results in discomfort and/or a reduction of visual performance and visibility.
13. Holiday Lighting: Festoon type lights, limited to small individual bulbs on a string.
14. Illuminating Engineering Society of North America (IES or IESNA): The Professional Society of Lighting Engineers, including those from manufacturing companies, and others professionally involved in lighting.
15. Illuminance: Density of luminous flux incident on a surface. Unit is footcandle or lux.
16. Lamp: The source of electric light; the bulb and its housing; to be distinguished from the whole assembly (see Luminaire).
17. Light: The form of radiant energy acting on the retina of the eye to make sight possible; brightness; illumination; a lamp, as defined above.
18. Light Pollution: Any adverse effect of manmade light including, but not limited to, light trespass, uplighting, the uncomfortable distraction to the eye, or any manmade light that diminishes the ability to view the night sky. Often used to denote urban sky glow.
19. Light Trespass: Light falling where it is not wanted or needed, generally caused by a light on a property that shines onto the property of others.
20. Lighting: Any or all parts of a luminaire that function to produce light.
21. Lumen: Unit of luminous flux; the flux emitted within a unit solid angle by a point source with a uniform luminous intensity of one (1) candela. One-foot (1') candle is one (1) lumen per square foot. One (1) lux is one (1) lumen per square meter.
22. Luminaire: The complete lighting unit, including the lamp, the fixture, and other parts.



23. Partially Shielded: The bulb of the fixture is shielded by a translucent siding and the bulb is not visible at all. Light may be emitted at the horizontal level of the bulb.
24. Recessed: When a light is built into a structure or portion of a structure such that the light is fully cut-off and no part of the light extends or protrudes beyond the underside of a structure or portion of a structure.
25. Shielded: When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted. The bulb is not visible with a shielded light fixture, and no light is emitted from the sides of the fixture.
26. Temporary Lighting: Means lighting that is intended to be used for a special event for seven (7) days or less.
27. Uplighting: Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

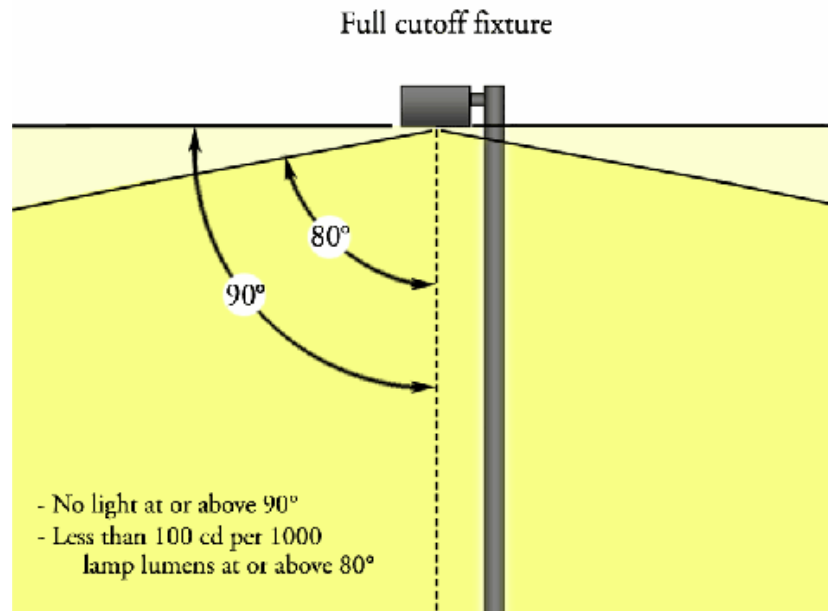
Section 14-19A-3 Regulations

- A.** New single-family residential plans shall include Lighting Plans showing location of all exterior lights and shall conform to this Section. Plans shall be subject to Plan Review.



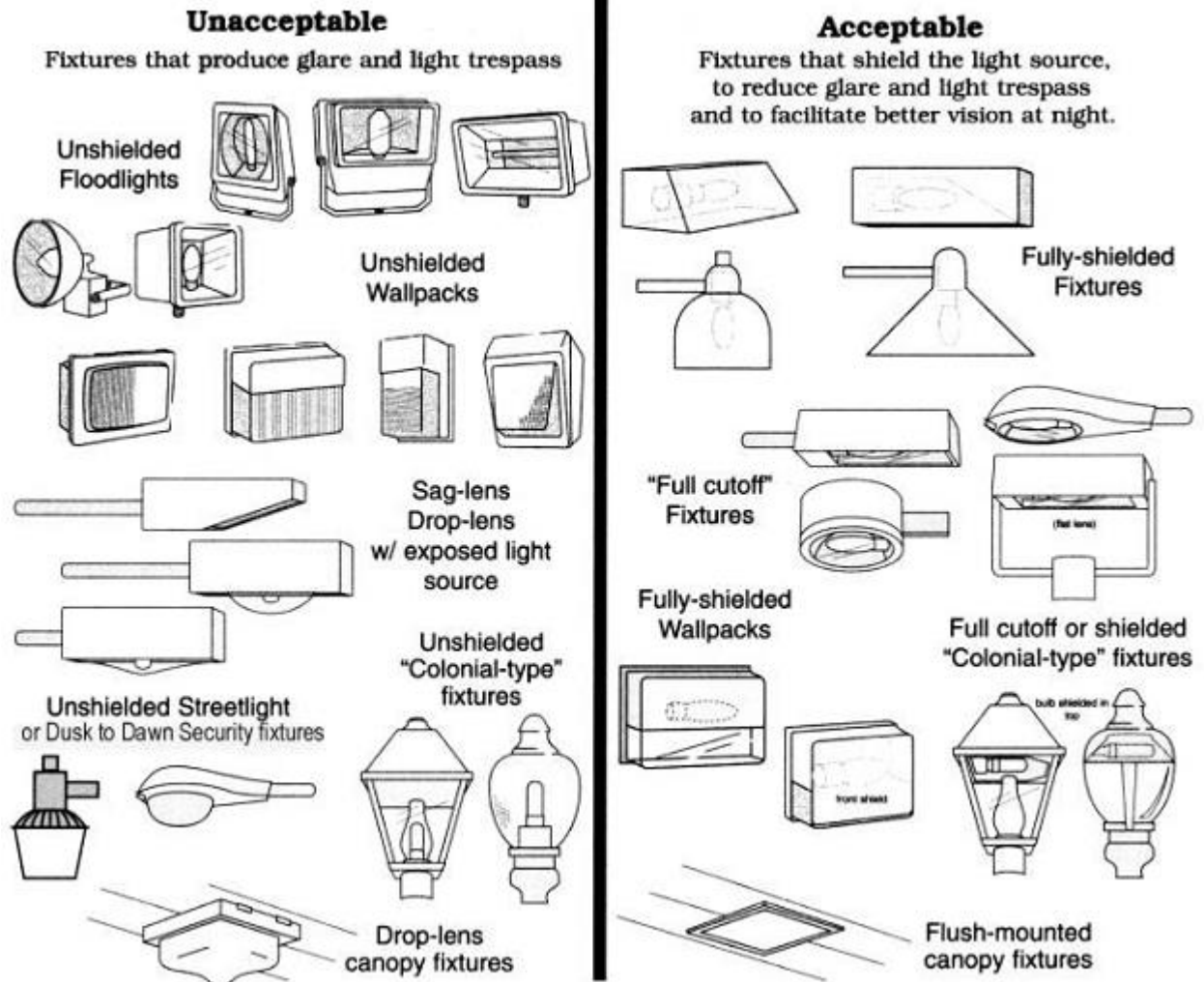
- B.** Applications subject to Section 14-25 shall include Lighting Plans showing location, type, height, and lumen output of all proposed, existing fixtures and sufficient information to verify that proposed lighting conforms to the requirements of this Article. The Planning Director shall have the authority to request additional information in order to achieve the purposes of this Article.
- C.** All exterior lighting shall have minimum ninety (90) degree cut-off fixtures with the light source fully shielded, except as follows:
- I. External shielding may be angled provided that the light does not cause glare or light to shine on adjacent property or public rights-of-way. Floodlights with external or integral shielding shall be angled to eliminate light trespass.

2. Holiday lights as defined in Section 14-19-10-2(13) are exempt from the requirements of this Article.
 3. Sensor activated lighting may be unshielded provided the lighting is located in such a manner as to prevent direct glare and lighting into properties of others or into a public right-of-way, and provided the light is set to only go on when activated and to go off within five (5) minutes after activation has ceased, and the light shall not be triggered by activity off the property.
 4. Sports lighting shall be turned off by 11:00 p.m., except to conclude a specific sporting event that is underway.
 5. Vehicular lights and all temporary emergency lighting needed by the Fire and Police Departments, or other emergency services shall be exempt from the requirements of this Ordinance.
- D. Light Trespass: All new exterior lighting shall protect adjacent properties and right-of-way from glare and excessive lighting by eliminating light trespass.
- E. Area Lights: All area lights, including streetlights and parking area lighting, shall be full cut-off fixtures and shall be ninety (90) degree or less cut-off type fixtures.
1. Streetlights shall be high pressure sodium, low pressure sodium, or metal halide
 2. Streetlights along residential streets shall be limited to a seventy (70) watt high pressure sodium (hps) light.



Dark Sky Society 2009





Dark Sky Society 2009

- F. **Uplighting:** Uplighting is prohibited in all zoning districts, except in cases where the fixture is shielded by a roof overhang or similar structural shield from the sky so as to prevent light spill above the horizontal level.
- G. **Landscape Lighting:** The primary function of landscape lighting is to provide illumination for pathways, steps, and entrances to building.
1. **Pathway Lighting:** The intent of pathway lights is to provide pools of light to help direct pedestrians along the path, not to fully illuminate the path. Steps and path intersections should be illuminated for safety. The maximum footcandle permitted on the ground is one (1) horizontal footcandle or less. Bollards or solar powered ground lights are acceptable
 2. **Highlighting, Backlighting:** Only low voltage systems are permitted. Lights must be partially shielded and light must not be directed off the property being lighted.
- H. **Lighting of Flags:** The U.S. Code states that: *"it is the universal custom to display the flag only from sunrise to sunset on buildings and on stationary flagstaffs in the open. However, when a patriotic effect is desired, the flag may be displayed twenty-four (24) hours a day if property illuminated during the hours of darkness"*. The lighting of federal or state flags shall be permitted provided that the light is a narrow beam spotlight rather than a floodlight, carefully aimed to avoid creating a source of glare.



- I. Canopy Lights: All lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.
- J. Towers: All radio, communication and navigation towers that require lights shall have dual lighting capabilities. For daytime, the white strobe light may be used, and for nighttime, only red lights shall be used.
- K. Temporary Lighting: Temporary lighting that conforms to the requirements of this Ordinance shall be allowed. Non-conforming temporary exterior lighting may be permitted by the Zoning Administrator only after considering:
 - 1. The public and/or private benefits which will result from the temporary lighting;
 - 2. Any annoyance or safety problems that may result from the use of the temporary lighting;
 - 3. The duration of the temporary non-conforming lighting. The applicant shall submit a detailed description of the proposed temporary non-conforming lighting to the Zoning Administrator. The Zoning Administrator shall provide written notice of said request to owners of property immediately adjacent to the subject property. Said notice shall inform adjacent property owners they may comment on the request during a period of not less than ten (10) days after mailing of the notice and prior to final action on said request.
- L. Neon Lights: Neon lights are only permitted pursuant to the Sign Ordinance, Section 14-18 of the Zoning Ordinance.



ARTICLE 14-20 WIRELESS COMMUNICATIONS

I4-20-1	Purpose
I4-20-2	Definitions
I4-20-3	Exemptions
I4-20-4	Locations and Height
I4-20-5	Permit or Certificate Required
I4-20-6	Site and Construction Standards
I4-20-7	Applicant's Submittal Requirements
I4-20-8	Appeals
I4-20-9	Modifications
I4-20-10	Term and Limitations
I4-20-11	Applicability; Waiver

Section 14-20-1 Purpose

The purpose of this Article is to regulate Wireless Communications Facilities ("WCF"). The regulations herein are intended to (i) establish reasonable opportunities for siting, (ii) provide wireless communications in the Town while minimizing visual clutter and preserving the western charm of the Town, (iii) encourage competition in the telecommunications industry, (iv) remove regulatory barriers consistent with the town's responsibility to protect the health, welfare and safety of its residents, (v) ensure compliance with federal radio frequency emissions standards, and (vi) provide for nondiscriminatory treatment of substantially equivalent telecommunications providers.

Section 14-20-2 Definitions

- A. **Antenna:** Any device used in wireless telecommunications which transmits or receives radio or microwave signals. Antenna includes a dish antenna, panel antenna, or whip antenna. An antenna not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such antenna.
- B. **Base Station:** A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined herein or any equipment associated with a tower. Base station includes, without limitation: (i) equipment associated with wireless communications services such as private, broadcast and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, (ii) radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small-cell networks), and (iii) any structure other than a tower that, at the time the application is filed with the town under this article, supports or houses equipment described in (i) and (ii) above that has been reviewed and approved under the town's zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing that support.
- C. **Co-Location:** The mounting or installation of additional transmission equipment for more than one provider or an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.
- D. **Equipment Cabinet:** A small structure used to house and protect the equipment necessary for processing telecommunications signals. Associated equipment may include air conditioning and emergency generators.
- E. **Eligible Facilities Request:** Any request for modification of an existing tower or base station that does not substantially change the physical dimensions or such tower or base station, involving: (i) co-location of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment not pertaining to regular maintenance activities.
- F. **Eligible Support Structure:** Any tower or base station, provided that it is existing at the time the relevant application is filed with the town under this article.

- G. **Existing:** A constructed tower or base station is existing for purposes of this article if it has been reviewed and approved under the town's zoning or siting process, or under another state or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this article.
- H. **Monopole:** A single, upright pole, engineered to be self-supporting and requiring no guy wires or lateral cross-members, that is designed to support antennas. Monopoles are not alternative structures.
- I. **Site:** For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.
- J. **Small Wireless Facility** has the same meaning as set forth in A.R.S. § 9-591.
- K. **Substantial Change:** A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:
- i. For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet measured from the bottom of the additional antenna, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater.
 - ii. For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet.
 - iii. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure. For purposes of this paragraph, "equipment cabinet" does not include small pieces of equipment such as remote radio heads/remote radio units, amplifiers, transceivers mounted behind antennas, and similar devices if they are not used as physical container for smaller, distinct devices.
 - iv. It entails any excavation or deployment outside the current site.
 - v. It would defeat the concealment elements of the eligible support structure. In order for the modification to be substantial, the proposed modification must cause a reasonable person to view the intended stealth design as no longer effective after the modification. The original approval of the stealth design must explicitly state that the stealth elements are conditions of that approval.
 - vi. It does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in paragraph (i)-(g)(iv) above.
- L. **Support Structure:** Any structure, including any guy wires and anchors, support attached antenna and related accoutrements. Support structures include the following:
- I. Monopole: A single steel or wood pole sunk into the ground or secured in a concrete pad.

2. **Building**: For purposes of this Article, this term shall mean an existing non-residential building.
 3. **An Existing Structure**: An existing structure including but not limited to light poles, water towers, smokestacks, flag poles, lattice towers, and electrical power transmission towers. For purposes of this Article, this term shall not include buildings.
 4. **An Alternative Structure Wireless Facility**: a clock tower, steeple, or other feature designed for purposes of housing, camouflaging and concealing wireless communications facilities, and under certain circumstances may be approved by the Commission.
- M. **Tower**: Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities. A tower is a support structure.
- N. **Transmission Equipment**: Equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
- O. **Wireless Communication Facility or Wireless Facility (WCF)**: A facility used exclusively for the transmission and reception of radio or microwave signals used for commercial communications. A wireless communication facility is generally composed of the following components: at least one antenna, a support structure, which may be a tower or which may be a structure (such as, without limitations, a building or a light pole) constructed primarily for purposes other than supporting an antenna; and, in some cases, an equipment building. A wireless facility can be located on monopoles, existing or proposed vertical infrastructure, or other structures, subject to the requirements of this article.
- P. **Wireless Facility, Alternative Structure**: A wireless facility that is either: (i) virtually invisible to the casual observer, such as an antenna behind louvers on a building, or located inside a clock tower, steeple, or similar structure; or (ii) camouflaged with stealth design to blend in with surroundings to the extent that it is indistinguishable by the casual observer from the structure on which it is placed or the surroundings in which it is located, such as structures commonly referred to as “mono-palms,” “mono-pines” or “flag pole” designs. Other stealth designs may be available subject to approval by the zoning administrator.
- Q. **Wireless Facility, Building-Mounted**: A wireless facility that is located on an existing non-residential building.
- R. **Wireless Facility, Structure-Mounted**: A wireless facility that is located on a structure other than a non-residential building.

Section 14-20-3 Exemptions

The following types of wireless communications facilities are exempt from regulations of this Article:

- A. Facilities caused to be erected by the Town or other governmental entity for purposes of public safety, including police, fire, and emergency systems.
- B. Licensed amateur (ham) radio stations.

Section 14-20-4 Locations and Height

WCF are permitted in the locations described below:

A. Industrial Zones (IND-1, IND-2, IND-3):

- I. WCFs are allowed up to seventy-five (75) feet in height above natural grade upon obtaining an approval from the Zoning Administrator.

B. Commercial Zones (C-1, C-2, C-3, PSC):

1. Monopoles are permitted up to forty (40) feet in height above natural grade if a Conditional Use Permit is obtained.
2. Building-mounted wireless facilities are permitted up to ten (10) feet in height above the roofline.
3. Structure-mounted wireless facilities are permitted up to the height of the existing structure.
4. Alternative structure wireless facilities are permitted up to sixty (60) feet in height above natural grade, upon obtaining a Conditional Use Permit.
5. Temporary WCF of up to fifty (50) feet in height are permitted.

C. Residential Zones (RI-175, RI-87, RI-35, RI-18, RI-12, RI-9, RI-6, RM-1, RM-2, MUDD, MHP, RVP)

1. WCF's are allowed in school recreational fields up to sixty feet (60') in height above the natural grade upon obtaining a Conditional Use Permit.
 - a. Replacement of an existing pole or verticality shall be required.
 - b. Service Company shall provide evidence that proposed height is necessary to maintain coverage area.
 - c. Service Company shall provide evidence that co-location on a different antenna is not an option.
2. Upon any property of the Town, a WCF may be allowed upon obtaining a Conditional Use Permit for a new monopole or alternative structure, or upon obtaining a Zoning Compliance Certificate from the Zoning Administrator for any other type of WCF. A license to use Town property will also be required, and compliance with any other requirements or policies of the Town. Nothing herein shall be construed to require the Town to authorize use of Town property.
3. Upon 69kv electric utility poles.
4. Upon an electric utility pole in an Electric Substation site.
5. Upon any State, County or Federal property, a new monopole or alternative structure up to sixty (60) feet in height above the natural grade is permitted upon obtaining a Zoning Compliance Certificate from the Zoning Administrator. Written consent of the property owner also must be obtained.

Section 14-20-5 Approval Process

- A. If a Conditional Use Permit is required it shall be issued upon compliance with the conditions of this Article and any further conditions of Article 14-24-4 (Use Permits) of this Code.
- B. If approval by the Zoning Administrator is required for the WCF, a letter shall be mailed to the applicant. The approval letter shall include parcel identification information for record keeping and a list of all conditions attached to the approval of the Wireless Communication Facility.
- C. Timeframes.
 1. Determination of completeness. An application for a WCF shall be filed with the Planning and Zoning Department. The Planning and Zoning Department shall review the application for completeness and notify the applicant in writing if the application is incomplete. The notice shall describe any deficiencies.
 - a. If the application is for co-location on an existing structure, notice of incompleteness shall be given within ten (10) days of the date of the application.

- b. If the application is for placement of an antenna on a new structure, notice of incompleteness shall be given within thirty (30) days of the date of the application.
 - c. If the application is for a new monopole, notice of incompleteness shall be given within sixty (60) days of the date of the application.
 - d. Applications for modifications shall comply with section 14-20-9.
- 2. Approvals. All approvals shall be complete within the following time frames unless tolled by a notice of deficiency:
 - a. For co-location on an existing structure, sixty (60) days of the date of the application.
 - b. For an application for an antenna on a new structure, ninety (90) days of the date of the application.
 - c. For a new monopole, one hundred and fifty (150) days from the date of the application.
- D. Any final decision to approve or deny a request shall be in writing and set forth the reasons and substantial evidence for the decision.

Section 14-20-6 Site and Construction Standards

- A. Height: A WCF shall comply with the height restrictions set forth in Section 14-20-4. In addition, it shall meet the height restrictions of Section 14-21-7 (Additional Height Regulations), Paragraph C. (relating to existing or proposed Airport landing strips).
- B. Setbacks:
 - 1. For purposes of determining whether a WCF complies with setback requirements, the dimensions of the entire lot shall control, even though a WCF may be located on a leased parcel within that lot.
 - 2. Monopole mounted WCF shall be setback from any adjacent property line a minimum distance of one hundred percent (100%) of the height of the pole, and shall be setback from any residentially-zoned property, a minimum distance of two hundred (200) feet.
 - 3. WCF located in a school recreational field shall be setback from any residentially zoned property a minimum distance of one hundred (100) feet.
- C. Design Standards:
 - 1. Building-mounted WCFs are subject to Development Review under Article 14-25, and shall be screened from residential views and public rights-of-way in a manner architecturally compatible with the building.
 - 2. Structure-mounted WCFs are subject to Development Review under Article 14-25, and shall be camouflaged from residential views and public rights-of-ways in a manner architecturally compatible with the structure.
 - 3. Artificial lighting of a WCF is prohibited, unless required by the Federal Aviation Administration or other applicable authority.
 - 4. The design, screening, camouflaging or landscaping of a WCF in the Town's designated Heritage Area shall meet the Western/Southwestern Development Theme requirements of Article 14-25.
- D. Equipment Cabinets:
 - 1. Equipment cabinets shall be located within the building upon which antennas are placed, if technically feasible. Otherwise, equipment cabinets and/or buildings, and associated equipment such as air conditioning units and emergency generators, shall be screened from view by a wall architecturally compatible with the immediately surrounding area or landscaping maintained in a healthy condition, as approved by the Town. No equipment may be located within required building setback areas.

2. An equipment cabinet shall not exceed eight (8) feet in height and a building shall not exceed one (1) story.

E. Security/Screening Fencing:

1. Security/screening fencing/walls is required and shall have an above grade height equal to that of the equipment cabinet. Any fence/wall over six (6) feet in height requires certification by a registered engineer. Chain link fencing is prohibited in all zoning districts except industrial districts. Fencing/screening shall be consistent with the requirements set forth in Section 14-21-9. Anti-climbing features shall be incorporated to the site as needed, to reduce the potential for trespass and injury.

F. Compliance with Codes. All WCFs shall be constructed and maintained in a structurally sound manner and comply with OSHA regulations, FCC radio frequency exposure guidelines (FCC OET Bulletin 65), ANDI/TIA-G-2 standards and all other applicable laws and regulations in effect from time to time. If, upon inspection, the town determines that a WCF fails to comply with said codes and standards, the town shall provide a notice to the owner, and the owner shall have thirty (30) days to bring the WCF into compliance. If the owner fails to bring the WCF into compliance, then the town may remove the WCF and charge such costs to the owner or property owner where the WCF is located or take such other legal action permitted by law.

G. Public Right-of-Way. No WCF is permitted in the public right-of-way, except for WCFs permitted pursuant to section 14-20-4, subsection C, paragraph 2 and those small wireless facilities permitted pursuant to section 8-3-3, subsection E of the town code.

H. Cessation of Operations. If a WCF ceases operation, the WCF and related equipment shall be removed by the permittee or the permittee's representative within six (6) months of the shutdown date.

I. Radio Frequency Standards; Interference:

1. The WCF shall comply with Federal Standards for radio frequency emissions. Failure to meet Federal Standards may result in termination or modification of the Permit.
2. Prior to beginning operations, the permittee shall submit a verified report which provides a calculation of its installed peak radio frequency ("RF") emissions capacity at the site, the cumulative installed peak RF emissions capacity at the site (including a description of any collocation providers) and compare the results with established federal standards.
3. The permittee shall ensure that the wireless facility will not cause interference with the reception of existing wireless facilities, cable television, community antennae television systems, and satellite broadcast television systems. If at any time the town finds that the wireless facility interferes with such reception, and if such interference is not cured within thirty (30) days, the town may revoke or modify the permit.

J. Noise:

1. A WCF, including backup generators and air conditioning units, shall not generate continuous noise in excess of forty (40) decibels (dba) measured at the property line of any adjacent property.

K. Co-Location:

1. Applicants and permittee's shall cooperate and exercise good faith in co-locating WCF's on the same support structures or site. Good faith shall include sharing technical information to evaluate the feasibility of co-location, and may include negotiations for erection of a replacement support structure to accommodate co-location. A competitive conflict to co-location or financial burden caused by sharing information normally will not be considered as an excuse to the duty of good faith.

2. If a dispute arises as to whether a permittee has exercised good faith in accommodating other users, the Town may require the applicant to obtain a third-party Technical Study at applicant's expense. The Town may review any information submitted by applicant and permittee's in determining whether good faith has been exercised.
3. No co-location may be required where the shared use would or does result in significant interference in the broadcast or reception capabilities of the existing telecommunications facilities or failure of the existing WCF's to meet Federal Standards for emissions.
4. Failure to comply with co-location requirements when feasible or cooperate in good faith as provided for in this Article is grounds for denial of a Permit request or revocation of an existing Permit.

Section 14-20-7 Applicant's Submittal Requirements

An applicant shall file an application for a Wireless Communications Use on the standard forms provided by the Town for such purpose and shall be accompanied by plans in duplicate, drawn to scale, showing the following and such other information as the Zoning Administrator may require to insure completeness and conformity of the proposed WCF with the provisions of this Article:

- A. Inventory: An inventory list and map of existing WCF's operated by the applicant within two (2) miles of the proposed site ("Service Area"). The inventory list must include specific information as to location, height, and design of each facility. The Town may share such information with other applicants seeking to locate WCF's within the Service Area, to encourage collocation.
- B. Report on Alternatives: If applicant is seeking to construct a new monopole, or if the Town requests, applicant shall explain why co-location or other sites are not feasible, including efforts made to develop such alternatives.
- C. Plans for the WCF: Plans should include a diagram, including height, shape, size, and proposed colors of the antennas and other facilities. Plans for a monopole must show it is structurally able to accommodate the applicant and at least one (1) other similar WCF of another company. The plans should include a diagram showing the separation between the proposed WCF and any existing WCF(s) on the same support structure or site, if co-location is planned.
- D. A Site Plan consistent with Section 14-25-9 and showing proposed placement of the WCF, and which in addition shows existing trees and vegetation, and proposed landscaping to be used to screen the WCF.
- E. Photo-simulations of the view of the proposed facility from residential properties and public rights-of-way at varying distances.
- F. Applicant for a new Monopole Use Permit shall post cash or surety bond with the Town Clerk in an amount determined by the Town to cover removal costs of the pole should the applicant/owner fail to remove the pole within thirty (30) days following termination or expiration of Permit. The cash or surety bond shall be released upon removal of the pole by the owner. A surety bond shall be limited to five (5) years, at which time the Town may require renewal for a period which extends at least sixty (60) days beyond the ending date of the Permit term. The cash or surety bond shall be governed by a standardized agreement form provided by the Town and executed by the owner of the monopole.
- G. Prior to seeking approval of the Zoning Administrator for a monopole or alternative tower structure for wireless communications use, applicant shall provide written notice of the proposed WCF in a standardized form provided by the Zoning Administrator by first class mail to all property owners within three hundred (300) feet of the proposed WCF site. Applicant shall submit to the Zoning Administrator a copy of the notice and a list of persons and addresses to who all it was mailed.
- H. If a Use Permit is required, any other information required under Section 14-24-4 of this Code.
- I. Applicants shall pay a Permit Fee as established by resolution of the Council, which fee shall include all consulting costs as may be required by the Town to review the application.

- J. If a temporary WCF is sought, applicant shall submit all items, except for those listed in Paragraphs A, E, F and H of this Section 14-20-7.

Section 14-20-8 Appeals

- A. For a Conditional Use Permit, appeals shall be governed by Section 14-24-6 except as otherwise provided in this Article.
- B. For a decision of the Zoning Administrator, appeals shall be governed by Section 14-24-6.

Section 14-20-9 Modifications

- A. Applications for modification of an existing wireless facility that does not substantially change the physical dimensions of such wireless facility and that involves (i) co-location of new transmission equipment, (ii) removal of transmission equipment, or (iii) replacement of transmission equipment shall be approved.
- B. All applications for modification of a wireless facility shall be submitted on a form provided by the Planning and Zoning Department. The application may not require the applicant to demonstrate a need or business case for the proposed modification.
- C. An application for modification of the wireless facility shall specifically state the nature of the modification and include sufficient information and documentation for the town to determine whether the modification constitutes a substantial change to the wireless facility and is therefore an eligible facilities request.
- D. Upon receipt of an application for an eligible facilities request, the Planning and Zoning Department shall review such application to determine whether the application so qualifies.
- E. Within sixty (60) days of the date on which an application takes the first procedural step and submits written documents showing that the proposed modification is eligible, the application shall be approved. The application shall be deemed approved if it is not approved within that timeframe. This time period may be tolled by mutual agreement or if the application is incomplete. If the town determines that the application is incomplete, the town shall provide notice to the applicant within thirty (30) days of the date of the application, which notice shall describe all missing documents or information. Following a supplemental submission, the town shall notify the applicant that the supplemental submission did not provide the required information.
- F. If the town determines the application is a substantial modification to the support structure, the timeframe for approving the application will begin to run from the issuance of the town's decision that the application is not a covered request. To the extent such information is necessary, the town may request additional information from the applicant to evaluate the application under applicable law.

Section 14-20-10 Term and Limitations

- A. A zoning approval of a WCF shall have duration of ten (10) years. A Conditional Use Permit for a permanent WCF shall have a term of ten (10) years.
- B. A zoning approval of a temporary WCF shall have duration of up to one hundred-twenty (120) days, subject to termination or expiration as provided for in this Article.
- C. Permittee may apply for renewal of a zoning approval or Conditional Use Permit for a permanent WCF under the Code as it may exist at such time within six (6) months prior to expiration of its existing Certificate or Permit.
- D. The term of a Conditional Use Permit for a monopole with co-located facilities shall be extended to be concurrent with the term of a subsequently issued approval of the Zoning Administrator for the co-located facilities.

- E. Any Permit or Approval Letter issued pursuant to this Article shall expire automatically if the use is not commenced within one (1) year after the date of approval.
- F. If use of the facility is discontinued for over ninety (90) days, the Permit shall expire and the owner must remove the facility or the Town may cause the facility to be removed at the expense of the owner.
- G. Owner shall maintain the WCF, including paint and landscaping, to standards imposed by the Town at the time of granting the Permit. If the owner fails to maintain the facility, the Town may undertake maintenance at the expense of the owner or terminate the Certificate/Permit.

Section 14-20-11 Applicability; Waiver

- A. The requirements of this Article apply to all new WCF's and the renewal, expansion and/or modification of any existing WCF's, provided that an in-kind or smaller replacement of transmission equipment will only require a written notification to the Town.
- B. The Town Council may waive or modify requirements of this Article upon finding that strict compliance would result in noncompliance with applicable Federal or State laws, or the applicant has demonstrated that the proposal is of superior design exceeding the minimum standards and requirements of this Article.

ARTICLE 14-21 GENERAL ADDITIONAL REGULATIONS

14-21-1	Application of General Regulations
14-21-2	Buildings Under Construction
14-21-3	Moving of Buildings
14-21-4	Accessory Buildings and Uses Standards
14-21-5	Additional Lot Area and Dimension Regulations
14-21-6	Additional Yard and Open Space Regulations
14-21-7	Additional Height Regulations
14-21-8	Essential Services Permitted
14-21-9	Fencing and Screening
14-21-10	Pool Requirements
14-21-11	Wireless Facilities in the Rights-of-Way (Ord. 1188)

Section 14-21-1 Application of General Regulations

The regulations set forth in this Article qualify or supplement as the case may be, the zoning district regulations appearing elsewhere in this Ordinance.

Section 14-21-2 Buildings Under Construction

Nothing in this Article may be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of this Ordinance and upon which actual building construction has been diligently carried forth. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

Section 14-21-3 Moving of Buildings

No building or structure which has been wholly or partially erected on any premises located either within or outside the Town shall be moved to or be placed upon any other premises within the Town until a Permit for such removal, and written approval for such relocation has been issued by the Zoning Administrator. Any such building or structure shall conform to all provisions of this Article in the same manner as a new building or structure. No such building or structure shall be used or occupied until an Occupancy Permit has been issued, as provided in Article 14-25.

Section 14-21-4 Accessory Buildings and Uses Standards

- A. Accessory buildings shall not be constructed upon a lot until the construction of the principal building has been commenced.
- B. Accessory buildings may be built in the rear yard and side yard. No portion of the structure shall be closer than two feet (2') from the rear or side property lines. Accessory structures are permitted in the front yard in R1-35, R1-87 and R1-175 residential zoning districts. No portion of the structure is permitted in the front yard setback. Accessory buildings greater than two hundred (200) square feet in area shall not occupy more than thirty (30) percent of the required rear yard. Accessory buildings located on a corner lot shall not be closer to the exterior side property line a distance equal to or greater than one-half (1/2) the depth of the required front yard of the corner lot. When a garage, either attached or detached, is entered from an alley, it shall not be located nearer than ten (10) feet to the alley line. (Ord. 1157 and Ord. 1180)

- C. Tennis Courts may be constructed, provided they are located other than in the front yard except on properties consisting of two (2) or more acres and a minimum distance of twenty feet (20') from any property line. Fences within ten feet (10') of the edge of the playing surface may be erected to a height of twelve feet (12'). Lighting is allowed provided that standard does not exceed sixteen feet (16') in height and the outdoor lights shall be directed down and away from adjacent residences and not operated between the hours of 10:00 p.m. and sunrise.
- D. Sports Courts, other than Tennis Courts, require a Building Permit. The applicant shall submit a scaled drawing/plan which shall be forwarded to the Commission for review and approval. The Sports Court shall be allowed in other than the front yard setback except on properties consisting of two (2) or more acres.
- E. Corrals and customary Accessory Buildings/Structures for the keeping of horses, in compliance with the following:
 - 1. Corrals shall not be located in any portion of the front yard, except on properties consisting of two (2) or more acres.
 - 2. Corrals shall be set back from all lot lines a distance of not less than four feet (4'). If the horse property is contiguous to other horse property on the sides and rear, the setbacks for the horse corral, arena, turn out and/or pasture are permitted to be a minimum of two feet (2') from the side and rear property lines.
 - 3. The corral area shall contain at least twelve hundred (1,200) square feet of area for each horse kept therein. Should the corral area have direct access to a turn out area, the corral area shall contain a minimal of four hundred (400) square feet.
- F. Accessory Buildings on through lots shall be placed a minimum distance from each street equal to the required front yard setback of such lot.
- G. The materials and colors shall complement the design of the primary structure as approved by the Zoning Administrator. (Ord. 1180)
 - 1. Exceptions: Accessory Buildings that are smaller than one hundred forty-four (144) square feet may be installed on the property without meeting the material and color requirements of the primary structure.
 - 2. Prohibited Materials: No Accessory Building larger than one hundred forty-four (144) square feet shall display an exterior constructed of the following materials:
 - a. Aluminum
 - b. Untreated Wood
 - c. Plywood
 - d. Composite Board
 - e. Particle Board
- H. Accessory Buildings are not permitted on a lot without a primary structure or use (i.e. no storage of materials shall be allowed on a lot as accessory to a construction company where the office for the company is located on a separate lot). Commercial uses shall be permitted to use adjacent lot for storage and Accessory Buildings if the lot containing the primary structure is owned by the same property owner as the adjacent lot.
- I. Cooking facilities within Accessory Buildings are prohibited.
- J. Guest Houses shall not exceed twenty-five percent (25%) of the area of the primary building or seven hundred fifty (750) square feet, whichever is greater.

Section 14-21-5 Additional Lot Area and Dimension Regulations

- A. Any lot of record existing at the time this Ordinance or amendments thereto become effective, which does not conform with the lot area or width requirements of the zoning district in which it is located, may be used for any Use Permitted in that zoning district provided other applicable regulations of this Ordinance are complied with.

- B. Any lot, after this Ordinance or amendments thereto become effective, shall not be reduced in any manner below the lot area and dimension requirements of this Ordinance for the zoning district in which it is located, or if a lot is already less than the minimum so required, such lot area or dimension shall not be further reduced.
- C. Any lot, after this Ordinance or amendments thereto become effective, shall not be reduced or diminished so as to cause the yards or other open spaces to be less than that required by this Ordinance, or to decrease the lot area per dwelling unit except in conformity with this Ordinance.
- D. For through lots, a front yard shall be provided along both front lines.

Section 14-21-6 Additional Yard and Open Space Regulations

- A. Yard and Open Space Requirements shall be provided for each building or structure on any given lot. In addition, such Yard or Open Space shall be counted toward another building's Yard or Open Space Requirement.
- B. Every part of a required Yard shall be open to the sky, unobstructed, except as enumerated in the following:
 - 1. Accessory Buildings may be located in the required rear yard subject to applicable regulations elsewhere in this Ordinance.
 - 2. Ordinary projections of window sills, cornices, eaves and other ornamental features may project a distance not exceeding three (3) feet into any required yard, except that in the case of Accessory Buildings in the required rear yard, this projection shall not exceed one (1) foot beyond the walls of such Accessory Buildings.
 - 3. Chimneys may project a distance not exceeding two (2) feet into any required yard.
 - 4. Fire escapes may project a distance not exceeding five (5) feet into any required yard such that a minimum of at least two (2) feet is provided between the projection and any lot line or setback line.
 - 5. Bay windows and balconies may project a distance not exceeding three (3) feet into the required front or rear yard, provided that such features shall not occupy, in the aggregate, more than one-third (1/3) of the length of the wall of the building on which they are located.
 - 6. Uncovered stairs and necessary landings may project a distance not exceeding six (6) feet into the required front or rear yard, provided that such stairs and landings shall not extend above the entrance floor of the building except for a railing not to exceed three (3) feet in height.
 - 7. Terraces, patios, platforms and ornamental features that do not extend more than three (3) feet above grade may project into any required yard, provided such features shall be distant at least two (2) feet from any lot line or setback line.
- C. Side yards for dwelling units erected above other uses conducted in the same building are not required in excess of the side yards that would be required for such building were it not to contain the dwelling units.
- D. Where forty (40) percent or more of the frontage on one (1) side of a street between two (2) intersecting streets is developed with buildings that have observed, with a variation of five (5) feet or less, a front yard greater in depth than that required, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.

- E. Where forty (40) percent or more of the frontage on one (1) side of a street between two (2) intersecting streets is developed with buildings that have not observed a required front yard, the required front yard for any buildings erected within one hundred (100) feet of existing buildings on both sides shall be a line drawn between the two (2) closest front corners of the adjacent buildings on the two (2) sides; or where a building is to be erected within one hundred (100) feet of an existing building on one (1) side only, such building may be erected as close to the street as the existing adjacent building.

Section 14-21-7 Additional Height Regulations

- A. Public service buildings, hospitals, institutions, or schools may be erected to a height not exceeding fifty (50) feet, and churches may be erected to a height not exceeding fifty (50) feet, if the building is set back from each lot line at least one (1) foot for each foot of additional building height above the height limit otherwise permitted in the zoning district in which the building is located.
- B. Chimneys, church steeples, refrigeration coolers, or ventilating fans, elevator bulkheads, fire towers, ornamental towers or spires, wireless towers, and mechanical appurtenances necessary to operate and maintain the building, may be erected to a height not exceeding one hundred (100) feet, if such building is set back from each lot line at least one (1) foot for each foot of additional height above the height limit otherwise permitted in the zoning district in which the building is located.
- C. Buildings or structures or any portions thereof exceeding a height of twenty (20) feet shall not be erected or structurally altered within five hundred (500) feet of the projected center line of an existing or proposed runway or landing strip for a distance of one thousand (1,000) feet from the end of the existing or proposed runway or landing strip buildings or structures or any portion thereof shall not be erected to exceed a height that would interfere with the takeoff or landing of a plane with a glide angle of one (1) foot vertical for every forty (40) feet horizontal, such glide angle to be computed as beginning at a point on the extended center line of the runway two hundred (200) feet beyond and at the same elevation as the end of the runway pavement; or, if runway pavement is not provided, one hundred (100) feet beyond at the same elevation as the end of the landing strip.
- D. The following limitations shall apply to the height of fences, walls, gateways, ornamental structures, hedges, shrubbery and other fixtures, construction and planting on corner lots in all zoning districts where front yards are required:
 - 1. Such barriers to clear unobstructed vision at corners of intersecting streets shall be limited to a height of not over two (2) feet above the established elevation of the nearest street line, for a distance of twenty-five (25) feet along both the front and side lot lines, measured from the point of intersection, of the said intersection lot lines.
 - 2. Within the isosceles triangle formed by measuring along both the front and side lot lines a distance of twenty-five (25) feet from their point of intersection and by connecting the ends of the respective twenty-five (25) feet distances, such barriers shall be limited to a height of not over two (2) feet above the elevation of the street line level at the said intersecting streets.
 - 3. Within the said triangle, and in cases where front yards are terraced, the ground elevation of such front yards shall not exceed two (2) feet above the established street line elevation at said intersecting streets.
- E. No fence in any residential district shall exceed six (6) feet in height above grade.

Section 14-21-8 Essential Services Permitted

Nothing in this Ordinance shall prevent the location, erection, construction, alteration or maintenance by a public utility or any essential services.

Section 14-21-9 Fencing and Screening

- A. Walls and Screening Devices are required for the screening of the following from public view from any adjacent public right-of-way or adjacent property:
1. Trash and Refuse Areas
 2. Outdoor Storage Areas
 3. Mechanical Equipment
 4. Loading and Unloading Areas
 5. Parking Lots
 6. Other uses and conditions as specified.
- B. Types of Walls and Screening Devices Required are as follows:
1. For the Screening of all Outdoor Storage Areas, Refuse Containers: solid walls, not less than five feet (5') in height above grade shall be erected to adequately screen such areas on all sides which are visible from a public right-of-way, residential zoning districts, and residential uses.
 2. For the Screening of all Ground-Mounted Mechanical Equipment: solid walls equal to the height of the equipment shall be erected to adequately screen such equipment on all sides which are visible from a public right-of-way, residential zoning districts, and residential uses.
 3. For the Screening of Roof-Mounted Mechanical Equipment: a parapet wall or other screening device, compatible with the architectural style and materials of the building upon which the mechanical equipment is mounted, shall be installed to be no lower in height than six inches (6") below the height of the mechanical equipment on all sides which are visible from a public right-of-way, residential zoning districts, and residential uses.
 4. For a Parking Lot Abutting a Residential District: a solid, screening wall not less than five feet (5') in height shall be erected abutting the lot line adjacent to the residential district; provided, however, that in no case shall a screen wall extend closer to a street line than the minimum required setback for adjacent residential properties.
 5. Parking Lots: shall be screened or delineated from street view by a masonry wall, split rail fence, berm, landscape materials, or a combination thereof, to a height of three feet (3') above the highest finished grade of the parking lot.
 6. Mobile Home Parks and Recreational Vehicle Parks: shall be screened by solid screening walls having a minimum height of six feet (6') along all exterior boundaries of said parks except for driveways.
 7. Any Commercial or Industrial Development which is Proposed for a Site Having a Property Line which is Co-Terminus with a Residential Site or Zone: shall provide a six-foot (6') masonry wall and fifteen (15) gallon trees, fifteen feet (15') on center along that portion of the property line which is co-terminal.
 8. All Side and Rear Yards in Multiple Family Residential, Commercial, and Industrial Developments which are Visible from a Public Street from Other Than the Front Yard: shall provide a six-foot (6') screening wall and a four foot (4') wide landscape strip in said yards.

9. Outdoor Sales Lots as Allowed by the Respective Zoning Districts: shall be screened and landscaped in conformance with the requirements for parking lots.
10. Screening Walls: shall be constructed in accordance with the materials and restrictions as cited in Town requirements set forth in Section 14-25-6.D.
11. All Screening Walls, Fences and Plant Materials: shall conform to corner lot line of sight limitations.
12. Fences or Free-Standing Walls: shall not to exceed a height of three feet (3'), six inches (6") in any required front yard and not to exceed a height of six feet (6') in other required yards.
13. Chainlink Fences: are prohibited in the required front yard setback in all residential districts.

Section 14-21-10 Pool Requirements

- A. Purpose: In order to provide for the health, safety, and general welfare of the public requirements are needed for pools constructed within the Town for both the barrier surrounding the pool and where within any given yard the pool may be constructed.
- B. Barrier Requirements: As set forth in A.R.S. § 36-1681.
- C. Minimum Pool Setbacks:
 1. Front Yard: No pool may be located in the front yard except on properties consisting of two (2) or more acres.
 2. Street Side Yard: A pool must meet the minimum setback as outlined within the applicable zoning district for street side yards and placed behind a barrier as described in the International Residential Code and International Building Code. In addition to the above setbacks, the pool edge must be placed a minimum of five feet (5') from the fence or barrier.
 3. Setback from Rear and Interior Property Lines: The pool shall be setback a minimum of five feet (5') from the rear or interior side property lines.
 4. Setback from Buildings: The pool shall be setback a minimum of five feet (5') from any primary or accessory building.

Section 14-21-11 Wireless Facilities in the Rights-Of Way (Ordinance 1188)

Small Wireless Facilities are permitted in the Right-of-Way subject to compliance with Section 3-3-3, Subsection E, the Town of Wickenburg Wireless Facilities in the Right-of-Way Standard Terms and Conditions and the Town of Wickenburg Design Standards, Concepts and Requirements Wireless Facilities in the Right-of-Way. All other small wireless facilities and all new poles in the Right-of-Way are required to obtain a use permit prior to submitting an application for a wireless facility in the Right-of-Way. Monopoles are prohibited in the Right-of-Way.

ARTICLE 14-22 OVERLAY ZONES AND AREAS

14-22-1	Planned Area Development Overlay District: PAD
14-22-2	Heritage Area

Section 14-22-1 Planned Area Development Overlay District (PAD)**A. Purpose**

The purpose of the Planned Area Development Overlay District (PAD) is to provide development opportunities which maximize flexibility while ensuring that the development meets or exceeds the minimum qualities and standards required by the zoning districts outlined previously within ordinance.

Modern land planning techniques must be provided by the development community to successfully implement the purpose of this overlay zoning district by combining such essentials as useable open space, unique architecture and design principles, and pedestrian environments all with the purpose of increasing aesthetics and livability.

B. Provisions

1. A PAD District may consist of one (1) or more underlying zoning districts as permitted by the Zoning Ordinance of the Town. The uses permitted in the PAD District shall be governed by the permitted uses in the underlying district or combination of underlying districts, as approved by the Council. An "underlying zoning district" shall mean those zoning districts set forth in Articles 14-4 through 14-14 of the Zoning Ordinance of the Town.
2. The PAD District shall comply with the requirements of the underlying zoning district(s) except as otherwise set forth in this Article and in the specific Zoning Ordinance establishing the specific PAD District. A PAD District may be approved with modifications of the requirements of the underlying zoning district so long as the intent of this Zoning Ordinance is met and the resulting land use will be of a quality comparable to or exceeding the quality which would otherwise result from use solely of the underlying zoning district(s). A PAD District may allow for onsite density transfer within a residential development, permitting the density regulations of the underlying zoning districts to be applied to the total area of the PAD District rather than separately to individual lots or underlying zoning districts.
3. Notwithstanding the above, no modifications of the requirements of the underlying zones with respect to use shall be approved, nor shall it be construed to require the Council to approve or establish any PAD District.
4. Applications for changes in the underlying zoning district(s) may be submitted and processed concurrently with an application requesting approval of a Planned Area Development Overlay District,
5. Subdivision review under the Subdivision Ordinance may be conducted simultaneously with the review of the PAD application. Development plans submitted under this Section shall, whenever feasible, be submitted in a form which will satisfy the requirements of the Subdivision Ordinance.
6. To ensure compatibility of buildings and uses with each other and with off-site properties, the Council may eliminate otherwise permitted uses in any comparable district. The Council may specify modification of the regulations, requirements, and standards, including but not limited to, conditioning the zoning upon maximum densities, maximum building heights, maximum lot coverage, and greater setback requirements than might be otherwise permitted by the comparable zoning district. Any modification of Development Standards for a PAD overlay shall produce an environment equal to or superior to that produced by existing standards.

C. Application Features

Applications for a PAD Overlay Zone may include a request to modify the requirements of the underlying zoning district, except as to use. Modification of the requirements of the underlying zoning district shall be permitted only upon a finding that the proposed land use will include all or a substantial number of features set forth in Paragraph 2 of this Subsection.

I. Landscaping Design Features:

- a. Use of native plant materials.
- b. Use of street landscaping such as, but not limited to, landscaped medians and adjacent rights-of-way.
- c. Pedestrian Way treatment to create an aesthetically pleasing and functional walkway.
- d. Use of recreational and open space areas.
- e. Parking area landscaping.
- f. Perimeter landscaping and walls.

2. Site Design Features:

- a. Compatibility with natural topographic and environmental characteristics.
- b. Preservation of natural features, such as natural washes and topographic features.
- c. Preservation of view shed.
- d. Circulation pattern consistent with good planning principles and the General Plan of the Town as it exists now or in the future.
- e. Variation in building setbacks.
- f. Grouping of buildings (cluster, etc.).
- g. Perimeter setbacks.

3. Architectural Design Features:

- a. Visual and architectural features compatible with the Western/Southwestern character of the Town as described in Article 14-25 Development Review.
- b. Harmonious use of materials.
- c. Variations in dwelling and/or building type.

D. PAD Process**I. Conceptual Master Plan and Underlying Zoning District:**

- a. An application for rezoning and PAD approval shall be made on forms provided by the Planning and Building Department and the applicant shall provide all applicable information including a Conceptual Master Plan and a General Plan.
- b. A Conceptual Master Plan shall be submitted with the PAD Rezoning Application including the following documents and information:
 - i. A written Legal Description of the property or properties under application for approval.
 - ii. A Survey Map noting the property boundaries and legal description, topography, existing structures, adjacent streets (location, name and width) and significant natural features.
 - iii. A Conceptual Plan with notes specifying the intended land uses, types of structures and intensities; primary points of access and major interior street alignments; site perimeter setbacks and typical landscaping and screening treatments.

- iv. The Conceptual Master Plan shall include the following:
 - (a) A Narrative Booklet with:
 - (1) Discussion of proposed development with general information include density, acreage of each type of use (residential, commercial, industrial).
 - (2) Outline of proposed standards, setbacks, architecture, materials required to be used, colors, lighting, landscaping information and all other information requested by the Zoning Administrator.
 - (3) Comprehensive Sign Package including font styles, maximum signage per lot, building, frontage, colors.
 - (4) Linkages with defined and adopted Town wide non-motorized Trail System Plans.
 - (b) Traffic Impact Analysis when deemed necessary by the Town.
 - (c) If the area to contain the overlay will incorporate multiple types of uses then basic bubble diagrams of the property dividing the property into the distinct uses (residential, commercial, industrial) shall be required.
- v. The Survey Map and Conceptual Master Plan should be combined into one (1) Plan and may include other data as requested by the Planning and Building Department to assure compliance with this Article.
- vi. A Schedule for Development of the specific, proposed use or uses for which rezoning is requested. The Schedule for Development shall include a construction schedule for various phases of the development if construction phases are anticipated.
- c. The Commission shall hold a public hearing to consider the proposed Rezoning and Conceptual Master Plan within forty-five (45) days of the applicant's submission of all required documents, plans, fees and when the Zoning Administrator deems the application complete. In addition to the notice requirements of this Section and Article 14-24, applications for a PAD Overlay Zone which include a request for onsite density transfer shall include in the notice for the public hearing that the applicant is requesting onsite density transfer, the density required by the underlying zoning district, the proposed deviation and the net density requested. Additionally, notice of an application for a PAD Overlay Zone transfer with a request for onsite density transfer shall be mailed at least fifteen (15) days before the public hearing to all property owners within three hundred feet (300') of the site.
- d. The Commission shall make a recommendation to the Council as outlined in Section 14-24-2 of the Request for Modifications to the requirements of the underlying zoning districts, except for modifications to use and densities, when the Commission finds that the proposed PAD Development satisfies the following findings:
 - i. That the requested PAD modifications to the requirements of the Zoning Ordinance and the underlying zoning districts are in the best interest of the Town and will be beneficial to the Town in that a higher quality or more appropriate design has been achieved by granting the PAD Overlay District instead of requiring a standard residential, commercial, or industrial district.
 - ii. That strict adherence to the requirements of the Zoning Ordinance is not required in order to insure the health, safety and welfare of the future occupants of the proposed development.
 - iii. That strict adherence to the requirements of the Zoning Ordinance is not required in order to ensure that property values of adjacent properties will not be reduced.

- iv. That the proposed development is consistent with the goals, objectives and policies embodied in the General Plan as it exists now or in the future.
 - e. Following the public hearing by Commission, the Council may adopt the Conceptual Master Plan and approve the underlying zoning district by Ordinance. Such Ordinance shall set forth:
 - i. Any Schedule for Development for the specific use or uses for which the rezoning is being requested.
 - ii. Any modifications to the requirements of the underlying zoning district or districts, which may be approved.
 - iii. A stipulation that the Rezoning is conditionally approved subject to the approval of a Final Site Plan within three (3) years of the effective date of the ordinance. The Council may refer the application back to the Commission.
 - f. The Council may conditionally approve or disapprove any application for PAD Overlay District Zoning. A Conditional Approval may include conditions deemed appropriate by the Council to ensure that all required findings as stipulated in Paragraph I, Subparagraph d. of this Subsection are substantiated.
 - g. Upon the effective date of the ordinance, the Town Zoning Map shall be amended to designate the affected area with a PAD symbol or symbols on the subject property.
 - h. All ordinances establishing a PAD Overlay District Zone shall contain as a condition of the Rezoning, a requirement for Final Development Plan approval within three (3) years, in accordance with the Conceptual Master Plan approved by the Council and adopted as an amendment to the Town Zoning Map.
- 2. Final Development or Site Plan: Within three (3) years of the effective date of the amendment, the applicant shall file with the Commission the following documents:
 - a. A Final Development or Site Plan incorporating a fully dimensioned Plan locating all proposed streets, structures, parking areas, landscaped areas, walls, sidewalks and other elements of the first phase of the proposed project.
 - b. A Landscape Plan with schematic representation of the location of all plant materials, hardscape, walkways and screening walls. A Plant Materials Schedule indicating plant name (Latin and common), number and sizes used in the Plan and on-center spacing shall also be required.
 - c. Typical building elevations for all residential units and specific building elevations for any commercial or recreational buildings.
 - e. The Final Development or Site Plan shall be in substantial conformance with the Conceptual Master Plan and all requirements and conditions of the amendment adopted by the Council.
 - f. The Final Development or Site Plan may be submitted separately for each phase of development or as a whole. Each submittal shall require a separate public hearing and approval by the Commission and Council prior to the vesting of the zoning or issuance of Building Permits. When the Final Development or Site Plan is submitted in phases, the first phase shall be submitted as indicated above and each subsequent phase within three (3) years of approval of the previous phase.

- g. Where the Planned Area Development (PAD) Overlay District is used to impose special provisions regarding the design and development of a subdivision, the tentative Subdivision Map as described in the Town Subdivision Ordinance (Chapter 11 of the Town Code as amended) may constitute the applicant's Conceptual Master Plan and the Final Subdivision Map as described in said Ordinance shall constitute the Final Site Plan, provided, however, that the Conceptual Master Plan shall include all of the elements and data provided for in Paragraph 1 of this Subsection.

E. Changes to the Conceptual Master Plan or Final Development or Site Plan

Following adoption of the Conceptual Master Plan or Final Development or Site Plan, as the case may be, said Plan shall not be changed, amended or altered in any manner except as set forth herein. Any substantial change or alteration in the physical or spatial characteristics of the Plan or its configuration shall be considered an amendment and shall be required to follow the Rezoning Process as outlined in Section 14-24-6.

F. Amendment of a PAD Overlay District

Any amendments or modifications to the Conceptual Master Plan shall be in accordance with the following procedures:

1. Major Amendments. The following changes to the approved Conceptual Master Plan shall be considered major if they involve any one of the following:
 - a. An increase of ten percent (10%) or more in the approved total number of dwelling units or in the acreages devoted to commercial or industrial uses.
 - b. A significant change in boundary lines of development units.
 - c. Any change which could have significant impact on areas adjoining the PAD.
 - d. Any change which could have a significant traffic impact on roadways adjacent or external to the PAD.
2. Minor Amendments. All amendments deemed minor by the Zoning Administrator shall be reviewed and approved administratively by the Zoning Administrator upon finding that the amendment is in substantial conformance to the approved General Plan and program.

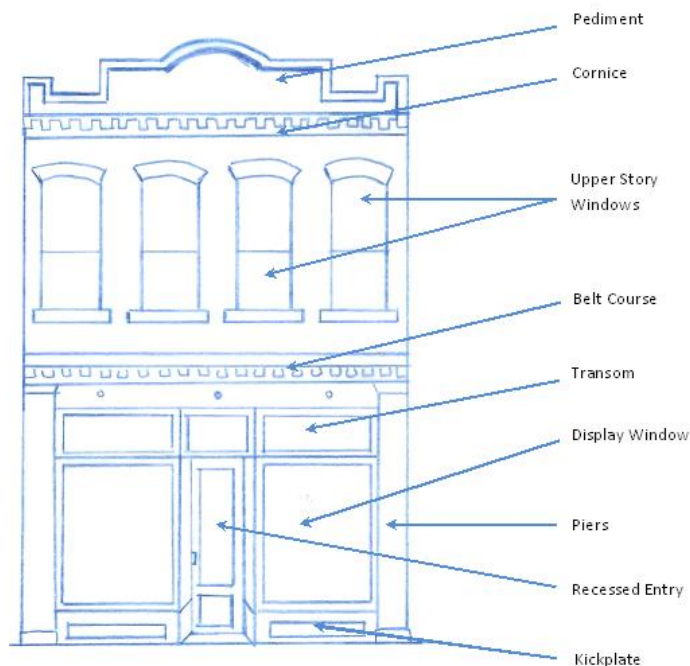
G. Termination of a PAD Overlay District Classification:

Any Zoning Ordinance amendment adopted under the provisions of this Article shall terminate and the zoning classification of the affected property shall revert to its prior district classification at the end of three (3) years following the effective date of said amendment if the Final Development or Site Plan or phase one thereof has not then been submitted to the Commission and Council for approval. When the submittal is phased, each subsequent phase shall be submitted within three (3) years of approval of the previous phase. The Council may grant one (1) extension of time not exceeding two (2) years for any phase of the development. The Commission and the Council shall hold a public hearing prior to any such reversion.

Section 14-22-2 Heritage Area

- A. Purpose: The purpose of the Heritage Area is to provide an area within the Town where architectural styles allowed for future developments will revolve around the historical western and southwestern architecture styles native to the Town.

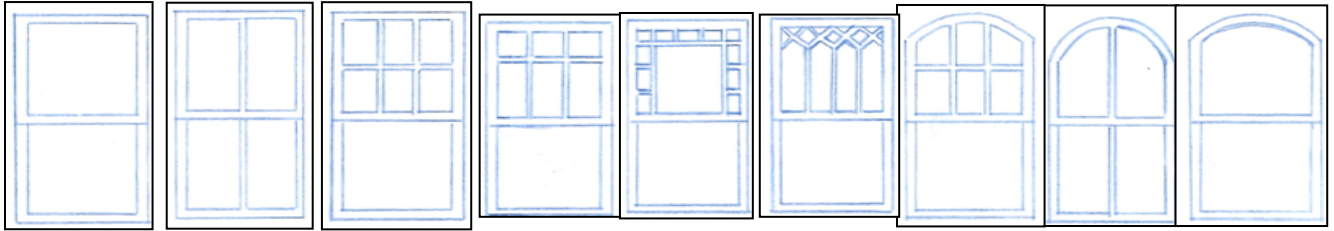
- B. Affected Area: The area affected by the Heritage Area shall include the following boundaries:
1. To the north, the centerline of Mohave Street from its intersection with the centerline of Jefferson Street and extended in a northeasterly direction to the centerline of Sols Wash.
 2. Then along the centerline of Sols Wash in a southeasterly direction to its intersection with the centerline of the Hassayampa River.
 3. Then in a southeasterly direction along the centerline of the Hassayampa River to the intersection with a line located three hundred (300) feet south of the centerline of Wickenburg Way and thence along said line in a southwesterly direction, paralleling said center line of Wickenburg Way, to the center line of Adams Street.
 4. Then in a northwesterly direction along the center line of Adams Street to the center line of Santa Cruz Street, then in a northeasterly direction along the center line of Santa Cruz Street to its intersection with the center line of North Jefferson Street.
 5. Then in a northwesterly direction along the center line of North Jefferson Street to the point of beginning.
- C. Design Elements: All architecture within the Historic Overlay District must reflect the southwestern and western heritage upon which the Town has developed over the years. Design elements that buildings should focus on to create a “period look” include:
1. Façade Elements.
 - a. Materials – brick used to create decorative treatments, stucco, wood (horizontal board, trim).
 - b. Wainscots – marble work, tile mosaics.
 - c. Pilasters – a rectangular support that resembles a column. These can be used to help minimize horizontal massing.
 2. Cornices. Any horizontal decorative “molding” or material which caps a building. Use as a decorative treatment to enhance the appearance of a building.



3. Windows/Door Design – windows and doors shall display the following characteristics and styling:

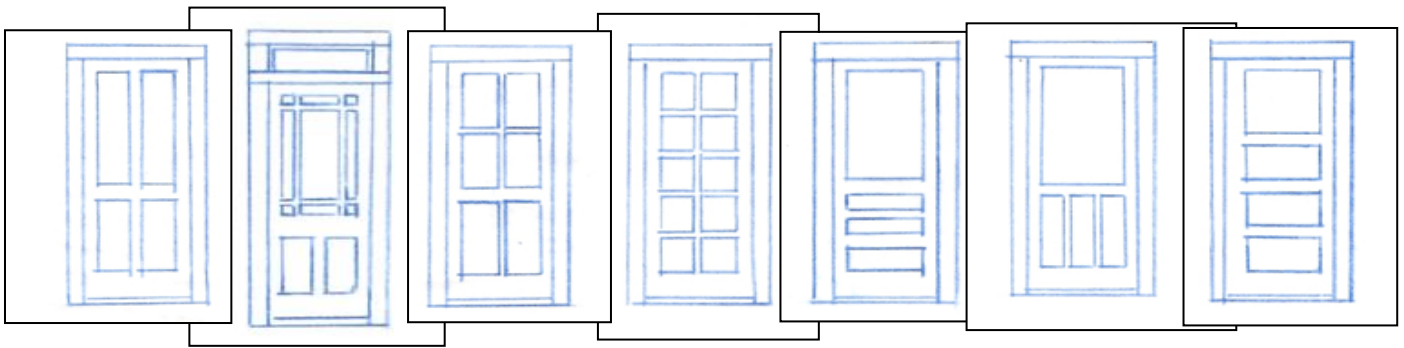
a. Windows (as illustrated below):

- i. Double hung in pairs.
- ii. Single windows shall be tall and narrow (typically height will be twice (2x) the width).



b. Doors:

- i. Exterior doors typically are constructed with a wide variation of panels as illustrated below:



- 4. Decorative Masonry – shall include stucco, brick, concrete block, and any other material approved by the Zoning Administrator.
- 5. Roofing – gambrel and mansard roofs are prohibited. Gable, hip, flat, and shed roof styles are permitted.
- 6. Proportion and Directional Emphasis – façade undulation, popouts, and recesses all help create visual interest and reduce the visual impact of massing.
- 7. Colors – earth tones that reflect the native desert environment.
- D. Design Guidelines: Developments should follow the Design Guidelines outlined in Section 14-22-2.c. depending on whether the development is single family residential, multiple family residential, or commercial while incorporating the design elements required within the Heritage Area as listed above.
- E. Review Criteria: The following criteria should be used when reviewing an application for rezoning, development, redevelopment, or structure addition:

1. Proposal properly preserves and conforms to the character of the structures located within the Heritage Area.
2. The proposal meets or exceeds minimum Design Standards outlined above and within the respective zoning district.

F. Addenda and Provisos:

1. The Heritage Area Design Standards and Requirements should affect all new construction, redevelopment, and additions to existing structures where the addition is greater than twenty-five percent (25%) of the original structure's size within the area boundaries described above.
2. The Heritage Area is not yet a designated Historical Preservation District by the State Historic Preservation Office or the National Trust for Historic Preservation. The properties which develop within this zone are not placed on a Registry. The Architectural Standards required herein are designed to foster and maintain the western and southwestern heritage upon which the Town has grown.
3. Styles are not to be mixed on any single building.

ARTICLE 14-23 HEARING BODIES

14-23-1	Common Council
14-23-2	Planning and Zoning Advisory Commission
14-23-3	Board of Adjustment
14-23-4	Planning Department
14-23-5	Zoning Administrator
14-23-6	Zoning Hearing Officer
14-23-7	Airport Advisory Commission
14-23-8	Development Review Committee

Section 14-23-1 Common Council

The Common Council shall have the following powers and duties under this Zoning Ordinance:

- A. Consider and adopt, reject or modify amendments to the Wickenburg General Plan.
- B. Consider and adopt or reject annexation of property and County rights-of-way and roadways.
- C. Consider and adopt, reject or modify amendments to the text of the Zoning Ordinance.
- D. Consider and adopt, reject or modify amendments to the Zoning District Map.
- E. Consider and approve Preliminary and Final Subdivision Plats and amendments thereto pursuant to the Subdivision Regulations.
- F. Exercise appeal authority as authorized by the Zoning Ordinance.
- G. Appoint the Zoning Hearing Officer and members of the Planning and Zoning Advisory Commission, Board of Adjustment and Airport Advisory Commission.
- H. Establish, by resolution, a schedule of fees and charges for the various applications and services provided pursuant to the Zoning Ordinance.
- I. Consider, approve and revoke Protected Development Right Plans.
- J. Hear and decide requests for reconsideration pursuant to the provisions of Section 14-24-11.

Section 14-23-2 Planning and Zoning Advisory Commission

The Planning and Zoning Advisory Commission shall have the following powers and duties under this Zoning Code:

- A. Provide advice to the Council, Town officials, Boards and other governmental agencies related to planning and zoning in the Town.
- B. Prepare comprehensive studies and surveys of existing conditions and factors of prospective community growth, the present or future development of the Town, and the use of land and buildings in the Town.
- C. Recommend to the Council a General Plan and amendments thereto.

- D. Promote public interest in and understanding of the studies and plans it prepares, including publication and distribution of copies of the General Plan or any report relative thereto, and may employ such other means of promoting the Town and distribution of public information as it may determine with prior approval of the Council.
- E. Review and make recommendations to the Council regarding proposals to amend the Zoning District Map or the provisions of the Zoning Ordinance.
- F. Prepare and recommend Subdivision Regulations for adoption by the Council.
- G. Review and make recommendations to the Council regarding annexation of territory into the Town.
- H. Assist the Council and the Town staff in preparation of programs for Public Works improvements and for the financing thereof, Administrative Procedures and Regulations to provide effective means for furthering the objectives of the General Plan.

Section 14-23-3 Board of Adjustment

- A. The Board of Adjustment shall have the following powers and duties under this Zoning Code:
 - 1. Review applications for Variances upon referral by the Zoning Hearing Officer pursuant to the provisions of Section 14-24-5.
 - 2. Hear and decide Appeals from an interpretation of the Zoning Ordinance by the Zoning Administrator.
- B. Ex Parte Communications:
 - 1. To ensure the decision-making process is fair and impartial, a member of the Board of Adjustment shall not, directly or indirectly, participate in any ex parte communication relevant to an application pending before the Board. Ex parte communications are oral or written communications related to the matter to be heard by the Board of Adjustment and which is made to or by any member of the Board, including in person, telephonic or electronic communications that occur outside of a public meeting of the Board of Adjustment.
 - 2. Exceptions. This prohibition shall not apply to communications between members of the Board and Town staff. This prohibition is not intended to prevent site visits, the receipt of expert opinions, and the review of mail and other correspondence relating to the proceedings. All such communications shall be documented and entered into the record of the proceedings, as provided for in Subsection 3.
 - 3. Disclosure of Communications. If a Board Member receives an ex parte communication the Board Member shall place the communication in the public record or shall enter into the record a statement describing the time, place, and content of the communication.

Section 14-23-4 Planning Department

The Planning Department shall have the following powers and duties under this Zoning Code:

- A. Provide support in the administration and enforcement of the General Plan and Zoning Ordinance.
- B. Prepare recommendations for proposed development.
- C. Review project submittals including rezonings, Use Permits, site plans, and other applications as assigned by the Zoning Administrator.
- D. Provide advice to applicants and residents.

Section 14-23-5 Zoning Administrator

The Zoning Administrator shall have the following powers and duties under this Zoning Code:

- A. Administrative:
 - 1. Administer and enforce the provisions of this Ordinance.
 - 2. Carry out the order of the Commission authorized by this Ordinance.
 - 3. Provide notice for public hearings.
 - 4. Prepare reports.
 - 5. Interpret the provisions of the Zoning Ordinance.
 - 6. Interpret zoning district boundaries.
 - 7. Make individualized determinations regarding Group Home Accommodations pursuant to Section 14-4-3.B.
 - 8. Approve Home Occupations pursuant to Section 14-4-3.C.
 - 9. Approve moving buildings pursuant to Section 14-21-3.
- B. Limitations of the Zoning Administrator - The Zoning Administrator shall not:
 - 1. Make changes in or vary the terms of this Ordinance.
 - 2. Refuse to issue a Building Permit or Zoning or Compliance Certificate when the applicant has complied with all provisions of this Ordinance, the Town Code and other applicable ordinances and Codes, despite any violations of contracts, covenants or private agreements which may result therefrom.

Section 14-23-6 Zoning Hearing Officer

The Zoning Hearing Officer shall hear Appeals of dedications, exactions and zoning regulations and reconsideration of certain matters pursuant to Section 14-24-11.

Section 14-23-7 Airport Advisory Commission

The functions and duties of the Airport Advisory Commission are set forth in Article 3-3 of the Town Code.

Section 14-23-8 Development Review Committee

The Development Review Committee shall hear applications for Development Review pursuant to Article 14-25. The Development Review Committee may approve, conditionally approve, or reject applications for Development Review. The Commission shall be the Development Review Committee.

ARTICLE 14-24 ADMINISTRATION

14-24-1	Procedures – General
14-24-2	Procedures – Adoption or Amendment to a Rezoning Ordinance
14-24-3	Procedures – Text Amendments
14-24-4	Procedures – Use Permits
14-24-5	Procedures – Variances
14-24-6	Procedures – Requests for Interpretation of the Zoning Ordinance
14-24-7	Procedures – Annexations
14-24-8	Procedures – Adoption of General Plan or Amendments to General Plan
14-24-9	Procedures – Claims for Diminution in Value Pursuant To A.R.S. §12-1134
14-24-10	Protected Development Right Plan
14-24-11	Appeals of Dedications, Exactions and Zoning Regulations; Reconsideration of Certain Decisions

Section 14-24-1 Procedures – General**A. Application Process:**

- I. Applications. Completed applications shall be submitted to the Planning Department on a form established by the Planning Director. Any of the following persons or entities may submit an application:
 - a. The owner of the property;
 - b. An authorized agent of the owner; or
 - c. A person acting under a purchase contract or exclusive option to purchase the property.


In the event that the application includes properties owned by more than one (1) person, the Zoning Administrator shall notify, by certified mail, all owners included in the area included in the application. Such notice shall be postmarked no later than fifteen (15) days prior to any Commission hearing of the application.

2. Content. The Planning Director shall specify the form and content of applications. The Planning Director may require additional supporting materials as part of the application, including but not limited to, legal descriptions, statements, photographs, plans, drawings, renderings, models, material samples and other items necessary to describe the existing situation and the proposed project. The applicant shall be responsible for the accuracy and completeness of all information submitted. The Planning Director may waive the submission of specific material or information if he finds it is not needed to reach a decision on the application.
3. Waiver of Diminution of Value. The owner of property that is the subject of an application for a change in Zoning Map, General Plan Land Use Designation, Use Permit, Variance, Modification or Annexation shall include as part of its application an agreement to Waive Claims for Diminution of Value in a form prescribed by the Town consistent with A.R.S. §12-1134. The Waiver shall be executed by all owners of the property. Prior to and as a condition of final approval of a change in Zoning Map, General Plan Land Use Designation, Use Permit, Variance, Modification, or Annexation, the Town may require execution of an updated agreement by the property owner(s) of record. The application shall verify property ownership by submitting a Title Report. No application for amendments to the Zoning District Map, General Plan Land Use Designation, Use Permit, Variance or Annexation will be deemed complete without submission of a Waiver of Claims for Diminution in Value pursuant to the A.R.S. §§ 12-1131 through 12-1138 executed by all the owners of the property. The owner(s) shall verify property ownership by submitting a Title Report or other evidence of ownership satisfactory to the Town. Prior to and as a condition of final approval of a change to any land use law, the Planning Director may require the owner to execute a new waiver of claims.

4. Determination of Completeness. After receiving an application accompanied by the required fee, the Planning Director shall determine if the application is complete within seven (7) working days of the filing date. The Planning Director shall notify the applicant if the application is incomplete. If the application is incomplete, the Town shall identify the items that must be filed to complete the application.
 5. Inactive Applications. All applications shall be actively pursued to a decision. If no applicant activity has occurred on an application for one hundred eighty (180) days, the application shall be deemed to be inactive. Thirty (30) days prior to that date, the Planning Director shall notify the applicant in writing that the application will become inactive. If the applicant requests, in writing, that the Planning Director extend the one hundred eighty (180) day period, such request shall be accompanied by an explanation for the period of inactivity. The Planning Director may grant an extension for up to one hundred eighty (180) days for good cause if there is a reasonable belief that the application will be actively pursued during the extension period. If an extension is not approved, the application will be deemed withdrawn and the file shall be closed.
- B. Fees: All applications required by the Zoning Ordinance shall be accompanied by the required fees set by resolution of the Council. Applications shall not be accepted without payment of the required fee.
- C. Pre-Application Review:
1. Pre-Application Requirements: Pre-Application Review is required before an application for Rezoning, Conditional Use Permit or Variance will be processed.
 2. Waiver of Pre-Application Review: The Planning Director may waive the requirement for a Pre-Application Review based on a determination that no purpose will be served by the Review. In such cases, the Planning Director shall prepare a written statement setting forth the reasons for approving the waiver.
 3. Pre-Application Meeting: Unless the Pre-Application Review is waived, after reviewing the application for compliance with the Zoning Ordinance, the Planning Director will meet with the applicant or representative to provide comments. Following the meeting, the Planning Director shall provide the applicant with a written summary of comments and place a copy of the comments in the project file.
- D. Citizen Review Process:
1. When a Citizen Review Process is required, it shall comply with the requirements of this Subsection.
 2. Purpose:
 - a. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community.
 - b. Ensure that the citizens and property owners within the community have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process.
 - c. Facilitate ongoing communication between the applicant, interested citizens and property owners, Council, Commissioners and Town staff throughout the application review process.
 - d. Ensure that affected citizens of the Town have an opportunity to learn about and comment on proposed text amendments to the Zoning Ordinance that impose, remove or modify a land use regulation prior to formal public hearings regarding the Zoning Ordinance.
 3. Adoption of Amendments to Rezoning Ordinances:
 - a. A Citizens Participation Plan shall be submitted to the Planning Department. The Citizen Participation Plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision-making.

- b. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The target area for early notification will be determined by the applicant after consultation with the Planning Department. At a minimum, the target area shall include the following:
 - i. Property owners within three hundred (300) feet of the subject property measured from the property lines.
 - ii. Other interested parties who have requested that they be placed on the interested parties' notification list maintained by the Planning Department.
 - iii. Those residents, property owners, interested parties, political jurisdictions and public agencies that may be affected by the application.
 - iv. The Planning Department staff may determine that additional notices or areas be included.
- c. At a minimum, the following information regarding the involvement of the target area shall be included:
 - i. How those interested in and potentially affected by an application will be notified that an application has been made.
 - ii. How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application.
 - iii. How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing.
 - iv. The applicant's schedule for completion of the Citizen Participation Plan.
 - v. How the applicant will keep the Planning Department informed on the status of the citizen participation efforts.
- d. Citizens Participation Meeting: The applicant shall conduct a Citizens Participation Meeting to explain the proposal.
- e. Additional Meetings: Extenuating circumstances may warrant additional meetings. As such, the Planning Director has the authority to require the applicant to hold additional Citizen Participation Meetings including, but not limited to:
 - i. Timeframe between the last meeting and the date of the submittal.
 - ii. Any substantial changes that have occurred to the development proposal since the last Citizen Participation Meetings were held.
- f. Citizen Participation Report:
 - i. The applicant shall provide a written report on the results of the citizen participation effort within five (5) days of the Citizen Participation Meeting and prior to any notification mailed or posted for a public hearing. This report will be added to the application submittal material for the development and discussed in the staff report presented to the Commission and the Council at the public hearings.

- ii. The Citizen Participation Report shall include the following information:
 - (a) Details of techniques the applicant used to involve the public.
 - (b) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal.
 - (c) Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters, and other publications.
 - (d) Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located.
 - (e) The number of people that participated in the process.
 - (f) The names and address of all those in attendance for tracking purposes.
 - (g) A summary of concerns, issues and problems expressed during the process, including:
 - (i) The substance of the concerns, issues, and problems.
 - (ii) How the applicant has addressed or intends to address concerns, issues and problems expressed during the process.
 - (iii) Concerns, issues and problems the applicant is unwilling or unable to address and why.
- 4. Adoption of Text Amendments to the Zoning Ordinance that Impose, Remove or Modify a Land Use Regulation:
 - a. Notice. The notice of the Citizens Participation Meeting shall contain the date, time and place of the citizens review meeting, the location of where a copy of the proposed text amendment to the Zoning Ordinance can be reviewed. Notice of a Citizen Participation Meeting to discuss the proposed text amendment shall be given as follows:
 - i. By publication in a newspaper of general circulation in the Town.
 - ii. By placing a copy of the proposed text amendment in the Planning Department at Town Hall for review.
 - iii. By any other manner required by the Planning Director.
 - b. Citizen Participation Meeting. At least one (1) Citizen Participation Meeting shall be held at least five (5) days prior to the formal public hearings of the Commission and the Town Council. Town staff shall conduct the Citizen Participation Meeting to discuss and answer questions about the proposed text amendment. Additional Citizen Participation Meetings may be held if the Planning Director or Town Council determines additional meetings would be beneficial.
 - c. Citizen Participation Report. Planning staff shall provide a written report on the results of the Citizen Participation Meeting within five (5) days of the Citizen Participation Meeting and prior to any notification mailed or posted for a public hearing. This report will be provided to the Commission and included in the staff report presented to the Council at the public hearings. The Citizen Participation Report shall include the following information:

- i. Extent of public involvement and comments submitted by citizens.
 - ii. Dates and locations of all meetings where citizens were invited to discuss the proposed text amendment.
 - iii. The names and addresses of all those in attendance for tracking purposes.
 - iv. A summary of concerns, issues and problems expressed during the process, including:
 - (a) The substance of the concerns, issues, and problems.
 - (b) How the concerns might be addressed.
- 5. Adoption of General Plan or Amendment to the General Plan: 
 - a. NOTICE. The notice of the Citizens Participating Meeting shall contain the date, time and place of the Citizens Review Meeting, the location of where a copy of the proposed text of the General Plan or amendment can be reviewed. Notice of a Citizen Participation Meeting to discuss the proposed General Plan or amendment shall be given as follows:
 - i. By publication in a newspaper of general circulation in the Town.
 - ii. By placing a copy of the proposed General Plan or amendment in the Community Development & Neighborhood Services Department at Town Hall for review.
 - iii. By distributing the proposed General Plan or amendment to all agencies and jurisdictions named in A.R.S. §9-461.06 including, but not limited to, the Arizona Commerce Authority, the Maricopa Association of Governments, the Northern Arizona Association of Governments, School Districts located within the Town, Maricopa County, Arizona Public service, and any person or entity requesting a copy in writing and such other recipients that the governing body shall direct;
 - iv. By any other manner required by the Community Development & Neighborhood Services Director.
 - b. Citizen Participation Meeting. At least one (1) Citizen Participation Meeting shall be held at least ten (10) days prior to the formal public hearing of the Commission and Town Council. Town staff shall conduct the Citizen Participation Meeting to discuss and answer questions about the proposed General Plan or amendment. Additional Citizen Participation Meetings may be held if the Community Development & Neighborhood Services Director or Town Council determines additional meetings would be beneficial.
 - c. Citizen Participation Report. Community Development & Neighborhood Services staff shall prepare a written report on the results of the Citizen Participation Meeting prior to any notification mailed or posted for a public hearing. This report will be provided to Planning and Zoning Advisory Commission and shall be included in the staff report presented to the Town Council at the public hearings. The Citizen Participation Report shall include the following information:
 - i. Extent of public involvement and comments submitted by citizens.
 - ii. Dates and locations of all meetings where citizens were invited to discuss the proposed General Plan or amendment.
 - iii. The names and addresses of all those in attendance for tracking purposes.
 - iv. A summary of concerns, issues and problems expressed during the process, including:
 - (a) The substance of the concerns, issues, and problems.
 - (b) How the concerns might be addressed.

- E. Notice of Public Hearings: When an action requires a public hearing, notice of the public hearing shall be given in accordance with the following requirements unless different requirements are set forth in this Ordinance:
1. Published Notice: When notice is required to be published, the notice shall comply with the following requirements:
 - a. The notice shall be published at least fifteen (15) days prior to the date of the public hearing at least once in a newspaper of general circulation within the Town. Notice of a hearing on a major amendment to the General Plan shall be posted not more than thirty (30) days prior to the hearing.
 - b. A general description of the proposed project or action and the property included in the application.
 - c. The date, time, location, and purpose of the public hearing.
 - d. The location and times at which the complete application and project file may be viewed by the public.
 - e. A statement that any interested person or authorized agent may appear and be heard.
 - f. A statement describing how and when to submit written comments.
 2. Posted Notice: When notice is required to be posted, the notice shall comply with the following requirements:
 - a. The notice shall be posted at least fifteen (15) days prior to the date of the public hearing.
 - b. Posting, maintenance and removal of signs are the responsibility of the applicant. Failure to remove the sign within ten (10) days of public hearing action shall result in Town removal of the sign and a charge to the applicant for costs incurred.
 - c. The notice shall consist of one (1) four foot by eight-foot (4' x 8') sign posted parallel with the street and set back a minimum of five (5) feet from the property line. If a property is bounded by two (2) streets then the sign shall be posted along the street with the higher classification. The notice shall include a description of the request, the general location of the property, the location of the public hearing, the date and time of the public hearing, and the contact information for the Planner reviewing the application.
 - d. The applicant shall submit a signed affidavit and dated, color photos of the sign or signs prior to the public hearing.
 - e. A photo with a date stamp shall be emailed or mailed to the Zoning Administrator along with a signed and notarized affidavit of notification which affirms that the sign was posted within the fifteen (15) day requirement. Failure of the applicant to provide evidence of posting shall result in a postponement of the public hearing.
 3. Mailed Notice: When notice is required to be mailed, the notice shall comply with the following requirements:
 - a. Notice shall be mailed by the Town to all property owners within three hundred (300) feet of the subject property measured from the property lines. The notice shall contain the following information: description of the application, general location of the property subject to the application, location of the public hearing, date and time of the public hearing, contact information for the Planner reviewing the application, and a vicinity map of the property.

- c. The Zoning Administrator shall have the responsibility to review and approve the text within the letters to be mailed to the property owners and then mail the letters.
 - d. The applicant shall submit three (3) sets of stamped and addressed envelopes to be used by the Town to mail the property owner notices for the Citizen Participation Meeting, Commission, and Council public hearings.
 - d. The applicant shall submit the letter to be mailed as notification to staff based on the format of the sample notification letter available within the Land Use Application packets.
- F. Public Hearing: When a public hearing is required to be held, it shall comply with the following procedures unless different requirements are set forth in this Ordinance:
 - 1. Testimony: Each person who testifies at a public hearing shall be identified, and, if appearing on behalf of a person or organization, state the name of the person or organization being represented. The Mayor or Chairman of the Commission may set time limits and/or require that individuals with shared concerns select one (1) or more spokespersons to present testimony on behalf of those individuals.
 - 2. Order of Proceedings: The Order of the Proceedings at the public hearing shall be as follows:
 - a. Staff Report
 - b. Applicant Presentation
 - c. Public Comment – Open Public Hearing
 - d. Applicant Response
 - e. Staff Response
 - f. Close Public Hearing
 - g. Deliberation and Action
- G. Final Decisions: A final decision shall be deemed to have been made at the time action is taken by the Council and/or Board of Adjustment.

Section 14-24-2

Procedures – Adoption or Amendment to a Rezoning Ordinance

- A. Initiation:
 - 1. Council: The Council may direct the Commission to analyze, conduct a hearing, and make a recommendation to the Council for adoption of or amendment to a Rezoning Ordinance.
 - 2. Commission: The Commission may initiate consideration of adoption of or amendment to a Rezoning Ordinance by directing the Planning Director to prepare a Rezoning Ordinance or Amendment to a Rezoning Ordinance and to schedule a public hearing on the proposed Amendment pursuant to the procedures set forth in this Article. Following the public hearing, the Commission may make a recommendation to the Council for action.

3. Owner: A property owner or an agent authorized in writing may apply for adoption of or amendment to a Rezoning Ordinance.
- B. Applications: When an owner initiates the adoption of or amendment to a Rezoning Ordinance, the applicant shall comply with the requirements of Section 14-24-I.A. In addition, the application shall include the following information:
 1. Conceptual Site Plan.
 2. Conceptual Landscape Plan, including all open space areas, trails, pedestrian paths, and recreational facilities.
 3. Description of proposed use of the property.
 4. Traffic Impact Analysis (if deemed necessary by the Zoning Administrator).
 5. Legal Description.
 6. Alta Survey.
- C. Citizen Review Process: A Citizen Review Process is required and shall comply with the requirements of Section 14-24-I.D.
- D. Notice: Published notice, posted notice, and mailed notice shall be given in accordance with Section 14-24-I.E. In addition, notice shall be given to schools and other jurisdictions as follows:
 1. Notice shall be mailed to schools located one thousand (1,000) feet distance from the subject property within fifteen (15) days of the Planning Department receiving an application.
 2. Notice shall be mailed to the Maricopa County Planning Department for application related to land that abuts unincorporated areas of the County.
 3. Notice shall be mailed to a neighboring jurisdiction when adjacent to the subject property. Other jurisdictions may include Yavapai County, Arizona Department of Transportation, and Arizona State Land.
- E. Public Hearing: The Commission shall hold a public hearing in accordance with Section 14-24-I.F. After the public hearing, the Commission shall render its decision in the form of a written recommendation to the Council. The recommendation shall include the reasons for the recommendation and be transmitted to the Council by copy of the minutes of the Commission meeting and a copy of the proposed Ordinance.
- F. Council Action: The Council may adopt the recommendations of the Commission without holding a second public hearing if there is no objection, request for public hearing or other protest. The Council shall hold a public hearing if requested by an aggrieved party or any member of the public or the Council. The Council may approve, approve with modifications and/or conditions, or deny the application. Approval shall be by Ordinance. The Council may impose conditions for the dedication of rights-of-way and easements related to the effect of the Rezoning, establish a Schedule for Development, or impose other conditions permitted by law.
- G. Legal Protests: If the owners of twenty (20) percent or more either of the area of the lots included in a proposed zoning change, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom, or of those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of the opposite lots, file a protest in writing against the proposed amendment, it shall not become effective except by a majority favorable vote of three-fourths (3/4) of the members of the Town Council. The protest shall be filed in writing with the Town Clerk at least five (5) days prior to the public hearing or any continued public hearing. If any members of the Council are unable to vote on such a question because of a conflict of interest, then the required number of votes shall in no event be less than a majority of the full membership of the Town Council.
- H. Re-Submittal of a Denied Application: In the event that an application for or amendment to a Rezoning Ordinance is denied by the Council or is withdrawn after the Commission hearing, the Commission shall not reconsider the application nor consider another application for the same amendment as it applies to the same property described in the original application or any part thereof, for a period of not less than one (1) year from the date of such denial or withdrawal action unless, in the opinion of the Commission, there is a change in circumstances that would warrant consideration of a new application for amendment.

Section 14-24-3 Procedures - Text Amendments

- A. Initiation:
 - 1. Council: The Council may direct the Commission to analyze, conduct a public hearing, and make a recommendation to the Council for adoption of a Text Amendment to the Zoning Code.
 - 2. Commission: The Commission may initiate consideration of adoption of a Text Amendment by directing the Planning Director to prepare an Ordinance and to schedule a hearing on the proposed Ordinance pursuant to the procedures set forth in this Article. Following the public hearing, the Commission may make a recommendation to the Council for action.
 - 3. Owner: A property owner or an agent authorized in writing may apply for a Text Amendment.
- B. Applications: When an owner initiates the adoption of a Text Amendment to the Zoning Ordinance, the applicant shall comply with the requirements of Section 14-24-1.A. In addition to those requirements, the application shall include a narrative outlining reasons for requested Text Amendment, a description of the community benefit if the amendment is approved, sample language of how the text should read, and a list of all Sections, Subsections and Headings in the Zoning Ordinance that would be affected.
- C. Citizen Review Process: A Citizen Review Process is required if the proposed Text Amendment would impose any regulation not previously imposed or that remove or modify any such regulation previously imposed. The Citizen Review Process shall comply with the requirements of Section 14-24-1.D.
- D. Notice: Published notice shall be given in accordance with Section 14-24-1.E.
- E. Public Hearing: The Commission shall hold a public hearing in accordance with Section 14-24-1.F. After the public hearing, the Commission shall render its decision in the form of a written recommendation to the Council. The recommendation shall include the reasons for the recommendation and be transmitted to the Council by copy of the minutes of the Commission meeting and a copy of the proposed Text Amendment. Council may adopt the recommendations of the Commission without holding a second public hearing if there is no objection, request for public hearing or other protest. The Council shall hold a public hearing if requested by an aggrieved party or any member of the public or the Council.

Section 14-24-4 Procedures - Use Permits

- A. Classes of Use Permits: Use Permits are issued for a Use Permitted in a zoning district based on a determination of compliance with standards set forth in the zoning district and the criteria in this Section. There are three (3) classes of Use Permits:
 - 1. Conditional Use Permit: A Use Permit approved by the Council.
 - 2. Administrative Use Permit: A Use Permit approved by the Zoning Administrator.
 - 3. Temporary Use Permit: A Use Permit approved for a limited period of time by the Zoning Administrator.
- B. Initiation: A property owner or an agent authorized in writing may apply for a Use Permit.
- C. Procedures:
 - 1. Conditional Use Permits:
 - a. Application. An application for a Conditional Use Permit shall be filed with the Planning Department in accordance with the application procedures set forth in Section 14-24-1.A. In addition, the application shall include the following:

- i. Site Plan.
 - ii. Description of Proposed Use of the Buildings, Structures and Property.
 - iii. Legal Description.
 - iv. Alta Survey.
- b. Public Notice. Public notice shall be provided in accordance with the Public Notification Procedures set forth in Section 14-24-I.E. In addition, notice shall be given to schools and other jurisdictions as follows:
 - i. Notice shall be mailed to schools located one thousand (1000) feet or less from the subject property within fifteen (15) days of the Planning Department receiving an application.
 - ii. Notice shall be mailed to the Maricopa County Planning Department for application related to land that abuts unincorporated areas of the County.
 - iii. Notice shall be mailed to a neighboring jurisdiction when adjacent to the subject property. Other jurisdictions may include Yavapai County, Arizona Department of Transportation, and Arizona State Land Department.
 - iv. The validity of the proceedings shall not be affected by the failure of any person to receive such mailed notice.
- c. Staff Report. The Planning Director shall prepare and transmit to the Commission a Staff Report, including an analysis and recommendation, setting forth any proposed findings and conditions upon which the Commission may base its decision.
- d. Public Hearing. The Commission shall hold a public hearing in accordance with Section 14-24-I.F. After the public hearing, the Commission shall render its decision in the form of a written recommendation to the Council. The recommendation shall include the reasons for the recommendation and be transmitted to the Council by copy of the minutes of the Commission meeting and a copy of the proposed ordinance. The recommendation of the Commission may include reasonable requirements as deemed necessary to promote the purpose of this Section including but not limited to the following:
 - i. Yards and Open Spaces.
 - ii. Fences and Walls, or other screening.
 - iii. Surfacing of Parking Areas and specifications thereof.
 - iv. Street Improvements, including provision of service roads or alleys when practical and necessary.
 - v. Regulation of Points of Vehicular Ingress and Egress.
 - vi. Regulation of Signs.
 - vii. Landscaping and Maintenance thereof.
 - viii. Maintenance of Grounds.
 - ix. Control of Noise, Vibration, Odor and other potentially dangerous or objectionable elements.
 - x. A Time Limit within which the Proposed Use shall be Developed.
 - xi. A Performance Bond or Bonds may be required.
- e. Council Action: The Council may adopt the recommendations of the Commission without holding a second public hearing if there is no objection, request for public hearing or other protest. The Council shall hold a public hearing if requested by an aggrieved party or any member of the public or

the Council. Council may, in its discretion approve, approve with modifications and/or conditions, or deny the application. The issuance of a Conditional Use Permit is solely in the discretion of the Council. No Conditional Use Permit shall be granted unless the Council finds:

- i. The proposed use, as conditioned, will not be adversely affect the use and enjoyment of neighboring property and there is sufficient separation from incompatible land uses or zones.
- ii. There is sufficient transition between less intensive uses and zones and the subject property.
- iii. There will be sufficient off-street parking will be provided.
- iv. The proposed use conforms requirements required by the Zoning Code and any other applicable local, State, or Federal requirements; and
- v. The public health, safety, and general welfare of the community will not be adversely affected.

2. Administrative Use Permits:

- a. Application. An application for an Administrative Use Permit shall be filed with the Planning Department in accordance with the application procedures set forth in Section 14-24-1.A. In addition, the application shall include the following:
 - i. Site Plan.
 - ii. Description of Proposed Use of the Buildings, Structures and Property.
 - iii. Legal Description.
- b. Public Notice. Public notice shall be mailed to the owners of property within three hundred feet (300') of the subject property within fifteen (15) days of the Planning Department receiving an application. The Planning Director may expand the notification area if he determines the potential impact of the application extends beyond three hundred (300) feet. The validity of the proceedings shall not be affected by the failure of any person to receive such mailed notice.
- c. Option to Require Public Hearing. The Zoning Administrator may require a public hearing before the Commission for any Administrative Use Permit application that the Zoning Administrator determines to have special neighborhood or community significance. In such cases, the Commission shall review and act upon the application in the manner described in this Article for Conditional Use Permits.
- d. Action: Except as provided for in Paragraph 2.c., the Zoning Administrator shall review the application for compliance with the Zoning Code. The Zoning Administrator shall approve, approve with modifications and/or conditions, or deny the application. The Zoning Administrator's decision shall be mailed to the applicant by first class mail within forty-five (45) days from the filing of the application. No administrative Use Permit shall be granted by the Zoning Administrator unless he finds:
 - i. The proposed use, as conditioned, will not be adversely affect the use and enjoyment of neighboring property and there is sufficient separation from incompatible land uses or zones.
 - ii. There is sufficient transition between less intensive uses and zones and the subject property.
 - iii. There will be sufficient off-street parking will be provided.
 - iv. The proposed use conforms with the requirements of the Zoning Code and any other applicable local, State, or Federal requirements; and
 - v. The public health, safety, and general welfare of the community will not be adversely affected.
- e. Appeal. Decisions of the Zoning Administrator on Administrative Use Permits may be appealed by an aggrieved person or a member of the Council to the Commission by filing a written appeal with the Commission within thirty (30) days of the decision of the Zoning Administrator. The Commission's decision shall be final. The Commission shall have the authority to uphold, modify, or overrule the decision of the Zoning Administrator. The Council may, however, certify for its review any action of the Commission regarding an Administrative Use Permit as provided for in Section 14-24-11.

3. Temporary Use Permits:

a. Duration of Temporary Use Permits.

- i. Temporary Use Permits shall be approved for no more than sixty (60) days per year.
- ii. A Temporary Use shall not be conducted between 10:00 p.m. to 7:00 a.m.
- iii. Temporary Use Permits may be renewed a number of times dependant on the length of time of the initial approval as follows:
 - A. Temporary Uses approved for one (1) to five (5) days may be renewed up to four (4) times in any calendar year.
 - B. Temporary Uses approved for more than five (5) days up to thirty (30) days may be renewed up to two (2) times in any calendar year.
 - C. Temporary Uses approved for more than thirty (30) days but less than six (6) months may be renewed up to one (1) time in any calendar year.

b. Application. An application for a Temporary Use Permit shall be filed with the Planning Department in accordance with the application procedures set forth in Section 14-24-1.A. In addition, the application shall include the following:

- i. Site Plan of property showing where the use will be located and distances from the edges of subject area and property lines.
- ii. Narrative explaining proposed use.
- iii. Number of Employees.
- iv. Proposed Hours of Operation.
- v. Requested Time for Permit.

c. Public Notice. At the discretion of the Planning Director, public notice shall be mailed to the owners of property within three hundred (300) feet of the subject property within fifteen (15) days of the Planning Department receiving an application. The Planning Director may expand the notification area if he determines the potential impact of the application extends beyond three hundred (300) feet. The validity of the proceedings shall not be affected by the failure of any person to receive such mailed notice.

d. Action: The Zoning Administrator shall review the application for compliance with the Town Code. The Zoning Administrator shall approve, approve with modifications and/or conditions, or deny the application. The Zoning Administrator's decision shall be mailed to the applicant by first class mail within thirty (30) days from the filing of the application. No Temporary Use Permit shall be granted by the Zoning Administrator unless he finds:

- i. There will not be any negative impact surrounding properties, neighbors or Town residents in general that will not be or has not been mitigated by the applicant.
- ii. Parking currently provided on the property is sufficient to handle the anticipated increase in traffic due to the additional use.
- iii. The Fire Department has reviewed the location, type, and material of any tent or temporary structure and has responded that there is no anticipated public safety hazard with the proposed structure.
- iv. The use will not interfere with ingress/egress onto the property, fire lanes, driveway and parking aisles, landscaping areas, or traffic visibility.

- e. Appeal. Decisions of the Zoning Administrator on Administrative Use Permits may be appealed by an aggrieved person or a member of the Council to the Commission by filing a written appeal with the Commission within thirty (30) days of the decision of the Zoning Administrator. The Commission's decision shall be final. The Commission shall have the authority to uphold, modify, or overrule the decision of the Zoning Administrator. Council may, however, certify for its review any action of the Commission regarding an Administrative Use Permit as provided for in Section 14-24-11.
- f. Temporary Batch Plants. In addition to the temporary uses governed by this section, the Zoning Administrator may issue a Temporary Use Permit for the operation of a Temporary Batch Plant in any zoning district provided that such use meets the additional requirements of this paragraph. (Ord. 1227 – 7/22)
 - 1. Definition. A “Temporary Batch Plant” means a manufacturing plant for the production of concrete or asphalt during construction of a private or public project, to be removed when the project is complete.
 - 2. Purpose. The purpose of allowing a Temporary Batch Plant In the Town with a Temporary Use Permit is to facilitate construction in an efficient and affordable manner while regulating such uses to minimize negative impacts on surrounding areas.
 - 3. Location. The Zoning Administrator shall require the site:
 - a. Be located in the site of the project (i.e., in the subdivision development).
 - b. Be located in a manner to minimize unnecessary dust, noise, and odor.
 - c. Be located 500 feet or more from occupied residential homes.
 - d. Be enclosed by a secure fence.
 - e. Have adequate power and, if temporary power is required, install such power according to Town Codes without any open wiring laying directly on the ground.
 - 4. Conditions. The Zoning Administrator may impose conditions on the temporary use permit to protect public health and safety including measures to mitigate dust, noise, negative traffic impacts, and limit damage to town streets, roads, and alleyways.
 - 5. Time limitation. Notwithstanding the time limitations of this section, the zoning administrator may approve a temporary batch plant for up to six-months at a time but in no event shall such use continue more than two years total without Town Council Approval.
 - 6. Decommission. Any Temporary Batch Plant approved under this section must be capable of being decommissioned within 5 days' notice.
 - 7. Restoration. Any person issued a temporary use permit for a temporary batch plant shall clear the site of equipment, materials, and debris upon completion of the project and repair or replace any public improvement damaged by operation of the batch plant.

D. Expiration; Modification; Revocation

- I. Expiration. A Use Permit shall automatically expire two (2) years from its effective date unless either of the following has occurred:
 - a. Commencement of the use, or
 - b. Commencement of construction pursuant to a valid Building Permit.

2. Modifications. No change is permitted in the use or structure for which a Use Permit has been issued except as follows:
 - a. Administrative Use Permit. The Zoning Administrator may approve modifications to any Administrative Use Permit. Modifications are limited to reasonable changes to the Administrative Use Permit that do not substantially alter the approval or any condition of the Administrative Use Permit. The Zoning Administrator shall provide written records of the decision and supportive findings.
 - b. Conditional Use Permits. Modifications to a Conditional Use Permit may be granted by the Council pursuant to the procedures for original approval.
- E. Revocation. An Administrative Use Permit may be revoked by the Zoning Administrator and a Conditional Use Permit may be revoked by the Council following a public hearing if the use ceases for a period of ninety (90) consecutive days, or because of failure to comply with the conditions of the Use Permit. A Temporary Use Permit may be revoked by the Zoning Administrator if the use is not the approved Temporary Use.
 1. Initiation of Revocation. Proceedings for the revocation of a Use Permit may be initiated by the Zoning Administrator. The Zoning Administrator shall prepare a written report to the Zoning Administrator or Council, as applicable, which contains the following information:
 - a. The Use Permit to be revoked.
 - b. The property to which the Permit applies.
 - c. The reason or reasons for the proposed revocation.
 2. Notice of Revocation Hearing.
 - a. Notice of a revocation hearing shall be given by first class mail at least fifteen (15) days prior to the hearing as follows:
 - i. To the property owner of record.
 - ii. To the property address.
 - iii. To the business address.
 - b. Notice of the public hearing shall be published at least fifteen (15) days prior to the date of the hearing at least once in a newspaper of general circulation published or circulated within the Town.
 - c. Notice shall be posted at least fifteen (15) days prior to the date of the hearing at three (3) public places within the Town.
 3. Hearing. The revocation hearing shall be held in accordance with the procedures for public hearing set forth in Section 14-24-I.F.
 4. Required Findings. In order to revoke the Use Permit, the Zoning Administrator or Council, as applicable body shall make one (1) or more of the following findings:
 - a. One (1) or more of the terms of conditions of the Use Permit have been violated or there has been a violation of other applicable laws or regulations.
 - b. The Use has ceased for at least ninety (90) consecutive days and the applicant has not demonstrated any circumstances justifying the cessation of use.
 5. Action. Upon revocation of the Use Permit, the Zoning Administrator shall set forth the decision in writing describing the action, with its findings. The decision shall be mailed to the applicant by first class mail and to:
 - a. To the property owner of record.
 - b. To the property address.
 - c. To the business address.

Section 14-24-5 Procedures –Variances

- A. Initiation: A property owner or an agent authorized in writing may apply for a Variance where, due to circumstances related to the topography, a hardship, or special circumstance the property is undevelopable under strict interpretation of the Zoning Ordinance.
- B. Applications: The applicant shall comply with the requirements of Section 14-24-1. In addition, the application shall include the following:
 - 1. Site Plan drawn to scale (maximum of 1 inch = 100 feet) which shows the proposed Variance distances to property lines and structures on the property.
 - 2. Information Showing:
 - a. Why, due to special circumstances applicable to the property, including its size, shape, topography, location or surroundings, strict application of the Zoning Ordinance would deprive the property owner of privileges enjoyed by other property owners of the same classification in the same zoning district.
 - b. That the requested Variance will not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and district in which the property is located.
 - c. That the special circumstances applicable to the property were or are not self-imposed by the property owner.
 - d. Why granting the Variance:
 - i. Substantially meets the intent and purpose of the zoning district in which the property is located.
 - ii. Will not be detrimental to the health, safety, and general welfare of persons living or working in the neighborhood.
 - iii. Will not be detrimental to the general welfare of the Town.
 - iv. Is the least amount of relief necessary to permit use of the property similar to other properties in the district.
- C. Notice: Published notice, posted notice, and mailed notice shall be given in accordance with Section 14-24-1.E.
- D. Public Hearing: The Board of Adjustment shall hold a public hearing in accordance with Section 14-24-1.F.
- E. Board of Adjustment Action: The Board of Adjustment shall render a written decision within ten (10) days of the date the hearing is closed. The Board of Adjustment may approve, approve with modifications and/or conditions, or deny applications for variances. The Board of Adjustment shall not approve a Variance unless all of the following criteria are satisfied:
 - 1. There are special circumstances applicable to the property such that the strict application of the Zoning Ordinance would deprive the property owner of privileges enjoyed by other property owners of the same classification in the same zoning district.
 - 2. The Variance will not constitute a grant of special privileges inconsistent with limitations upon other properties in the vicinity and district in which the property is located.
 - 3. The special circumstances applicable to the property were or are not self-imposed by the property owner.
 - 4. The Variance (i) substantially meets the purpose of the zoning district in which the property is located, (ii) will not be detrimental to the health, safety, and general welfare of persons living or working in the neighborhood, (iii) will not be detrimental to the general welfare of the Town; and (iv) is the least amount of relief necessary to permit use of the property similar to other properties in the district.

- F. Appeals: Appeals of Board of Adjustment decisions shall be filed with the Superior Court of the County in which the property is located. An Appeal stays all proceedings in the matter Appealed from, unless the Zoning Administrator certifies to the Board that by reason of facts stated in the Certificate, a Stay would cause imminent peril to life or property. Upon such Certification, proceedings shall not be Stayed other than by a Restraining Order granted by the Superior Court.

Section 14-24-6 Procedures – Requests for Interpretation of the Zoning Ordinance

- A. Initiation: A member of the Planning staff or a property owner may request an interpretation of the provisions of the Zoning Ordinance.
- B. Request for Interpretation: A request for an interpretation of the Zoning Ordinance shall be submitted in writing to the Zoning Administrator.
- C. Zoning Administrator Decision: The Zoning Administrator shall provide his decision in writing to the applicant.
- D. Appeals: Appeals of the decision of the Zoning Administrator shall be made to the Board of Adjustment. Such Appeal shall be in writing and filed with the Zoning Administrator within ten (10) days of the date of the decision by the Zoning Administrator. Upon receipt of an Appeal, the Zoning Administrator shall forward the request for interpretation and his written decision to the Board of Adjustment. The notice of the Appeal shall be published pursuant to Section 14-24-1.E. A public hearing shall be held pursuant to Section 14-24-1.F.
- E. Record of Interpretation. The Zoning Administrator shall keep a record of interpretations made pursuant to this Section. The record of interpretations shall be available to the public.

Section 14-24-7 Procedures – Annexations

Annexation of territory into the Town shall be in accordance with Arizona Revised Statutes §9-471 and Town Policies adopted by the Town Council as set forth below:

- A. Initiation:
1. Council: Council may direct staff to review specific property to determine whether it may be legally annexed and to contact property owners to determine whether they will sign an Annexation Petition.
 2. Owner: One (1) or more property owners may submit an application to annex property owned by them into the Town. Upon certification by the Planning Director that the property is eligible for annexation, the property owner may request the Town to provide one (1) or more of the following services without cost or monetary obligation to the applicant. Such services may be furnished, at the option of the Town, and are as follows:
 - a. Preparation of all maps and petitions required to complete the annexation.
 - b. Personnel costs and attendant fees incurred by the Town to utilize Town employees or other methods to circulate the petition on behalf of the applicant.
 - c. Processing applications for a change in the zoning classification, which may include Planned Area Developments on the property being annexed, provided that the request for the Zone Change is applied for simultaneously with the request for annexation and has been completed within two (2) years after the date of application.

- B. Application: An application shall be filed in accordance with this Section and in accordance with the application procedures set forth in Section 14-24-I.A. The applicant may include as part of the annexation a request that the Town provide one (1) or more of the following services without cost or monetary obligation to the applicant:
1. The preparation of all maps and petitions required to accomplish the requested annexation.
 2. Personnel costs and attendant fees incurred by the Town to utilize Town employees or other methods to circulate the petition on behalf of the applicant.
 3. Processing applications for a change in the zoning classification, which may include Planned Area Developments on the property being annexed in accordance with State and local statutes, provided that the request for the Zone Change is applied for simultaneously with the request for annexation and has been completed within two (2) years after the date of application.
- C. Staff Review: Staff shall review the proposed annexation to determine whether the property to be annexed meets the contiguity requirements of A.R.S. §9-471(H) or whether the proposed annexation is exempt from such requirements because it is within the strip-annexed area of the Town and touches an incorporated area of the Town. No proposed annexation shall be processed unless it either meets the contiguity requirements or is exempt from such requirements.
- D. Blank Petition: Except for annexations of County rights-of-way or roadways with no taxable real property, staff shall file a Blank Petition in the Office of the Recorder in the County in which the property is located setting forth a legal description and an accurate map of all the exterior boundaries of the property proposed to be annexed. The map shall include all County rights-of-way and roadways with no taxable value that are within or contiguous to the exterior boundaries of the area of the proposed annexation. The legal description shall be sealed by a registered Surveyor or Engineer. Signatures shall not be obtained on an Annexation Petition until the expiration of a thirty (30) day waiting period following the date of filing the Blank Petition.
- E. Notice to County: Notice and a copy of the filing of the Blank Petition shall be given to the Clerk of the Board of Supervisors and to the Assessor in which County the property is located.
- F. Content of Notice of Public Hearing: Notice of a public hearing required to be held pursuant to Section 14-24-I.E. shall be given by the Town in accordance with this Section. The notice shall include the following information:
1. A map showing the area proposed to be annexed.
 2. The date, time, location and purpose of the public hearing.
 3. A statement that any interested person or any authorized agent may appear and be heard.
 4. A statement describing how to submit written comments.
- G. Notice of Public Hearing: The notice shall be given at least six (6) days prior to the hearing in the following manner:
1. The notice shall be published by the Town at least once in a newspaper of general circulation within the Town at least fifteen (15) days before the end of the thirty (30) day waiting period.
 2. Posting by the applicant in at least three (3) conspicuous public places on the property proposed to be annexed.
 - a. Posting, maintenance and removal of signs are the responsibility of the applicant. Failure to remove the sign within ten (10) days of public hearing action shall result in Town removal of the sign and a charge to the applicant for costs incurred.
 - b. Size, color, content, and location of public hearing sign shall be designated by Council Resolution for posting of public hearing notices.
 - c. The applicant shall submit a signed affidavit and dated, color photos of sign or signs prior to the public hearing.
 - d. Failure of the applicant to provide evidence of posting shall result in a postponement of the public hearing.

3. Notice by first class mail sent by the Town to the Chairman of the Board of Supervisors of the County in which the property is located.
 4. Notice by first class mail with an accurate map of the property proposed to be annexed sent by the Town to each owner of the real and personal property that would be subject to taxation by the Town in the event of annexation in the territory proposed to be annexed.
- H. Public Hearing: A public hearing shall be held by the Council within the last ten (10) days of the thirty (30) day waiting period described in Section 14-24-7.D, to provide opportunity for public comment and to discuss the proposed annexation.
- I. Signatures and Filing with County Recorder: After the expiration of thirty (30) days from the date the Blank Petition was filed in accordance with Section 14-24-7.D., signatures may be obtained on an Annexation Petition. The Petition shall contain the signatures of the owners of one-half (1/2) or more in value of the real and personal property and more than one-half (1/2) of the persons owning real and personal property that would be subject to taxation by the Town in the event of annexation, as shown by the last assessment of the property, may be circulated. No alterations increasing or reducing the property proposed to be annexed shall be made after a Petition has been signed by a property owner.
- J. Filing of Signed Petition and Expiration: A signed Petition for Annexation shall be filed with the Planning Development within one (1) year after the last day of the thirty (30) day waiting period described in Subsection 14-24-7.D. or the Blank Petition will expire. A new application shall be submitted if the property owner desires to annex the property after that deadline. At the time of filing, the Petition for Annexation, the Petitioner shall submit a sworn affidavit verifying that no part of the property proposed to be annexed is already subject to an earlier filing for annexation.
- K. Staff Review of Petitions: Upon receipt of a signed Petition for Annexation, staff shall review the Petition for sufficiency of signatures and conformance with other applicable requirements. Staff shall verify that the Petition contains the signatures of the owners of one-half (1/2) or more in value of the real and personal property and more than one-half (1/2) of the persons owning real and personal property that would be subject to taxation by the Town in the event of annexation, as shown by the last assessment of the property.
1. For the purpose of determining the sufficiency of the percentage of the value of property, such values of property shall be determined as follows:
 - a. In the case of property assessed by the County Assessor, values shall be the same as shown by the last assessment of the property; and
 - b. In the case of property valued by the Department of Revenue, values shall be appraised by the Department in the manner provided by law for municipal assessment purposes.
 2. For the purpose of determining the sufficiency of the percentage of persons owning property, the number of persons owning property shall be determined as follows:
 - a. In the case of property assessed by the County Assessor, the number of persons owning property shall be as shown on the last assessment of the property;
 - b. In the case of property valued by the Department of Revenue, the number of persons owning property shall be as shown on the last valuation of the property;
 - c. If an undivided parcel of property is owned by multiple owners, such owners shall be deemed as one (1) owner and each may sign as a fractional interest; and
 - d. If a person owns multiple parcels of property, such owner shall be deemed as one (1) owner for the purposes of this Section.
- L. Filing Petition and Affidavit with County Recorder: After determination of sufficiency of signatures on the Petition, the Annexation Petition shall be filed in the Office of the Recorder in the County in which the property is located. The Petitioner shall also submit a sworn affidavit verifying that no part of the territory is already subject to an earlier filing.

- M. Staff Report: The Planning Director shall prepare and transmit to the Council a Staff Report with a proposed Annexation Ordinance. A copy of the Staff Report and proposed Annexation Ordinance shall be made available to the public and the applicant prior to the date of the meeting at which the Council will consider adopting the Ordinance.
- N. Council Action: After the filing of the signed Annexation Petition(s), Council may adopt the proposed Annexation Ordinance.
- O. Annexation Complete: The annexation is final thirty (30) days from the date of adoption of the Annexation Ordinance annexing the property, subject to the review of the Superior Court in the County in which the property is located pursuant to A.R.S. §9-471(C). When the annexation is final, the Town Clerk shall record the Annexation Ordinance.
- P. Annexation of County Right-of-Way: County rights-of-way or roadways not part of a larger annexation and with no taxable real property may be annexed by mutual consent of the Council and the Board of Supervisors in the County in which the property is located if the right-of-way or roadway is adjacent to the Town for its entire length. The proposed annexation shall be approved by Ordinance as part of a published agenda item at regular public meetings of the Council and the Board of Supervisors.
- Q. Annexation Checklist: Except for annexations of County rights-of-way and roadways, upon adoption of the Annexation Ordinance, a completed Annexation Checklist in a form approved by the Town Attorney shall be permanently maintained in the Annexation File.
- R. Right to Refuse to Annex Territory: Nothing in this Section shall require the Council to annex any territory into the Town.
- S. Road Dedication Requirements: Dedication of private roads in newly annexed territory will be accepted into the Town's streets and roads system in compliance with Section 8-3-9 of this Code.
- T. Inclusion in Capital Improvement Program: Subject to approval by the Council, upon annexation all existing development within the area so annexed will be included in the Town's current Capital Improvement Program and those street improvements along with sewer and water line extensions normally provided by the Town will be scheduled for construction.

Section 14-24-8 Procedures – Adoption of General Plan or Amendments to General Plan**A. General Plan Amendment:****I. Criteria for Determining Major Amendment**

- a. Major Amendment to the General Plan. A major amendment to the General Plan is any amendment that would result in a change of such significance as to impact substantial portions of the entire Town and/or its Planning Area. The criteria for determining whether or not a proposed General Plan amendment is a major amendment are:
 - i. A change in the Land Use Map designation on forty (40) or more acres within the Town's municipal boundaries or on eighty (80) or more acres elsewhere in the Municipal Planning Area that would allow an increase of more than one hundred (100) dwelling units on the entire site; or
 - ii. An increase or decrease of at least twenty (20) in the number of permitted dwelling units that constitutes a change in density of fifty percent (50%) or more, measured in units per acre; or
 - iii. An increase or decrease of twenty (20) acres or more for commercial or industrial (e.g., industrial, office, retail, resort) types of uses and planned construction of one hundred thousand (100,000) square feet gross leasable area or more on any parcel size; or
 - iv. Any proposed Land Use Map change, other than residential, that will result in a demand of more than thirty thousand (30,000) gallons of water per day from the Town water supply; or
 - v. Any proposed Land Use Map change that projects a ten percent (10%) or greater increase (at least one thousand [1000] ADT) in the number of average daily vehicular trips generated on the site; or
 - vi. An increase of twenty (20) acres or more or a decrease of ten (10) acres or more for Open Space Uses except as an amendment to an approved Master Plan; or
 - vii. Any change to uses specified in an approved, Mixed Use Master Plan that affects an area of not less than forty (40) acres and/or that changes the number of dwelling units by twenty-five percent (25%) or more; or
 - viii. Any Master Plan of Development that exceeds any of the above criteria over the proposed build-out of the Master Planned Site notwithstanding the lesser impact of its initial construction phase(s).

Exception: An amendment to the Land Use Map initiated by the property owner that results in a decrease in land use intensity or that is processed in conjunction with an Annexation Petition/Development Agreement that provides for urban wet utilities will not be subject to Major Amendment Application. The Town shall undertake appropriate revision of the Land Use Plan to reflect such changes at the next Map updating following approval of such amendment.

2. Criteria For Minor Amendment

- a. Minor Amendment to the General Plan- minor text changes; map adjustments that neither impact the Land Use Plans balance nor meet/exceed the acreage or density measures set forth in the definition of Major Amendments.

3. Amendment Applications

Any applicant for an Amendment to the General Plan is strongly encouraged to confer with the Town Planning staff regarding specific application requirements and scheduling. Applications for Amendments shall be filed with the Planning Department. Minor General Plan Amendments may be set for hearing in the schedule for regular Commission and Council meetings. All applications for Major General Plan Amendments shall be heard at one (1) public hearing per year. (See: Major Amendment Scheduling, page iii – 6 of the General Plan.) The following materials and/or documentation is required to accompany each Amendment request, as well as such additional information the Town may require as pertinent to the specific request:

- a. Written and signed Letter of Application, generally describing the requested Amendment.
- b. Owner's written authorization for Plan Amendment Request.
- c. Graphic illustration of the proposed Land Use Map Amendment.
- d. Property ownership map, ownership list, and appropriate notification letters in addressed and stamped envelopes for all property within the amended area, and within three hundred feet (300') of the subject site.
- e. Written justification for the request, in terms of development patterns or trends, timing of Land Use Proposal, comparisons to existing Land Use Map Designation or text content, and public benefit from proposed Amendment.
- f. Written Analysis for the request, including but not limited to:
 - i. Detailed description of proposed change as being in accord with General Plan principles.
 - ii. Impact on public infrastructure (e.g., water/wastewater system capacity, parks, schools, drainage, utilities, streets)

These application requirements may be waived, modified, or expanded at the discretion of the Commission and Council. Requests for Text Amendments will require submittal of a written request, description, proposed rewording of applicable Sections in strike-and-add format, and brief justification and analysis related to the specific language in question.

An application for rezoning may be filed simultaneously with an application for a General Plan amendment. Each of these applications will be subject to independent analysis and will require separate consideration and action by the Commission and Council.

4. Citizen Review Process

A Citizen Review Process is required and shall comply with the requirements of Section 14-24-1.d.5.

5. Notice

Published notice, posted notice, and mailed notice shall be given in accordance with Section 14-24-1.e. and in addition, notice shall be given to schools and other jurisdictions as follows:

- A. For major amendments and new elements of a General Plan, at least sixty (60) days before the notice of the public hearing of the Planning Commission, the major amendment or element shall be transmitted to the Commission and the Town Council and submitted to:
- 1) The Planning Agency of Maricopa County and Yavapai County.
 - 2) Each municipality that is contiguous to the corporate limits of Wickenburg.
 - 3) The Maricopa Association of Governments and the Northern Arizona Association of Government.
 - 4) The State agency designated as the General Planning agency for this State.
 - 5) The Department of Water Resources for review and comment on an amendment to the Water Resources Element.
 - 6) Any person or entity that requests in writing to receive a review copy of the proposal.

6. Citizen Review Process

A Citizen Review Process is required and shall comply with the requirements of Section 14-24-1.d.

7. The Planning and Zoning Advisory Commission

After the Planning and Zoning Advisory Commission considers any recommendations from the Citizens Participation Meeting, they shall hold at least one (1) public hearing before approving a major amendment or element. Notice of the time and place of a hearing and availability of studies and summaries related to the public hearing shall be given at least fifteen (15) and not more than thirty (30) calendar days before the hearing by:

- A. Publication at least once in a newspaper of general circulation published or circulated in the Town.
- B. Such other manner in addition to publication as the Community Development & Neighborhood Services Director may deem necessary or desirable.

8. Public Hearing Before Adoption by Town Council

Before adopting a minor or major amendment or element, the Town Council shall hold at least one (1) public hearing. Notice of the time and place of the hearing shall be given at least fifteen (15) and not more than thirty (30) calendar days before the hearing by:

- A. Publication at least once in a newspaper of general circulation published or circulated in the Town.
- B. Such other manner in addition to publication as the Community Development & Neighborhood Services Director may deem necessary or desirable.

9. Major Amendments

All major amendments shall be presented at a single public hearing during the calendar year the application is submitted. A two-thirds (2/3) vote by the Town Council is required for approval of a major amendment.

- A. General Plan Adoption: At least sixty (60) days before the notice of the Planning and Zoning Advisory Commission public hearing, a copy of the proposed General Plan shall be transmitted to the Commission and the Town Council and submitted to:
 - 1) The planning agency of Maricopa County and Yavapai County.
 - 2) Each county or municipality that is contiguous to the corporate limits of Wickenburg.
 - 3) The Maricopa Association of Governments and the Northern Arizona Association of Government.
 - 4) The state agency designated as the General Planning Agency for this State.
 - 5) The Department of Water Resources for review and comment on the Water Resources Element.
 - 6) Any person or entity that requests in writing to receive a review copy of the proposed General Plan.
- B. Citizen Review Process: A Citizen Review Process is required and shall comply with the requirements of Section 14-24-1.d.
- C. The Planning and Zoning Advisory Commission, after considering any recommendations from the Citizens Review Process, shall hold at least one (1) public hearing before approving a General Plan. Notice of the time and place of a hearing and availability of studies and summaries related to the hearing shall be given at least fifteen (15) and not more than thirty (30) calendar days before the hearing by:
 - 1) Publication at least once in a newspaper of general circulation published or circulated in the Town.
 - 2) Such other manner in addition to publication as the Community Development & Neighborhood Services Director may deem necessary or desirable.
- D. Before adopting the General Plan, the Town Council shall hold at least one (1) public hearing. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Planning and Zoning Advisory Commission.
- E. The adoption or re-adoption of the General Plan shall be approved by affirmative vote of at least two-thirds (2/3) of the members of the Council.
- F. If required by A.R.S. §9-461.06(m), the General Plan shall be submitted to the voters for ratification at the next regularly scheduled Town election or at a special election. The publicity pamphlet shall include a general description of the proposed General Plan and its elements. Copies shall be available in at least two (2) locations that are easily accessible to the public. If a majority of the qualified electors voting on the General Plan approves it, the General Plan shall become effective as provided by law. If a majority of the qualified electors voting on the General Plan fails to approve the new plan, the current plan remains in effect until a new plan is approved by the voters.

Section 14-24-9

Procedures –Claims for Diminution in Value Pursuant to A.R.S. §12-1134

- A. Filing of Claim: Any claim for Diminution in Property Value pursuant to A.R.S. §12-1134 shall be filed with the Town Clerk on a form prescribed by the Town.

- B. Town Review: After a claim is filed, Town staff shall review the claim to determine whether the enactment or application of a Land Use Law has diminished the value of the claimant's property. A Certified Land Appraiser, economist, or other qualified expert may be consulted by staff to determine the amount of the diminishment of value, if any.
- C. Staff Recommendation: The Town Manager shall prepare a recommendation to Council to deny the claim, pay compensation for Diminishment in Value or rescind or modify the Land Use Regulation.
- D. Council Determination: Within ninety (90) days of the filing of the claim, the Council shall make a determination whether to deny the claim or pay compensation, rescind or modify the Land Use Law or its application to the claimant's property. The Council's determination shall be made in writing and a copy shall be provided to the claimant. Any rescission or modification of the application of a Land Use Law to an individual property shall be recorded in the office of the County Recorder in which County the property is located.
- E. Satisfaction of Notice of Claims Requirements: Filing a claim pursuant to this Section shall be deemed to satisfy the requirements set forth in A.R.S. §12-821.01 for filing an Administrative Claim against the Town.

Section 14-24-10 Protected Development Right Plan

A. Purpose and Applicability:

The purpose of this Section is to provide procedures consistent with applicable State Law by which a Plan may be designated as a Protected Development Right Plan. Except as provided in Subsection C.3, only a Plan submitted to the Town that is designated as a Protected Development Right Plan at the time of submittal shall be processed as a Protected Development Right Plan. A Protected Development Right is the right to undertake and complete the development and use of property under the terms and conditions of a Protected Development Right Plan without compliance with subsequent changes in Zoning Regulations and Development Standards, and precludes the enforcement against the development of any Legislative or Administrative Land Use Regulation of the Town or an initiated measure that would change, alter, impair, prevent, diminish, delay or otherwise impact the development or use of the property as set forth in the approved Protected Development Right Plan. Upon approval of a Protected Development Right Plan, the owner has a Protected Development Right to undertake and complete the development only to the extent of the specific elements and details shown on the Plan without compliance with subsequent changes in Zoning Regulations and Development Standards. This Section sets forth the procedures for two (2) classifications of Protected Development Right Plans: Non-Phased Developments and Phased Developments.

B. Procedures:

- I. Application: Applications shall be filed in accordance with Application Procedures set forth in Section 14-24-1 and additional application requirements set forth in this Article. Applications may be filed for Non-Phased Development Right Plan, or Phased Development Right Plan.
 - a. Non-Phased Developments. Non-Phased Developments are developments that are constructed in one (1) phase. Applications for Protected Development Right Plan for Non-Phased Developments shall comply with the application requirements for Final Subdivision Plat approval as set forth in the Subdivision Regulations.
 - b. Phased Developments. An application for a Protected Development Right Plan for Phased Developments shall comply with the application requirements set forth in this Section and Section 14-22 Planned Area Development Overlay Zoning District. The application shall identify all improvements required to be constructed for each phase.

2. Application Content:

- a. All applications for a Protected Development Right Plan shall include all of the following:
 - i. The proposed uses of the property.
 - ii. The boundaries of the property.
 - iii. Significant topographical and other natural features affecting development of the property
 - iv. The location of all existing and proposed utilities and provisions for other infrastructure on the property, including water, sewers, road and pedestrian walkways.
 - v. All other studies and reports required by the Zoning Code, the Subdivision Regulations and other Codes of the Town, including Traffic Reports, Drainage Reports, Master Street Plans, Development Phasing Schedules and Phased Public Infrastructure Schedules.
- b. Non-Phased Developments: In addition to the requirements of Subsection B.2.A, an application for a Protected Development Right Plan for a Non-Phased Development shall be submitted either as a Final Subdivision Plat Application or as a Planned Area Development Overlay District Application and shall:
 - i. Designate the Plan as a Non-Phased Protected Development Right Plan at the time of submittal.
 - ii. Include the general location on the property of the proposed buildings, structures and other improvements.
 - iii. Include the number of dwelling units and the square footage and height of the proposed buildings and other structures.
- c. Phased Developments: In addition to the requirements of Subsection B.2.A, an application for a Protected Development Right Plan for a Phased Development shall:
 - i. Designate the Plan as a Phased Protected Development Right Plan at the time of submittal.
 - ii. Be submitted as a Planned Area Development Overlay Zoning District.
 - iii. Include the proposed Phasing Plan, the boundaries of each phase, and the Schedule of Development of each phase.
 - iv. Include the general location on the property of the proposed buildings, structures and other improvements for the first phase.
 - v. Include the number of dwelling units proposed for all phases of the development.
 - vi. Include the square footage and height of the proposed buildings and other structures for the first phase.

C. General Provisions:

- I. Final Subdivision Plat Protected Development Right Plan: The Protected Development Right Plan for a Non-Phased Development shall be the Final Subdivision Plat approved by the Council.

2. **Planned Area Development Protected Development Right Plan:** The Protected Development Right Plan for a Phased Development shall be the Planned Area Development Overlay Zoning District approved by the Council for that phase. Approval of a Protected Development Right Plan for one (1) phase of a Phased Development is not approval of a Protected Development Right Plan for any other phase.
 3. **Subsequent Designation:** The Council may designate by ordinance or resolution a Development Plan that is not identified as a Protected Development Right Plan at the time it is submitted, as a Protected Development Right Plan upon a finding that granting a Protected Development Right to undertake and complete the development shown on the Plan will promote reasonable certainty, stability and fairness in the Land Use Planning and Regulatory Process and secure the reasonable investment-backed expectations of the owner.
 4. **Variances:** A Protected Development Right Plan approved with a condition that a Variance be obtained does not confer a Protected Development Right until the Variance is granted. Approval of a Protected Development Right Plan does not guarantee approval of a Variance.
 5. **Enforcement of Subsequent Land Use Regulations.** A Protected Development Right does not preclude enforcement of Land Use Regulations that would change, alter, impair, prevent, diminish, delay or impact the development or use of the property as approved in the Protected Development Right Plan under any of the following circumstances:
 - a. Changes agreed to in writing by the owner.
 - b. Declaration by the Council by resolution after notice and a public hearing, that natural or man-made hazard(s) on or in the immediate vicinity of the property, if uncorrected, would pose a serious threat to the public health, safety and welfare if the project were to proceed as approved in the Protected Development Right Plan.
 - c. Declaration by the Council by resolution after notice and a public hearing that the owner or his representative intentionally supplied inaccurate information or made material misrepresentations that made a difference in the approval of the Protected Development Right Plan by the Town.
 - d. The enactment of a State or Federal law or regulation that precludes development as approved in the Protected Development Right Plan, in which case the Council, after notice and a public hearing, may modify the affected provisions, on a finding that the change in State or Federal law has a fundamental effect on the Protected Development Right Plan.
 6. **Overlay Zoning, Development Fees, and Building Codes:** A Protected Development Right does not preclude the enforcement of a subsequently adopted:
 - a. Overlay zoning classification that imposes additional requirements and that does not affect the allowable type or density of use, or ordinances or regulations that are general in nature and that are applicable to all property, so long as the overlay zoning classification does not affect the allowable type or density of use.
 - b. Development fees applicable to similar properties in the Town adopted pursuant to A.R.S. §9-463.05.
 - c. Building, Fire, Plumbing, Electrical, or Mechanical Code or other ordinance or regulation general in nature and applicable to all property subject to Land Use Regulation by the Town.
 7. **Non-Conforming Uses and Structures:** A Protected Development Right does not preclude, change, or impair the authority of the Town to adopt and enforce Zoning Ordinance provisions governing Non-Conforming Uses or structures on the property.
 8. **Development Agreements:** Nothing in this Article shall preclude, change, or limit the authority of the Town to enter into a Development Agreement pursuant to A.R.S. §9-500.05.
- D. **Expiration Date and Extensions; Revocation:**
- I. Expiration:

- a. Non-Phased Development Right Plan: A Protected Development Right Plan for a Non-Phased Development is valid for three (3) years. In its sole discretion, the Council may extend this time period for a maximum of two (2) additional years if it determines such extension is warranted by all relevant circumstances, including the size and type of the development, the level of investment of the landowner, economic cycles, and market conditions. If no Building Permit has been issued prior to expiration, no construction shall commence under the Plan.
 - b. Phased Development Right Plan: A Protected Development Right Plan for a Phased Development is valid for five (5) years. In its sole discretion, the Council may extend this time period for a maximum of two (2) additional years if it determines such extension is warranted by all relevant circumstances, including the size, type and phasing of the development, the level of investment of the landowner, economic cycles, and market conditions. No construction shall take place on the property for any phase for which a Building Permit has not been issued.
2. Compliance: After the approval of a Protected Development Right Plan, the Planning Director shall monitor the progress of the development to ensure compliance with the terms and conditions of the original approval or any Development Agreement applicable to the property. If the development is not progressing in compliance with the original approval or any Development Agreement applicable to the property, the Director of Planning shall prepare a report and recommendation to the Council. The report and recommendation shall contain the following:
 - a. The Protected Development Right Plan to be revoked.
 - b. The property to which the right applies.
 - c. The reason or reasons for the proposed recommendation.
3. Revocation: A Protected Development Right Plan may be revoked by the Town because of failure to comply with the applicable terms and conditions of the Protected Development Right Plan or Development Agreement.
 - a. Initiation of Revocation: The report and recommendation of the Director shall be submitted to the Council. The Planning Director shall set a date for a public hearing on the proposed revocation.
 - b. Notice of Public Hearing on Revocation:
 - i. Notice of the public hearing shall be given by first class mail at least fifteen (15) days prior to the hearing as follows:
 - (a) To the property owner of record.
 - (b) To the property address.
 - (c) To the business address.
 - ii. Notice of the public hearing shall be published at least fifteen (15) days prior to the date of the hearing at least once in a newspaper of general circulation published or circulated within the Town.
 - iii. Notice of the public hearing shall be posted at least fifteen (15) days prior to the date of the hearing at three (3) public places within the Town designated by Council resolution for posting of public notices.
 - c. Public Hearing: The public hearing shall be held in accordance with the procedures for public hearing set forth in Section 14-24-1.E.
 - d. Required Findings: In order to revoke the Protected Development Right Plan, the Council shall find that one (1) or more of the terms of conditions of the Protected Development Right Plan have been violated or there has been a violation of other applicable laws or regulations.

- e. Action: Upon revocation of the Protected Development Right Plan, the Planning Director shall set forth the written decision describing the Council's decision, with its findings. The written decision shall be mailed to the applicant by first class mail and to:
 - i. To the property owner of record.
 - ii. To the property address.
 - iii. To the business address.
- 4. No Vested Rights: Where a Protected Development Right Plan has been created, development of property without complying with the Protected Development Right Plan is not a legal use of that property. Therefore, there shall be no vested right to use property in accordance with a Protected Development Right Plan where the Protected Development Right Plan has been revoked.

Section 14-24-11 Appeals of Dedications, Exactions and Zoning Regulations; Reconsideration of Certain Decisions

- A. Purpose and Applicability: This Article sets forth procedures for:
 - 1. Appeals of Dedication Requirements, Exactions or Zoning Regulations pursuant to Subsection B.
 - 2. Reconsideration of Council actions related to certain Federal and State Statutes, pursuant to Subsection C.
- B. Appeals of required Dedications and Exactions and of Zoning Regulations pursuant to A.R.S. § 9-500.12 and 9-500.13.
 - 1. Appeals: Appeals of a required Dedication or Exaction filed pursuant to A.R.S. §9-500.12 and of a Zoning Regulation alleged to create a taking pursuant to A.R.S. §9-500.13 shall comply with the procedures of this Section and A.R.S. §9-500.12.g.
 - a. Fee: No fee shall be charged for the Appeal.
 - b. Filing of Appeal: Appeals shall only be filed by a property owner. Appeals shall be filed on a form established by the Planning Director within thirty (30) days of the date of the final action imposing the Dedication or Exaction or adopting or amending the Zoning Regulations. The Town shall notify the property owner of the right to Appeal pursuant to this Section and provide a description of the Appeal Procedure to the property owner.
 - c. Hearing Officer: The Hearing Officer shall be the Zoning Administrator. If the Zoning Administrator has participated in the imposition of the Dedication or Exaction Requirement, the Town Manager shall appoint another Hearing Officer.
 - 2. Notice of Hearing: The property owner shall be given at least ten (10) days written notice of the time and place of the hearing by certified mail. The property owner may agree to a shorter time for such notice.
 - 3. Hearing: The hearing shall not be a public hearing. Prior to the hearing, the Town shall submit a Takings Report to the Zoning Hearing Officer. The hearing shall be held not later than thirty (30) days after the Appeal is filed.
 - 4. Appeals Filed Pursuant to A.R.S. §9-500.12: An Appeal of a required Dedication or Exaction as a Condition of Approval for the use, improvement, or development of real property shall comply with this Subsection B. No Appeal of a Dedication or Exaction may be filed under this Subsection if the Dedication or Exaction is imposed by a Legislative Act of the Council that does not give discretion to a Town Official or Town Department to determine the nature or extent of the Dedication or Exaction.

- a. Findings: In determining whether a Dedication or Exaction is in violation of the law, the Town has the burden to establish that:
 - i. There is an essential nexus between the Dedication or Exaction and a legitimate governmental interest of the Town; and
 - ii. The required Dedication or Exaction is roughly proportional to the impact of the proposed use.
 - b. Decision: If the Zoning Hearing Officer finds that the Town has not met its burden as described in Subsection 4.A., the Zoning Hearing Officer may modify or delete the Dedication or Exaction requirement. If the Zoning Hearing Officer finds that the Town has met its burden, the Zoning Hearing Officer may affirm the Dedication or Exaction requirement. The Zoning Hearing Officer shall decide the Appeal within five (5) working days after the Appeal is heard.
- 5. Appeals Filed Pursuant to A.R.S. §9-500.13: An Appeal of the adoption or amendment of a Zoning Regulation by the Council alleged to create a taking shall comply with this Section.
 - a. Findings: In determining whether an adopted or amended Zoning Regulation creates a taking of property in violation of A.R.S. §9-500.13, the Town has the burden to establish that the Zoning Regulation does not create a taking. The Zoning Hearing Officer shall consider whether the Zoning Regulation would deny all economic use of the property. In determining whether the action would deny the owner all economic use of the property, the Zoning Hearing Officer shall consider the following factors:
 - i. Uses Permitted: Evaluation of the range of uses allowed under the General Plan and the Zoning Code.
 - ii. Economic Impact Study: Any Economic Impact Study submitted related to the impact of the conditions of an amendment on the property.
 - b. Decision: If the Zoning Hearing Officer finds that the Town has not met its burden as described in Subsection 5.A., the Zoning Hearing Officer shall transmit a recommendation to the Council and the Council may reconsider its prior action. If the Zoning Hearing Officer finds that the Town has met its burden, the Zoning Hearing Officer may affirm the Zoning Regulation. The Zoning Hearing Officer shall decide the Appeal within five (5) working days after the Appeal is heard.
- 6. Appeal of Decision of Zoning Hearing Officer: A property owner aggrieved by a decision of the Zoning Hearing Officer to modify or affirm a Dedication or Exaction requirement or to affirm a Zoning Regulation may file within thirty (30) days after the decision a complaint in Superior Court of the County of jurisdiction, pursuant to A.R.S. §9-500.12.g.

C. Reconsideration of Certain Council Decisions:

- 1. Request for Reconsideration: An applicant may request a Reconsideration of a Council decision on any of the following grounds:
 - a. An alleged violation of the Fair Housing Act.
 - b. An alleged violation of the Americans with Disabilities Act or the Arizonans with Disabilities Act.
 - c. An alleged violation of the Religious Land Use and Institutionalized Persons Act or the Arizona Free Exercise of Religion Act.
 - d. An alleged violation of the Telecommunications Act.
- 2. Reconsideration Procedure:
 - a. Time of Filing: The request for Reconsideration shall be filed within ten (10) days of the Council decision.

- b. Fact Finding Hearing:
 - i. Prior to Reconsideration by the Council, the Zoning Hearing Officer shall conduct a Fact-Finding Hearing to gather a complete record of all information relevant to the request.
 - ii. The Zoning Hearing Officer shall have the authority to request all information necessary to compile a complete record pertaining to the request.
 - iii. Town Officials and the applicant shall fully disclose all information relevant to the fact finding.
 - iv. The Zoning Hearing Officer shall prepare a report and recommendation for Council consideration within sixty (60) days of the filing of the request.
- c. Council Reconsideration:
 - i. The Council shall conduct a public hearing on the request pursuant to the procedures set forth in Section 14-24-1.F.
 - ii. In its deliberation, the Council shall consider only the applicant's written request, the findings of fact prepared by the Zoning Hearing Officer, and the Zoning Hearing Officer's recommendation. No new evidence shall be submitted.
 - iii. The Council shall uphold, reverse, or modify their prior decision or remand the matter to the Zoning Hearing Officer to develop additional findings.

ARTICLE 14-25 DEVELOPMENT REVIEW

14-25-1	Purpose
14-25-2	Applicability
14-25-3	Application
14-25-4	Development Plans
14-25-5	Design Guidelines - Architecture
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14-25-7	Design Guidelines – Zoning District Requirements
14-25-8	Development Review Procedures
14-25-9	Permits and Construction

Section 14-25-1 Purpose

The purpose of this Article is to:

- A. Establish Development Standards and Project Review Procedures to ensure compliance with the technical Codes, Development Policies, project design, and material standards of the Town; and,
- B. Preserve and enhance the natural and built environments in terms of topography and community aesthetics, in order to provide a livable and attractive community; and,
- C. Support the tourist-based portion of the local economy by promoting quality western/southwestern project design and aesthetics.

Section 14-25-2 Applicability

- A. Development Review and approval shall be required prior to issuance of any Permit for grading or the construction of any building, structure, structural addition, sign, or parking lot in the Town for the following developments:
 1. Single Family subdivisions when developed by a single developer (Tract Homes)
 2. Multifamily
 3. Commercial
 4. Industrial
- B. This Article shall not apply to single family residences or Single-Family Residential Zoning Districts existing on May 17, 1999.

Section 14-25-3 Application

- A. Application: Applications for Development Review shall be made in accordance with this Article. The procedures set forth in Article 14-23 shall not apply.
- B. Content: In addition to other information required by Section 14-24-1, a Development Plan shall be submitted with the application that complies with the requirements of Section 14-25-4. Any part of a Development Plan required by State Law shall be stamped by a registered professional. The application shall include the following quantities of plans:
 1. Site Plan: The following submittal requirements shall be included in applications for single family tract home subdivisions, multifamily, commercial, and industrial developments:

- a. Nine (9) full sized twenty-four by thirty-six inches (24" x 36")
 - b. One (1) reduced eight and one-half by eleven inches (8.5" x 11")
2. Landscape Plan:
- a. One (1) full sized twenty-four by thirty-six inch (24" x 36") black and white
 - b. One (1) reduced eight and one-half by eleven inches (8.5" x 11") color
 - c. Nine (9) reduced eight and one-half by eleven inches (8.5" x 11") black and white
3. Building Elevations:
- a. One (1) full sized twenty-four by thirty-six inches (24" x 36") color
 - b. One (1) full sized twenty-four by thirty-six inches (24" x 36") black and white
 - c. Nine (9) reduced eight and one-half by eleven inches (8.5" x 11") color
 - d. One (1) reduced eight and one-half by eleven inches (8.5" x 11") black and white
4. Lighting Plan:
- a. One (1) full sized twenty-four by thirty-six inches (24" x 36")
 - b. Nine (9) reduced eight and one-half by eleven inches (8.5" x 11")
5. Grading and Drainage Plan: as determined by the Town Engineer.
- C. Comprehensive Sign Plan: If required, three (3) booklets
- D. Water Conservation Plan: One (1) letter of proposal
- E. Screening Plan:
- 1. One (1) full sized twenty-four by thirty-six inches (24" X 36")

14-25-4 Development Plan: Development Plans shall include the following:

- A. Proposed Uses. Proposed Uses shall be set forth by note, listing all proposed primary and accessory uses.
- B. Grading, Excavation and Drainage Plan. This Plan is intended to preserve the unique topographic characteristics of the Town and provide adequate and systematic drainage. The Grading and Drainage Plan shall comply with the following criteria and generally accepted engineering standards:
 - 1. The Plan shall show existing and proposed grades; pre and post development storm water flow, discharge and retention.
 - 2. The natural configuration of the land should not be disturbed beyond that which is reasonably necessary to create a building site. Native trees, shrubs and cactus shall, when possible, be systematically retained and incorporated into the Landscape Plan. All applications for a Grading Permit shall be accompanied by topographic map with two-foot (2') contours and noting all trees having a caliper diameter at a point one foot (1') above grade of two inches (2") and any shrub having an overall height of three feet (3'). Trees, shrubs and cactus retained may be used, in part, to meet the Landscaping Requirements set forth in Subsection E.
 - 3. Cut slopes, fill slopes or combinations thereof shall be limited to a maximum height of ten feet (10'), unless otherwise approved by the Development Review Committee or on Appeal to the Town Council.
 - 4. Cut slopes or fill slopes are acceptable for driveway purposes providing that the average height of all such slopes along the length of the driveway does not exceed four feet (4'). No individual cut slope or fill slope shall exceed six feet (6') or in combination of ten feet (10').

5. Unless soil conditions indicate otherwise, vegetation shall be established on all cut or fill slopes in accordance with accepted slope stabilization practices and the Landscaping Requirements of this Article.
 6. Grubbing is allowed for development with the approval of the Zoning Administrator. All grubbed material(s) must be removed from the site before an Occupancy Permit is granted.
 7. Stockpiling of materials –earth and building shall not exceed fifty (50) cubic yards and shall be removed from the site before an Occupancy Permit is granted.
 8. Property which abuts a Major Street Commercial corridor and applies for a Grading Permit, may be subject to Development Review by the Commission.
- C. Water Conservation Plan. This Plan shall set forth those measures, which will be utilized to conserve the Town's water supply and shall demonstrate a reduction in total water usage of at least fifteen percent (15%) when compared to conventional plans. It shall indicate by note or narrative all methods and measures which are proposed to moderate the use of water by the proposed development including, but not limited to, the following:
1. Drought tolerant or native landscape materials.
 2. Drip irrigation system.
 3. Reduced or low volume flush toilets.
 4. Low flow water faucets and showerheads.
 5. Utilization of non-potable water to fill any water feature or body of water to be used for landscaping or recreational purposes which have a surface area greater than twelve thousand (12,000) square feet.
 6. Onsite generated greywater.
- D. Site Plan. This Plan shall show all dimensions of the development to insure compliance with all applicable Codes and the dimensioned location of all proposed and existing structures, parking areas, landscape areas, walls, sidewalks, refuse enclosures, and other elements of the proposed development. It shall set forth a functional and aesthetic approach to project development that is consistent with the Codes and policies of the Town. The Site Plan shall be fully dimensioned starting from the centerline of adjacent streets to the property line, the dimensions of all property lines, dimensions from all property lines to setback and/or building lines, dimensions of all onsite buildings, structures and structural elements, dimensions of driveways, parking stalls and back up/maneuvering areas, and refuse enclosures, and other elements of the Plan. The Site Plan shall be considered to be a Conceptual Plan for the future site development of the property. The Site Plan shall include:
1. The location and dimension of all onsite and off-site elements of the proposed development.
 2. Surrounding zoning.
 3. Subject property zoning.
 4. Adjacent road right-of-way dimensions.
 5. Setback dimensions of buildings to property lines.
 6. Distance measurements between buildings.

7. Scale Bar.
 8. North Arrow.
 9. Access drives including dimensions.
 10. Drive aisles including dimensions.
 11. Parking spaces, including the dimensions of the spaces need to be provided on the Site Plan and parking space calculations in the legend.
 12. Gross and Net Acreage of the site.
 13. Adjoining sidewalks.
 14. Label all surfaces (i.e. asphalt, ground cover, buildings, sidewalks, landscaping etc).
 15. Trash enclosures, including elevation drawings of the enclosure and label materials and colors trash enclosures should be placed as far from streets and residential properties as possible to help reduce any negative visual impact.
 16. Easements.
 17. Retention Areas.
 18. Pedestrian access and pathways.
 19. Open Space and recreational amenities (i.e. ramadas, outside dining and seating areas, fountains, public art, etc).
 20. Total Open Space and Landscape Area calculations.
 21. Sample material and color boards, which should not exceed eight and one-half by eleven inches (8.5 x 11) in size.
- E. Landscape Plan. This Plan shall be a schematic representation of the location of all landscaping materials and screening walls, a plant materials schedule including plant name and variety, number used in plan, on-center spacing when appropriate, and plant characteristics. The Landscape Plan shall include:
1. Legend depicting all trees, shrubs, and groundcover provided within the Plan.
 2. Tree and shrub sizes.
 3. Illustration of the proposed location of all trees, shrubs, and groundcover.
 4. Total quantity/area of trees, shrubs, and groundcover (living and non-living) provided.
 5. Dimensioned landscape area for the project.
 6. Irrigation Plan that includes:
 - a. Irrigation materials list with symbols and key to equipment type.

- b. Location of water tap, water meter(s), backflow prevention and controller.
 - c. Locations and sizes of all mainline.
 - d. Other supporting information as required by the Plans Review Committee to evaluate the design.
- F. Building Elevations. This Plan shall show the architecture of the north, south, east and west elevations for all onsite structures, noting all exterior finish materials and color. A Color and Materials Board is required which indicates consistency with Subsection 14-25-4. A written narrative shall accompany the Plans detailing how the proposed Building Elevations achieve compliance with Section 14-25-5. Building Elevations/faces visible from a public street or adjacent residential neighborhood or zoning district shall contain architectural treatment, including design elements and relief, and shall:
- I. Provide a variety of façade treatments to include:
 - a. Wall undulation including both projections and recesses.
 - b. Changes in textures, materials, and colors to help minimize the massing of the building and create visual interest.
 - c. Banding of materials both horizontally and vertically both for aesthetics and to further minimize massing.
 - d. Windows of different shapes, sizes to create visual interest.
 - e. Changes in roofline height to help create visual interest and provide a way to minimize massing.
 - f. Provide canopies of varying types of materials and design including metal or wood.
 - g. Incorporate ground level arcades and covered areas to help break up building massing.
 - h. Fully screen mounted equipment.
 - i. Clearly defined entrances.
 - 2. Include a Roof Plan in the submittal to illustrate where equipment will be placed and to show changes in roof planes for non-flat roofs.
- G. Sign Plan. This Plan shall show dimensions, including height, size, location, materials and colors of signs. If the site is to be developed as a complex or center, a Comprehensive Sign Package shall be submitted.
- I. The Comprehensive Sign Package shall include:
 - a. List of all proposed signs.
 - b. Quantity of freestanding signs.
 - c. Quantity of monument signage.
 - d. Quantity of tenant wall mounted signs.
 - e. Color samples.
 - f. Font samples, including letter sizes and styles that will be allowed within the development.

- g. Total square footage of signage that will be allowed within the development:
 - i. This total shall be further divided into groups to illustrate how much square footage shall be allowed per building.
 - ii. In no case shall square footages be allowed to exceed sign allowances described in Section 14-18.
 - h. Illustration of where on each building signage shall be installed.
 - i. Description of how signage shall be attached to the building. Exposed signage raceways shall not be permitted.
2. The Comprehensive Sign Package shall be provided for the property, and approved through Development Plan Review.
 3. For tenants of a complex or center, Sign Permits will only be issued for signs that comply with the previously approved Comprehensive Sign Package, or receive approval through Development Plan Review.
- H. Lighting Plan. This Plan is intended to showing light levels and radii around buildings and near property lines in order that staff may review projects and determine if there is enough light to minimize safety concerns while reducing light levels near property lines and the negative impacts that come from light flooding across property lines. Lighting Plans shall comply with the following:
1. All light fixtures in parking lots, on buildings, within landscaped areas, near any flag poles, and any other light located on the subject property shall be clearly drawn on the Plan.
 2. Light level radii shall be drawn around each light fixture.
 3. Light levels shall be included within each light's radius.
 4. Buildings, walls, fences, covered parking, and any other structure located and proposed to remain on the property shall be drawn on the Plans.
 5. Show light levels along the entire length of each property line.
 - a. Maximum light level at property lines is one (1) foot candle.
 - b. Maximum light level across property lines is zero (0) foot candles.
- I. Screening. This Plan shall show proposed screening, including fences/walls/berms, screening and perimeter wall details.
- J. All light fixtures shall have a ninety-degree (90°) horizontal cutoff to mitigate light pollution.
- K. Other Information. Other information required by the Planning Department to insure that the proposed development is consistent with this Zoning Ordinance.

Section 14-25-5

Design Guidelines - Architecture

- A. Architectural Styles. Architectural styles are required to be western or southwestern for all development including Single Family Residential Zoning Districts. This Section sets forth architectural styles accepted as western or southwestern.
- I. Contemporary Spanish Architecture. A low profile of one to two story (1-2 story) style, characterized by tile roof construction with stuccoed walls and ornate, brick or tile chimney tops. Windows are recessed with rectangular surround panels, and front entry porches are roofed and supported by squat round or square columns. Informal plantings and lavish use of colorful flowers, rock and cacti are used to compliment the subtle, earth tones of the architecture.

2. Santa Fe Adobe/Pueblo Revival Architecture. Characterized by:
 - a. A single-story appearance.
 - b. Thick clay-colored adobe constructed walls and parapet.
 - c. Flat roofline appearance.
 - d. Small-paneled windows and doors deeply recessed with wooden frames and large, exposed lintels.
 - e. Vigas or rounded wood rafters, extending through the outside wall surfaces at ceiling level.
 - f. Rounded building corners to provide strong structural appearance by maintaining a greater width between the outside corner and the nearest wall opening than the width of the opening.
 - g. Installation of informal stone walkways with a xeriscape landscape theme.
 3. Spanish Colonial Architecture. Characterized by:
 - a. Low, long lines of plastered or stuccoed walls capped with decorative brick cornices.
 - b. Small pane windows enhanced by paneled-wood shutters and deep recesses, bordered by brick sills and rectangular hoods or pediments.
 - c. Entry porches lined with brick floors and slender wood or stucco columns, topped by simple capitals and neck moldings.
 - d. Brick walkways
 4. Mission Architecture. Characterized by:
 - a. The lavish use of arches and by vertical design elements including square bell towers, curved cupolas and domes.
 - b. Arched entries embellished with ornate carving and sculptural relief, contrasted with relatively plain, plastered, wall surfaces flanking the entries.
 - c. Building profiles ranging from one (1) to (4) story with roof styles varying from parapet, flat roof facades to tiled, pitched and vaulted roofs.
 - d. Tiled colonnades of arches are prevalent as approach walkways and open-walled rooms.
- B. Variants. Any variant on the above styles, which is found by the Development Review Committee to constitute southwestern/territorial architecture. Gambrel, Mansard and "A" Frame roofs are prohibited.

Section 14-25-6 Design Guidelines – Exterior Finish Materials

All construction located in any Commercial Zoning Districts or Planned Area Development Overlay Districts, the Heritage Area, or any property or portion of property which is located within three hundred (300) feet of a major or principal arterial as indicated on Map 21 of the *General Plan* as adopted by the Town Council on August 4, 2003, shall conform with the exterior finish materials requirements listed below:

A. Exterior Building Walls:

PREFERRED: Natural materials including brick, adobe, mortar washed slump block, split face block, rock, and stucco or plaster with a smooth or sand finish, wood. Board and bat consisting of one inch by twelve-inch (1" x 12") boards with one inch by three-inch (1" x 3") bats or rough sawn plywood having a minimum thickness of five eighths inch (5/8") with one inch by three-inch (1" x 3") bats applied twelve-inch (12") on center. Cast metal decorative elements including storefront facades, metal hoods or other decorative elements such as cornice detailing.

PROHIBITED (Unless Concealed from View): Grooved plywood, compounded hard/compressed board siding products, aluminum or vinyl siding, any type of corrugated steel or tin, plastics, fiberglass, asphaltic, or imitation materials, or skip trowel stucco in Commercial Zoning Districts.

B. Roofs:

PREFERRED: Standing seam metal with patina or core ten finish. No paint or enamel, traditional corrugated tin or metal, clay tile, concrete tile, wood shakes, parapet wall are allowed.

PROHIBITED (Unless concealed behind a parapet wall or otherwise concealed from view): Asphalt shingles, fiberglass shingles, composition shingles, rolled roofing, plastic, fiberglass, foam, tar and gravel, and tar or tar paper.

C. Window and Door Frames:

PREFERRED: Masonry, Wood, Bronze or Brown Aluminum.

PROHIBITED: Natural Colored Aluminum.

D. Fences and Walls:

PREFERRED: Smooth or sand finished stucco over concrete masonry units (CMU), adobe brick, wood, stone, wrought iron or other natural materials approved by the Zoning Administrator. Required screening walls shall, in all cases, be constructed of a solid opaque material.

PROHIBITED:

1. Unless concealed from view and approved by the Commission, installation of chain link with or without slats, box wire, wire. Barbed wire, corrugated tin or metal, or fiberglass is prohibited.
2. Barbed wire is prohibited unless (i) it is placed at least six feet (6') above ground level and is utilized as a guard to a parking lot or a commercial or industrial building or structure, or (ii) the Zoning Administrator issues a Permit for a barbed wire fence pursuant to paragraph (4).
3. Electric fences are prohibited unless the Zoning Administrator issues a Permit for an electric fence pursuant to paragraph (4).
4. The Zoning Administrator may issue a Permit for a barbed wire or electric fence upon a determination that the barbed wire fence is necessary to prevent livestock from entering upon the land of the owner of the proposed fence. Any determination by the Zoning Administrator to Permit a barbed wire or electric fence shall be based on evidence of livestock having previously entered upon the property and having caused damage to the property or improvements thereon. The Permit shall expire five (5) years from the date of issuance. Prior to expiration of the Permit, the owner of the fence may submit an application for a new Permit for a barbed wire or electric fence pursuant to this Section. Barbed wire fences installed at least six feet (6') above ground level pursuant to paragraph d (2) (i) are not required to obtain a Permit. Permits for electric fences shall include an Agreement to indemnify and hold harmless the Town from any injury or damages resulting from the use of the electric fence.

- E. Faux Materials: Any building material that attempts to mimic another material may only be utilized upon a finding by the Development Review Committee, or on Appeal, the Town Council, that the material meets the aesthetic purpose and intent of this Article. For example, plastic or aluminum formed to resemble tile, pressboard formed to resemble wood siding.
- F. Consideration of Alternate Materials: Materials other than those prohibited may be submitted to the Development Review Committee for consideration. The Committee may approve alternate materials. However, if the Committee's decision is Appealed, the Town Council may approve alternate materials if there is sufficient evidence and justification to find that the alternate material is of equal or better quality in terms of aesthetics and longevity than the preferred materials; and, further that the purpose and intent of this Article will be advanced with the approval of the alternate material.

Section 14-25-7 Design Guidelines – Zoning District Requirements

- A. Single Family Residential Districts. Subdivision Design Standards for subdivisions with more than twenty (20) lots, the following may be required:
 - 1. Entry Feature.
 - 2. Perimeter Decorative Wall for properties which abut major street corridors.
 - a. Wall undulation and other visual breaks shall be required.
 - b. Shall be constructed of a minimum of two (2) different materials (i.e. smooth and split face CMU block).
 - c. A subdivision greater than forty (40) acres made up of one (1) acre lots shall be exempt.
 - 3. A minimum of four (4) house plans shall be required and three (3) elevations per house plan each exhibiting a different style of architecture.
 - 4. Subdivision Streetscape Theme.
 - 5. Fifteen percent (15%) of entire property under development shall be useable open space and may include the following:
 - a. Retention areas as long as the area is planted with turf and can be used for recreational activities. No more than fifty percent (50%) of the required useable open space may be used for retention purposes.
 - b. Neighborhood Parks that provide recreational activities for children (tot lots).
 - c. Trail Systems.
 - d. Pool.
 - e. Clubhouse.
 - 6. Design Standards for residential lots individually or as part of a subdivision when less than twelve thousand (12,000) square feet and without a master building:
 - a. Staggered front yard setbacks (reduced front yard setback requirements for side loaded garages).
 - b. Same housing plan elevations shall not be permitted to locate on adjacent lots.
 - c. Decorative window treatments ([four] 4-sided architecture).
 - d. Approved Landscaping Package for each house, developer shall provide multiple options for homeowners to choose from.
- B. Multifamily Residential Districts.
Development Review Guidelines for Multifamily Residential Zoning Districts shall apply to all developments of apartments, condominiums, town houses, duplexes built within the Town. These standards are intended to set the minimum required level of quality for multifamily residential development. All applications shall provide the following standards:

I. Common Open Space:

- a. All multifamily developments shall provide fifteen percent (15%) of the developable lot as useable open space which will provide residents of the development with opportunities for recreational activities.
- b. Recreational Facilities may include:
 - i. Pool.
 - ii. Ballfields, Courts.
 - iii. Tot Lots and Playground.
 - iv. Barbeque and Picnic Equipment, Tables, Ramadas, and Shade Structures.
- c. Landscaping requirements for Multifamily Developments are outlined in Section 14-19.

2. Private Open Space:

- a. All Multifamily Developments shall provide private open space areas for each dwelling unit in the form of balconies or patios.
- b. A minimum sixty (60) square foot area shall be provided for each dwelling unit.

3. Development Guidelines:

- a. Include embellishments such as columns, wall undulation, parapets to screen roof equipment, popouts.
- b. Use multiple types of materials to provide visual breaks in the massing of the structures.
- c. Each building should include two (2) to three (3) different complimentary colors as approved by the Zoning Administrator.

- 4. Perimeter Screening and Treatments: The required front yard shall be devoid of parking and structures except screening walls having a maximum vertical height of three (3) feet.

Section 14-25-8

Development Review Procedures

A. Technical Review Committee:

- I. The Technical Review Committee shall review the Plans for compliance with applicable statutes and ordinances and shall assist the applicant in the application process. The Technical Review Committee may include:
 - a. Planners
 - b. Public Works Director
 - c. Town Engineer
 - d. Building Inspector
 - e. Police Chief
 - f. Fire Chief
 - g. Electric Utility Representative
 - h. Gas Company Representative
 - i. Telephone Company Representative
 - j. Arizona Department of Transportation
 - k. Cable Company Representative
 - l. Trails Advisory Committee Member

2. All members of the Technical Review Committee shall provide the Zoning Administrator with comments regarding the application within fifteen (15) work days of receipt. The Zoning Administrator shall review the comments and the application and within ten (10) business days and shall take one of the following actions:
 - a. Approve.
 - b. Approve with Conditions.
 - c. Deny.
 - d. Forward to the Development Review Committee with or without a recommendation.
 3. The Zoning Administrator may approve, conditionally approve, deny Plans or forward to the Development Review Committee with or without a recommendation for the following applications:
 - a. Signs or Sign Programs which conform to Article 14-18 Sign Regulations and are consistent with the Heritage Area or the Southwestern Territorial Development Theme and are not part of a project which requires review by the Commission or Town Council.
 - b. Duplexes, triplexes, four-plexes that are not part of a project containing more than one (1) building.
 - c. Commercial and Industrial structures which meet the requirements of all applicable ordinances where the property proposed for development has Zoning Entitlement and/or does not exceed fifteen hundred (1,500) square feet in size.
 4. The Zoning Administrator may refer any application for Development Review directly to the Commission with or without a recommendation.
- B. Development Review Committee Review:
1. The Commission shall be the Development Review Committee.
 2. Any application for development review shall be approved, conditionally approved or denied within forty-five (45) days after a completed application has been submitted to the Commission, unless the applicant shall request such time be extended or it is determined by the Town that there are outstanding technical questions that require resolution by other agencies or utilities. If the application is deemed complete by the Zoning Administrator and fail to be heard by the Development Review Committee within forty-five (45) days of completed application, the fee shall be returned to the applicant.
 3. In order to approve any proposed plan, the Commission shall make the following Findings:
 - a. That the proposed plans are consistent with the *General Plan*.
 - b. That the proposed plans are consistent with the requirements of this Zoning Ordinance and all other applicable Code Sections.
 4. Modifications:
 - a. The Development Review Committee may approve modifications to the minimum standards set forth in this Article 14-25 where reasonably required by unique circumstances associated with the proposed project.
 - b. In approving any modification, the Development Review Committee shall make the following required findings. All findings shall be supported by verifiable evidence.
 - (1) That the proposed modification(s) will yield a project design which is equally or more desirable in terms of function, aesthetics, view, and general appropriateness than that which would result by requiring strict adherence to the terms and regulations of this Article.

- (2) That the proposed modification(s) will in no way impair the health, safety and welfare of future occupants of the proposed development, adjacent developments or residents of the Town.
 - (3) That strict adherence to certain of the terms and regulations of this Article is not required in order to protect the property value of adjacent and nearby properties as well as the tourist-based sector of the economy.
 - (4) That the proposed modification(s) is consistent with the policies and goals embodied in the *General Plan*.
5. Expiration of Development Review Approval.
The Development Review approval shall expire if the plans substantially change from what was previously approved. Developer shall retain the right to appeal the decisions of the Development Review subject to Section 14-25-9-c-2.

C. Appeals:

- 1. Appeals of Decisions of Zoning Administrator. An applicant or aggrieved person may appeal the decision of the Zoning Administrator by filing an Appeal in writing with the Planning Director within fifteen (15) calendar days following the date of decision by the Zoning Administrator. The Appeal fee as established by resolution of the Town Council shall be submitted with the appeal. Within thirty (30) days following the filing of an Appeal, the Development Review Committee shall affirm, modify or reverse the decision of the Zoning Administrator.
- 2. Appeals of Decisions of Development Review Committee. An applicant or aggrieved person may appeal the decision of the Development Review Committee by filing an Appeal, in writing, with the Planning Director within fifteen (15) calendar days following the date of decision by the Development Review Committee. The Appeal fee as established by resolution of the Town Council shall be submitted with the appeal. Within thirty (30) days following the filing of an Appeal, the Town Council shall affirm, modify or reverse the decision of the Zoning Administrator.

Section 14-25-9 Permits and Construction

A. Permits and Construction:

- 1. No permits for the construction of any building or structure shall be issued in any Zoning District until the required plans have been approved by the Zoning Administrator or the Development Review Committee or, on Appeal, by the Town Council.
- 2. All buildings, structures and grounds shall be developed in strict conformance with said plans as finally approved.
- 3. Prior to the issuance of an Occupancy Permit for any building or structure subject to this Article, the entire project, as defined by the approved plans, shall be completed in its entirety.
- 4. The Zoning Administrator may issue a Stop Work Order and the Development Review Committee may, after a public hearing with notice to the permittee, revoke any approval given pursuant to this Article for non-compliance with any of the conditions imposed through the approval process. Such revocation shall be deemed revocation of the Building Permit. Written notice of intention to revoke shall be mailed to the permittee not less than fifteen (15) days before the Development Review Committee hearing date. Said revocation may be appealed in the manner provided in Section 14-25-8-c.
- 5. For those construction or development projects which do not require a Building Permit but are located in those areas covered by this Article, a Zoning and Development Review Certificate of Compliance shall be obtained from the Zoning Administrator prior to commencing work. Examples of such projects include: remodels, parking lots, walls, fences, signs, or other construction, which is visible from a public street or way.

ARTICLE 14-26 NON-CONFORMING USES

- 14-26-1 Regulations
14-26-2 Non-Conformance to Regulations

Section 14-26-1 Regulations

- A. The lawful use of land existing at the time of the passage of the Ordinance, although such does not conform to the provisions hereof for said land, may be continued, but if such Non-Conforming Use is discontinued for a period of one (1) consecutive year, any future use of said land shall be in conformity with the provisions of this Ordinance.
- B. The lawful use of a building existing at the time of the passage of this Ordinance may be continued although such use does not conform with the provisions hereof for such building and such use may be continued provided no structural alterations, except those required by law or ordinance or permitted under this Ordinance are made. Maintenance of the structure required for the health, safety, and public welfare of the owner and adjacent properties shall be permitted.
- C. Whenever the use of a building becomes non-conforming through a change in the Zoning Ordinance or district boundaries, such use may be continued unless the use of the property is discontinued for a period of one (1) year.
- D. In the event that a Non-Conforming Use of a building is discontinued for a period of one (1) year, any future use of said building or premises shall be in conformity with the provisions of this Ordinance, excepting for those matters set forth in G. of this Section.
- E. No existing building designed, arranged, intended for, or devoted to a use not permitted under the regulations of this Ordinance for the district in which such building or premises is located shall be enlarged, extended, reconstructed or structurally altered unless such building and such enlargement, extension, reconstruction and structural alterations and further use conform with the regulations specified by this Ordinance for such district in which the building is located.
- F. Nothing in this Article shall be interpreted as authorization for, or approval of the continuance of any use of a building or premises that is not deemed non-conforming and is in violation of zoning regulations in effect at the time of the effective date of this Ordinance.
- G. Any legal non-conforming building or structure or one (1) or more of a group of non-conforming buildings or structures that is damaged by fire, explosion, act of God or act of the public enemy, may be reconstructed and used as it was before such catastrophic event occurred. Reconstruction must begin within twelve (12) months from the date the event which caused damage to the building(s) or structure(s). The restored building or structure shall cover no greater area, nor have greater cubic content and shall have equal or greater, front, side and rear yard setbacks.

Section 14-26-2 Non-Conformance to Regulations

The Town may acquire by purchase or condemnation private property for the removal of Non-Conforming Uses and structures. The elimination of such Non-Conforming Uses and structures in a zoning district is a public purpose. Nothing in the Zoning Ordinance shall affect existing property or the right to its continued use at the effective date of this Ordinance, nor to any reasonable repairs or alterations in buildings or property used for existing purposes (Reference A.R.S. §9-462.02).

ARTICLE 14-27 PENALTY AND VIOLATION

14-27-1	Violations
14-27-2	Invalid Permits and Approvals
14-27-3	Enforcement Responsibilities
14-27-4	Violation; Notice and Opportunity to Correct
14-27-5	Violations and Citations
14-27-6	Penalties
14-27-7	Habitual Offenders
14-27-8	Cumulative Procedures and Remedies
14-27-9	Failure to Provide Evidence of Identity

Section 14-27-1 Violations

- A. A violation occurs when any building or structure is constructed, reconstructed, altered, repaired, converted, or maintained, or when any building, structure, or parcel of land is used in violation of this Ordinance. The Town or any affected owner or tenant of real property in the same contiguous zoning district as the building or structure in question may, in addition to other remedies, may institute any appropriate action or proceeding as follows:
1. To prevent the unlawful construction, reconstruction, alteration, repair, conversion, maintenance, or use.
 2. To prevent the occupancy of the building, structure or land.
 3. To prevent any illegal act, conduct, business or use in or about the premises.
 4. To restrain, correct or abate the violation.

Section 14-27-2 Invalid Permits and Approvals

Any Permit issued or Administrative Approval granted in conflict with any provision of the Zoning Code, a Zoning Ordinance, a Use Permit, a Variance, or a Design Review approval is void.

Section 14-27-3 Enforcement Responsibilities

- A. Building Department: Prior to issuance of a Building Permit, the Building Department shall review the plans submitted with the Building Permit application for compliance with the Zoning Code, the Rezoning Ordinance, the Conditional Use Permit, a Variance, all Subdivision Regulations, and the Design Review approval, as applicable.
- B. Code Enforcement Officer: The Code Enforcement Officer shall enforce the provisions of the Zoning Code, Rezoning Ordinances, Conditional Use Permits, Variances and Design Review approvals and is authorized to stop any work undertaken not in compliance with any provision of the Zoning Code, a Rezoning Ordinance, Rezoning, Conditional Use Permit, a Variance, or a Design Review approval.
- C. Town Attorney: The Town Attorney may commence an action in Superior Court to abate a violation of the Zoning Code, a Rezoning Ordinance, a Conditional Permit, a Variance or a Design Review approval.

Section 14-27-4 Violation; Notice and Opportunity to Correct

- A. Notice: Before issuing a citation for a violation the Code Enforcement Officer shall provide a written notice of the violation to the property owner and person in control, or to the authorized agent of the property. The notice shall set forth:

1. The violation.
 2. What is required to bring the property into compliance.
 3. The time period allowed bringing the property into compliance.
- B. Time Period: The time period provided to correct violations other than violations of the Sign Regulations shall be a minimum of ten (10) days, unless the violation creates an unsafe condition, in which case the time period for correction shall be determined by the Code Enforcement Officer based on the severity of the danger. The time period provided to correct violations of Sign Regulations are set forth in Article 14-18.
- C. Failure to Receive Notice: Failure of the property owner, person in control, or authorized agent of the property to receive a notice shall not preclude issuance of a citation.

Section 14-27-5 Violations and Citations

If a violation continues past the time set forth in the Notice of Violation, a citation shall be issued to the property owner, person in control, or authorized agent of the property, and shall be subject to the following:

- A. Citations may be issued by the Code Enforcement Officer, by a Town of Wickenburg Police Officer, or by a Sworn Officer of another Police or Sheriff's Office acting on behalf of the Town.
- B. Each day a violation continues, or the failure to perform any act or duty required shall each constitute separate civil offenses.
- C. Every civil action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to civil traffic procedures and the Arizona rules of procedure in civil traffic violation cases.

Section 14-27-6 Penalties

- A. A citation issued pursuant to Section 14-27-5 shall direct the person to whom the citation is issued to pay a fine in the amount of not more than three hundred dollars (\$300) for each offense. Payment of the fine shall constitute a finding of responsibility for the violation for purposes of Section 14-27-7.
- B. Upon a finding by the Magistrate Court that a person is responsible for a civil violation. That person, corporation, or other legal entity shall be subject to a civil fine of not more than three hundred dollars (\$300) for each violation imposed by the Town Magistrate Court.
- C. Any judgment for civil fines or penalties may be collected as any other civil judgment, as provided for in the Arizona Revised Statutes (A.R.S.).

Section 14-27-7 Habitual Offenders

- A. Any person found responsible by the Magistrate Court for committing three (3) or more civil violations of the Zoning Code, a Zoning Ordinance, a Use Permit, Variance or Design Review approval within a twenty-four (24) month period, whether by admission, by payment of the fine, by default or by judgment after hearing shall be determined to be a habitual offender. For purposes of calculating the twenty-four (24) month period under this Subsection A, the dates of the Commission of the offenses are the determining factor.
- B. A habitual offender who subsequently violates the Zoning Code, a Zoning Ordinance, Use Permit, Variance, or Design Review approval shall be guilty of a Class I Misdemeanor Offense and shall be subject to the penalties set by the Arizona Revised Statutes (A.R.S.).

- C. Notwithstanding the above elective penalty, upon conviction of a habitual offender of a violation of the Zoning Code, a Zoning Ordinance, a Use Permit, Variance, or Design Review approval, the Court shall impose a fine of not less than five hundred dollars (\$500) for each count upon which a conviction is obtained.
- D. A judge shall not grant probation to a habitual offender or suspend any part of a sentence or fine imposed upon a habitual offender for any sentence required by this Subsection, except on the condition that the habitual offender pays the fine imposed by the Court, as provided in this Section.
- E. Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to misdemeanors and the Arizona Rules of Criminal Procedure.

Section 14-27-8 Cumulative Procedures and Remedies

The procedures and remedies provided for herein shall be cumulative and in addition to any other procedures and remedies to which the Town may be entitled by law or equity.

Section 14-27-9 Failure to Provide Evidence of Identity


A person who fails or refuses to provide evidence of his or her identity to the Town Zoning Administrator, Building Official, Building Inspector, the Code Enforcement Officer, a Police Officer or any other authorized agent of the Town upon request, when such agent has reasonable cause to believe the person has committed a violation of the Zoning Code, is guilty of a Class I Misdemeanor. Evidence of identity shall consist of a person's full name, residence address, and date of birth.

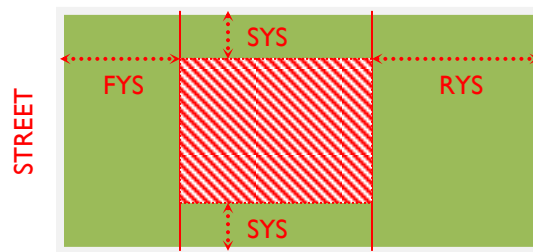
ARTICLE 14-28 REPEAL, VOID PARTS, SAVING CLAUSE, EFFECTIVE DATE

- A. All ordinances or parts of ordinances in conflict herewith are hereby repealed.
- B. The invalidity of any Section or part of this Ordinance shall not affect the validity of the remainder of said Section or the remainder of this Ordinance.
- C. This Ordinance shall be in full force and effect from and after its passage, approval and publication, as required by law.
- D. This Ordinance is hereby directed to, and shall be published in loose-leaf pamphlet form.
- E. The repeal of the ordinances or parts thereof specified in Section 14-28 of this Article shall not:
 - 1. Affect suits pending or rights existing immediately prior to the effective date of this Ordinance; or,
 - 2. Impair, avoid or affect any grant or conveyance made or right acquired or cause of action now existing under such repealed ordinance or amendment thereto; or,
 - 3. Affect or impair the validity of any bond or other obligation issued or sold in conjunction with valid obligation of the issuing authority immediately prior to the effective date of this Ordinance.

ARTICLE 14-29 GLOSSARY OF TERMS AND DEFINITIONS**14-29-1 Definitions****14-29-1 Definitions *Ord. 1166**

- A. In addition to the definitions set forth in Article, 14-18, for the purpose of this ordinance, certain words are hereby defined:
- I. **Accessory Business:** A commercial enterprise providing a service on the premises of an existing principal business, including car detailing services and valet services, machine operated businesses, where no goods or wares are sold other than at a machine operated vending machine.
 2. **Adjoining Lot or Land:** A lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land.
 3. **Adult Bookstore:** Any commercial establishment having as a substantial or significant portion of its stock in trade books, magazines, other periodicals, motion pictures or video cassettes which are distinguished or characterized by their emphasis on matter depicting, describing or relating to 'specified sexual activities or specified anatomical areas'.
 4. **Adult Theaters:** Any commercial establishment, whether located in an enclosed building or open-air drive-in theater, regularly used for presenting or for observation by patrons any film or plate negative, film or plate positive, film or tape designed to be projected on a screen for exhibition, or films, glass slides or transparencies, either in negative or positive form, and which is designed for exhibition by projection on a screen, or in any type of viewing booth which is distinguished or characterized by an emphasis on matter depicting, describing or relating to 'specified sexual activities' or 'specified anatomical areas'.
 5. **Adult Uses:** Adult bookstores, cabaret, gentleman's club, and adult theaters.
 6. **Agriculture:** The production, keeping or maintenance, for sale, lease or personal use, of plants useful to man, including but not limited to: forages and sod crops; grains and seed crops; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation management plan.
 7. **Airport:** A facility that includes areas for landing, storage of planes and equipment, loading and unloading luggage and merchandise, and used regularly by aircraft for receiving or discharging passengers or cargo.
 - a. **Helipad:** An area at a heliport established for the landing or take-off of helicopters.
 - b. **Heliport:** A landing area solely for the use of helicopters. A heliport may include more than one helipad.
 - c. **Landing Area/Runway:** Any locality, either land or water, including airports, and landing fields, which is used or intended to be used for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing or repair of aircraft, or for receiving or discharging passengers or cargo.
 - d. **Landing Area Boundary:** The outer limit of the land or water of a landing area
 8. **Airport Advisory Commission:** The Commission created by Article 3-3 of the Town Code.
 9. **Alley:** Right-of-way or easement which grants a secondary vehicular access to abutting lots not intended for general traffic circulation or parking.
 10. **Alley Line:** The boundary which separates the right-of-way of an alley from the abutting property.

11. **Alteration:** Any change or rearrangement in the supporting members of an existing building, such as bearing walls columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.
12. **Amusement Facility:** An outdoor area or enclosed building, open to the public, which may contain coin operated games, and similar entertainment and amusement devices.
13. **Amusement Park:** An outdoor facility, which may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, and building for shows and entertainment.
14. **Antique Store:** A place of business where old collectable items are sold to the general public.
15. **Arcade:** A covered passage connected to a building with pillars and arches supporting it on one (1) side. 
16. **Art Gallery:** A structure used for the display and sale of art.
17. **Automobile Graveyard:** Any establishment or place of business which is maintained, used, or operated for storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.
18. **Bank:** A structure used as a financial institution licensed by the government.
19. **Barber, Beauty Shop:** An establishment dealing with cosmetic treatments for men and women.
20. **Bars:** A structure or part of a structure used primarily for the sale or dispensing of liquor by the drink.
21. **Basement:** That portion of a building between floor and ceiling which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling.
22. **Bed and Breakfast Lodging:** Any dwelling in which sleeping rooms are provided on a daily or weekly basis for use by travelers or transients for compensation.
23. **Behavior Health Facility:** A clinic that is licensed by the stat, whose professional activities address a client's behavior issues; examples include psychiatrist, social worker, marriage and family counselors, professional clinical counselors', licensed drug/alcohol abuse counselors and mental health professionals.
24. **Board:** All references to a "Board" within the Zoning Ordinance for the Town shall be in reference to the Board of Adjustment of the Town.
25. **Boarding House:** A building where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided for three (3) or more persons, but not exceeding twenty (20) persons.
26. **Buildable Area:** The portion of a lot which is within the envelope formed by the required front, side, and rear yards setbacks. See "yard, required."

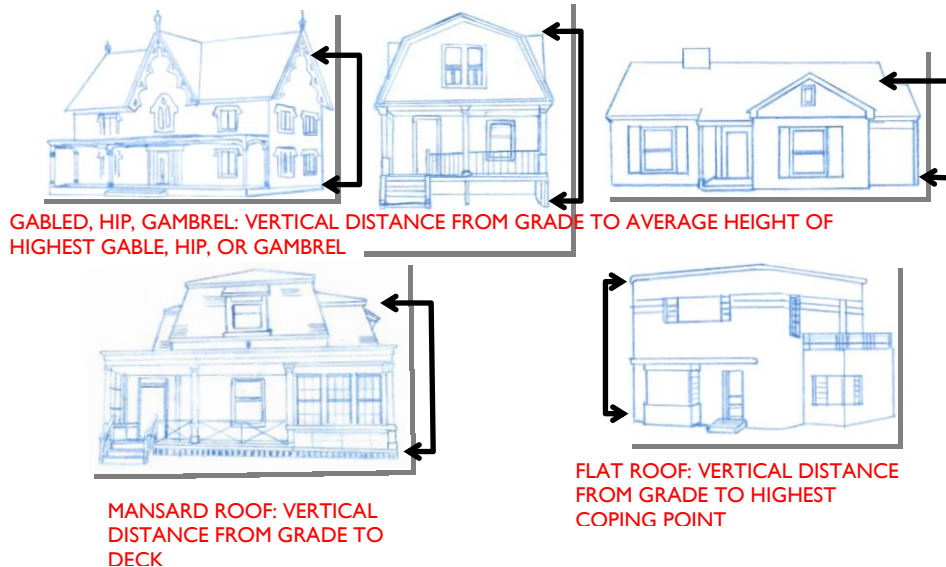


FYS = FRONT YARD SETBACK

SYS = SIDE YARD SETBACK

RYS = REAR YARD SETBACK

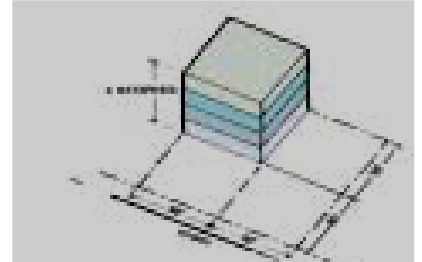
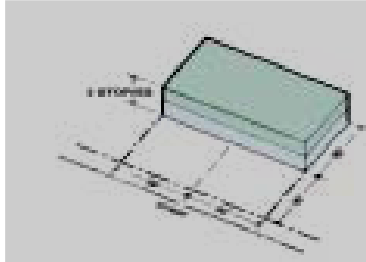
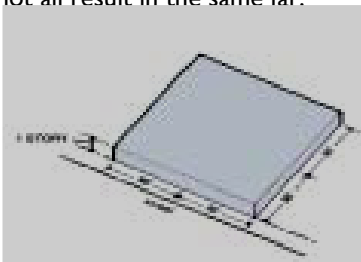
27. **Building:** A structure having a roof supported by columns or walls for housing, shelter or enclosure of persons, animals, chattels or property of any kind.
28. **Building, Accessory:** A building or structure which is subordinate to, and the use of which is incidental to that of the principal building, structure or use on the same lot.
29. **Building Height:** The vertical distance from grade to the highest point of the coping of flat roof; to the deck line of a mansard roof; or the average height of the highest gable, hip or gambrel roof.



30. **Building, Principal:** A building in which is conducted the principal use of the lot on which it is situated. In a residential zoning district any dwelling is deemed to be the principal building on the lot on which it is situated.
31. **Caretaker's Residence:** Living space used to house a person with the responsibility of maintaining the property or caring for the primary resident(s).
32. **Carport:** A roofed structure with two (2) or more open sides under which a vehicle may be driven and parked.
33. **Cemetery:** Property used for the interring of the dead, including animals.
34. **Child Care Center:** A private establishment enrolling four (4) or more children between two (2) and five (5) years of age and where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or approved to operate as a Child Care Center.
35. **Clinic:** An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.
36. **Commission:** The Planning and Zoning Advisory Commission.
37. **Community Center:** A building used for recreational, social, educational and cultural activities, usually owned and operated by a public or nonprofit group or agency.
38. **Conditional Use:** A Use Permitted in a particular zoning district only upon showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in the zoning ordinance and authorized by the Town Council.

39. **Condominium:** An estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a building on such real property. A separate interest in other portions of such real property may be included.
40. **Conference Center:** A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include sleeping, eating, and recreation. A conference center is not designed to be only utilized by the general public for overnight purposes.
41. **Consumer:** For purposes of recreational marijuana regulations, this means any individual who is at least 21 years or who purchases marijuana or marijuana products. (Ord. 1210/11-20)
42. **Contiguous:** Next to, abutting, or touching and having a boundary, or portion thereof, which is coterminous.
43. **Convalescent Home:** A facility or institution for the care of convalescing patients.
44. **Convenience Store:** A small store or shop that sells such items as candy, soft drinks, lottery tickets, food items, medications, and publications.
45. **Cooking Facility:** An affixed cooking appliance.
46. **Corral:** A pen or enclosure for confining animals not used for riding in.
47. **Council:** The Common Council of the Town of Wickenburg.
48. **Court:** Central unobstructed open space surrounding by buildings or structures and which is open to the sky from and above the floor level of any room having a window or door opening to such court. The width of the court shall be its least horizontal dimension.
49. **Cultivate and Cultivation:** For purposes of recreational marijuana regulations, this means to propagate, breed, grow, prepare and package marijuana. (Ord. 1210/11-20)
50. **Curb:** A stone or concrete boundary usually marking the edge of the roadway or paved area.
51. **Drive-In or Drive-Through Restaurant:** A type of service provided by a business that allows for customers to purchase food products without leaving their automobiles.
52. **Drug Store:** A store where the primary business is the filling of medical prescriptions and the sale of drugs, medical devices and supplies, and nonprescription medicines but where nonmedical products are sold as well.
53. **Dual Licensee:** An entity that holds both a nonprofit medical marijuana dispensary registration and a marijuana establishment license. (Ord. 1210/11-20)
54. **Dwelling:** A building or portion thereof designed or used exclusively for residential occupancy, including single family, two family, and multiple family dwellings, but not including hotels, boarding and lodging houses.
55. **Dwelling, Multiple-Family:** A building or portion thereof designed for occupancy by three (3) or more families and includes condominiums, Townhomes and patio homes.
56. **Dwelling, Single-Family:** A building designed for occupancy by one (1) family.
57. **Dwelling, Two-Family:** A building designed for occupancy by two (2) families.

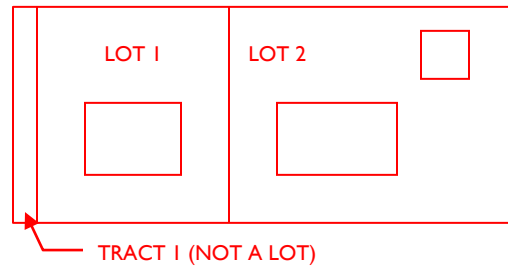
58. **Dwelling Unit:** One (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and not having more than one cooking facility per unit.
59. **Dwelling Unit, Efficiency:** A dwelling unit consisting of not more than one (1) habitable room together with kitchen or kitchenette and sanitary facilities.
60. **Easement:** A grant of one (1) or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.
61. **Essential Services:** Comprises the installation, construction, improvement, and maintenance of gas, electricity, steam or water, sewer, communication, traffic infrastructure, fire and police services (i.e. hydrants, police call boxes, etc) and all appurtenant drains, pipes, cables, or other similar equipment necessary for providing adequate services to the public for the livability of the residents and the health, safety, and general welfare of the community. Essential services does not include buildings, electrical substations, transmission towers, and wireless communication facilities.
62. **Façade:** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.
63. **Family:** One (1) or more persons related by blood, marriage, adoption or a couple and children living together as a single housekeeping unit in a dwelling unit, or one (1) but not more than five (5) persons who need not be related, living together as a single, housekeeping unit within a dwelling.
64. **Farm:** An area of not less than twenty (20) contiguous acres which is used for the commercial production of farm crops including vegetables, fruit trees, cotton, grain and other crops and their storage on the property as well as the raising of farm poultry and animals, such as horses, cattle, sheep, ratites, not chickens and swine for commercial purposes.
65. **Farm Stand:** A temporary structure used for the display and sale of agricultural products of which all products are grown on the same property as the sale.
66. **Farmer's Market:** An open-air market where fresh produce and other raw agricultural products, which are used for human and animal consumption, are sold by the producer.
67. **Feed Lot, Commercial:** A livestock feeding or handling facility operated to prepare or fatten livestock for market which may be used to accommodate the needs of multiple livestock owners in whole or in part for compensation paid to the operator or owner for the accommodations, materials, and services rendered.
68. **Floor Area:** The sum of the gross horizontal areas of every floor of all buildings on the lot measured from the exterior faces of the exterior walls or from the center line of walls separating the buildings. Calculations shall include basement floor area, elevator shafts and stairwells at each floor, floor space used for mechanical equipment, penthouses, interior balconies and mezzanines, and enclosed porches calculations shall not include any space devoted to parking, or to loading and unloading.
69. **Floor Area Ratio (Far):** The ratio of the floor area of a building to the area of the lot on which the building is located. The diagram below illustrates three (3) simple ways that a 1:1 far (or 100% lot coverage) might be reached: one (1) story covering the entire lot; two (2) stories covering half of the lot; or four (4) stories covering a quarter of the lot all result in the same far.



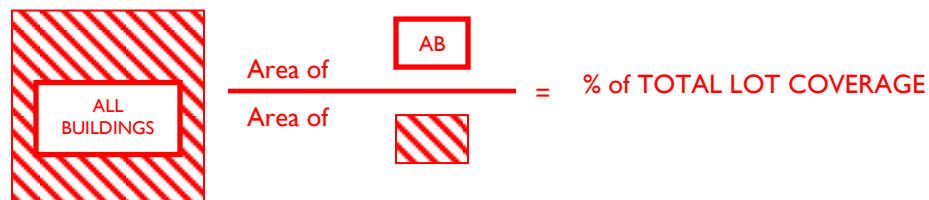
70. **Frontage:** That side of a lot abutting on a street; the front lot line.
71. **Funeral Home:** A building used for the preparation of the deceased for burial, the display of the deceased, and ceremonies connected therewith before burial or cremation.
72. **Garage, Private:** An accessory building or portion of a principal building designed or used for the parking or temporary storage of motor vehicles of occupants in the building to which such garage is accessory, but not including the parking or temporary storage of delivery or truck motor vehicles having a capacity in excess of one (1) ton.
73. **Garage, Public:** A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling, or storing motor vehicles.
74. **Garage Sale:** See Yard Sale.
75. **Grade:**
- a. For buildings having walls adjacent to one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street, or if there be no sidewalk, then the elevation of the roadway at the center of the wall adjoining the street.
 - b. For buildings having walls adjacent to more than one (1) street, the average of the elevation of the sidewalk at the centers of all walls adjoining the streets, or if there be no sidewalks, then the average of the elevation of the roadway at the centers of all walls adjoining the street.
 - c. For buildings having no walls adjacent to the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building.
 - d. Any wall parallel or nearly parallel to and not more than five (5) feet from a street line is to be considered adjacent to the street.
76. **Group Home for the Handicapped:** A dwelling shared by handicapped persons who reside together as a single housekeeping unit and who receive care, supervision, or counseling from one or more staff persons. This definition shall include adult care homes, homes for the mentally ill, group care agencies and similar residential living arrangements for handicapped persons, but shall not include boarding houses, nursing homes, or substance abuse treatment facilities.
77. **Grubbing:** Removal of roots and plant material to a depth not to exceed twelve (12) inches.
78. **Guest:** Any person who rents or occupies a room for sleeping purposes.
79. **Guest House:** An attached or detached accessory building used as a temporary dwelling for guests of the occupants of the main building, and which can never be used for rental purposes. A guest house providing cooking facilities shall be considered a separate dwelling unit in addition to the primary residence.
80. **Guest Ranch:** A building or group of buildings containing two (2) or more guest rooms, other than a boarding house, hotel, or motel, and including outdoor recreational facilities such as, but not limited to, horseback riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended to be used primarily by guests of the Guest Ranch.
81. **Guest Room:** A room which is designed for occupancy by one (1) or more guests for sleeping purposes, but having no cooking facilities. Does not include dormitories.
82. **Handicapped Person:** A person who: (a) has a physical or mental impairment which substantially limits one (1) or more major life activities; (b) has a record of having such an impairment; or, (c) is regarded as having such an impairment. However, "handicapped" shall not include current illegal use of or addiction to controlled substances (as defined in Section 102 of the Controlled Substances Act [21 United States Code § 802]).

83. **Home Occupation:** Any occupation or profession conducted entirely within a dwelling unit and carried on by the resident or owner, and which is clearly incidental and subordinate to the use of the dwelling unit for dwelling purposes. The home occupation shall comply with the standards outlined in Section 14-4-2-A(4).
84. **Horse Arena:** An enclosed area, with or without a roof, for the exercising and training of horses.
85. **Horse Boarding:** A facility used for the keeping and tending of horses generally consisting of box stalls, tack rooms, arenas, access to trails and on-site trainers.
86. **Hospital:** An institution for the diagnosis, treatment, or other care of human ailments. The term hospital shall include sanitarium, clinic, rest home, nursing home, convalescent home, any treatment center or facility and maternity home.
87. **Hospital or Clinic for Animals:** An institution providing health services and medical or surgical care to animals.
88. **Hotel:** A building which is designed, intended, or used for the accommodation of twenty (20) or more tourists, transients, guests and permanent guests for compensation and where access to and from all guest rooms is made through an inside lobby or office. A hotel may include limited cooking facilities within each room or within a common area shared by multiple rooms.
89. **Hotel, Resort:** A building or group of buildings, other than a motel, boarding house or lodging house, containing individual guest rooms, suites or guest rooms, and dwelling units, and which furnishes services for compensation customarily provided by hotels.
90. **Impound Lot:** A facility, public or private, which provides storage for vehicles that the Police Department seizes or are deemed abandoned.
91. **Junk:** Any old or scrap, iron, steel, copper, brass, rope, rags, batteries, paper, trash, wood and rubber debris, and other waste products. Also includes whole or parts of junked, dismantled, or wrecked automobiles, and any other old or scrap metal material.
92. **Junkyard:** An establishment or place of business which is maintained, operated, and used for storing, keeping, buying, and selling junk, or for the maintenance and operation of an automobile graveyard. The term "junkyard" includes garbage dumps and sanitary fills.
93. **Kennel:** Any establishment, at which dogs and cats are bred, raised for sale, boarded, or cared for commercially or on a nonprofit basis. A kennel shall exclude dental, medical, and surgical care, and shall not be used for quarantine purposes.
94. **Land Use Law:** Any statute, rule, ordinance, resolution or law enacted by this State or a political subdivision of this State that regulates the use of land or any interest in land or that regulates accepted farming or forestry practices.
95. **Landscaping/Landscaped:** The installation of, and ongoing preservation and maintenance of plant materials on a lot to enhance the environmental and visual characteristics of commercial, industrial and residential property and neighborhoods.
96. **Laundry Agency:** A structure used for the washing and drying of clothes for business purposes.
97. **Loading and Unloading Space:** A permanently striped and designated temporary parking space measuring not less than ten (10) feet in width, twenty (20) feet in length, and fourteen (14) feet in height to be used by commercial vehicles for the loading and unloading of merchandise and located on the same lot as the principal commercial or industrial building which is accessible to a street or alley.

98. **Lodging House:** A building where lodging only is provided for compensation to three (3) or more persons, but not exceeding twenty (20) persons.
99. **Loft:** The floor placed between the roof and the floor of the uppermost story of a single family detached building, the floor area of which is not more than one-third of the of the floor area of the story or room in which it is placed.
100. **Lot:** A legally created parcel of land, under one (1) ownership, of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are required by these regulations.

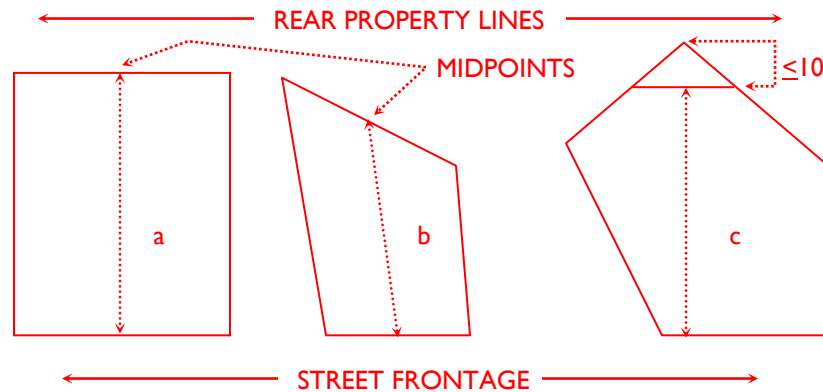


101. **Lot Area:** The area within the lot lines of a lot.
102. **Lot, Corner:**
- A lot which has an interior angle of one hundred thirty-five (135) degrees or less at the intersection of two (2) street lines, or
 - A lot abutting upon a curved street is considered a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of one hundred thirty-five (135) degrees or less.
103. **Lot Coverage:** The percentage of the area of a lot which is occupied by all buildings or other covered structures. Also see Floor Area Ratio.

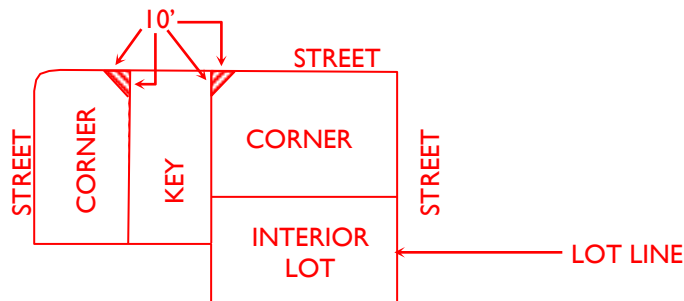


104. **Lot Depth:**
- For lots that have front and rear lot lines which are parallel, the depth is measured as the shortest horizontal distance between each lot line.
 - For lots that have front and rear lot lines which are not parallel, the depth is measured as the shortest horizontal distance between the midpoint of the front lot line and midpoint of the rear lot line.

- c. For lots that are triangular or multi-angular in shape, the depth is measured as the shortest horizontal distance between the front lot line and a line within the lot that is perpendicular and not more than ten (10) feet away from the triangular point of the rear lot angle.

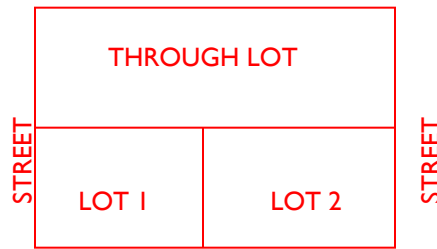


105. **Lot, Flag:** A lot not fronting on or abutting a public road and where access to the public road is by a narrow strip of private access.
106. **Lot, Key:** A lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and fronting on the street which forms the side boundary of the corner lot. A ten (10) foot visibility triangle is required to be maintained along the rear of the corner lot as illustrated below.



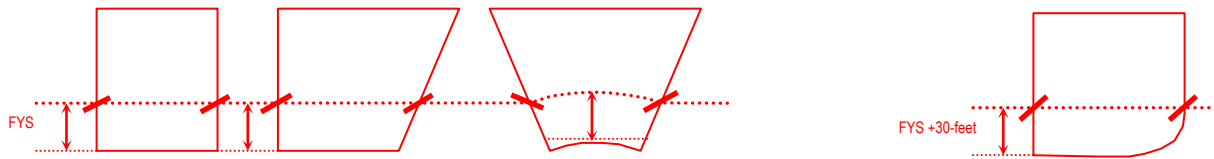
107. **Lot Line:** Any line bounding a lot.
108. **Lot Line, Front:** The boundary of a lot which separates the lot from the street; and in the case of the corner lot, the front lot line is the shorter of the two (2) lot lines separating the lot from the streets. Where these lot lines are equal or within fifteen (15) feet of being equal, either lot line may be designated the front lot line but not both.
109. **Lot Line, Rear:** The boundary of a lot which is most distant from, and is, or is most nearly, parallel to the front lot line; except that in the absence of a rear lot line as is the case of the triangular shaped lot, the rear lot line may be considered as a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than ten (10) feet.
110. **Lot Line, Side:** The boundary of a lot which is not a front lot line or a rear lot line.
111. **Lot of Record:** Any lot which is part of an approved subdivision plat which has been duly approved and recorded with the Maricopa County Recorder; or any lot which has been surveyed, deeded, recorded, and otherwise legally established prior to December 10, 1994 shall be considered a legal lot of record. A building permit may be issued, in conformance with the Zoning Ordinance, for a legal lot of record providing that access has been perfected.

112. **Lot, Through:** A lot having a pair of opposite lot lines abutting two (2) streets, and which is not a corner lot. On such a lot, both lot lines are front lot lines.











113. **Lot Width:** The distance between side lot lines measured at the required minimum front yard line parallel to the street or street chord for:
- Rectangular lots,
 - Lots having side lot lines not parallel, and
 - Lots on the outside of the curve of a street,

Also, the distance between side lot lines measured thirty (30) feet behind the required minimum front yard line parallel to the street or street chord for Lots on the inside of the curve of a street.



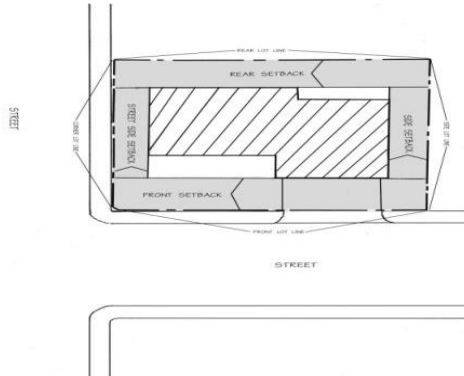
114. **Manufactured Home:** a structure built on or after June 15, 1976, that is eight or more feet wide and forty or more feet long, has a permanent chassis, is transportable in one of more sections, is equipped with complete plumbing, heating, and electrical systems from the factory, and is designed to be used with or without a permanent foundation for residential occupancy when connected to on-site utilities. Manufactured homes are built to the united states department of housing and urban development manufactured home construction and safety standards. *Ord. 1166
115. **Manufacturing:** Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the manufacturing of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.
116. **Marijuana:** All parts of the plant of the genus cannabis, whether growing or not, as well as the seeds from the plant, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds or resin, this includes cannabis as defined in A.R.S. § 13-3401 but does not include industrial hemp, the fiber produced from the stalks of the plant of the genus cannabis, oil or cake made from the seeds of the plant, sterilized seeds of the plant that are incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other products. (Ord. 1210/11-20)
117. **Marijuana Concentrate:** Resin extracted from any part of a plant of the genus cannabis and every compound, manufacture, salt, derivative, mixture or preparation of that resin or tetrahydrocannabinol but does not include industrial hemp or the weight of any other ingredient combined with cannabis to prepare topical or oral administrations, food, drink or other products. (Ord. 1210/11-20)

118. **Marijuana Establishment:** An entity licensed by the Department of Health Services to operate all of the following: (1) a single retail location at which the licensee may sell marijuana and marijuana products to consumers, cultivate marijuana, and manufacture marijuana products; (2) a single off-site cultivation location at which the licensee may cultivate marijuana, process marijuana, and manufacture marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers; and (3) a single off-site location at which the licensee may manufacture marijuana products and package and store marijuana and marijuana products, but from which marijuana and marijuana products may not be transferred or sold to consumers. (Ord. 1210/11-20)
119. **Marijuana Products:** Marijuana concentrate and products that are composed of marijuana and other ingredients and that are intended for use or consumption, including edible products, ointments, and tinctures. (Ord. 1210/11-20)
120. **Marijuana Testing Facility:** The Department of Health Services or another entity that is licensed by the Department to analyze the potency of marijuana and test marijuana for harmful contaminants. (Ord. 1210/11-20)
121. **Mausoleum:** A building containing above-ground tombs.
122. **Medical Marijuana:** Those portions of the plant of the genus cannabis administered and used by a registered qualifying patient, as that term is defined in A.R.S. Section 36-2801, solely for the purpose of treating or alleviating the patient's debilitating medical condition or symptoms associated with that debilitating medical condition. 
123. **Medical Marijuana Designated Caregiver Cultivation Site:** The cultivation of medical marijuana by a registered designated caregiver for a registered qualifying patient, pursuant to A.R.S. §36-2804.04(A)(7). 
124. **Medical Marijuana Dispensary:** A not-for-profit facility that, pursuant to A.R.S. §36-2804, is registered with and certified by the Arizona Department of Health Services to acquire, possess, cultivate, manufacture or infuse, deliver, transfer, transport, supply, sell or dispense medical marijuana or related supplies and educational materials to cardholders, as that term is defined in A.R.S. §36-2801. 
125. **Medical Marijuana Facilities:** Medical marijuana dispensaries, and medical marijuana designated caregiver cultivation sites.   
126. **Medical Marijuana Off-Site Cultivation Site:** The enclosed, locked facility identified by a medical marijuana dispensary pursuant to A.R.S. Section 36-2806 (E), where the medical marijuana dispensed by said dispensary is grown or stored.  
127. **Merchandise:** Any new or used object, wares, goods, commodity, amusements, food concessions, or services bought and sold for profit.
128. **Mini-Warehouse:** A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated facilities.
129. **Mobile Home Park:** Any parcel of land upon which two (2) or more mobile homes are occupied for dwelling or sleeping purposes regardless whether or not there is a cost for such accommodations.
130. **Mobile Home Space:** A plot of land within a mobile home park or travel trailer park designed to accommodate one (1) mobile home or travel trailer and its accessory structures including carports or other off-street parking areas, storage lockers, ramadas, cabanas, patios, patio covers, awnings and similar appurtenances.
131. **Mobile Home Subdivision:** A residential subdivision designed and intended to be used exclusively for mobile homes.

132. **Modular Home:** Also referred to as a factory-built building, is a residential or non-residential building which is either wholly or in substantial part manufactured at an off-site location and set on a permanent foundation and connected to required utilities. Modular homes are built to the international code council international building code standards. *Ord. 1166
133. **Monopole:** The same meaning as set forth in A.R.S. Section 9-591. (Ordinance 1188)
134. **Motel:** A building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly to the room from the outside of the building adjacent to a garage or parking space located on the lot and designed, used, or intended to be rented for compensation. Motel includes motor courts, motor lodges and tourist courts, but not mobile home parks, recreation vehicle parks, or travel trailer parks.
135. **Nonconforming Lot:** A lot, the area, dimensions or locations of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the Zoning Ordinance.
136. **Non-Chartered Financial Services**” means a business, other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association that offers check cashing services and loans for payment of a percentage fee. Specifically included is check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, “pay day” businesses that make loans upon assignments of wages received or to be received, or businesses that function as deferred presentment services.
137. **Nonconforming Use:** The lawful use of any building, lot, parcel or tract of land existing at the time this Ordinance, or amendments thereto, became effective which does not conform to the use regulations of the zoning district in which it is located. Provisions for Nonconforming Uses are found in Article 14-26.
138. **Nursing Home:** An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.
139. **Open Space:** Any parcel or are of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. For purposes of recreational and medical marijuana regulations, this includes a public park, public sidewalk, public walkway or public pedestrian thoroughfare. (Ord. 1210/11-20)
140. **Outer Court:** An open area, unobstructed from the ground to the sky, which is bounded on not more than three (3) sides by the exterior walls of one (1) or more buildings and the parking area or street. ~~¶~~
141. **Outside Storage:** Any specific and/or miscellaneous equipment, supplies, containers, materials, products or provisions which are, either on a temporary, periodic or permanent basis, located either singularly or in accumulation outside the exterior walls of any building or structure, or placed under a roofed structure with no walls (such as a carport). Included in this definition shall be five (5) or more company owned or fleet vehicles.
142. **Park:** A tract of land, designated and used by the public for active and passive recreation.
143. **Park Model:** A structure built on a single chassis, mounted on wheels, and designed to be connected to utilities for operation of installed fixtures and appliances. A park model has a gross trailer area of not less than three hundred twenty square feet and not more than four hundred square feet when it is set up. *Ord. 1166
144. **Park, Pocket:** A small park which is generally created on a building lot or an irregular lot generally consisting of a children’s playground, monuments, or art projects.
145. **Parking Lot:** A parcel of land or portion thereof improved to Town Parking Standards and used for off-street parking purposes.

146. **Parking Space:** A dust free permanently surfaced area, enclosed or unenclosed, bounded by a driveway connecting the parking space to a street or alley that permits ingress and egress of vehicles.
147. **Patio Home:** A single story dwelling unit that shares at least one exterior wall and has a back patio but not necessary in the rear yard.
148. **Pawn Shop:** An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.
149. **Permitted Use:** Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.
150. **Pre-Fabricated or Component Building:** A residence or building that is factory pre-designed and engineered, and shipped from the factory to be assembled on site. Designed to be used only with a permanent foundation when connected to the required utilities.
151. **Premises:** A parcel or lot and all buildings constructed thereon.
152. **Prohibited Use:** A use that is not permitted in a zoning district.
153. **Promotional Banner:** A temporary sign that carries a message regarding a special event or function which is of general interest.
154. **Public Place:** Has the same meaning prescribed in the Smoke-Free-Arizona Act, A.R.S. § 36-601.01. (Ord. 1210/11-20)
155. **Race Track:** A purpose-built facility for racing of animals, automobiles, motorcycles or athletes. A race track may also feature grandstands or concourses.
156. **Radio and Television Store:** A store where the primary business is selling radios, televisions and other small electronic devices.
157. **Recreation Facility:** Recreational facility operated as a business and open to the general public for a fee.
158. **Recreational Vehicle:** A vehicular unit designed to provide temporary living quarters for recreational, camping or travel use, which is self-propelled, towed, or carried by another vehicle. This definition includes motor homes, van conversions, truck campers, tent or camping trailers, and travel trailers not to exceed eight (8) feet in width and forty-five (45) feet in length.
159. **Rehabilitation and Treatment Center:** An institution providing inpatient, residential, or outpatient psychological, medical or psycho-social services to treat and rehabilitate recovery for persons suffering from addictive disorders such as drug addiction, eating disorders, sex addiction and alcohol addictions. ☆Ord. 1088/6-11
160. **Religious Assembly:** Facilities for worship and other religious ceremonies, with incidental religious education, religious bookstores, rectories and parsonages, offices, social services, day care and community programs.
161. **Residential Office:** A low impact use such as offices including dental, profession, architect, lawyer, doctor offices.
162. **Resort:** A facility for transient guests where the primary attraction is generally recreational features or activities.
163. **Restaurant:** An establishment where food and drink is prepared served and consumed primarily within the principal building.

164. **Right-Of-Way:** A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied by a road, sidewalk, railroad, electric transmission lines, pipeline, waterline, sanitary storm sewer and other similar uses. Generally, the right of one to pass over the property of another.
165. **Roping Arena:** An enclosed area, with or without a roof, for the practicing of roping skills on cattle or goats.
166. **Sale:** Any attempt to sell or offer to transfer ownership of merchandise through any means of exchange including but not limited to barter, trade or monetary compensation.
167. **School:** An institution of learning, such as elementary and secondary schools, colleges and universities, which offers instruction in several branches of learning and study, but not including business colleges, nursery schools, art/dancing/vocal/instrumental schools, riding academies, or trade or vocational schools.
168. **Screening:** A method of visually shielding or obscuring one (1) abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.
169. **Seasonal Produce Stands:** A small temporary structure that is used to sell fresh produce. The produce is limited to vegetables, fruits and herbs that are grown on the property where the sell is to take place.
170. **Seasonal Temporary Use:** Uses such as Christmas tree sales at Christmas and pumpkin sales at Halloween lasting no more than thirty (30) days.
171. **Service Station:** A building or use devoted to the retail sale of fuels, lubricants, and other supplies for motor vehicles, including minor repair activities which are subordinate to the sale of petroleum products.
172. **Setback:** The minimum horizontal distance between a lot line and nearest point of a building, structure or permitted use, located on a lot.



173. **Side, Private:** Concrete pedestrian paths, porches or open vestibules that are adjacent to commercial structures but not located in the Town right-of-way.
174. **Sign:** Any device for visual communication, including any structure or natural object or part thereof that is used for the purpose of attracting the attention of the public. This definition does not include any flag, badge or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.
175. **Small Wireless Facility:** The same meaning as set forth in A.R.S. Section 9-591. (Ordinance 1188)
176. **Smoke:** For purposes of marijuana regulations, this means to inhale, exhale, burn, carry or possess any lighted marijuana or lighted marijuana products, whether natural or synthetic. (Ord. 1210/11-20)

177. **Special Event:** Any organized activity or celebration for members of the general public or a particular group.
178. **Specified Sexual Activities:** Human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttocks or female breast.
179. **Specified Anatomical Areas:** Less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.
180. **Storage:** Place or a space for storing items.
181. **Storage Lot:** A lot on which vehicles, equipment or material are stored.
182. **Story:** That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the surface of such floor and the ceiling or roof above it.
183. **Story, First:** The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level shall be classified as a first story, provided such floor level is not more than four feet (4') below grade, as defined herein, for more than fifty percent (50%) of the total perimeter, or more than eight feet (8') below grade, as defined herein, at any point.
184. **Street:** For the purposes of this chapter a street is defined as follows:
- a. Street, Public: Property which has been dedicated to the public and accepted by the Town, County, or State for the purpose of providing access ways and utility corridors, as well as attendant structures and landscaping as required or provided by the Town.
 - b. Street, Private: Property which has been reserved as private access ways as indicated on a Subdivision Plat which has been duly approved. Private streets shall be constructed in accordance with the standards adopted by the Town of Wickenburg for public streets, and maintained by the owners of said street in accordance with a schedule approved by the Town Council.
 - c. Street, Small Tract Patent Easement: An access and utility corridor which has been reserved for public use by the United States of America.
 - d. Street, Width: Includes all land within the right-of-way whether improved or unimproved.
185. **Street Line:** The boundary which separates the right-of-way of a street from the abutting property, also called the front property line of each lot.
186. **Structural Alteration:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or exterior walls.
187. **Structure:** Anything constructed or erected which requires location on the ground or attached to something having location on the ground, but not including tents, vehicles, travel trailers or mobile homes.
188. **Shopping Center, Large:** A retail store of sixty-five thousand (65,000) square feet or more. [P]
189. **Swap Meet:** An outdoor sale or place of commercial activity which may also be known as a flea market, park and swap or other such reference which is open to the public, located outside of a wholly enclosed building and where merchandise is offered for sale, trade, exchange or barter.

190. **Tattoo Parlor:** A commercial use involving the marking of skin of persons with a design by a process of pricking or ingrainin an indelible pigment, or by the raising scars, or similar method.
191. **Temporary Building:** A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure erected has ceased.
192. **Temporary Use:** A use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.
193. **Theater:** A building or part of a building devoted to showing motion pictures, or for dramatic, musical of live performances.
194. **Tiny Home:** A single family dwelling or manufactured home consisting of a maximum of 400 square feet in size. Designed to be used with or without a permanent foundation and connected to the required utilities. *Ord. 1166
195. **Town:** Town of Wickenburg
196. **Townhome:** A one (1) family dwelling unit, with a private entrance, which is part of a structure whose dwellings units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.
197. **Tract Home:** A dwelling in a residential development containing houses similar in size and appearance.
198. **Travel Trailer:** A towed vehicle that is a temporary dwelling and sleeping facility not exceeding eight (8) feet in body width or more than forty (40) feet in length.
199. **Travel Trailer Park:** Any parcel of land upon which two (2) or more travel trailers for dwelling or sleeping purposes, are located regardless of whether or not a charge is made for such accommodations.
200. **Travel Trailer Space:** A plot of ground within a mobile home park or travel trailer park designed for the accommodation of one travel trailer together with its accessory structures including carports or other off-street parking areas, storage lockers, ramadas, cabanas, patios, patio covers, awnings and similar appurtenances.
201. **Turn Out/Pasture:** An enclosed area for the relaxation, exercise and grazing of horses.
202. **Use:** The purpose or purposes, for which land or a building is occupied, maintained, arranged, designed or intended.
203. **Use, Accessory:** A use which is customarily incidental and subordinate to the principal use of a lot or a building, including servants or caretakers' quarters, and located on the same lot therewith.
204. **Use, Principal:** The main use of land or a building as distinguished from an accessory use.
205. **Variance:** A request to allow a deviation from a development standard required by the Zoning Ordinance.
206. **Vendor:** Any person or corporation engaged in the advertisement or sale of any merchandise or service.
207. **Wireless Facility:** The same meaning as set forth in A.R.S. Section 9-591 and includes a monopole. (Ord. 1188)
208. **Yard:** The open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this Ordinance. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the principal building is to be used; however, on any lot wherein a setback line has been established by the regulations of this Ordinance for any street abutting the lot, such measurement is to be taken from the principal building to the setback line. See "Yard, Required."

209. **Yard, Front:** A yard extending across the front width of a lot and being the minimum horizontal distance between the street line and the principal building or any projection, other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot is the yard adjacent to the designated front lot line.
210. **Yard, Rear:** The area bounded by the side lot lines and between the rear lot line and the rear of the principal building and in all cases the rear yard is opposite from the front yard.
211. **Yard, Required:** The minimum area created by the setback requirements of this ordinance for front, rear, and side yards. The area remaining of the lot after setbacks are placed creates the "buildable area."
212. **Yard Sale:** Also called garage sale or moving sale. The occasional sale of surplus personal property held on premises by the owner or occupant of a lot.
213. **Yard, Side:** The area bounded by the front and rear lot lines and the side lot line and the side of the principal building minus the area calculated for the front and rear yards and any projection, other than steps, unenclosed balconies or unenclosed porches. An interior side yard is defined as the side yard adjacent to a common lot line.
214. **Zoning Administrator:** The official responsible for enforcement of the Zoning Ordinance.
215. **Zoning District:** Any Section as shown on the Zoning District Map of the Town for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.