

**CHAPTER 1: ZONING ORDINANCE**

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**ARTICLE 1-1: INTRODUCTORY PROVISIONS**

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**§ 1-1-1 TITLE AND AUTHORITY.**

(A) Chapter 1 of the Apache Junction City Code, Volume II, Land Development Code shall be known and cited as the "City of Apache Junction Zoning Ordinance", "Zoning Ordinance", "Zoning Code", "this Ordinance", "the Ordinance" or "this Chapter". Whenever reference is made to any portion of this Ordinance, or of any other law or ordinance, the reference applies to all amendments and additions to this Chapter made hereafter.

(B) The City of Apache Junction ("city") is authorized under the Arizona Revised Statutes ("A.R.S.") to exercise broad powers in the regulation of zoning, planning, land subdivision and building. This Chapter intends to use all powers set forth in A.R.S. §§ 9-462, *et seq.*

(Ord. 1402, passed 5-6-2014)

### **§ 1-1-2 INTENT.**

This Chapter is intended to be consistent and harmonious with the city's current General Plan ("General Plan"), to enable the city to respond uniformly and consistently to development proposals and to protect and promote the public health, safety and general welfare.

(Ord. 1402, passed 5-6-2014)

### **§ 1-1-3 APPLICABILITY.**

(A) *Applicability to property.* This Chapter shall apply, to the extent permitted by law, to all property within the city, including all uses, structures and land owned by any private person, firm, corporation or organization, or local, state or federal agencies.

(B) *Compliance with regulations.* No land shall be used, and no structure shall be constructed, occupied, enlarged, altered, demolished or moved except in accordance with the provisions of this Chapter.

(C) *Minimum requirements.* In interpreting and applying the provisions of this Chapter, the applicant shall meet or exceed the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare.

(D) *Relation to other regulations.* The regulations of this Chapter and requirements or conditions imposed pursuant to this Chapter shall not supersede any other regulations or requirements adopted or imposed by the State of Arizona, or any federal agency that has jurisdiction by law over uses and development authorized by this Chapter. All uses and development authorized by this Chapter shall comply with all other such regulations and requirements. Unless otherwise specified, where conflict occurs between the provisions of this Chapter and any other city ordinance, chapter, resolution, guideline or regulation, the more restrictive provisions shall control.

(E) *Relation to private agreements.* In the event this Chapter, or any permit, approval or development agreement authorized by this Chapter, is more restrictive than any agreement between private parties, this chapter or development agreement shall apply. Otherwise, this Chapter shall not interfere with, affect or annul any recorded easement, covenant, or other agreement between private parties.

(F) *Effective date.* This Chapter shall become effective 30 calendar days after adoption.

(Ord. 1402, passed 5-6-2014)

### **§ 1-1-4 INTERPRETATION, LANGUAGE RULES AND MEASUREMENT RULES.**

(A) *Intent.* This section of the Chapter is intended to describe the rules of interpretation and the rules of measurement relative to planning and zoning regulations.

(B) *Rules for construction of language.* In interpreting the various provisions of this Chapter, the following rules of construction shall apply:

(1) The particular controls the general. Whenever a general provision in a rule shall be in conflict with a particular provision in the same or another rule, the two shall be construed, if possible, so that effect may be given to both. If the conflict between the two provisions is irreconcilable, the particular provisions shall prevail and shall be construed as an exception to the general provision.

(2) Unless the context clearly indicates the contrary, the following conjunctions shall be interpreted as follows:

- (a) The word **AND** indicates that all connected words or provisions shall apply.
- (b) The word **AND/OR** indicates that the connected words or provisions may apply singly or in any combination.
- (c) The word **OR** indicates that the connected words or provisions shall apply singly but not in combination.
- (d) The word **EITHER/OR** indicates that the connected words or provisions shall apply singly but not in combination.

(3) In case of conflict between the text and a diagram or graphic, the text controls.

(4) All references to departments, committees, commissions, boards, or other public agencies are to those of the city, unless otherwise indicated.

(5) All references to public officials are to those of the city, and include designated deputies, assistants, and appointees of such officials, unless otherwise indicated.

(6) All references to **DAYS** are to calendar days, unless otherwise indicated. If a deadline falls on a weekend or holiday, or a day when the city offices are closed, it shall be extended to the next working day. The end of a time period shall be the close of business on the last day of the period. The **CLOSE OF BUSINESS** means the time of day that city offices, as determined by the City Manager, are closed.

(7) All references to **SECTION**, **CHAPTER**, or **ARTICLE** shall refer to those sections, chapters or articles under this Chapter unless another meaning is clear from the context of the reference.

(8) The words **SHALL**, **WILL** and **MUST**, are always mandatory and not discretionary. The words **SHOULD** and **MAY** are permissive.

(9) The present tense includes the past and future tenses, and the future tense includes the past.

(10) The singular number includes the plural, and the plural, the singular.

(11) The term **DIRECTOR** shall refer to the Development Services Department Director or his/her designee.

(12) Sections and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning, or intent of any section; they are merely presented for organizational clarity and guidance.

(C) *Rules for measurement.* The purpose of this section is to explain how the following measurements referred to in this Chapter are to be calculated.

(1) *Applicant's responsibility.* The applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project, which shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Development Services Director ("Director") or authorized designee.

(2) *Fractions.* Unless otherwise stated, whenever a required arithmetical calculation contains a fraction of a whole number, fractions of " or greater shall be rounded up to the nearest whole number and fractions of less than " shall be rounded down to the nearest whole number.

(3) *Measurements.* The following describes how measurements are determined for certain zoning requirements. If there is a question regarding measurements, the Zoning Administrator shall be responsible for interpretation, clarification and final determination of measurement methods.

(a) *Minimum distance.* When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.

(b) *Horizontal distance.* When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

(c) *Shortest distance.* Measurements involving a structure, such as required yards, separations between buildings, or distances between structures, are made to the closest support wall, post or column of the structure. Structures or portions of structures that are entirely underground are not included in measuring required distances, but shall not encroach over the property line.

(d) *Vehicle stacking or travel areas.* Measurement of a minimum travel distance for vehicles, such as garage entrance setbacks and stacking lane distances, are measured down the center of the vehicle travel area. For example, curving driveways and

travel lanes are measured along the center arc of the driveway or traffic lane.

(e) *Underground structures.* Structures or portions of structures that are entirely underground are not included in measuring required zoning setback distances, but shall not encroach over the property line.

(f) *Radius.* When a specified land use is required to be located a minimum distance from another land use, the minimum distance is measured in a straight line.

(g) *Height.* Height is measured as the vertical distance from the finished grade adjacent to the structure to the highest point of any portion of a structure, unless excepted by Vol. II, § 1-6-2. The Zoning Administrator shall determine height measurements for sloping properties.

1. *Fences and walls.* When measuring fence/wall heights on properties which are characterized by notable topographical features, such as properties with slopes, elevation deviations, washes, swales, rock outcrops and other like features, building and code officers and/or inspectors shall look for reasonable compliance with fence/wall height standards. On these properties, some variations in fence/wall heights are expected.

2. *Retaining walls.* The height of a fence that is on top of a retaining wall is measured from the ground level on the highest side of the fence and wall.

3. *Decks.* Deck height is determined by measuring from the grade immediately under the deck to the top of the floor of the deck.

(h) *Minimum lot width.* Minimum lot width is the distance between side lot lines measured perpendicular to the lot depth at the front setback line. Minimum lot width measurement for flag lots shall be interpreted by the Zoning Administrator.

(i) *Lot depth.* Lot depth is measured along an imaginary straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line or to the most distant point on any other lot line where there is no rear lot line. Lot depth for new parcels shall not be more than four times the lot width unless waived by the Zoning Administrator due to unique environmental or geographic conditions.

(j) *Minimum lot area.* Minimum lot area shall be calculated as net land area, with the exception of the RS-GR, RS-54 and RS-54M zoning districts, which shall be calculated as gross land area. The minimum lot size requirements are identified in Vol. II, Tables 5-2 and 5-4.

(k) *Floor area.* For zoning purposes, floor area is the sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center

line of party walls. Included shall be any basement floor, mezzanines, elevator shafts, and stair wells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.

(l) *Floor area ratio.* The floor area ratio ("FAR") is the ratio of the floor area of all principal and accessory buildings on a lot to the lot area. To calculate FAR, floor area is divided by lot area, and typically expressed as a decimal. For example, if the floor area of all buildings on a lot totals 20,000 square feet, and the lot area is 10,000 square feet, the FAR is expressed as 2.0.

(m) *Lot coverage.* Lot coverage is the ratio of the total footprint area of all structures on a lot to the net lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios and porches, shall be added together in order to calculate lot coverage. The calculation excludes the following structures:

1. Decks, patio slabs, porches, landings, balconies and stairways when unenclosed, unroofed, and/or uncovered;
2. Eaves and roof overhangs projecting up to 2" feet from a building wall;
3. Trellises and similar structures that do not have solid roofs;
4. Swimming pools and hot tubs that are not enclosed in roofed structures or decks.

(n) *Lot frontage.* The front side of the lot subject to front setback requirements. For corner lots with multiple frontage, the narrowest dimension of the lot with street frontage shall generally be designated as the front of the lot. In the case of uncertainty, the Zoning Administrator shall determine which lot frontage shall be used for front setback purposes.

(o) *Through lot frontage (double frontage lot).* The front yard borders the street primarily used as frontage by neighboring lots. If both street fronts of the through lot are adjacent to lots that also front onto the same street, both street fronts of the through lot shall be considered as required front yards for the purpose of determining building setbacks and fence height requirements. In the case

of uncertainty, the Zoning Administrator shall determine which lot frontage(s) shall be used for front setback purposes.

(p) *Front setbacks.* The minimum front setback shall be measured as the distance between any building and the road right-of-way fronting the property. For properties fronting a private street, the front setback shall be measured from the edge of the private access way.

(q) *Side setbacks.* The minimum required distance between any buildings and the side lot line(s) or road right-of-way(s) on the side of the property. Side setbacks along a public street (i.e., street side setbacks) may be different than side setbacks along an interior lot (i.e., interior side setbacks). Side setbacks along a private street shall be measured from the edge of the private access way.

(r) *Rear setbacks.* The minimum required distance between any buildings and the rear lot line(s) or road right-of-way(s) at the rear of the property, whichever is less.

(s) *Setbacks from alleys.* Setbacks from a dedicated alley shall be treated the same as a side or rear setback from an interior lot line. In computing the minimum setback for any lot abutting an alley, no part of the width of the alley may be considered as part of the required setback.

(Ord. 1402, passed 5-6-2014)

### **§ 1-1-5 CONSISTENCY WITH THE GENERAL PLAN.**

(A) This Chapter is intended to implement the goals, objectives and policies of the General Plan and is hereby deemed to be consistent, harmonious and in accordance with the adopted General Plan. Any amendments to or actions pursuant to the Chapter shall also be consistent with the General Plan.

(B) An amendment to the text of the Chapter is consistent and in accordance with the General Plan if it complies with the goals and policies stated in the General Plan, as it may be amended from time to time. An amendment to the Zoning Map is consistent with the General Plan if the map amendment is consistent with the Land Use Plan Map contained in the General Plan, as amended from time to time. The Zoning Administrator shall be responsible for interpreting zoning compliance with the General Plan.

(C) Unless otherwise specified, where conflict occurs between the provisions of this Chapter and the General Plan, the Chapter provisions shall apply.

(Ord. 1402, passed 5-6-2014)

### **§ 1-1-6 TRANSITIONAL PROVISIONS.**

(A) *Continuation of violations.* Any violation of the chapter previously in effect will continue to be a violation under this Chapter after adoption and shall be subject to penalties and enforcement unless the use, development, construction or other activity complies with the provisions of this Chapter.

(B) *Approved projects.* A project that was approved prior to the effective date of this Chapter shall be deemed approved after the effective date of this Chapter and the property owner may file an application for a building permit in compliance with the approved plan and plan conditions. Upon approval of the construction plans, a building permit may be issued.

(C) *Approved preliminary subdivision plats.* A project that has a preliminary plat approved prior to the effective date of this Chapter may be processed by city staff for final subdivision plat and improvement plan consideration, even if the subdivision does not fully comply with the provisions of this Chapter. If a final plat application is not filed within 1 year of the date of preliminary plat approval (unless extended as provided by the subdivision regulations) the preliminary plat shall expire.

(D) *Approved conditional use permits.* An applicant's project that has received a conditional use permit approval prior to the effective date of this Chapter may be granted a building permit, even if the project does not fully comply with the provisions of this Chapter. If a building permit application is not filed within 1 year of the date of the conditional use permit approval, the conditional use permit shall expire.

(E) *Approved building permits.* An applicant who has filed a complete building permit application prior to the effective date of this Chapter may be issued a building permit if such permit complies with the previous ordinance. If construction has not commenced in compliance with the applicable permit terms, the Building Official may grant an extension pursuant to the provisions of the Building Code. If the building, structure, or sign has not been completed in conformance with the building permit and any extension thereof, then

the building, structure, or sign shall be constructed, completed or occupied only in compliance with this Chapter.

(F) *Previously filed building permit applications.* Any building, structure, or sign for which a completed building permit application is filed prior to the effective date of the this Chapter may be issued a building permit and constructed in compliance with the building permit and other applicable approvals, permits and conditions, even if the building, structure or sign does not fully comply with this Chapter. If construction has not commenced in compliance with the applicable permit terms, the Building Official may grant an extension pursuant to the provisions of the Building Code. If the building, structure, or sign has not been completed before the building permit or any extension of the permit expires, then the building, structure, or sign shall be constructed, completed or occupied only in compliance with this Chapter.

(G) *Previously filed planning applications.* Complete applications for site plan approval, conditional use permit approval or preliminary plat approval submitted prior to the effective date of this Chapter may be approved under the provisions of the Zoning Ordinance in place prior to the effective date of this Chapter. If a building permit application is not filed within two years of the date of site plan approval, or one year after the conditional use permit approval, the approval shall expire. No time extensions shall be permitted, unless approval of the preliminary plat is extended, based on the requirements of the subdivision regulations.

(H) *Previously filed rezoning or variance applications.* Complete rezoning or variance applications filed prior to the effective date of this Chapter shall be governed by the provisions of the Zoning Ordinance in place prior to the effective date of this Chapter. The applicant may elect to comply with this Chapter by submitting a written preference when filing the application for rezoning with the city, but in that case shall comply with all provisions of this Chapter. If a building permit application is not filed within two years of the effective date of this Chapter, the approval to use the provisions of the previous Zoning Ordinance shall expire. If the building permit application expires, or once issued, the building permit expires, then any plans adopted as part of the approved rezoning shall be modified to comply with the provisions of this Chapter. No time extensions shall be permitted.

(I) *Prior nonconformities.* Any legal nonconformity under the previous Zoning Ordinance also will be a legal nonconformity under this Chapter, so long as the situation that resulted in the legal nonconforming status under the previous Zoning Ordinance continues to exist. If a legal nonconformity under the previous Zoning Ordinance becomes conforming because of the adoption of this Chapter, then the use or structure will no longer be considered a nonconformity.

(Ord. 1402, passed 5-6-2014)

### **§ 1-1-7 GENERAL PENALTY.**

Any person or entity found guilty of violating any provision of this Chapter shall be punished in accordance with Vol. II, § 1-16-16 of this Chapter.

(Ord. 1402, passed 5-6-2014)

### **§ 1-1-8 SEVERABILITY.**

If any section, subsection, paragraph, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The city hereby declares that it would have passed this Chapter, and each section, subsection, sentence, clause and phrase thereof, regardless of the fact that any or one or more sections, subsections, sentences, clauses or phrases was declared invalid or unconstitutional.

(Ord. 1402, passed 5-6-2014)

## **ARTICLE 1-2: TYPES OF USES**

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Section

1-2-1 Uses permitted by right

1-2-2 Prohibited uses

1-2-3 Conditioned uses

1-2-4 Administrative uses

1-2-5 Nonconforming uses, structures and lots

1-2-6 Uses not listed

### **§ 1-2-1 USES PERMITTED BY RIGHT.**

Uses permitted by right are those uses that are specifically allowed or uses analogous to those specifically allowed by interpretation of the Zoning Administrator. A permitted use by right may be lawfully established in a particular district or districts, provided that they conform to all requirements of the regulations for the district in which such uses are located. See Vol. II, Tables 5-1 and 5-3.

(Ord. 1402, passed 5-6-2014)

### **§ 1-2-2 PROHIBITED USES.**

Prohibited uses are those uses that are not specifically permitted by right, by conditional use permit or by administrative use permit, and also include those uses that are listed as expressly prohibited in Vol. II, Tables 5-1 and 5-3.

(Ord. 1402, passed 5-6-2014)

### **§ 1-2-3 CONDITIONAL USES.**

Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual Planning and Zoning Commission review and conditional use permit ("CUP") approval for their location, design, operation and configuration along with the imposition of conditions in order to ensure the appropriateness of the use at a particular location. See Vol. II, Tables 5-1 and 5-3. The administrative process required for CUPs is provided in Vol. II, § 1-16-12(D).

(Ord. 1402, passed 5-6-2014)

### **§ 1-2-4 ADMINISTRATIVE USES.**

Administrative uses are those uses that are generally compatible with the land uses permitted by right in a zoning district, but which require Zoning Administrator review and issuance of an administrative use permit ("AUP") to ensure the use complies with Zoning Code standards. Uses requiring an AUP include, but are not limited to, temporary uses, cargo containers, fences, signs, outdoor events and home occupations. See Vol. II, Tables 5-1 and 5-3. The administrative process required for administrative use permit requests is provided in Vol. II, § 1-16-12(C).

(Ord. 1402, passed 5-6-2014)

### **§ 1-2-5 NONCONFORMING USES, STRUCTURES AND LOTS.**

(A) *Establishment and applicability.* Legal nonconforming uses, structures and lots are those uses, structures and lots that were legally in compliance before the adoption or amendment of this Chapter or previously adopted city ordinances or annexations into the city, but which are prohibited, regulated, or restricted differently under the terms of this Chapter or future amendments to the Chapter or the Zoning Map.

(1) Nonconforming status may result from any inconsistency with the requirements of this Chapter including, but not limited to, land use, setbacks, lot size, location, density, floor area, height, usable open space, buffering, screening, landscaping, provision of parking, performance standards, or the lack of an approved use permit or other required authorization.

(2) Any legally established use, structure or lot, or legal nonconforming use, structure or lot that is in existence on the effective date of this Chapter, or any subsequent amendment, but does not comply with all of the standards and requirements of this Chapter shall be considered legally nonconforming. Legally nonconforming uses, structures, and lots may only be continued subject to the following requirements of this Chapter.

(B) *Legal nonconforming uses.*

(1) *Expansion of legal nonconforming uses.* A legal nonconforming use shall not expand within an existing structure and shall not expand into any other structure or lot that it did not previously occupy, or within a federal patented easement.

(2) *Abandonment of legal nonconforming uses.* No legal nonconforming use may be resumed, reestablished, or reopened after it has been abandoned, vacated or ceased to be used for a period of 12 or more continuous months, as determined by the Zoning Administrator. The owner/operator of the use may provide evidence of continual operation of the use, such as monthly business receipts or tax returns showing business activity during the time period in question. In cases of providing tax returns, the owner/operator shall waive all confidentiality rights set forth in Arizona law.

(3) *Termination of legal nonconforming use.* Failure of a nonconforming use to follow the regulations as prescribed in this Chapter shall be prima facie evidence of termination of the legal nonconforming use.

(C) *Legal nonconforming structures.*

(1) *Expansion of legal nonconforming structures.* Nonconforming structures shall only be enlarged, expanded or extended in accordance with the terms of this Chapter, or if the Zoning Administrator determines it necessary to meet city or state requirements and/or to meet current requirements of the zone in which the structure is located.

(2) *Structural alterations to nonconforming structures (50% rule).* Structural elements of nonconforming structures and buildings may be modified, altered, repaired or replaced subject to the cost not exceeding 50% of the value of the building or structure as determined by two competent Arizona certified/registered appraisers chosen by and at the expense of the owner/operator. Structural modifications, alterations, repairs or replacements shall not enlarge or expand the nonconforming structure or building. This paragraph does not include nonconforming signs which are separately regulated in Vol. II, § 1-11-11.

(3) *Damaged or partially destroyed structures (50% rule).*

(a) A legal nonconforming building or structure that is damaged or partially destroyed may be restored or rebuilt if the cost of repair or reconstruction does not exceed 50% of the current construction value, exclusive of the foundation, of the building or structure as determined by two independent competent Arizona certified/registered appraisers chosen by and at the expense of the owner/operator. Replacement or restoration of the damaged portions of the building shall not exceed the size, extent, and configuration that previously existed, and shall be subject to Building Code requirements.

(b) If the cost of repair or reconstruction of a legal nonconforming building or structure exceeds 50% of the construction value, exclusive of the foundation, of the building or structure replacement, the land and building shall be subject to all of the requirements of this Chapter.

(D) *Legal nonconforming lots.* Legal nonconforming lots shall be allowed to exist and continue but shall not be reduced in size.

(E) *Certificate of legal nonconformity.*

(1) No permit or license shall be issued for a nonconforming use or structure until a certificate of legal nonconformity ("certificate") has been issued by the Zoning Administrator. It shall be the burden of the property owner to provide the following information and evidence to establish legal nonconformity:

(a) Such non-conforming use or structure did legally exist on the adoption date of this Chapter;

(b) Such use or structure was not used, operated or maintained in violation of any local, state or federal law; and

(c) Such use or structure is in compliance with applicable federal, state or local laws, regulations or the other requirements, and has not, as of the effective date of this Chapter, been abandoned or vacated for a period of 12 or more continuous months.

(2) The Zoning Administrator shall review and examine the information and evidence provided by the property owner in support of the certificate. If the Zoning Administrator believes that any information set forth by the property owner is incorrect, does not contain substantial competent evidence that the non-conformity was legally established and lawfully maintained prior to the effective date of this Chapter or any amendment thereto creating the non-conformities, the Zoning Administrator may deny the certificate along with a statement of the reasons for the denial. In order that the exact nature and extent of such non-conforming use, structure or lot may be determined, the Zoning Administrator may require at the expense of the owner/operator a survey map prepared by an Arizona registered engineer or registered surveyor showing the location of structures, buildings and property lines. The surveyor or engineer may be chosen by the property owner.

(3) Upon a showing of necessary and sufficient evidence, the Zoning Administrator shall issue a certificate of legal



nonconformity which shall be proof that the use, structure and/or lot described therein is lawful and may continue subject to the regulations of this Chapter.

(4) An appeal to the Board of Adjustment may be taken pursuant to Vol. II, § 1-16-5 by any person aggrieved by the decision of the Zoning Administrator.

(Ord. 1402, passed 5-6-2014)

### **§ 1-2-6 USES NOT LISTED.**

*Determination.* A land use that is not listed as a permitted use, conditional use or administrative use in the tables and text of the Zoning Code shall not be allowed within the city unless the Zoning Administrator determines that a non-listed proposed use is similar to and compatible with a listed use. Such determination shall be based on the following findings:

(A) The characteristics of, and activities associated with the use are similar to one or more of the listed uses, and will not involve a greater intensity than the uses listed in the zone.

(B) The use will be consistent with the purposes of the applicable zone.

(C) The use will be consistent with the General Plan.

(D) The use will be compatible with the other uses allowed in the zone.

(Ord. 1402, passed 5-6-2014)

## **ARTICLE 1-3: DESIGNATION OF ZONING DISTRICTS, ZONING MAP AND BOUNDARIES**

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### Section

1-3-1 Zoning districts

1-3-2 Zoning Map

1-3-3 Determination of zoning district boundaries

### **§ 1-3-1 ZONING DISTRICTS.**

The city shall be classified into zoning districts or zones, the designation and regulation of which are set forth in this Chapter. Vol. II, Article 1-4, Zoning Districts identify and briefly describe the different zoning districts within the city. Uses and dimensional requirements for each zoning district are illustrated in Vol. II, Tables 5-1, 5-2, 5-3 and 5-4.

(Ord. 1402, passed 5-6-2014)

### **§ 1-3-2 ZONING MAP.**

(A) *Zoning Map.* The boundaries of the zoning districts established by this Chapter are illustrated on the Zoning Map maintained by the city. The Zoning Map, together with all legends, symbols, notations, references, zoning district boundaries and other information on the map, are hereby incorporated into this Chapter by reference.

(B) *Location and access to Zoning Map.* The official Zoning Map shall be located in the Development Services Department and accessible for viewing during normal business hours. Any change thereto shall be identified as an amendment to the Zoning Map (i.e., rezoning) and shall be filed in accordance with Vol. II, § 1-16-6 of this Chapter.

(Ord. 1402, passed 5-6-2014)

### § 1-3-3 DETERMINATION OF ZONING DISTRICT BOUNDARIES.

*Uncertainty of boundaries.* Where uncertainty exists as to the boundaries of any zoning district shown on the Zoning Map, the following rules shall apply:

(A) Boundaries indicated as approximately following property or land parcel lines, street or alley rights-of-way, city boundary lines, shall be construed as following such lines, limits or boundaries.

(B) Where a zoning district boundary divides a lot and no dimensions or dividing lines are indicated, the location of such boundary shall be determined by the use of the scale appearing on the Official Zoning Map. In the case of any remaining uncertainty, the Zoning Administrator shall determine the location of boundaries based on the original Zoning Ordinance exhibit(s) that created the change.

(C) Where any public street or alley is officially vacated or abandoned, the land underlying the street or alley will be added to abutting lots as required by state law. The regulations that applied to the abutting parcel or parcels before the vacation or abandonment shall apply to the entire new larger parcel or parcels that result from such vacation or abandonment.

(D) Where any private right-of-way or easement of any railroad, railway, transportation or public utility company is vacated, extinguished or abandoned, the land underlying the right of way or easement shall be added to abutting lots as required by state law. If the zoning for abandoned, extinguished or vacated property is unclassified, the property shall be automatically classified as being in the same zone of the abutting land to which it is added.

(Ord. 1402, passed 5-6-2014)

## ARTICLE 1-4: ZONING DISTRICTS

Section

1-4-1 Zoning districts

1-4-2 Master Planned Community (MPC) District

1-4-3 Planned Development (PD) Overlay District

### § 1-4-1 ZONING DISTRICTS.

Table 4-1 below describes and summarizes the city's zoning districts. If there is any inconsistency between these summaries and the specific regulatory provisions in Tables 5-1, 5-2, 5-3 and 5-4 of this Chapter (see Vol. II, §§ 1-5-1 through 1-5-4), the specific regulatory provisions shall prevail.

TABLE 4-1: LIST OF ZONING DISTRICTS

<b>ZONING DISTRICTS</b>	<b>ZONING DISTRICT DESCRIPTIONS</b>
RS-GR	<i>General Rural Low Density Single-Family Detached Residential.</i> Minimum lot size of 1.25 acres. Allows both conventional and manufactured housing.
RS-54	<i>Low Density Single-Family Detached Residential.</i> Minimum lot size of 1.25 acres. Allows only conventional housing.
RS-54M	<i>Low Density Single-Family Detached Residential.</i> Minimum lot size of 1.25 acres. Allows both conventional and manufactured housing.

RS-20	<i>Medium Density Single-Family Detached Residential.</i> Minimum lot size of 20,000 square feet. Allows only conventional housing.
RS-20M	<i>Medium Density Single-Family Detached Residential.</i> Minimum lot size of 20,000 square feet. Allows both conventional and manufactured housing.
RS-10	<i>Medium Density Single-Family Detached Residential.</i> Minimum lot size of 10,000 square feet. Allows only conventional housing.
RS-10M	<i>Medium Density Single-Family Detached Residential.</i> Minimum lot size of 10,000 square feet. Allows both conventional and manufactured housing.
RS-7	<i>Medium/High Density Single-Family Detached Residential.</i> Minimum lot size of 7,000 square feet. Allows only conventional housing.
RS-7M	<i>Medium/High Density Single-Family Detached Residential.</i> Minimum lot size of 7,000 square feet. Allows both conventional and manufactured housing.
RS-5	<i>Medium/High Density Single-Family Detached Residential.</i> Minimum lot size of 5,000 square feet. Allows only conventional housing.
RM-1	<i>High Density Multiple-Family Residential.</i> Maximum density of 13 units/acre (i.e., 3,350 square feet per unit) and minimum development parcel size of 7,000 square feet.
RM-2	<i>High Density Multiple-Family Residential.</i> Maximum density of 22 units/acre (i.e., 1,980 square feet per unit) and minimum development parcel size of 7,000 square feet.
RM-3	<i>Very High Density Multiple-Family Residential.</i> Maximum density of 40 units/acre (i.e., 1,089 square feet per unit) and minimum development parcel size of 7,000 square feet.
MHP	<i>Manufactured Home Park.</i> Maximum density of 14 units/acre and minimum development parcel size of 10 acres.
RVP	<i>Recreational Vehicle Park.</i> Maximum density of 20 units/acre max and minimum development parcel size of 10 acres.
B-1	<i>General Commercial.</i> Generally intended for commercial uses that serve a local and regional market.
B-2	<i>Old West Commercial.</i> Generally intended for commercial uses located within the Downtown Transition Area.
B-3	<i>City Center.</i> Generally intended for commercial, recreational and/or multi-family residential land uses located within the Core Downtown Area.
B-4	<i>Business Park.</i> Generally intended for commercial and/or light industrial land uses.

B-5	<del><i>Industrial.</i> Generally intended for light industrial uses permitted by right, and heavy industrial uses permitted as conditional uses.</del>
PI	<del><i>Public and Institutional.</i> Generally intended for public, quasi-public and institutional uses.</del>
MPC	<i>Master Planned Community.</i> Generally intended for large-scale, unified and comprehensively planned developments in accordance with Vol. II, § 1-4-2.
PD	<i>Planned Development Overlay.</i> Generally intended for site and building design flexibility in accordance with Vol. II, § 1-4-3.

(Ord. 1402, passed 5-6-2014)

**§ 1-4-2 MASTER PLANNED COMMUNITY (MPC) DISTRICT.**

(A) *Intent and purpose.* The MPC District is generally intended to accommodate large-scaled, unified and comprehensively planned developments. This zoning district is reflected in the General Plan's Land Use Plan Map as Master Planned Community.

(B) This district is more specifically intended to provide an alternative zoning district and development process to accommodate substantial mixed-use developments requiring planning and development flexibility not otherwise attainable under conventional zoning districts, in accordance with the following:

(1) To promote the public health, safety, and general welfare.

(2) To provide a combination of land uses, which may include a variety of residential types, commercial, industrial, public and semi-public areas that are arranged and designed in accordance with sound site planning principles and development techniques, and that are functionally integrated into the planned transportation system, water and sewer systems, parks, schools and utilities.

(3) To encourage a more creative approach in the utilization of land in order to accomplish an efficient, aesthetic, and desirable development.

(4) To establish planning and development control parameters tailored to the opportunities and constraints of the property.

(5) To provide reasonable assurances to the city and developer that the proposed development may be planned and carried out in one or more phases over an extended period of time, in accordance with the approved MPC Zoning and Development Plan.

(6) To assure that the MPC District is developed in accordance with a MPC Zoning and Development Plan. The MPC Zoning and Development Plan shall be designed to fulfill the goals established by the General Plan, provide development standards promoting an appropriate balance of land uses, and promote the planning of public facilities designed to serve the projected population.

(C) *General provisions.*

(1) *MPC Zoning and Development Plan.* Prior to receiving MPC zoning approval from the city, the property owner/developer shall submit a MPC Zoning and Development Plan in accordance with Vol. II, § 1-4-2(E). Following review and recommendation by the Planning and Zoning Commission, the City Council shall review and either approve, modify and approve or deny the proposed MPC zoning request.

(2) *Claim waiver.* The Development Services Director ("Director") or designee shall not recommend approval of any MPC District rezoning and/or MPC Zoning and Development Plan unless the Director has received a claim waiver under A.R.S. §§ 12-1131, *et seq.*, from the owner or owners of the property that is the subject of the MPC District.

(3) *Minimum MPC District area.* The minimum area required for the MPC District is 100 contiguous acres. Areas within rights-of way and easements may be included in the computation of the minimum 100 acres.

(D) *Zoning and development standards.*

(1) *Uses.* The Council shall establish and approve a specific pallet of permitted, conditional and temporary uses as part of a MPC rezoning. The approved pallet of uses shall be incorporated into the MPC Zoning and Development Plan.

(2) *Dimensional zoning standards.* The Council shall establish and approve minimum and/or maximum zoning standards for setbacks, building height, density, intensity, lot sizes, lighting, landscaping, signage and parking as part of an MPC rezoning. These approved standards shall be incorporated into the MPC Zoning and Development Plan.

(3) *Building and site design.* The Council shall establish and approve site and building design guidelines as part of a MPC rezoning. These approved design guidelines shall be incorporated into the MPC Zoning and Development Plan.

(E) *Application procedures.* The following application procedures shall apply:

(1) The applicant shall meet with the Director or designee prior to making an application for the MPC District to discuss the development concept, the review and approval process, and the submittal requirements.

(2) The applicant shall submit a complete application form, required fees and a draft MPC Zoning and Development Plan to the Development Services Director or designee.

(3) If the application request requires an amendment of the 2010 General Plan and/or a previously approved MPC Zoning and Development Plan, the applicant shall submit an application to amend the General Plan or previously adopted MPC Plan prior to or simultaneously with the application for the MPC District zoning.

(4) The Planning Division shall distribute the MPC application and supporting materials to each responsible department for review and comment.

(5) Written responses shall be obtained from public or quasi-public agencies identified by the Director or designee as being stakeholders in the outcome of the development proposal. The Director or designee shall compile all of the comments and recommendations and submit a written report to the applicant.

(6) If necessary, the applicant shall revise the MPC Zoning and Development Plan based on comments received and shall resubmit to the Planning Division for further evaluation by the city and the reviewing agencies.

(7) Once the application is deemed complete by the Director or designee, the application shall be forwarded to the Planning and Zoning Commission for review and recommendation, and then the City Council for final review and decision.

(F) *MPC Zoning and Development Plan.* The MPC Zoning and Development Plan shall describe the purpose, nature and characteristics of the proposed master planned community by including the following:

(1) Contact list of key project team representatives including the land owner, developer, and agents.

(2) Vicinity map illustrating the property location.

(3) Legal description of the MPC boundary.

(4) A statement by the applicant demonstrating compliance with the General Plan.

(5) Existing conditions map showing the present use and general condition of the MPC property and adjacent lands within 1/2 mile of the MPC property. The map will provide the total gross acreage, gross density proposed and a delineation of major physical constraints or opportunities including major environmental features, topography, existing roads, trails, utilities, generalized location of any 100-year floodway and major drainage elements.

(6) The delineation of development units including the approximate development unit acreage, proposed allocation and description of land uses within the development unit, maximum number of dwelling units within the development unit, and the maximum square footage of non-residential floor area within the development unit. A development unit may be defined as an approximate subarea within a specifically defined MPC boundary containing singular or multiple designated land uses and zoning classifications. Multiple classifications or mixed-use classifications may be permitted in the MPC District in conformance with the General Plan. A development unit in text or table format is the same area as referenced on a map but describes the area in more specific detail. The City Council may approve a particular definition of subarea or development unit for any individual MPC District.

(7) Land use plan map illustrating the planned location, density and/or intensity for future residential, commercial, industrial, institutional, recreational, open space and mixed use development.

(8) Conceptual design images representing the type and quality of proposed housing design, non-residential design, lighting, signage and landscaping features.

(9) General location of any significant historical, cultural and archaeological features of the site, including proposed methods to incorporate and preserve such features into the proposed project.

(10) A circulation system concept plan that is consistent with the goals and policies of the General Plan, which shall include the approximate location of all proposed arterial and collector streets, proposed connections to existing streets, and proposed trails and bikeways.

(11) Proposed public schools, parks and open space areas.

(12) Preliminary drainage and hydrology report, prepared by an Arizona registered engineer.

(13) Preliminary water and sewer system report, prepared by an Arizona registered engineer.

(14) Preliminary traffic impact analysis report, prepared by an Arizona registered engineer.

(15) Such additional information as the Director or designee may prescribe as necessary, to facilitate review and action on the application by the Planning and Zoning Commission and the City Council.

(G) *Development schedule.* The following shall be submitted with the MPC District application:

(1) A schedule, indicating to the best of the applicant's knowledge, the approximate timeframe in which construction or development is expected to begin and the duration of time required for completion of the development; and

(2) Proposed phasing plan if the project will not be developed as one unit/phase, including a plan for the interim use and management of the undeveloped phase or phases.

(H) *MPC District approval.*

(1) Approval of a MPC District rezoning shall be subject to the procedural requirements for rezoning in Vol. II, § 1-16-6.

(2) At the time the MPC District is approved by the City Council, the associated MPC Zoning and Development Plan shall become an integral part of the Apache Junction zoning regulations for the rezoned property. All future development within the MPC district shall thereafter be in conformity with the MPC Zoning and Development Plan.

(I) *Development agreement.* A development agreement between the city and the owner/developer shall be required and may be processed and adopted concurrently with or subsequent to the MPC District.

(J) *Findings.* Before approval of a MPC District, the City Council shall find that:

(1) The development proposed is in conformance with the General Plan.

(2) The streets and thoroughfares proposed are in harmony and conformance with the General Plan.

(3) The proposed development will be compatible with the character of the surrounding area.

(4) The conceptual site locations proposed for public facilities such as schools, fire protection, law enforcement, water, wastewater, streets, public services and parks, are adequate to serve the anticipated population within the MPC District.

(K) *MPC District amendments and adjustments.*

(1) Changes to the approved MPC Zoning and Development Plan may be requested by the applicants or their successors and shall be delineated as either City Council approved amendments or City staff approved adjustments.

(2) Criteria for distinguishing between amendments and adjustments shall be provided as part of a development agreement and/or approved MPC Zoning and Development Plan.

(3) Any administrative adjustment decision made by the Director or the Planning and Zoning Commission shall be in accordance with the development agreement and/or approved MPC zoning and development plan and may be appealed by the applicant to the City Council within 7 calendar days from the date of the Director or Planning and Zoning Commission's decision, subject to the following:

(a) Appeals shall be in writing on a form provided by the Development Services Department and shall include the specific items being appealed and the nature upon which the decision was in error.

(b) The Director or designee shall transmit to the City Council a report and any background material regarding the appeal to the City Council for its next regularly scheduled meeting within 30 calendar days of receipt of any appeal.

(L) *Administration and enforcement.*

(1) While ownership of a project may subsequently be transferred (in whole or in part), MPC District zoning will continue to be

implemented and maintained on the total acreage of the MPC District zoned project. It is the responsibility of the owner to notify all prospective purchasers of the existence of the MPC District and the MPC Zoning and Development Plan. It is also the responsibility of the owner to initiate a dialogue with the Director to ensure the program of development can be administered to comply with all of the processing time frames and hearing schedules required.

(2) In the event that the applicant has failed to comply with the conditions adopted by the City Council in conjunction with the approved MPC District and the MPC Zoning and Development Plan, the city may enforce noncompliance as a violation of the Apache Junction City Code.

(Ord. 1402, passed 5-6-2014)

### **§ 1-4-3 PLANNED DEVELOPMENT (PD) OVERLAY DISTRICT.**

(A) *Intent and purpose.* The Planned Development Overlay District ("PD") is intended allow site and building design flexibility which may not otherwise be allowed through conventional base zoning. The intent of this district is to enable the following:

(1) Provide opportunity for mixed-use development that may include a combination of different dwelling types and/or a variety of land uses which complement each other and which are compatible with existing and proposed land uses in the vicinity.

(2) Promote the most appropriate land use.

(3) Facilitate adequate and economical provision of streets and utilities.

(4) Facilitate flexible building design, site design, and amenities that create a unique and more sustainable alternative to conventional development.

(B) *General provisions.* The PD overlay district may be used in conjunction with one or more base zoning districts. The Council's conditions of approval associated with adoption of a PD ordinance shall be memorialized in the PD ordinance and shall run with the land unless otherwise stated.

(C) *Development standards.*

(1) *Minimum site area.* There is no minimum site area for use of the PD overlay district.

(2) *Modified zoning and development standards.* Zoning and development regulations regarding setback, attached versus detached residences, building height, lot coverage, parking, lighting, landscaping and signage may be modified by the Council as conditions of the PD approval subject to the Council's determination of the following criteria:

(a) A better design can be achieved by not applying the strict provisions of the zoning district.

(b) Adherence to the strict provisions of the zoning district is not required in order to ensure health, safety and welfare of the inhabitants of the development.

(c) Adherence to the strict provisions of the zoning district is not required in order to ensure that property values of adjacent properties will not be reduced.

(3) *Land uses.* In approving a PD ordinance, the Council may restrict the types of uses otherwise allowed in the base zoning district by requiring a limited pallet of uses as a condition of approval.

(4) *Mixed-uses.* The Council may approve a PD ordinance that allows a mixture of multi-family residential and non-residential uses with modified zoning and development standards. Mixed-use development is intended to integrate office, commercial, recreational, civic, institutional and/or residential uses to promote a broader range of service, employment and housing options.

(5) *Residential density.*

(a) Density (i.e., units per acre) for residential development shall not exceed the residential base district's maximum density identified in Tables 5-2 and 5-4 (see Vol. II, §§ 1-5-2 and 1-5-4), nor exceed densities provided in the General Plan's Land Use Plan Map.

(b) If the planned development is proposed for more than one zoning district, the number of allowable dwelling units must be separately calculated for each portion of the planned development that is in a separate zone, and must then be combined to determine the number of dwelling units allowable in the entire planned development.

(D) *Application and approval.* Requests for PD overlays shall follow the same procedures specified for zoning amendments in Vol. II, § 1-16-6. In addition, applications requesting PD overlays shall follow the same procedures specified for preliminary development review and approval in Vol. II, § 1-16-8.

(E) *PD plan changes.*

(1) Minor modifications or alterations of the approved PD development plan shall be reviewed and approved by the Director or designee. Major modifications or alterations require Council approval and shall be processed in accordance with Vol. II, § 1-16-6.

(2) The Director or designee shall interpret the proposed modification to be major if, in the Director's opinion, the modified project density (i.e., units per acre), setbacks or height is proposed to be increased by more than 10%, the quality of project design is diminished, the types of proposed land uses are significantly altered and/or the overall character of the project is contrary to the intent and spirit of the original City Council PD ordinance approval.

(F) *Phased development.* An approved development plan may be built in phases as part of the project's plan, if the construction and provision of all necessary elements, including parking, drainage, common open spaces, and public and recreational facilities, which are shown on the approved plan, proceed at a rate commensurate with the construction of buildings.

(G) *Dedication and maintenance of facilities.* The city may require, as a condition of approval, those portions of the tract under consideration be set aside, improved, conveyed or dedicated for the following uses:

(1) *Streets.* That the rights-of-way widths as designated on the city's Street Classification Plan be dedicated for streets and utility purposes. Other streets necessary for access or development of adjacent properties may also be required.

(2) *Easements.* That the owner shall grant to the city such easements as will be required to ensure the necessary and orderly extension of public utilities, including easements over all non-dedicated private streets over which the city may need ingress or egress for the purpose of protecting the health, safety and welfare of the public, and for the provision of municipal services.

(3) *Underground utilities.* All electric and telephone facilities, cable, streetlight wiring and other wiring, conduits and similar utilities and facilities shall be placed underground by the developer.

(4) *Recreation facilities.* The city may require that suitable area for parks and playgrounds be set aside, improved or permanently reserved for the public, owners, residents, employees or patrons of the development.

(H) *Transfer and assignments.* If, during any stage of the development, the property under application or any portion thereof is assigned to another, then the assignee shall be bound to the requirements and design of the approved development plan.

(I) *Revocation for non-compliance.* Failure to comply with the approved final development plan or any prescribed condition of approval shall constitute a violation of this Article. The Commission may, after giving notice, hold a public hearing and recommend revocation of a base zoning district to the City Council who may consider the recommendation and act in the same manner as in considering any zoning request.

(J) *Reversion.* Approval of rezoning constitutes authorization for the development of property under granted zoning. PD rezoning approval is valid for a period of 24 months from the date of the City Council decision or for the period of time approved by the City Council as a condition of rezoning. If approval expires prior to substantial development upon the rezoned property, the zoning may be subject to reversion to its former zoning classification.

(K) *Termination.* An approved planned development may not revert to any base district upon completion unless, and until, all requirements of the base district are satisfied. Should the applicant of an approved planned development wish to discontinue the planned development use upon completion, including the continuation of the Planned Development Zoning District designation, the process shall follow the procedure required for zoning amendments in Vol. II, § 1-16-6.

(Ord. 1402, passed 5-6-2014)

## **ARTICLE 1-5: ZONING BULK AND USE REGULATIONS**

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Section

1-5-0 Introduction

1-5-1 Residential Use Regulations



1-5-2 Residential Bulk Regulations

1-5-3 Non-Residential Use Regulations

1-5-4 Non-Residential Bulk Regulations

**§ 1-5-0 INTRODUCTION.**

The following tables illustrate and describe the use, structure and bulk requirements (e.g. setbacks, density, lots size, lot coverage, building height and lot width) for each zoning district. The Zoning Administrator shall be responsible for interpreting these zoning requirements.

(Ord. 1402, passed 5-6-2014)

**§ 1-5-1 RESIDENTIAL USE REGULATIONS.**

Table 5-1 illustrates the use regulations for all residential zoning districts:

TABLE 5-1: RESIDENTIAL USE REGULATIONS

<i><b>USE/STRUCTURE TYPE</b></i>	<i><b>RS-GR</b></i>	<i><b>RS-54</b></i>	<i><b>RS-54M</b></i>	<i><b>RS-20</b></i>	<i><b>RS-20M</b></i>	<i><b>RS-10</b></i>	<i><b>RS-10M</b></i>	<i><b>RS-7</b></i>	<i><b>RS-7M</b></i>	<i><b>RS-5</b></i>	<i><b>RM-1</b></i>	<i><b>RM-2</b></i>	<i><b>RM-3</b></i>
Single-Family Detached Conventional Housing	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	CUP	CUP	CUP
Single-Family Detached Manufactured Housing	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	NO	NO	NO
Multi-Family Residential Housing	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	YES	YES
HUD Certified Park Model Alternative	YES	NO	YES	NO	YES	NO	YES	NO	YES	NO	NO	NO	NO
Recreational Vehicle as Primary Residence <sup>16</sup>	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Boarding House	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	CUP	CUP	CUP



Garages <sup>9</sup>	S	S	S	S	S	S	S	S	S	S	S	S	S
Accessory Structures <sup>9</sup> (except cargo cont.)	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Equestrian Activities (private) <sup>10</sup>	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO	NO	NO
Equestrian Activities (commercial) <sup>10</sup>	CUP	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Commercial Agriculture <sup>11</sup>	YES	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Non-commercial Agriculture <sup>11</sup>	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Produce Sales <sup>11</sup>	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Feed Lots <sup>11</sup>	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Recreational (Indoor and Outdoor)	CUP	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	CUP	CUP	CUP
Solar Panels <sup>12</sup>	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Alternate (non-solar) Energy Technologies <sup>12</sup>	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP
Guest Ranch	CUP	CUP	CUP	CUP	CUP	NO	NO	NO	NO	NO	NO	NO	NO
Commercial Recycling Bins	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Animal Keeping	See Vol. II, § 1-6-17												
Temporary Uses													

and Structures	See Vol. II, § 1-6-23
Home Occupations	See Vol. II, § 1-6-6
Signs	See Vol. II, Article 1-11
Fences/Walls	See Vol. II, § 1-6-3
Swimming Pools and Sports Courts	See Vol. II, § 1-6-11
Cargo Containers	See Vol. II, § 1-6-8
Outdoor Storage	See Vol. II, § 1-6-9
Group Care Homes	See Vol. II, § 1-6-10
Subdivision and HOA Activities	See Footnote # 14

YES = *Permitted use by right*. A YES indicates that the listed use is permitted by-right within the respective zoning district. Permitted uses are subject to all other applicable standards (see Vol. II, Article 1-6, Supplemental Regulations).

CUP = *Conditional use permit*. A CUP indicates that the listed use is permitted within the respective zoning district only after review and approval of a conditional use permit, in accordance with the review and approval procedure of Vol. II, § 1-16-12(D).

AUP = *Administrative use permit*. An AUP indicates that the use and/or structure is permitted within the respective zoning district following review and approval of an administrative permit by the Development Services Director or designee in accordance with Vol. II, § 1-16-12(C).

NO = *Prohibited uses*. A NO indicates that the listed use type is expressly not allowed within the respective zoning district.

Footnotes from Table 5-1:

1. This classification includes home based nursery schools, preschools, and day care facilities for children through the age of 12 licensed by the State of Arizona. The maximum amount of non-resident children allowed on-site is 6 or less.
2. See Vol. II, § 1-6-14 for airports and helipads regulations.
3. See Vol. II, § 1-6-20 for personal caretaker unit regulations.
4. See Vol. II, § 1-6-7(D)(7) for property caretaker/ranch hand regulations.
5. See Vol. II, § 1-6-19 for accessory dwelling unit regulations.
6. A travel trailer, motor home or fifth wheel may be parked and used as a temporary living quarters, or an existing legal manufactured home located on the premises may be used as a temporary residence, for up to 8 months while a home is being constructed on a single-family residentially zoned property subject to compliance with the main building's setback requirements. The temporary quarters may be temporarily connected to utilities subject to proper permitting (see Vol. II, § 1-6-23, Table 6-3).
7. See Vol. II, § 1-6-21 regarding regulations for utility installations.

8. See Vol. II, Article 1-17 regarding model home definition and restriction.
9. See Vol. II, § 1-6-5 for accessory structure regulations.
10. The keeping of horses for private use requires a minimum of 1.25 grass acres. See Vol. II, § 1-6-7 for further equestrian regulations.
11. See Vol. II, § 1-6-18 for agriculture use regulations.
12. See Vol. II, § 1-6-16 for alternative energy technologies regulations.
13. See Vol. II, § 1-6-21 for utility installation regulations.
14. Ancillary retail sales and special events/activities intended for subdivision residents only. Homeowner's Associations shall apply for and obtain an AUP from the Zoning Administration prior to conducting or allowing ancillary retail sales (e.g., market days, craft/art sales, fundraisers and temporary food vendors). If approved, the Zoning Administrator shall issue an AUP with written conditions of approval in accordance with the following:
  - a. All proprietors and vendors shall possess valid business licenses and permits as required by the City Code, and comply with required sales tax administration and collection processes.
  - b. The application for an administrative permit shall contain a description of the ancillary retail sales activity, maximum number and type of vendors, days and hours of operation and a site plan illustrating the location and parking associated with the retail sales.
  - c. All signs that describe or relate to ancillary retail activities shall not be visible from beyond the boundaries of the subdivision.
  - d. Ancillary retail sales shall be conducted indoors within the recreational/social center or outdoors within a common area.
  - e. Parking for approved retail uses shall be accommodated within established and approved parking areas, or with on-street parking approved by the Zoning Administrator.
  - f. Ancillary retail sales shall be directed to and be for the benefit of subdivision residents and their guests only.
  - g. Ancillary retail sales shall not exceed more than 3 days per week and shall operate between the hours of 7:00 a.m. and 10:00 p.m.
  - h. The administrative permit may be valid for multiple events.
  - i. Failure to comply with the conditions of approval established in the administrative permit may result in the revocation of the permit, and prohibition on issuing future retail sales permits to the subdivision.

*Ancillary Retail Sales and Special Events/Activities Intended for Subdivision Residents and Non-Subdivision Residents.* Special events and/or activities hosted or sponsored by the subdivisions (e.g., concerts, fund raisers, lectures, seminars, workshops, educational classes, recreation, food/beverage sales, sporting events and meetings) or ancillary retail uses (e.g., restaurants, personal care services, specialty retail and professional offices) shall only be allowed subject to approval of a CUP or, if applicable, compliance with Chapter 8, Vol. I of the City Code regarding special events.

15. Conditional use permit approval shall be required for public and private schools unless pre-empted by state law. Charter schools located on single-family zoned properties less than 1-acre in size shall be prohibited.

16. See Vol. II, § 1-9-3 for recreational vehicle and manufacture home park regulations.

(Ord. 1402, passed 5-6-2014)

## § 1-5-2 RESIDENTIAL BULK REGULATIONS.

Table 5-2 illustrates the bulk regulations for all residential zoning districts:

TABLE 5-2: RESIDENTIAL BULK REGULATIONS

<i>USE TYPE</i>	<i>RS-GR</i>	<i>RS-54 &amp; RS-</i>	<i>RS-20 &amp; RS-</i>	<i>RS-10 &amp; RS-</i>	<i>RS-7 &amp;</i>	<i>RS-5</i>	<i>RM-</i>	<i>RM-</i>	<i>RM-</i>
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		<i>54M</i>	<i>20M</i>	<i>10M</i>	<i>RS-7M</i>		<i>1</i>	<i>2</i>	<i>3</i>	
Minimum Lot Area per Dwelling Unit <sup>1</sup>	1.25 acres	1.25 acres	20,000 sf.	10,000 sf.	7,000 sf.	5,000 sf.	3,350 sf.	1,980 sf.	1,089 sf.	3,350 sf.
Maximum Density (dwelling units per acre) <sup>3</sup>	0.80 units/ac	0.80 units/ac	2.18 units/ac	4.36 units/ac	6.22 units/ac	8.71 units/ac	13 units/ac	22 units/ac	40 units/ac	13 units/ac
Minimum Development Area	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable	7,000 sf.	7,000 sf.	7,000 sf.	7,000 sf.
Minimum Lot Width <sup>2</sup>	100 ft.	100 ft.	80 ft.	70 ft.	60 ft.	50 ft.	60 ft.	60 ft.	60 ft.	50 ft.
Minimum Front Setback (main structure)	40 ft.	30 ft.	25 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Front Setback (accessory structure) <sup>4</sup>	40 ft.	30 ft.8	25 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Interior Side Setback <sup>5</sup> (main structure)	20 ft.	10 ft.	10 ft.	10 ft.	7 ft.	7 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Minimum Street Side Setback <sup>5</sup> (all structures)	20 ft.	20 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Minimum Side Setback (accessory structure > 120 sf.) <sup>4</sup>	5 ft.	10 ft.9	10 ft.	10 ft.	5 ft.	5 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Minimum Rear Setback (main	40 ft.	30 ft.	20 ft.	20 ft.	20 ft.	15 ft.	20 ft.	20 ft.	20 ft.	20 ft.

structure)										
Minimum Rear Setback (accessory structure > 120 sf.) <sup>4</sup>	5 ft.	10 ft. <sup>9</sup>	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.	5 ft.
Max. Lot Coverage <sup>6</sup>	30%	20%	30%	40%	50%	60%	50%	50%	70%	
Maximum Size for Accessory Structure <sup>7</sup>	No limit	2,000 sf. <sup>7</sup>	See #7 below	See #7 below	See #7 below	See #7 below	See #7 below	See #7 below	See #7 below	See #7 below
Maximum Height for Main Structure	35 ft.	35 ft.	35 ft.	30 ft.	30 ft.	30 ft.	35 ft.	40 ft.	60 ft.	
Maximum Height for Accessory Structure > 120 sf.	20 ft.	20 ft. <sup>8</sup>	20 ft.	20 ft.	20 ft.	15 ft.	15 ft.	15 ft.	15 ft.	
Accessory Structure ≤ 120 sf. <sup>10</sup>	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below	See #10 below
Accessory Dwelling Units <sup>11</sup>	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below	See #11 below

Footnotes from Table 5-2:

- Minimum lot area.* Minimum lot area shall be calculated as net land area, with the exception of the RS-GR, RS-54 and RS-54M zoning districts, which shall be calculated as gross land area.
- Minimum lot width.* Minimum lot width is the distance between side lot lines measured perpendicular to the lot depth at the front setback line. Minimum lot width measurement for flag lots shall be interpreted by the Zoning Administrator. Lot width, as measured at the front setback line, shall not be less than 25% of the lot depth, unless waived by the Zoning Administrator due to unique environmental or geographic conditions.
- Maximum density calculation.* Maximum density shall be calculated as the total number of dwelling units/net land area, with the exception of the RS-GR, RS-54 and RS-54M zoning districts, which shall be calculated as the total number of dwelling units/gross land area.
- Setbacks for accessory structures housing livestock.* Accessory structures allowed to house large livestock (excluding equine)

shall maintain a minimum side, rear and front setback of 50 feet. Accessory structures allowed to house small livestock and fowl shall maintain a minimum side and rear setback of 15 feet. Structures housing equine shall be subject to the standard accessory structure setback requirements in Vol. II, Table 5-2 above. See Vol. II, § 1-6-5 of this Chapter regarding detailed regulations for accessory buildings, and Vol. II, § 1-6-17 of this Chapter regarding additional regulations for housing of livestock. In no case shall an accessory structure (excluding equine horse shades) be located between the main building and the front lot line.

*Side and rear street setbacks for accessory structures.* Side and rear setbacks for accessory structures located along a street shall comply with the side and rear setback requirements for the district in which the accessory structures are located.

5. *Setback measurement.* Interior side setbacks are measured from an interior side lot line that is not abutting a public road right-of-way. Street side setbacks are measured from a street side lot line abutting a public road right-of-way.

6. *Lot coverage.* Lot coverage is the ratio of the total footprint area of all structures on a lot to the gross land area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and covered porches, shall be added together in order to calculate lot coverage.

7. *Maximum size for accessory structures in the RS-GR district.* There is no size limit on accessory structures in the RS-GR district.

*Maximum size for accessory structures in the RS-54 and RS-54M district.* The maximum accessory structure size of 2,000 square feet for RS-54 and RS-54M zoned properties may be increased to 5,000 square feet if 100% of the property owners of adjacent properties and 50% of the property owners of those properties within 80 feet of the adjacent properties agree with the proposed increase through a petition that is drafted, signed and acknowledged in accordance with Development Services Department standards. Adjacent properties shall be defined as property adjoining the subject property and/or property directly across the street, private road or road easement from the subject property (see Vol. II, § 1-6-5).

*Maximum size for accessory structures in all residential districts not zoned RS-GR and RS-54 and RS-54M.* Maximum size of individual accessory structures in all residential zoning districts, except RS-GR and RS-54, is limited to the floor area of the main building's first floor for zoning districts indicated in Vol. II, Table 5-2 above.

8. *Maximum height for accessory structures in the RS-54 and RS-54M district.* The maximum accessory structure height of 20 feet for RS-54 and RS-54M zoned properties may be increased to 25 feet if 100% of the property owners of adjacent properties and 50% of the property owners of those properties within 80 feet of the adjacent properties agree with the proposed increase(s) through a petition that is drafted, signed and acknowledged in accordance with Development Services Department standards. Adjacent properties shall be defined as property adjoining the subject property and/or property directly across the street, private road or road easement from the subject property (see Vol. II, § 1-6-5).

9. *Setbacks for metal sided accessory structures in RS-54 and RS-54M district.* Accessory structures with metal siding located within the RS-54 and RS-54M zoning districts shall comply with the following unique setback limitations:

Metal sidewalls up to 12 feet in height shall be allowed if the front, side and rear setbacks are at least 30 feet.

Metal sidewalls up to 10 feet in height shall be allowed if the side and rear setbacks are at least 20 feet, and the front setback is at least 30 feet.

Metal sidewalls up to 8 feet in height shall be allowed if the side and rear setbacks are at least 10 feet, and the front setback is at least 30 feet.

The metal sidewall height established above may be increased to 15 feet, with a minimum 10 foot side and/or rear setback, if 100% of the property owners of adjacent properties and 50% of the property owners of those properties within 80 feet of the adjacent properties agree with the proposed increase(s) through a petition that is drafted, signed and acknowledged in accordance with Development Services Department standards. Adjacent properties shall be defined as property adjoining the subject property and/or property directly across the street, private road or road easement from the subject property (see Vol. II, § 1-6-5).

10. *Accessory structures < 120 square feet.* Accessory structures less than 120 square feet in size shall not be located between the main structure (home) and the front property line, and shall have a minimum side and rear setback of 3 feet except that one accessory structure < 120 square feet may be located within the side or rear setback area in the MHP and RVP districts. See Vol. II, § 1-6-5 of this Chapter regarding additional regulations for accessory buildings.

11. See Vol. II, § 1-6-19 of the Chapter for regulations regarding accessory dwelling units.

(Ord. 1402, passed 5-6-2014)



**§ 1-5-3 NON-RESIDENTIAL USE REGULATIONS.**

Table 5-3 illustrates the use regulations for all non-residential zoning districts.

**TABLE 5-3: NON-RESIDENTIAL USE REGULATIONS**

USE CATEGOR Y	SPECIFIC USE TYPE <sup>1</sup>	B-1 Gen	B-2 Old We st	B-3 City Cen	B- 44 Bus Par k	B- 54 Ind.	PL Pub/In st.
<b>Retail Trade (NAICS Code 44- 45)</b>	New Vehicle Sales/Service/Rep air	YE S	YE S	YE S	YE S	YE S	NO
	Used Vehicle Sales/Service/Rep air	YE S	YE S	YE S	YE S	YE S	NO
	RV Sales/Service/Rep air	CU P	CU P	CU P	YE S	NO	NO
	Manufactured/Mob ile Home Sales	CU P	CU P	CU P	CU P	YE S	NO
	Boat, ATV & Motorcycle Sales/Service	YE S	YE S	YE S	YE S	YE S	NO
	Semi-Truck Service/Repair	CU P	YE S	CU P	YE S	YE S	NO
	Semi-Truck Stop	NO	NO	NO	CU P	CU P	NO
	Automotive Parts and Accessory Sales	YE S	YE S	YE S	YE S	YE S	NO
	Furniture and Home Furnishing Sales	YE S	YE S	YE S	YE S	NO	NO
	Electronics and Appliance Sales/Repair	YE S	YE S	YE S	YE S	YE S	NO

**Retail Trade**  
(NAICS Code 44-45)

Building Materials and Supplies Sales (Indoors)	YES	YES	YES	YES	YES	NO
Building Materials and Supplies Sales (Indoors and/or Outdoors)	CUP	CUP	CUP	CUP	YES	NO
Lawn and Garden Equipment/Supply Sales	YES	YES	YES	YES	YES	NO
Feed and Fertilizer Sales	CUP	CUP	CUP	CUP	YES	NO
Nursery/Greenhouses with On-Site Sales	CUP	CUP	CUP	YES	YES	NO
Grocery, Convenience, Department Stores	YES	YES	YES	YES	NO	NO
Shopping Centers	YES	YES	YES	YES	NO	NO
Specialty Retail Stores	YES	YES	YES	YES	NO	NO
Beer, Wine and Liquor Sales	YES	YES	YES	YES	NO	NO
Health, Pharmacy and Personal Care Sales	YES	YES	YES	YES	NO	NO
Gasoline Stations	YES	YES	YES	YES	YES	NO
Gasoline Stations with Convenience Store	YES	YES	YES	YES	YES	NO
Clothing and Accessories	YES	YES	YES	YES	NO	NO
Jewelry, Luggage	YES	YES	YES	YES		

	and Leather Sales	S	S	S	S	NO	NO
<b>Retail Trade</b> (NAICS Code 44-45)	Sporting Goods, Hobby, Books and Music Sales	YES	YES	YES	YES	NO	NO
	Department Stores and Warehouse Clubs	YES	YES	YES	YES	NO	NO
	Florist and Novelty Gift Sales	YES	YES	YES	YES	NO	NO
	Office Supply Sales	YES	YES	YES	YES	NO	NO
	Used Merchandise Sales	YES	YES	NO	YES	NO	NO
	Pet and Pet Supply Sales	YES	YES	YES	YES	NO	NO
	Art and Craft Sales	YES	YES	YES	YES	NO	YES
	Tobacco Sales	YES	YES	YES	YES	NO	NO
	Electronic Shopping and Mail- Order Sales	YES	YES	YES	YES	NO	NO
	Vending Machine Sales	YES	YES	YES	YES	YES	YES
	Bottled Gas Dealers	CUP	CUP	CUP	CUP	CUP	NO
	Coal, Firewood and Biofuel Sales	CUP	CUP	CUP	CUP	YES	NO
	Bakery Sales (baking for store sales only)	YES	YES	YES	YES	NO	NO
	Medical Marijuana Facilities	CUP	CUP	CUP	CUP	CUP	NO
	Swap Meets and	CUP	CUP	CUP	CUP		

	Farmers Markets	P	P	P	P	NO	CUP
<b>Retail Trade</b> (NAICS Code 44-45)	Pawn Shops	YES	YES	NO	YES	NO	NO
	Retail Carts and Kiosks	AUP	AUP	AUP	AUP	NO	AUP
	Printing Shop	YES	YES	YES	YES	YES	NO
<b>Finance and Insurance</b> (NAICS Code 52)	Finance and Insurance Office/Sales/Brokers	YES	YES	YES	YES	YES	NO
	Banks and Credit Unions	YES	YES	YES	YES	YES	NO
	Financing Sales	YES	YES	YES	YES	YES	YES
	Securities/Commodities Office/Sales/Exchanges	YES	YES	YES	YES	YES	YES
	Check Casing Store	YES	YES	NO	YES	NO	NO
<b>Real Estate, Rental and Leasing</b> (NAICS Code 53)	Real Estate Office, Agents and Brokers	YES	YES	YES	YES	YES	NO
	Vehicle Rental and Leasing	YES	YES	YES	YES	YES	NO
	Machinery and Equip. Rental (Indoor)	YES	YES	YES	YES	YES	NO
	Machinery and Equipment Rental (Indoor/Outdoor)	CUP	CUP	CUP	YES	YES	NO
	Legal and Accounting	YES	YES	YES	YES	YES	NO
	Engineering/Surve	YES	YES	YES	YES	YES	

<b>Professional, Scientific and Tech.</b> (NAICS Code 54)	ying	S	S	S	S	S	NO
	Architectural	YES	YES	YES	YES	YES	NO
	Planning and Design	YES	YES	YES	YES	YES	NO
	Consulting	YES	YES	YES	YES	YES	NO
	Scientific Research	YES	YES	YES	YES	YES	NO
	Advertising and Public Relations	YES	YES	YES	YES	YES	NO
	Photography	YES	YES	YES	YES	YES	NO
	Veterinary	YES	YES	YES	YES	YES	NO
<b>Education Services</b> (NAICS Code 61)	All Types of Schools	YES	YES	YES	YES	YES	YES
	Educational Support Services	YES	YES	YES	YES	YES	YES
	Physicians, Dental and Health Practitioners	YES	YES	YES	YES	YES	YES
	Outpatient Care Centers	YES	YES	YES	YES	YES	YES
	Medical and Diagnostic Labs	YES	YES	YES	YES	YES	YES
	Home Health Care Services	YES	YES	YES	YES	YES	YES
	Ambulatory Health Care Services	YES	YES	YES	YES	YES	YES
	Blood and Organ Banks	YES	YES	NO	YES	YES	YES
	General Medical	YES	YES	YES	YES	YES	

<b>Health Care and Social Assistance (NAICS Code 62)</b>	and Surgical Hospitals	S	S	S	S	S	YES
	Psychiatric & Substance Abuse Facilities	YES	YES	YES	YES	YES	YES
	Nursing and Residential Care Facilities	YES	YES	CUP	YES	YES	YES
	Individual and Family Care Services	YES	YES	YES	YES	YES	YES
	Homeless Shelter	YES	YES	NO	NO	NO	NO
	Community Food and Relief Services	YES	YES	NO	YES	YES	YES
	Vocational Rehab Services	YES	YES	YES	YES	YES	YES
	Child Day Care Services	YES	YES	YES	YES	YES	YES
<b>Arts, Entertainment and</b>	Performing Arts Facilities	YES	YES	YES	YES	NO	YES
	Spectator Sports Facilities	CUP	CUP	CUP	CUP	CUP	CUP
	Museums and Historical Sites	YES	YES	YES	YES	NO	YES
	Zoos, Nature Parks and Botanical Gardens	CUP	CUP	CUP	CUP	NO	CUP
	Amusement Parks	CUP	CUP	CUP	CUP	NO	CUP
	Indoor Arcades	YES	YES	YES	YES	NO	NO
	Gambling Facilities	CUP	CUP	CUP	CUP	NO	CUP

<b>Recreation</b> (NAICS Code 71)	Private Recreational Facilities (Outdoor)	CUP	CUP	CUP	CUP	NO	CUP
	Private Recreational Facilities (Indoor)	YES	YES	YES	YES	NO	CUP
	Public Recreational Facilities	AUP	AUP	AUP	AUP	AUP	AUP
	Public Outdoor Music Festivals/Events	AUP	AUP	AUP	AUP	AUP	AUP
	Private Outdoor Music Festivals/Events	CUP	CUP	CUP	CUP	NO	CUP
<b>Accommodation and Food Services</b> (NAICS Code 72)	Hotels, Motels, and Bed & Breakfast Inns	YES	YES	YES	YES	NO	NO
	RV Parks and Campgrounds	CUP	CUP	CUP	CUP	NO	NO
	Rooming and Boarding Houses	YES	YES	YES	YES	NO	NO
	Full Service Restaurants	YES	YES	YES	YES	NO	CUP
	Limited Service Restaurants	YES	YES	YES	YES	NO	CUP
	Delicatessen	YES	YES	YES	YES	NO	CUP
	Caterers	YES	YES	YES	YES	YES	NO
	Confectionary and Ice Cream Sales	YES	YES	YES	YES	NO	NO
	Drinking Places	YES	YES	YES	YES	NO	NO

	(serving alcohol)	S	S	S	S		
	Restaurants/Bars/C lubs (With Amplified Outdoor Music)	CU P	CU P	CU P	CU P	NO	NO
<b>Other Services (NAICP Code 81)</b>	General Automotive Repair	YE S	YE S	YE S	YE S	YE S	NO
	Body Shops	CU P	CU P	NO	YE S	YE S	NO
	Car Washes	YE S	YE S	CU P	YE S	YE S	NO
	Electronic Equipment Maintenance & Repair	YE S	YE S	YE S	YE S	YE S	NO
	Business Equipment Maintenance and Repair	YE S	YE S	YE S	YE S	YE S	NO
	Furniture Repair and Maintenance	YE S	YE S	YE S	YE S	YE S	NO
	Footwear and Leather Goods Repair	YE S	YE S	YE S	YE S	YE S	NO
	Personal and Household Goods Repair	YE S	YE S	YE S	YE S	YE S	NO
	Laundry and Dry Cleaning Services	YE S	YE S	YE S	YE S	YE S	NO
	Hair, Nails and Skin Care Services	YE S	YE S	YE S	YE S	NO	NO
	Tattoo Services	YE S	YE S	YE S	YE S	NO	NO
	Death Care Services	YE S	YE S	YE S	YE S	NO	NO



<b>Other Services</b> (NAICP Code 81)	Cemeteries and Crematories	CU P	CU P	NO	YES	YES	CUP
	Linen and Uniform Supply	YES	YES	YES	YES	YES	NO
	Pet Care	YES	YES	YES	YES	YES	NO
	Animal Hospitals and Kennels	YES	YES	CUP	YES	YES	NO
	Taxidermist	CUP	YES	CUP	YES	YES	NO
	Photo Services	YES	YES	YES	YES	YES	NO
	Commercial Parking Lots and Garages	CUP	CUP	CUP	CUP	CUP	CUP
	Religious and Fraternal Organizations	YES	YES	YES	YES	YES	YES
	Social Advocacy Organizations	YES	YES	YES	YES	YES	YES
	Human Rights Organizations	YES	YES	YES	YES	YES	YES
	Conservation Organizations	YES	YES	YES	YES	YES	YES
	Business and Prof. Organizations	YES	YES	YES	YES	YES	YES
<b>Other Services</b> (NAICP Code 81)	Labor Organizations	YES	YES	YES	YES	YES	YES
	Political Organizations	YES	YES	YES	YES	YES	YES
	Commercial Equestrian Boarding, Rentals, Arenas and	CUP	CUP	CUP	CUP	CUP	CUP

	Academies						
<b>Public Admin.</b> (NAICS Code 92)	Government Offices and Courts	YES	YES	YES	YES	YES	YES
	Detention/Correctional Facilities	NO	NO	NO	CUP	CUP	CUP
	Correctional Institutions	NO	NO	NO	CUP	CUP	CUP
<b>Mining, Quarrying Gas and Oil</b> (NAICS Code 21)	Oil and Gas Extraction	CUP	CUP	NO	CUP	CUP	CUP
	Mining	NO	NO	NO	CUP	CUP	CUP
	Quarrying	NO	NO	NO	CUP	CUP	CUP
<b>Utilities</b> (NAICS Code 22)	Electric Power Generation <sup>3</sup>	CUP	CUP	CUP	CUP	CUP	CUP
	Water and Sewerage Systems/Facilities	CUP	CUP	CUP	CUP	CUP	CUP
	Other Utilities	See Vol. II, § 1-6-21					
	Alternative Energy Generation Facilities	See Vol. II, § 1-6-16					
	Food Manufacturing	NO	NO	NO	YES	YES	NO
	Animal Slaughtering	NO	NO	NO	CUP	CUP	NO
	Beverage Manufacturing	NO	NO	NO	YES	YES	NO
	Tobacco Manufacturing	NO	NO	NO	YES	YES	NO
	Textile Mills	NO	NO	NO	CUP	CUP	NO
	Apparel Manufacturing	NO	NO	NO	YES	YES	NO

<b>Manufacturing</b> (NAICS Code 31-33)	Leather/Allied Product Manufacturing	NO	NO	NO	CUP	CUP	NO
	Wood Product Manufacturing	NO	NO	NO	CUP	CUP	NO
	Paper Manufacturing	NO	NO	NO	CUP	CUP	NO
	Printing and Publishing (Non-Retail)	NO	NO	NO	YES	YES	NO
	Petroleum and Coal Products Manufacturing	NO	NO	NO	CUP	CUP	NO
	Chemical Manufacturing	NO	NO	NO	CUP	CUP	NO
	Plastics and Rubber Manufacturing	NO	NO	NO	CUP	CUP	NO
	Non-Metallic Mineral Product Manufacturing	NO	NO	NO	YES	YES	NO
	Primary Metal Manufacturing	NO	NO	NO	CUP	CUP	NO
<b>Manufacturing</b> (NAICS	Fabricated Metal Product Manufacturing	NO	NO	NO	YES	YES	NO
	Foundries	NO	NO	NO	CUP	CUP	NO
	Machinery Manufacturing	NO	NO	NO	YES	YES	NO
	Computer & Electronic Manufacturing	NO	NO	NO	YES	YES	NO
	Elec.				YES	YES	

Code 31-33)	Equip./Appliance Manufacturing	NO	NO	NO	S	S	NO
	Transportation Equip. Manufacturing	NO	NO	NO	YES	YES	NO
	Furniture and Related Product Manufacturing	NO	NO	NO	YES	YES	NO
	Miscellaneous Manufacturing	NO	NO	NO	YES	YES	NO
	Ancillary Manufacturing <sup>2</sup>	YES <sup>2</sup>	YES <sup>2</sup>	YES <sup>2</sup>	NA	NA	YES
<b>Wholesale Trade</b> (NAICS Code 42)	Durable Goods	NO	NO	NO	YES	YES	NO
	Non-Durable Goods	NO	NO	NO	YES	YES	NO
<b>Construction</b> (NAICS Code 23)	Contractors office, shop and/or storage (indoors)	YES	YES	YES	YES	YES	NO
	Contractors office, shop and/or storage (indoors and/or outdoors)	CUP	CUP	CUP	CUP	YES	NO
	Craftsman and Artisan (Indoors)	YES	YES	YES	YES	YES	NO
	Craftsman and Artisan (Indoors or outdoors)	CUP	CUP	CUP	CUP	YES	CUP
	Truck Transportation Terminal	NO	NO	NO	CUP	CUP	NO
	Bus Transportation Terminal	CUP	CUP	CUP	YES	YES	YES
	Air Transportation Terminal	NO	NO	NO	YES	YES	YES

<b>Transportation and Warehousing</b> (NAICS Code 48-49)	Taxi and Limousine Service	YES	YES	YES	YES	YES	YES
	Towing Truck Parking and Storage	NO	NO	NO	CUP	YES	NO
	Scenic and Sightseeing Terminal/Parking	CUP	CUP	CUP	CUP	CUP	CUP
	Postal, Courier and Delivery Service	CUP	CUP	CUP	CUP	YES	CUP
	General Warehouse and Storage (Indoor)	NO	NO	NO	YES	YES	NO
	Mini-Warehouse	CUP	CUP	CUP	YES	YES	NO
	Distribution Facilities	NO	NO	NO	CUP	CUP	NO
	Outside Storage Yards	CUP	CUP	NO	CUP	YES	NO
<b>Information</b> (NAICS Code 51)	Newspaper, Periodical and Book Publishing	YES	YES	YES	YES	YES	YES
	Motion Pictures and Sound Recording Indus.	CUP	CUP	CUP	YES	YES	YES
	Broadcasting and Recording	YES	YES	YES	YES	YES	NO
	Telecommunications	YES	YES	YES	YES	YES	NO
	Data Processing	YES	YES	YES	YES	YES	NO
	Office Administration Services	YES	YES	YES	YES	YES	NO
	Employment	YES	YES	YES	YES	YES	



	Live/Work Unit	CU P	CU P	CU P	NO	NO	CUP
<b>Misc. Uses, Structures &amp; Installations</b>	Solar Panels <sup>3</sup>	YE S	YE S	YE S	YE S	YE S	YES
	Alternate Energy Production Facilities <sup>3</sup>	CU P	CU P	CU P	CU P	CU P	CUP
	Waste Tire Collection and/or Storage	NO	NO	NO	CU P	CU P	CUP
	Adult Oriented Uses	NO	NO	NO	CU P	CU P	NO
	Outdoor Activities	CU P	CU P	CU P	CU P	CU P	CUP
	Helipads	CU P	CU P	CU P	CU P	CU P	CUP
	Temp. Uses/Structures	See Vol. II, § 1-6-23					
	Signs	See Vol. II, Article 1-11					
	Lighting	See Vol. II, Article 1-10					
	Landscaping	See Vol. II, Article 1-8					
	Parking	See Vol. II, Article 1-7					
	Solar Panels	See Vol. II, § 1-6-16					
	Fences/Walls	See Vol. II, § 1-6-3					
	Mobile Food Services	See Vol. II, § 1-6-23					
	Cargo Containers	See Vol. II, § 1-6-8					
Outdoor Storage and Outdoor Activities	See Vol. II, § 1-6-9						

YES = Permitted use by right. A Yes indicates that the listed use is permitted by-right within the respective zoning district.

CUP = Conditional use permit. A CUP indicates that the listed use is permitted within the respective zoning district only after review and approval of a conditional use permit, in accordance with the review and approval procedures of Vol. II § 1-16-12(D).

AUP = Administrative use permit. An AUP indicates that the use and/or structure is permitted within the respective zoning district following review and approval of an administrative permit by the Development Services Director or designee in accordance with Vol. II § 1-16-12(C).

NO = Prohibited uses. A No indicates that the listed use type is expressly not allowed within the respective zoning district.

Footnotes from Table 5-3:

1. Definitions and/or descriptions of these uses are provided in the North American Industry Classification System ("NAICS"). The city will use the NAICS classification system to assist with defining and interpreting non-residential uses. Where NAICS definitions are not provided or unclear, the Zoning Administrator shall be responsible for interpretation.
2. An ancillary manufacturing use is a subsidiary or secondary use or operation connected to the main use of a building. Ancillary manufacturing uses identified in manufacturing sectors 31-33 of the 2012 North American Industry Classification System ("NAICS") shall be allowed in the B-1, B-2 or B-3 zoning districts if incidental and subordinate to the primary retail, office, public or quasi/public use, provided that not more than 50%, up to a maximum of 1,500 square feet, of the floor area of the business is engaged in these ancillary manufacturing activities. No outside manufacturing, processing, repair or equipment/inventory storage shall be allowed for ancillary uses (see Vol. II, § 1-6-26).  
  
Ancillary manufacturing uses proposed to be greater than 1,500 square feet and/or 50% of the total floor area may be approved as a conditional use by the Planning and Zoning Commission (see Vol. II, § 1-6-26).
3. See Vol. II, § 1-6-16 (B) for alternate energy production regulations.
4. Land uses listed in the B-4 and B-5 district that propose outdoor assembly, repair, manufacturing, processing and/or storage shall require conditional use permit approval even if identified in Vol. II, Table 5-3 above as a permitted use by right.
5. See Vol. II, § 1-6-15 for adult oriented business regulations.

(Ord. 1402, passed 5-6-2014)

### § 1-5-4 NON-RESIDENTIAL BULK REGULATIONS.

Table 5-4 illustrates the bulk requirements for all non-residential zoning districts.

TABLE 5-4: NON-RESIDENTIAL BULK REGULATIONS

<i><b>USE TYPE<sup>4</sup></b></i>	<i><b>B-1 General</b></i>	<i><b>B-2 Old West</b></i>	<i><b>B-3 City Cen.</b></i>	<i><b>B-4 Bus. Park</b></i>	<i><b>B-5 Industrial</b></i>	<i><b>PI Public/Inst.</b></i>
Minimum Lot Area <sup>1</sup>	7,000 sf.	5,000 sf.	7,000 sf.	15,000 sf.	15,000 sf.	15,000 sf.
Minimum Lot Width <sup>2</sup>	50 ft.	50 ft.	50 ft.	75 ft.	75 ft.	75 ft.
Maximum Residential Density <sup>3</sup>	22 units/a c	22 units/a c	40 units/a c	Not Applicable	Not Applicable	22 units/ac
Minimum Lot	1,980	1,980	1,089	Not	Not	



Area per Dwelling Unit	sf.	sf.	sf.	Applicable	Applicable	1,980 sf.
Minimum Front Setback (main structure)	20 ft.	0 ft.	0 ft.	20 ft.	20 ft.	20 ft.
Minimum Front Setback (accessory structure)	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Interior Side Setback (accessory structure)	10 ft.	5 ft.	5 ft.	10 ft.	10 ft.	10 ft.
Minimum Street Side Setback (all structures)	10 ft.	0 ft.	0 ft.	10 ft.	10 ft.	10 ft.
Minimum Rear Setback (all structures)	10 ft.	5 ft.	5 ft.	10 ft.	10 ft.	10 ft.
Minimum Front Setback (Parking)	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Maximum Size for Accessory Structure	No limit	No limit	No limit	No limit	No limit	No limit
Maximum Height for Main Structure	35 ft.	35 ft.	60 ft.	35 ft.	35 ft.	35 ft.
Maximum Height for Accessory Structures	20 ft.	20 ft.	20 ft.	35 ft.	35 ft.	35 ft.

Footnotes from Table 5-4:

1. Minimum lot area shall be calculated as net land area.
2. Minimum lot width is the distance between side lot lines measured perpendicular to the lot depth at the front setback line. Minimum lot width measurement for flag lots shall be interpreted by the Zoning Administrator. Lot width, as measured at the front setback line, shall not be less than 25% of the lot depth, unless waived by the Zoning Administrator due to unique environmental or geographic conditions.
3. Maximum density shall be calculated as the total number of dwelling units/net land area.
4. In addition to the standards listed in Vol. II, Table 5-4 above, the following supplemental standards shall apply to Institutional and Business Zoning Districts.

Fences and Walls: See Vol. II, § 1-6-3.

Landscaping and Screening: See Vol. II, Article 1-8.

Lighting and Illumination: See Vol. II, Article 1-10.

Parking and Loading: See Vol. II, Article 1-7.

Outdoor Storage: See Vol. II, § 1-6-9.

Cargo Containers: See Vol. II, § 1-6-8.

Solar Panels and Alternative Energy: See Vol. II, § 1-6-16.

Signs: See Vol. II, Article 1-11.

Visibility at Intersections: See Vol. II, § 1-6-13.

Temporary Use and Structures: See Vol. II, § 1-6-23.

Design Guidelines: See Vol. II, Article 1-13.

(Ord. 1402, passed 5-6-2014)

**ARTICLE 1-6: SUPPLEMENTAL REGULATIONS**

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Section

- 1-6-0 Introduction
- 1-6-1 Setbacks
- 1-6-2 Height exceptions
- 1-6-3 Fences and walls
- 1-6-4 Lot sizes
- 1-6-5 Accessory structures
- 1-6-6 Home based occupations
- 1-6-7 Equestrian activities and uses
- 1-6-8 Cargo containers
- 1-6-9 Outdoor storage, display and activities
- 1-6-10 Group care homes

- 1-6-11 Swimming pools, water features and sports courts
- 1-6-12 Medical marijuana
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- 1-6-14 Airports and helipads
- 1-6-15 Adult oriented businesses
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- 1-6-19 Accessory dwelling units
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- 1-6-22 Gravel pits and quarries
- 1-6-23 Temporary uses and structures
- 1-6-24 Homeowners associations and common facility maintenance
- 1-6-25 Model homes
- 1-6-26 Ancillary manufacturing uses
- 1-6-27 Stormwater management

## **§ 1-6-0 INTRODUCTION.**

Supplemental regulations shall be used in conjunction with the zoning district standards identified in Vol. II, Article 1-5. When a conflict exists between zoning district standards, supplemental regulations, or an approved PD (Planned Development) ordinance, or the MPC (Master Planned Community) ordinance, the more restrictive regulations shall apply.

(Ord. 1402, passed 5-6-2014)

## **§ 1-6-1 SETBACKS.**

(A) *Averaging.* Where a lot adjoins another lot(s) having existing front setbacks less than the minimum required by the zoning district, the minimum front setback for the lot shall be the average of the existing front setback on the two adjoining lots, or if only one of the lots is built upon, the front setback of the adjoining lot and the minimum front setback of the zone, provided no such front setback shall be less than 10 feet.

(B) *Undersized lots of record.* Side setbacks for lots with legal non-conforming widths that existed prior to the effective date of this Chapter may be proportionately reduced in accordance with the average between the required and the existing lot width. For example, if the required lot width is 100 feet and the existing lot width is 80 feet, a required 10 foot side setback may be adjusted to 8 feet (i.e.,  $(80/100) \times 10$  foot setback).

(C) *Permitted encroachments.* The following items may encroach into the main structure setback areas subject to compliance with the Building Code:

(1) Decks and patio slabs less than 30 inches high may encroach within the side or rear setback area, but shall maintain a minimum 3 foot setback from the property line or RV/manufactured home unit space line.

(2) Bay windows, chimneys, non-enclosed steps/stairs, heating/cooling units, eaves, and gutters may encroach up to 2 feet into setback areas, subject to compliance with the Building Code. No such encroachment is allowed in the MHP (Manufactured Home

Park) and RVP (Recreational Vehicle Park) zoning districts.

(D) *Exemptions.* The following items are exempt from zoning setback requirements but may be subject to Building Code or Health Code requirements:

- (1) Septic systems, wells and underground utilities.
- (2) Yard and service lighting fixtures or poles.
- (3) Landscaping.
- (4) Flagpoles.
- (5) Mailboxes.
- (6) Clotheslines if located to the side or rear of the house.

(Ord. 1402, passed 5-6-2014)

**§ 1-6-2 HEIGHT EXCEPTIONS.**

Zoning district height limits shall not apply to chimneys, flag poles, observation towers, non-commercial radio or television antennas, silos, smokestacks, transmission towers, windmills and power transmission poles, water tanks, fire/hose towers, steeples, spires, bell towers, parapet walls up to 4 feet above the maximum permitted building height and industrial structures where the manufacturing process requires a greater height.

(Ord. 1402, passed 5-6-2014)

**§ 1-6-3 FENCES AND WALLS.**

(A) *Fence and wall requirements.* Table 6-1 below specifies the requirements for fences and walls in residential zoning districts, and Table 6-2 below specifies the requirements in non-residential districts.

TABLE 6-1: RESIDENTIAL DISTRICT REGULATIONS FOR FENCES AND WALLS

<i>Height of Fence or Wall</i>	<i>Setback Requirement</i>	<i>Design</i>
0 to 4 feet	No minimum front, side or rear setback is required.	See Vol. II, § 1-6-3(B)
4.1 to 6 feet	<p>Front Setback. No minimum front setback is required if the portion of the fence or wall between 4 and 6 feet is transparent. If the portion of the fence or wall above 4 feet is not transparent, the zoning district's minimum front setback for main structures is required.</p> <p>Side and Rear Setback. No minimum side or rear setback is required for either transparent or non-transparent fences/walls between 4 and 6 feet in height.</p>	See Vol. II, § 1-6-3(B)

6.1 to 8 feet	Subject to main structure's minimum front, side and rear setback.	See Vol. II, § 1-6-3(B)
Above 8 feet	Fences and walls higher than 8 feet are not allowed.	See Vol. II, § 1-6-3(B)

TABLE 6-2: NON-RESIDENTIAL DISTRICT REGULATIONS FOR FENCES AND WALLS

<b><i>Type of Fence or Wall</i></b>	<b><i>Height of Fence or Wall</i></b>	<b><i>Setback Requirement</i></b>	<b><i>Design</i></b>
Parking Screen Wall <sup>1</sup>	3 foot minimum to 4 foot maximum	Front Setback: 10 feet.	Decorative wall.
Patio Enclosure	4 foot maximum in front yard.  8 foot maximum in side and rear yard.	Front Setback. 10 feet in B-1 and B-4 districts; no minimum setback in B-2 and B-3 districts.  Side or Rear Setback. No minimum required.	Decorative wall or fence.
Front Yard Screen Wall <sup>1</sup>	4.1 foot minimum to 8 foot maximum	Front Setback. Subject to main structure's minimum requirements.	Decorative wall.
Side and Rear Yard Screen Wall <sup>1</sup>	6 foot minimum to 8 foot maximum  Higher than 8 feet	Side or Rear Setback. No minimum required.  Side or Rear Setback. Subject to main structure's minimum requirement.	Opaque wall shall be required and shall be painted or stained with an earth tone color.

<sup>1</sup> See Vol. II, § 1-8-6 for mandatory screen wall requirements.

(B) *Non-decorative fences and walls.* Non-decorative walls and fences are required to be constructed of approved materials, which mean materials normally manufactured for, used as, and recognized as, exterior fencing or wall materials such as: wrought iron or other decorative metals, ornamental aluminum and PVC, fired masonry, concrete, stone, chain link, wood planks, split rail, vinyl slats or composite plastic manufactured specifically as wall or fencing materials. Fence materials must be manufactured for exterior use and shall be weather and decay-resistant.

(1) Alternative fence material may be approved by the Director or designee upon a finding that the proposed material complies with the intent of the provisions of this Code and that the fence material is at least the equivalent of that prescribed in this section in quality, strength, effectiveness, fire resistance, durability and safety.

(2) Prohibited fence materials include: rope; string; wire products including but not limited to chicken wire, wire fabric, and similar welded or woven wire fabrics; chain; netting; dangerous cut or broken glass; paper; unapproved corrugated metal panels; galvanized sheet metal; plywood; or fiberglass panels in any fence or any other materials that are not manufactured specifically as fencing materials. The Director may require the applicant to provide the manufacturer's standards to establish the intended use of a proposed fencing material.

(C) *Decorative fences and walls.*

(1) Decorative fences include wrought iron, picket, split rail, post and rail, ornamental aluminum and ornamental plastic type fences, but do not include wire, stockade or chain link type fences.

(2) Decorative walls include architectural block, brick, split faced block, split faced veneer, stucco or slump block that is painted or stained with an earth-tone color, but do not include standard concrete block.

(D) *Design standards for non-residential and multi-family zoning districts.* Fences and walls located between the main structure and the road shall be designed as a decorative wall. Fences and walls located in the side or rear yards shall be stained or painted with an earth tone color approved by the Zoning Administrator.

(E) *Visibility at intersections.* The location and height of fences and walls shall comply with Vol. II, § 1-6-13 (i.e., visibility at intersections).

(F) *Entry gateway.* One entry gateway, trellis, or other entry structure is permitted in the front setback area of lots within the RS-GR, RS-54 and RS-54M districts, provided the maximum height or width of the structure does not exceed 16 feet.

(G) *Nonconforming fences.* Any fence which does not meet the standards of this section but which was established prior to the effective date of this Chapter may be eligible to be recognized as legal nonconforming, provided the owner proves legal nonconforming status pursuant to the procedures established in Vol. II, § 1-2-5 (i.e., nonconforming uses, structures and lots) of this Chapter, and provided the fence is not expanded or its nonconformance with these standards otherwise increased. Any fence which is destroyed or damaged to the extent of more than 50% of its total replacement value shall not be repaired, rebuilt or reconstructed except in conformance with the standards of this section. Any future fence constructed subsequent to the effective date of this Chapter, that does not comply with this section shall be considered illegal and nonconforming.

(H) *Dangerous fences.*

(1) It is unlawful for any person to erect or maintain within the city any fence which, by determination of the Director or designee, is, or may be, dangerous to persons, children or animals due to design, construction, materials, maintenance or placement.

(2) *Barbed and razor wire fences.* Fences with strands of barbed and razor wire shall not be permitted, except as follows:

(a) *Residential districts.* Barbed wire fencing shall be allowed for the keeping of livestock in those residential zoning districts that allow livestock, and shall not be erected or maintained within 10 feet of any public place or public right-of-way, public easement or reservation for roadway purposes.

(b) *Non-residential districts.* Barbed wire, razor wire or concertina wire shall be allowed subject to installation at least 6 feet above the ground and only erected at the top of an approved fence or wall, and shall only be allowed on buildings if non-visible from public view. If the fence is inclined, it shall project over private property. Fences or walls with barbed wire shall not be allowed within the front setback area.

(c) *Spacing.* Barbed wire fencing less than 6 feet high shall be secured to posts or other supporting structure not more than 8 feet from each other.

(3) *Electric fences.* Electrically charged fences shall not be erected or allowed to remain except as follows:

(a) Electrically charged fences shall be permitted only in the RS-GR, RS-54 and RS-54M zoning districts and shall be erected and maintained only for the keeping of livestock.

(b) All electrically charged fences shall be completely enclosed within another permitted fence.

(I) *Measuring fence and wall height.* Fence and wall height is measured as the vertical distance from the grade immediately under the structure to the top of the structure. When measuring fence and wall heights on properties which are characterized by notable topographical features, such as properties with slopes, elevation deviations, washes, swales, rock outcrops and other like features, building and code officers and/or inspectors shall look for reasonable compliance with fence/wall height standards. On these properties, some variations in fence/wall heights are expected and allowed.

(Ord. 1402, passed 5-6-2014)

**§ 1-6-4 LOT SIZES.**

(A) *Reduction in lot size.* No lot or parcel of land shall be reduced in size below the minimum lot area or lot width required by the zoning district in which it is located or be in conflict with an approved PD ordinance; and no building permit shall be issued for such deficient parcel unless said parcel was legally established prior to the effective date of this Chapter.

(B) *Reduction in lot size for public purpose.* Lots reduced in area by purchase, dedication or gift to a governing authority for the purposes of providing public rights-of-way, or for conveying a portion of a lot to a public governing authority for a publicly beneficial use, shall be allowed to be less than the required minimum lot size subject to City Council approval.

(C) *Increased density.* No lot shall be divided in such a way that any division of such lot shall contain more dwelling units than are permitted by the zoning district in which such lot is situated.

(D) *Minor land splits.* The division of land into 2 or 3 parcels shall require approval of a land split in compliance with Apache Junction City Code, Vol. II, Chapter 2, Subdivision Regulations.

(E) *Subdivisions.* The division of land into 4 or more parcels shall require approval of a subdivision in compliance with Apache Junction City Code, Vol. II, Chapter 2, Subdivision Regulations.

(F) *Buildings straddling lot lines.* Where 2 or more lots are used as a building site and where legal non-conforming buildings cross lot lines, the entire area shall be considered 1 lot and may require a lot combination process through Pinal County.

(Ord. 1402, passed 5-6-2014)

## **§ 1-6-5 ACCESSORY STRUCTURES.**

(A) *Zoning standards.* Dimensional standards for accessory structures are set forth in Tables 5-2 and 5-4 (see Vol. II, §§ 1-5-2 and 1-5-4). The information provided below establishes additional requirements and standards that are not identified in the zoning tables.

(B) *Accessory structures constructed prior to main building.*

(1) An accessory structure may be constructed upon a lot prior to the construction of the main building for the purpose of storing tools, building materials or household goods, provided that construction of the main building is commenced within 6 months after completion of the accessory structure, and provided that no accessory structure shall be used for dwelling purposes, including sleeping, living, or cooking activities. See Vol. II, § 1-5-1, Table 5-1 for temporary living quarters regulations during construction.

(2) Legally existing accessory structures may be permitted to remain without the establishment of a main building at the time of subdivision/land split/zoning approval subject to the following:

(a) The accessory structure is locked and made safe with all openings being boarded up prior to the establishment of the main use.

(b) The accessory structure is not used for storage or any other purpose prior to the securing of a permit for the establishment of the main use.

(c) The accessory structure is in compliance with city building and zoning codes.

(d) The accessory structure is not being used for dwelling purposes, including sleeping, living, or cooking activities.

(C) *Utility connections.* Accessory structures may be connected to utilities with the appropriate permits.

(D) *Minimum distance requirement.* Accessory buildings shall be located a minimum of 6 feet from other buildings.

(E) *MHP (manufactured home park) or RVP (recreational vehicle park).* One accessory structure less than or equal to 120 square feet may be located within the side or rear setback area. Additional accessory structures shall be subject to the setback requirements set forth in Vol. II, § 1-5-2, Table 5-2.

(F) *Setback requirement.* Minimum setbacks for accessory structures are identified in Tables 5-2 and 5-4 (see Vol. II, §§ 1-5-2 and 1-5-4).

(G) *Height requirement.* Maximum heights for accessory structures are identified in Tables 5-2 and 5-4 (see Vol. II, §§ 1-5-2 and 1-5-4).

(H) *Lot coverage requirement.* Maximum lot coverage is identified in Tables 5-2 and 5-4 (see Vol. II, §§ 1-5-2 and 1-5-4). Lot

coverage is the ratio of the total footprint area of all structures on a lot to the lot area, typically expressed as a percentage. The footprints of all principal and accessory structures, including garages, carports, covered patios, and covered porches, shall be added together in order to calculate lot coverage.

(I) *Size requirement.* Maximum size of individual accessory structures is identified in Tables 5-2 and 5-4 (see Vol. II, §§ 1-5-2 and 1-5-4).

(J) *Design requirements.*

(1) *RS-GR, MHP and RVP zoned residential property.* There are no design requirements.

(2) *Business and public-institutional zoned property (i.e., B-1, B-2, B-3, B-4, B-5 and PI Districts):* The design of accessory buildings is subject to the applicable commercial design standards identified in Vol. II, §§ 1-13-3(A) and 1-13-3(B).

(3) *Residential property not zoned RS-GR, RS-54, MHP and RV.*

(a) Residential zoning districts, except RS-GR, RS-54, MHP and RVP zoned property, shall have at least 75% of each exterior wall of a metal building covered with supplemental building materials including, but not limited to, wood, masonry, stucco or brick that are compatible and consistent with the main dwelling structure.

(b) The Zoning Administrator shall determine whether the accessory structure's proposed design and exterior façade is compatible and consistent with the main structure.

(4) *RS-54 and RS-54M zoned residential property.* The following design requirements shall uniquely apply to property zoned RS-54 and RS-54M:

(a) Non-painted galvanized metal siding and corrugated fiberglass siding shall be prohibited. An accessory structure of corrugated metal or fiberglass having a semicircular cross section that curves down to form walls or attach to walls shall be prohibited (e.g. quonset huts).

(b) Permitted metal sided structures shall be treated with earth tone factory applied paint.

(c) Accessory structures with metal siding proposed to be located within the RS-54 and RS-54M zoning districts shall comply with the following unique setback limitations:

1. Metal sidewalls up to 12 feet in height shall be allowed if the front, side and rear setbacks are at least 30 feet.

2. Metal sidewalls up to 10 feet in height shall be allowed if the side and rear setbacks are at least 20 feet, and the front setback is at least 30 feet.

3. Metal sidewalls up to 8 feet in height shall be allowed if the side and rear setbacks are at least 10 feet, and the front setback is at least 30 feet.

(K) *Modifications.*

(1) *Conditional use permit.* In all zoning districts, size, height, design and setback requirements for accessory structures may be modified by CUP approval in accordance with Vol. II, § 1-16-12(D)(4).

(2) *Neighborhood petition.* In the RS-54 and RS-54M districts, metal sidewall height may be increased to 15 feet with a minimum 10 foot side and/or rear setback; and/or building height may be increased to 25 feet; and/or maximum accessory structure size may be increased to 5,000 square feet if 100% of the property owners of adjacent properties and 50% of the property owners of those properties within 80 feet of the adjacent properties agree with the proposed increase(s) through a neighborhood petition that is drafted, signed and acknowledged in accordance with Development Services Department standards. **ADJACENT PROPERTIES** shall be defined as property adjoining the subject property and/or property directly across the street, private road or road easement from the subject property.

(Ord. 1402, passed 5-6-2014)

## § 1-6-6 HOME BASED OCCUPATIONS.

Home based occupations shall be subordinate and incidental to the primary residential use and shall be subject to the following standards:



(A) *Required license and permit.* A business license and administrative use permit ("AUP") shall be issued by the city prior to operation of the home occupation.

(B) *Employee.* No more than one non-resident employee shall be working on-site at any given time.

(C) *Outdoor storage or display.* There shall be no external storage or display of inventory and/or products associated with the home occupation.

(D) *Customer/client traffic.* There shall be no more than 10 customer/client vehicles per day to the residence. Customer and client traffic shall only be between the hours of 9:00 a.m. and 8:00 p.m.

(E) *Client and customer parking.* Any short-term employee or client/customer parking shall occur in the driveway of the home occupation property or on the street immediately in front of the residence if permitted by the city. There shall be no more than 4 client or customer vehicles parked in the driveway or parked on the adjacent street at any one time.

(F) *Motor vehicles.* No vehicle associated with the home occupation that exceeds a gross vehicle weight of 24,000 pounds (e.g. dump truck or semi-cab size) shall be parked on the property. All vehicles parked overnight on the property must be licensed and registered to the property owner. The property shall not be used for parking or staging of business related vehicles not owned by or licensed to the property owner.

(G) *Indoor operation.* The home occupation shall be conducted indoors and shall not produce a noise, odor, vibration, glare, or light that is noticeable beyond the property line for single-family zoning districts, beyond the adjoining walls for multi-family zoning districts, or beyond the unit spaces of manufactured home and trailer parks, as determined by the Director or designee.

(H) *Hazardous activities and materials.* If, in the opinion of the Building Official, Police Chief and/or Fire Chief, any home occupation is deemed to be or becomes dangerous or unsafe, or presents a safety hazard to the public, or presents a safety hazard to adjacent or nearby properties, residents or businesses, the city may deny or revoke the AUP for the home occupation and take necessary action to terminate the dangerous or unsafe condition.

(I) *Maximum floor area.* The home occupation shall not occupy more than 25% of the residence's gross floor area and 200 square feet of an enclosed workshop/garage.

(J) *Deliveries and pickups.* Deliveries and pick-ups shall be those normally associated with residential services (e.g., UPS, FedEx or Post Office) and shall only occur between the hours of 7:00 a.m. to 10:00 p.m., daily.

(K) *Owner operator.* The person operating the home occupation shall be a resident of the property.

(L) *Signs.* One nameplate sign or cornerstone up to 4 square feet in size may be attached to the residential building.

(M) *Enforcement.* Failure to comply with these home occupation standards may result in the city revoking the AUP for the home occupation.

(Ord. 1402, passed 5-6-2014)

## **§ 1-6-7 EQUESTRIAN ACTIVITIES AND USES.**

(A) *Intent.* The following regulations shall be applicable to the keeping of horses and all other members of the equine family including donkeys and mules. See Apache Junction City Code, Vol. I, Chapter 6, for non-zoning regulations pertaining to the keeping of animals.

(B) *Non-business equine regulations.* The following regulations shall be applicable to the keeping of horses for personal use in the city:

(1) *Allowed zoning districts.* All single-family (i.e., RS) residential zoning districts.

(2) *Minimum lot area.* 1.25 gross acres.

(3) *Maximum number of equine.* No limit as long as the equine are owned by the residents or owners of the property.

(4) *Horse training.* Horse training, but not boarding, as an incidental business use shall be allowed.

(5) *Accessory buildings and structures.* Barns and stables that house equine shall maintain a minimum 50 foot side, rear and front setback. Horse shades shall maintain the minimum accessory building setbacks as indicated in Vol. II, § 1-5-2, Table 5-2.

(C) *Horse rental stables.* Commercial horse rental stables include any enterprise providing horses and equipment rented on a temporary basis, and wherein the rented horses are permitted to be ridden away from the property either by individual renters, with a group or with a guide. The following regulations shall be applicable to commercial horse rental stables in the city.

(1) *Allowed zoning districts.* Horse rental stables shall only be allowed in the RS-GR, RS-54 and RS-54M zoning districts.

(2) *Minimum lot area.* 10 gross acres.

(3) *Maximum number of horses.* No limit.

(4) *Accessory buildings and structures.* Barns and stables that house equine shall maintain a minimum 50 foot side, rear and front setback. Horse shades and mare motels shall maintain the minimum accessory building setbacks as indicated in Vol. II, § 1-5-2, Table 5-2.

(5) *Permit required.* A CUP shall be required prior to constructing and operating a commercial rental stable.

(D) *Commercial horse boarding regulations.* The following regulations shall be applicable to commercial house boarding within the city.

(1) *Allowed zoning districts.* Commercial horse boarding shall only be allowed in the RS-GR, RS-54 and RS-54M zoning districts.

(2) *Minimum lot area.* 2.5 gross acres.

(3) *Maximum number of horses.* None.

(4) *Permit required.* A CUP and business license shall be required prior to any new commercial horse boarding business being established in the city subsequent to February 3, 2011.

(5) *Accessory buildings and structures.* Barns and stables that house equine shall maintain a minimum 50 foot side, rear and front setback. Horse shades shall maintain the minimum accessory building setbacks in Vol. II, § 1-5-2, Table 5-2.

(6) *Horse trailer parking.*

(a) Licensed horse trailers owned by horse boarders may be parked on a commercial horse boarding property subject to the number of horse trailers not exceeding the total number of horses being boarded on-site. The parking and/or storage of a horse trailer at a specific boarding facility shall not be permitted unless the owner of the trailer has a horse boarded at the facility at the same time. Horse trailers shall be set back a minimum of 4 feet from adjacent properties and 25 feet from public road rights-of-way. Trailers shall be parked in a manner that does not interfere with safe traffic circulation and visibility as determined by the Director or designee.

(b) Prior to parking horse trailers on a commercial horse boarding property, the property owner/operator shall submit to the Development Services Department a properly scaled and dimensioned site plan that illustrates all existing buildings, setbacks and the location and layout of the parking area for horse trailers. The Development Services Director, or designee, shall review the plan and either approve, modify and approve, or disapprove the parking site plan based on an evaluation of safe traffic circulation and compliance with the standards identified above. Failure by the owner and/or operator of a boarding facility to operate and comply with this section shall be grounds for possible revocation of the business license of the facility.

(7) *Property caretaker/ranch hand accommodations.* One seasonal or full-time commercial horse boarding ranch hand, along with his or her family, shall be allowed to reside on-site. The primary purpose and responsibility of the ranch hand is to assist in the management and care of the commercial horse boarding facility. The ranch hand shall be allowed to live in the main residential building or within a travel trailer, motor home or 5th wheel RV unit on-site. The RV may be permanently connected to waste, water, gas, and/or electrical service, or may operate as a self-contained unit. Construction of a conventionally built home to accommodate the ranch may also be allowed in accordance with the accessory dwelling unit standards in Vol. II, § 1-6-19 of this Chapter.

(8) *Restroom facilities.* An operator of a commercial horse boarding facility with an on-site residence may allow the restroom facilities of the residence to be used by patrons of the facility. Alternatively, the owner/operator may provide a portable chemical toilet ("porta-potty") subject to Development Services Department review and approval of a site plan that illustrates the location and screening of the toilet.

(9) *Health and sanitation.* The operator of a horse boarding facility shall comply with all regulations for health and safety, sanitation, odor vector control and other related issues.

(10) *Related events.* Social events and parties shall be subject to the same noise, parking, traffic and health and safety regulations applied to other residential properties within the city.

(11) *Hours of operation.* Horse boarding businesses shall be allowed to operate 24 hours/day, 7 days/week.

(12) *Additional commercial services allowed.* Riding lessons and horse training services shall be allowed on licensed and approved commercial horse boarding properties. Commercial horse boarding facilities may also accommodate veterinarian, farrier, horse care specialists, and equine services visits to serve horses kept both on-site and off-site.

(13) *Sign requirements.* Commercial horse boarding facilities shall be allowed one detached, double-sided, 32-square-foot sign to include the name of the facility and the property address. The sign may be externally lit, shall comply with Dark Sky regulations, shall not be animated and shall be setback a minimum of 10 feet from the road right-of-way and side lot lines.

(14) *Runoff and waste management.* Commercial horse boarding facilities shall control the runoff of equine waste material from encroaching onto adjacent properties or rights-of-way.

(E) *Camping for horse boarders.* The following regulations shall be applicable to camping on licensed and approved commercial horse boarding properties within the city.

(1) *Allowed zoning districts.* Horse boarder camping shall be allowed in the RS-GR, RS-54 and RS-54M zoning districts where a licensed commercial horse boarding facility exists.

(2) *Minimum lot area.* Five gross acres.

(3) *Permit required.* A CUP and business license shall be required prior to any camping activity being established and maintained in the city. If the RV camping use fails to operate in accordance with the approved conditions of the CUP and/or creates a public nuisance within the neighborhood, the Planning and Zoning Commission may schedule a public hearing to discuss revocation of the CUP.

(4) *Fees.* In addition to the required administrative permitting fees, the property owner shall be required to pay a one-time development impact fee for each campsite in accordance with the city's Development Fee Ordinance and fee schedule.

(5) *Maximum number of campsites allowed.* A maximum of one campsite per acre shall be allowed, with the total number of campsites not exceeding the total number of boarded horses.

(6) *Time period restrictions.* A maximum stay of 6 cumulative months per calendar year per RV camper shall be allowed.

(7) *Type of camping allowed.* Camping shall only be allowed in RVs (excluding park models), and may be operated as either a self-contained unit or with properly permitted connections to utilities. Campers must have a horse boarded at the facility. No on-site dumping of sewage waste shall be allowed unless the boarding facility is connected to the sewer district system or unless other sewage disposal system solutions are permitted by the Pinal County Health Department.

(8) *Setbacks and RV spacing.* RVs shall maintain a minimum separation of 6 feet from each other, be setback a minimum of 3 feet to a side or rear property line and 25 feet from a road right-of-way.

(9) *Minimum camping space size.* An RV camping space shall contain no less than 1,000 square feet and shall be at least 25 feet wide.

(10) *Parking.* A maximum of 2 vehicles per individual RV campsite shall be allowed, consisting of the RV and one passenger vehicle.

(11) *Generator use.* Use of generators to charge batteries within the RV shall be permitted between the hours of 8:00 a.m. to 9:00 p.m., daily.

(12) *Nuisance impacts.* Standards regarding the impact of noise, light, smoke, fumes, and odors resulting from the RV camping activities shall be subject to local ordinance and public nuisance laws.

(13) *Dust control.* Areas where RVs are parked shall be treated to control fugitive dust particles (i.e., PM-10 requirements), as determined by the Development Services Engineer.

(Ord. 1402, passed 5-6-2014)

## **§ 1-6-8 CARGO CONTAINERS.**

(A) *Permit required.* Issuance of an administrative use permit ("AUP") and payment of a processing fee is required prior to

installation and use of a cargo container in the city.

(B) *Residentially zoned properties.* Cargo containers on residentially zoned properties shall comply with the following:

(1) *Where and when allowed.*

(a) *Permanent use.* Cargo containers used for permanent storage shall only be permitted in the RS-GR, RS-54 and RS-54M residential zoning districts with a minimum lot size of 1.25 gross acres. Cargo container(s) shall be located to the side or rear of the principal residential structure, and shall be set back from a neighboring property line in accordance with the zoning district's minimum accessory building setbacks identified in Vol. II, § 1-5-2, Table 5-2.

(b) *Temporary use.* Cargo container(s) used for temporary storage of equipment and materials during general construction shall be permitted in any residential zoning district provided such activity is authorized by a valid building permit issued to a duly licensed and bonded contractor who has obtained a city privilege license or a property owner acting as an owner or owner/builder of a single-family residence. The temporary cargo container shall be removed within 12 months of AUP issuance.

(c) *Emergency use.* Cargo container(s) used as an emergency accommodation shall be allowed in conjunction with required and properly permitted home repairs as a result of damage caused by flood, fire, wind, or termites. The temporary cargo container shall be removed within 12 months of AUP issuance.

(2) *Use restriction.* Cargo containers shall only be used for personal storage purposes, not for business storage or as a home occupation workshop.

(3) *Maximum number and size.* One container up to 40-feet in length shall be allowed.

(4) *Utility connections.* Cargo containers for permanent storage shall be allowed an electrical connection if properly permitted.

(5) *Color and landscape screening.*

(a) Cargo containers used for permanent storage shall be uniformly painted with an earth tone color and free from surface rust and advertising signage. If the property owner wishes to custom paint the container with a color scheme different than the required uniform earth tone color, the property owner shall first receive approval from the Development Services Director or his/her designee. **EARTH TONE** shall be defined as a color scheme that draws from a color palette of browns, tans, and greens natural to the Sonoran Desert environment. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss or trees, and rocks.

(b) If the container is publicly visible to adjacent neighboring properties and/or from the public street, the property owner shall install landscape screening to buffer that visible view, with a minimal initial planting height of 2 feet, and a minimum plant spacing distance of 4 feet. A planting list and guide is available at the Department of Development Services.

(6) *Structural screening.* A building permit may be required if the property owner chooses to install structural screening around the container and/or apply building materials to the container, including awnings.

(C) *Non-residentially zoned property.* Cargo containers on non-residentially zoned properties shall comply with the following:

(1) *Where allowed.* Cargo containers may be permitted in all business, industrial and public/institutional zoning districts. The location shall have a legally established commercial, industrial, or public/institutional use on the property.

(2) *Minimum lot size.* None.

(3) *Maximum number and size.* No restriction.

(4) *Minimum setbacks and site location.* Minimum side, rear and front setbacks for cargo containers shall be subject to accessory building setback requirements identified in Vol. II, § 1-5-4, Table 5-4.

(a) Cargo containers shall not be located within off-street parking areas, utility/drainage/roadway easements, landscape setback, fire lane, or within a location as to compromise emergency, pedestrian, or customer egress and ingress circulation as determined by the Director or designee.

(b) Cargo containers shall be located to the rear or side of the principal building in a manner that minimizes public view from neighboring properties and/or the public street as determined by the Director or designee.

(5) *Use.* Cargo containers shall only be used for storage of materials for the primary business, or for temporary storage of equipment and materials during general construction provided such activity is authorized by a valid building permit issued to a duly

licensed and bonded contractor who has obtained a city privilege license.

(6) *Utility connections.* Cargo containers for permanent storage shall be allowed an electrical connection if properly permitted.

(7) *Color and screening.*

(a) Cargo containers shall be uniformly painted with an earth tone color and be free from surface rust and advertising signage.

(b) If the cargo container is publicly visible to adjacent neighboring properties and/or from the public street, the property owner shall apply for a building permit to install and maintain a minimum 8-foot high structural screening that is compatible with the design and architecture of the principal building. Visual examples of acceptable structural screening devices (such as a masonry wall or completely opaque wooden fence) are available at the Department of Development Services.

(D) *Exemptions.* The only cargo containers that are completely exempt from the provisions of this Chapter are the 3 containers located at 936 W. Apache Trail, 57 E. 20th Avenue, and 2296 S. Cactus Road. These 3 cargo containers were originally exempted by Ordinance 630 and are in the same locations and condition as originally placed. Should they be replaced or removed, they lose their exempt status and all of the provisions of this section shall apply.

(Ord. 1402, passed 5-6-2014)

## **§ 1-6-9 OUTSIDE STORAGE, DISPLAY AND ACTIVITIES.**

(A) *Property maintenance.* For regulations regarding property maintenance, public nuisances, outside storage, land maintenance, exterior building maintenance and vacant buildings see Apache Junction City Code, Vol. I, Article 9-1 (Property Maintenance Standards).

(B) *Outdoor storage, display and activity.* Outside storage and display shall be allowed in the B-1, B-2, B-3, B-4 and B-5 zoning districts subject to the following:

(1) *Outdoor displays.* Outdoor display of commercial product samples for sale or rent to the public shall be placed on the private patio or walkway in front of the building, and shall not be located in a parking area or in a manner that interferes with automobile or pedestrian access, circulation and visibility as determined by the Zoning Administrator. Outdoor displays shall not be permanent in nature and shall be taken into the building at close of business.

(2) *Outdoor storage.*

(a) *Residential districts.* Outdoor storage of inoperable and/or unlicensed vehicles, automobile parts; loose rubbish, garbage and junk shall be screened from public and neighboring view in accordance with the regulations established in Vol. II, § 1-6-3, Table 6-1.

(b) *Non-residential districts.* Outside storage of business inventory and parts shall be screened in accordance with Vol. II, § 1-6-3, Table 6-2.

(c) *Building materials.* Unscreened building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.

(3) *Outdoor activity and operations.* Subsequent to the effective date of this Chapter, there shall be no outside fabrication, processing, manufacturing, repair or assembly of products in business zoning districts unless approved by a CUP (see Vol. II, § 1-5-3, Table 5-3).

(4) *Modifications:* The Development Services Director or designee may approve modifications to the outdoor display and storage standards identified above in Vol. II, § 1-6-9(B)(1) subject to issuance of an Administrative Use Permit ("AUP") and a finding by the Director that the modification is based on the business's unique product line, visibility constraints and minimal aesthetic impact on neighboring properties.

(Ord. 1402, passed 5-6-2014)

## **§ 1-6-10 GROUP CARE HOMES.**

(A) *Definition.* For purposes of city regulation, **GROUP CARE HOMES** are limited to assisted living homes for the elderly, adult

foster care homes, adult day health care facilities and group homes for the developmentally disabled.

(B) *Requirements.* Group care homes are permitted subject to the following requirements:

(1) *Permit required for single-family residential districts.* An administrative use permit ("AUP") shall be required prior to construction and/or operation of a group care home with 10 or less residents. This limitation does not include the operator of the facility, members of the operator's family or staff persons, except that the number of all persons living in the residential facility shall not exceed 12. Group care homes with greater than 10 residents shall not be allowed.

(2) *Permit required for multi-family residential and non-residential districts.* A conditional use permit ("CUP") shall be required prior to construction and/or operation of a group care home. The number of residents shall be subject to the conditions of the CUP.

(3) *Sign restrictions.* No signs, graphics, displays, or other visual means of identifying the group care home shall be visible from a public street.

(4) *Separation requirement.* A separation between group homes of no less than 1,200 feet is required. Separation distances shall be measured from the property lines.

(5) *Information requirement.* Copies of all materials including licenses, certifications, or registrations required for the group care home by a county, state or federal agency shall be submitted to the city.

(6) *Kitchen requirement.* A common kitchen facility to serve all resident shall be required.

(7) *Garbage.* Any large and/or multiple trash receptacles not usually found in the residential area shall be screened from public view.

(8) *Exterior design.* No exterior change that would alter the building's residential character shall be made to the exterior of the building and grounds.

(9) *Compliance with Building Code.* The proposal shall comply with all applicable building and fire safety regulations.

(10) *Annual home inspections.* The Director or designee may require and perform annual home inspections in accordance with the Arizona Department of Health Services ("DHS") inspection checklist and forward the findings of the inspection to DHS for further review and action. The administrative process for conducting these inspections shall be established by city staff and will be available at the Development Services Department.

(11) *Preemptions.* Notwithstanding the forgoing, if the state has adopted laws or rules for the regulation of a specific type of group home, then any such state law or rule shall apply in addition to the conditions listed herein and/or shall preempt any conflicting condition listed herein.

(Ord. 1402, passed 5-6-2014)

## **§ 1-6-11 SWIMMING POOLS, WATER FEATURES AND SPORTS COURTS.**

(A) *Swimming pools.* Swimming pools are permitted in all residential zones, subject to the following restrictions:

(1) *Location.*

(a) Swimming pools in single-family residential zones may encroach within the side or rear setback area, but shall maintain a minimum 3 foot setback from the property lines and in residential areas shall be constructed to the side or rear of the main dwelling, behind the front façade of the home.

(b) Swimming pools in multiple-family residential and business zones shall comply with the required accessory structure setbacks for the zone in which they are located.

(2) *Swimming pool enclosures.* Swimming pools shall comply with the provisions of City Code, Vol. I, Article 7-2, Requirements for Swimming Pool Enclosures.

(B) *Water features.* Decorative water features such as fountains and ornamental ponds are permitted in all zones, subject to a minimum 10 foot front setback and minimum 3 foot side and rear setback.

(C) *Sports courts.* Sport courts may encroach within the side or rear setback area, but shall maintain a minimum 3 foot setback

from the property lines and in residential areas shall be constructed to the side or rear of the main dwelling, behind the front façade of the home. Basketball backboards/hoops attached to the garage or 1 standalone pole in the driveway are not classified as sport courts for the purposes of regulation.

(Ord. 1402, passed 5-6-2014)

## **§ 1-6-12 MEDICAL MARIJUANA.**

(A) *Permit required.* A CUP shall be required for the establishment of nonprofit medical marijuana dispensaries with or without cultivation facilities, off-site cultivation facilities and for stand-alone nonprofit medical marijuana infusion facilities.

(B) *Number of facilities allowed in city.* One nonprofit medical marijuana dispensary with or without an on-site cultivation facility, 1 off-site cultivation facility and 1 stand-alone infusion facility shall be allowed in the city. An additional dispensary, off-site cultivation facility, and standalone infusion facility may be allowed when the city has at least 20 pharmacies within its municipal limits, and then 1 additional facility for every 10 pharmacies thereafter. (See A.R.S. Title 36, Chapter 28.1 Arizona Medical Marijuana Act, for definitions and statutes pertaining to medical marijuana.)

(C) *Allowed zoning districts.*

(1) Location of nonprofit medical marijuana dispensaries with or without on-site cultivation facilities shall be limited to the city's B-1 through B-5 zoning districts.

(2) Location of an off-site cultivation facility (i.e., a cultivation facility not co-located with a dispensary) and/or a stand-alone nonprofit medical marijuana infusion facility which serves 1 or more nonprofit medical marijuana dispensaries shall be limited to the city's B-5 (Industrial) zoning district. Nonprofit medical marijuana dispensaries, off-site cultivation facilities and/or infusion facilities shall not be allowed within any MPC zoned property.

(D) *Facility security.* Medical marijuana dispensaries, cultivation facilities, and infusion facilities shall be located in an enclosed locked facility, such as a permanent secure building and not in a cargo container, RV, trailer, or motor vehicle. If a green house is used as a cultivation facility, reasonable measures shall be taken to obscure the visibility of the marijuana plants from outside the building.

(E) *Applications.* A CUP application for medical marijuana dispensaries, cultivation facilities or infusion facilities shall include, at a minimum, the following supplemental information:

(1) Signature and consent on the application form by the property owner of record that he or she is aware the property will be used for medical marijuana dispensing, cultivating or infusion.

(2) A copy of the preliminary approval from the State Department of Health Services ("DHS"), such as a registration certificate, for the nonprofit medical marijuana dispensary, nonprofit medical marijuana dispensary off-site cultivation facility or stand-alone nonprofit medical marijuana infusion facility, and a written assurance that all nonprofit medical marijuana dispensary agents associated with the approved facility shall register with the Apache Junction Police Department upon final approval to operate from DHS, as well as a copy of said final approval document.

(3) Application and all applicable fees paid as required by Apache Junction City Code, Vol. I; Chapter 8, Business, and the Apache Junction City Tax Code as amended.

(4) A detailed site plan and floor plan for the facility prepared in accordance with Vol. II, § 1-16-9, and narrative explaining the operation of the facility and hours of operation.

(F) *Conditions of approval.* The conditions of approval which may be considered by the Planning and Zoning Commission in evaluating these requests include the following:

(1) Required spacing requirements:

(a) A minimum of 1,320 feet between dispensaries, off-site cultivation facilities or stand-alone infusion facilities, as measured from nearest building wall to nearest building wall.

(b) A minimum of 750 feet between a dispensary, off-site cultivation facility or stand-alone infusion facility and any public or private school, business zoned day care center, church, or drug and/or alcohol rehabilitation center, as measured from nearest building wall of the business to the nearest building wall of the protected use.

(c) A minimum of 750 feet from other sensitive land uses as determined by the Zoning Administrator on a case by case basis,

as measured from the nearest building wall of the business to the nearest building wall of the protected use.

(2) Operating requirements:

(a) Drive-through pickup windows and delivery service shall not be allowed.

(b) Outdoor seating areas at dispensaries, cultivation facilities or standalone infusion facilities shall not be allowed.

(c) Security plans shall include lighting, monitored alarm and/or camera surveillance systems, secure storage, and other necessary building safety measures.

(d) On-site consumption of medical marijuana at a dispensary, cultivation facility or infusion facility shall not be allowed.

(e) Dispensaries selling marijuana or tobacco-smoking related products such as pipes, water pipes, rolling paper, screens, vaporizers, mills, concealing devices and other than cookbooks and educational materials shall not be allowed.

(f) The size of facility in terms of square footage, building height or other factors shall be consistent with the character of existing or planned surrounding development.

(g) Signage that will be visible from the exterior of the facility may be approved by the city if all sign regulations have been met.

(3) *Other conditions.* The Planning and Zoning Commission may deem it necessary to apply other conditions to conserve and promote the public health, safety, convenience and general welfare, including:

(a) Compliance with all city-adopted zoning, landscaping, engineering, building, design guidelines, overlay district and/or planned development district requirements.

(b) The Commission shall reserve the right to revoke a CUP for noncompliance with any condition prescribed as part of the permit approval or if the use is demonstrated to be a nuisance or hazard to the neighborhood or community.

(4) *Patient home cultivation.* In the event that a qualifying patient residing in the city lives 25 miles or farther from a dispensary, said individual or his or her designated caregiver may cultivate no more than 12 marijuana plants at the place of primary residence (including a manufactured home or a recreational vehicle) of the qualifying patient, with owner's permission, without need to apply for a CUP. However, said individual or his or her designated caregiver shall apply the same types of precautions as above for security, use, documentation and must advise the Chief of Police of his or her intent to cultivate marijuana at home. At such time as a dispensary is located within 25 miles from the qualifying patient's home, all cultivation of marijuana plants in the home must cease or shall be considered a zoning violation, among other possible local, state and federal law violations.

(5) *Caregiver home cultivation.* In the event that a designated caregiver whose residence is in the city limits is cultivating marijuana for the qualifying patient or patients in his or her care, and whose qualifying patient or patients in his or her care live 25 miles or farther from a dispensary, said designated caregiver may cultivate no more than 12 marijuana plants per patient at the place of primary residency of the designated caregiver (including a manufactured home or a recreational vehicle), with homeowner's permission, without need to apply for a CUP. However, said designated caregiver shall apply the same types of precautions as above for security, use, documentation and must advise the Chief of Police of his or her intent to cultivate marijuana at home for the benefit of his or her qualifying patient or patients. At such time as a dispensary is located within 25 miles from the designated caregiver's home, all cultivation of marijuana plants in the home must cease or shall be considered a zoning violation, among other possible local, state and federal law violations.

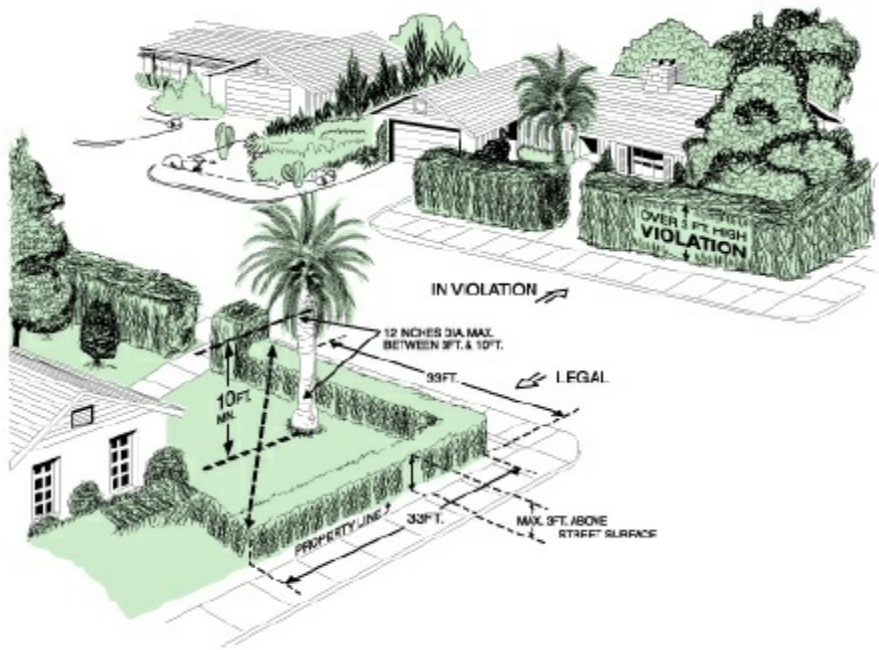
(Ord. 1402, passed 5-6-2014)

## **§ 1-6-13 VISIBILITY AT INTERSECTIONS.**

(A) No fence, wall, shrubbery, sign or other obstruction to vision between a height of 3 feet and 10 feet above the centerline grades of the intersecting streets shall be erected, placed, planted and maintained within the 33' by 33' triangular yard space formed by the intersection of the lot lines adjoining the intersecting streets for a distance of 33 feet from such intersection and a line connecting the ends of such lot lines as illustrated in Vol. II, Image 6-1.

(B) Where a conflict occurs between this requirement and the zoning setback regulations, Apache Junction City Code, Vol. II, Chapter 2, Subdivision Regulations and/or sight distance regulations provided in Apache Junction City Code, Vol. II, Chapter 10, Engineering Design Guidelines and Policies, the more restrictive provision shall apply.





(Ord. 1402, passed 5-6-2014)

**§ 1-6-14 AIRPORTS AND HELIPADS.**

*Permit required.* Airports, airstrips, landing areas and helipads shall be permitted only as a CUP as provided in Table 5-1 and Table 5-3 (see Vol. II, §§ 1-5-1 and 1-5-3). The Planning and Zoning Commission and/or City Council may require conditions of approval to protect the public's interest in controlling noise, vibration, glare, light, runway protection zones, over flight areas, fumes, dust, fuel particles, crash hazards, These conditions of approval shall apply to the take-off and landing of any contrivance, now known or hereafter invented, for use or designed for navigation of or flight in the air, including helicopters, fixed-wing aircraft and gliders, and lighter-than-air vehicles such as hot-air balloons, blimps and dirigibles.

(Ord. 1402, passed 5-6-2014)

**§ 1-6-15 ADULT ORIENTED BUSINESSES.**

(A) *Permit required.* Adult oriented businesses, including adult arcade, adult peepshow, adult bookstore, adult video store, adult novelty store, adult cabaret, adult motel/hotel, adult live entertainment establishment, adult motion picture theater, adult theater, adult escort agency and modeling shall be approved by CUP and shall only be allowed in the zoning districts identified in Vol. II, § 1-5-3, Table 5-3.

(B) *Spacing requirements.* In order to diminish the potentially adverse secondary effects of adult uses on the community and neighborhood, adult uses shall not be located within 1,000 feet of any of the following uses:

- (1) Churches, synagogues and any other religious institution.
- (2) Public or private school or college.
- (3) Public parks or playgrounds.
- (4) Conforming or nonconforming residential use or any residential zoning district.
- (5) Another adult use.
- (6) Any establishment selling alcoholic beverages.

(C) *Measurement.* For the purposes of spacing requirements, measurement from the proposed adult use shall be made from that

portion of the adult use building that is closest to the property line of any uses identified in the above paragraph, or to the property line of any land in any residential zoning district.

(Ord. 1402, passed 5-6-2014)

## **§ 1-6-16 ALTERNATE ENERGY STRUCTURES AND EQUIPMENT.**

(A) *Solar panels.* The following standards shall apply to solar panels used for the primary purpose of providing energy for the immediate site or development:

(1) *Building permit required.* A building permit shall be required for installation of solar panels.

(2) *Attached solar panels.* Solar panels attached entirely to the roof shall be permitted in all zoning districts. Solar panels located behind parapets on flat roofs shall comply with maximum zoning height standards.

(3) *Detached, freestanding solar panels.* Detached or freestanding solar panel structures shall be permitted in all zoning districts, and shall comply with the zoning district's setback, size and height requirements for accessory structures.

(B) *Solar farms and alternative energy production facilities.* Solar farms and other alternative energy production facilities (e.g., geo-thermal, wind, biofuel and biomass) that generate energy for use beyond the property shall comply with the following minimum standards:

(1) *Permit required.* A CUP shall be required for installation and use of solar farms and alternate energy production facilities.

(2) *Where allowed.* Solar farms and alternate energy production facilities shall be allowed in the business zoning districts indicated in Vol. II, § 1-5-3, Table 5-3.

(3) *Setbacks.* Setbacks shall comply with the zoning district standards for main structure setbacks.

(4) *Screening.* Solar panels and equipment used for solar farms and/or alternative energy production facilities shall be screened from the public view of the adjacent road rights-of-way in a manner that eliminates glare, as determined by the Director or designee.

(5) *Environmental standards.* Alternate energy production facilities shall comply with state and federal environmental standards regarding emissions, public health, noise and safety.

(C) *Alternate energy technology.* Alternate energy production such as wind, geothermal, biofuel and biogas hydrogen applications may be allowed pursuant to a CUP in all zoning districts and shall comply with the zoning district standards for accessory structures unless modified through the CUP.

(Ord. 1402, passed 5-6-2014)

## **§ 1-6-17 ANIMAL REGULATIONS.**

(A) *Purpose.* The purpose of this section is to provide rules and regulations for the keeping of agricultural animals so that these animals do not become a nuisance, hazard, and/or health problem to the adjoining neighbors and the general public.

(B) *Large livestock.* Large livestock animals (excepting equine which are regulated in Vol. II, § 1-6-7) may be kept in the RS-GR, RS-54 and RS-54M residential zoning districts subject to the following:

(1) *Minimum lot size.* 1.25 gross acres.

(2) *Maximum number.*

(a) *RS-GR District.* No limit.

(b) *RS-54 and RS-54M Districts.* Maximum of 1 head of large livestock per " acre.

(C) *Small livestock and fowl.* Small livestock and fowl may be kept in all single-family residential zoning districts subject to the following:

(1) *Minimum lot size.* None.

(2) *Maximum number.*

(a) *RS-GR District.* No limit.

(b) *All other single-family residential zoning districts.* Maximum of 2 small livestock per property and 2 chickens per 1,500 square feet of property. Chickens and small livestock shall be contained on the property and no roosters or pea fowl shall be allowed.

(D) *Grazing area.* The area used for grazing, exercising or training of livestock shall be secured to prevent the animals from straying.

(E) *Maintenance and sanitation.* See Apache Junction City Code, Volume I, Chapter 6, Animals.

(F) *Equine.* See Vol. II, § 1-6-7 (equestrian regulations).

(G) *Household pets and kennels.* See Apache Junction City Code, Volume I, Chapter 6, Animals.

(H) *Commercial feedlots.* No commercial feedlots shall be allowed in any zoning district.

(I) *Setbacks for accessory structures housing livestock.* Accessory structures allowed to house large livestock (excluding equine) shall maintain a minimum side, rear and front setback of 50 feet. Accessory structures allowed to house small livestock and fowl shall maintain a minimum side and rear setback of 15 feet. Structures housing equine shall be subject to the standard accessory structure setback requirements in Vol. II, § 1-5-2, Table 5-2. See Vol. II, § 1-6-5 of this Chapter regarding detailed regulations for accessory buildings, and Vol. II, § 1-6-17 of this Chapter regarding additional regulations for housing of livestock. In no case shall an accessory structure (excluding equine horse shades) be located between the main building and the road frontage.

(Ord. 1402, passed 5-6-2014)

## **§ 1-6-18 AGRICULTURE.**

(A) *Commercial agricultural uses.* Commercial agricultural uses shall only be allowed in the RS-GR (General Rural) residential zoning district and may include field crops, truck gardening, berry crops, flower gardening, plant nurseries, greenhouses, orchards, aviaries and apiaries. A produce sales stand up to 200 square feet in size for the sale of farm products grown on the premises is allowed but shall be set back a minimum of 10 feet from the road right-of-way.

(B) *Non-commercial agricultural uses.* Non-commercial agricultural and horticultural uses shall be allowed in all residential zoning districts.

(C) *Commercial feedlots.* No commercial feedlots shall be allowed in any zoning district.

(Ord. 1402, passed 5-6-2014)

## **§ 1-6-19 ACCESSORY DWELLING UNITS.**

(A) *Purpose and definition.* An accessory dwelling unit is an attached or detached residential dwelling unit that may provide complete independent living facilities for 1 or more persons, and which may include provisions for living, sleeping, eating, cooking, and sanitation on the same parcel where the primary single-family dwelling is situated. An accessory dwelling unit may also be known as a secondary dwelling unit, granny flat, property caretaker's dwelling or guest house. Accessory dwelling units should not be confused with "accessory structures", which are defined and regulated differently in Vol. II, § 1-6-5.

(B) Accessory dwelling units shall comply with the following regulations.

(1) *Permit required.* An administrative use permit ("AUP") shall be required prior to construction and use of an accessory dwelling unit.

(2) *Number allowed.* One accessory dwelling unit is permitted on a residential lot in all single-family detached residential zoning districts. This limitation does not include a personal caretaker's unit, which is separately described and regulated in Vol. II, § 1-6-20.

(3) *Design.*

(a) Accessory dwelling units may be detached, attached, or directly accessible from the primary dwelling unit. An accessory dwelling unit shall be constructed as a conventional (i.e., site-built) structure that compliments and is consistent with or improves upon

the main building's design and building materials, as determined by the Director or designee.

(b) Property caretakers, however, working as ranch hands for approved commercial horse boarding facilities may use a motor home, travel trailer or 5th wheel RV unit for their accommodation. See Vol. II, § 1-6-7(D)(7).

(4) *Setbacks.* Accessory building setbacks shall comply with the main building's setback requirements, and shall not be located between the main building and the front road right-of-way.

(5) *Use.* An accessory dwelling unit may be used to accommodate family, friends, guests, personal caretaker and/or property caretaker.

(6) *Size.* An accessory dwelling unit shall not be larger than 50% of the main building's square footage.

(7) *Height.* The maximum height shall not exceed 25 feet.

(8) *Kitchen allowed.* An accessory dwelling unit shall be permitted to have a kitchen.

(9) *No rentals allowed.* An accessory dwelling unit shall not be operated as a separate rental unit; if the entire property is a rental property, the owner or lessee thereof shall not sublet the accessory dwelling unit.

(10) *Addressing.* An accessory dwelling unit is not permitted to have a separate address or separate utility services/meters, or sewer/septic system from the main dwelling unit (unless an additional septic tank is allowed by the Pinal County Health Department).

(11) *Driveway access.* The main dwelling unit and the accessory dwelling unit shall both use the same driveway for access.

(12) *Conditional use permit modification option.* Modifications to the maximum size and height of an accessory dwelling unit may be allowed by approval of a CUP in accordance with Vol. II, § 1-16-12(D)(4).

(Ord. 1402, passed 5-6-2014)

## **§ 1-6-20 PERSONAL CARETAKERS UNITS.**

(A) *Purpose.* The City Council has determined that there is a need in the city for special consideration to housing handicapped/disabled persons who need on-site personal care and assistance.

(B) *Permit required.* An administrative use permit ("AUP") shall be required prior to construction, placement or use of a personal caretaker unit.

(C) *Site requirements.* A personal caretaker's unit may be allowed subject to the following:

(1) *Number allowed.* One temporary personal caretaker unit is permitted on a residential lot in all single residence zoning districts. Personal caretaker unit is separate and distinct from an accessory dwelling unit, which is described and regulated in Vol. II, § 1-6-19 of this Chapter.

(2) *Type of unit allowed.* The personal caretaker unit may be a travel trailer, motor home or fifth-wheel. Park models and manufactured homes are prohibited.

(3) *Setbacks.* Personal caretaker unit setbacks shall comply with the accessory building setback requirements, and shall not be located between the main building and the front road right-of-way.

(D) *Use.* A personal caretaker's unit may be used to house a person who is caring for a handicapped/disabled person(s) living in the main dwelling, or to house the handicapped/disabled person who is being cared for by a person living in the main dwelling.

(E) *Termination of permit.* An AUP is granted to the property owner but does not run with the land, is not transferable and terminates automatically as soon as the disabled person(s) no longer resides on the property.

(F) *Verification of need.* An AUP for a personal caretaker's unit may be granted if the disabled person(s) is physically or mentally impaired and incapable of caring for himself or herself. The beneficiary must also be in such need of care, attention and support that not being granted an AUP will result in the individual being confined to a hospital, sanatorium, nursing center, supervisory care facility or similar health care environment where his or her personal needs can be adequately met. A letter from a physician on office letterhead must be included with the application verifying this need.

(G) *Compensation.* Neither the applicant nor any other person shall receive rent or any other valuable consideration for allowing a

person to live in a dwelling unit under an AUP for a personal caretaker's unit. This should not be construed as to prevent a health care provider from receiving remuneration for health care services provided.

(H) *Affidavit required.* An affidavit must be submitted by the applicant indicating a commitment to concur with all the requirements of this section. Sample affidavits are available at the Development Services Department.

(I) *Application process.* Application for the AUP shall be made to the Director or his or her designee by the landowner or tenant in possession, with the signed approval of the landowner. The application shall be accompanied by an accurate site plan drawn to scale which identifies the location of the proposed personal caretaker's unit, the legal description of the property involved, the name and relationship to the beneficiary, information on how the sewage from the personal caretaker's unit will be disposed of, the sworn affidavit required above, and the nonrefundable application fee set forth in the Apache Junction City Code, Vol. I, Chapter 4, Fees. The information on sewage disposal shall be sufficient for the Pinal County Health Department to determine whether the provisions are adequate. No AUP may be issued without the written approval of the Pinal County Health Department. The application shall also be accompanied by an accurate verified list, made within the previous 30 calendar days, giving the names and addresses of the owners of all properties lying within 300 feet of the subject property.

(J) *Approval process.* Upon receipt of a completed application and fee, the application will be reviewed by the Development Services Director who shall approve, conditionally approve or disapprove the application. If the request for the AUP is approved, notification of the installation of personal caretaker unit shall be sent to all property owners located within 300 feet of the subject property. Any person aggrieved by the decision of the Director may file an appeal with the Board of Adjustment and Appeals in accordance with Vol. II, § 1-16-4.

(K) *Financial obligations.* All financial or other obligations occurring to the property owner or his or her authorized agent as a result of approval or conditional approval of the AUP are the sole responsibility of the property owner or his or her authorized agent.

(L) *Annual renewal.* An AUP for a personal caretaker's unit shall be renewed once a year upon proof it is still needed, by means of a letter from a board-certified physician. The renewal letter shall be accompanied by a fee as set forth in the Apache Junction City Code, Vol. I, Chapter 4, Fees.

(Ord. 1402, passed 5-6-2014)

## **§ 1-6-21 PUBLIC AND PRIVATE UTILITIES.**

(A) *Above ground utilities.* Unless pre-empted and allowed by state law, the above ground erection or alteration of pipes, poles, wires and similar installations necessary to distribute public utilities shall require approval of an administrative use permit ("AUP"). Proposed utility substations shall be screened with a minimum 8 foot high decorative masonry wall.

(B) *Below ground utilities.* The installation of underground utilities shall be subject to Apache Junction City Code, Vol. II, Chapter 10, Engineering Design Guidelines and Policies.

(Ord. 1402, passed 5-6-2014)

## **§ 1-6-22 GRAVEL PITS AND QUARRIES.**

*Permit required.* Clay, sand or gravel pits, and rock or stone quarries may be permitted in any zoning district subject to approval of a CUP, provided that the use is designed and located so as not to create any unreasonable hazard or nuisance in the immediate neighborhood of the proposed site.

(Ord. 1402, passed 5-6-2014)

## **§ 1-6-23 TEMPORARY USES AND STRUCTURES.**

(A) *Permits required.* Temporary uses and structures are intended to be of limited duration and will not permanently alter the character or physical facilities of the site where they occur. Certain types of temporary uses may be allowed by issuance of an administrative use permit, while others are subject to issuance of a conditional use permit.

(B) No temporary uses may be established prior to city issuance of the appropriate permit in accordance with the following:

(1) *Conditional use permit.* Temporary business uses and/or structures not identified in Vol. II, § 1-6-3, Table 6-1 shall require CUP approval by Planning and Zoning Commission.

(2) *Administrative use permit.* Temporary uses and/or structures identified in Vol. II, § 1-6-23, Table 6-3 may be approved by the Director through issuance of an AUP. An application for an AUP shall be filed with the Development Services Department in accordance with the "City of Apache Junction Temporary Use Application Checklist" available at the Development Services Department. Temporary uses and structures approved by an AUP shall be valid for up to 1 year, and shall be subject to the location and time limit standards provided in Vol. II, § 1-6-23, Table 6-3, and, if applicable, the following additional standards:

(a) If required by the Zoning Administrator, the applicant shall submit a scaled site plan illustrating the proposed temporary use parking and structures.

(b) Temporary business use signage shall not exceed 50 square feet (combined total) in size and 10 feet in height. No signs shall be allowed in the public right-of-way, nor may any signs be affixed to any publicly owned property, utility or structure. All signs for temporary uses shall be attached to the temporary use structure, vehicle or existing business sign on the private property. Portable signs prohibited in the city's sign regulations shall also be prohibited for temporary uses.

(c) Only 1 temporary use permit shall be permitted for a single parcel of land at any given time.

(d) Temporary structures and/or display of merchandise shall comply with the setback requirements of the zoning district within which it is located. The temporary use structure and display shall also comply with the sight distance requirements in Vol. II, § 1-6-13. In no case shall structures, signs, parking or displays encroach within the public right-of-way.

(e) No risk of injury to persons or damage to public or private property shall occur, as defined by the Zoning Administrator.

(f) No unreasonable noise impact, public or private disturbances or nuisances shall occur or be permitted to continue, as determined by the Zoning Administrator.

(g) No unsafe impediments, distractions, or congestion to vehicular or pedestrian movement shall be allowed, as determined by the Zoning Administrator.

(h) Proper security and trash removal shall be provided by the operator.

(i) No permanent alterations to the affected site shall be allowed.

(j) No encroachment of a temporary use into established landscaped areas of a developed site or public right-of-way shall be allowed.

(k) Sufficient space for the temporary use and associated off-street parking and circulation is required.

(l) Unless otherwise specified by the Zoning Administrator, hours of operation shall be limited from 8:00 a.m. to 11:00 p.m., daily, for temporary business uses.

(m) Approval of all applicable permits and licenses prior to operation shall be required.

(n) The site shall be returned to its original condition within 48 hours of its discontinuance.

(o) A performance bond or other financial assurance for public infrastructure damage and repair resulting from the temporary use may be required by city in accordance with Vol. II, Chapter 10 of the Apache Junction Land Development Code.

(p) Location of parking and temporary equipment/structures, and the aesthetic appearance of temporary signs and structures, shall be approved by the Zoning Administrator prior to the temporary use being located on the property.

(q) Temporary sanitary facilities for temporary uses (i.e., porta-johns) may be allowed subject to proper permitting.

(r) The Zoning Administrator may work with the Police Department, Building Official, Public Works Department, City Clerk's Office and Fire District regarding conditions, if any, to issuing a permit.

TABLE 6-3: TEMPORARY USES AND STRUCTURES REQUIRING AUP APPROVAL<sup>1</sup>

<b><i>TEMPORARY USE OR STRUCTURE</i></b>	<b><i>MAXIMUM TIME FRAME</i></b>	<b><i>LOCATION PERMITTED</i></b>
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Temporary Office Facilities supporting existing or developing business use	1 year (renewable for additional year upon a finding of need)	Developed or developing non-residential zoned site
Construction trailers, modular units and parking to support construction and land development projects	1 year (renewable for additional year upon a finding of need)	Developed or developing non-residential zoned site
Special Events <sup>2</sup> (Applies to multiple vendor events conducted, organized and sponsored by non-profit organizations and approved by the City Council)	4 consecutive days per specific event per calendar year	Developed or vacant non-residential zoned site
Community Events <sup>3</sup> (Applies to multiple vendor events conducted, organized and sponsored by non-profit organizations)	4 consecutive days per specific event per calendar year	Developed or vacant non-residential zoned site
Private Events <sup>4</sup> (Applies to multiple vendor events conducted, organized and sponsored by for-profit organizations or businesses)	4 consecutive days per specific event per calendar year	Developed or vacant non-residential zoned site
Temporary Residence for Security Guard <sup>5</sup>	12 months	Non-residential construction site
Seasonal Holiday Sales Limited to: - Christmas/New Year's (i.e., trees, wreathes and fireworks) - Halloween (i.e., pumpkins and gourds) - 4th of July (i.e., fireworks)	30 days per holiday per location	Developed or vacant non-residential zoned site
Farmers Market, Fruit and Produce Stands (Excludes flea markets and swap meets)	3 days per week per location	Developed or vacant non-residential zoned site

Carnivals, Circuses and Fairs (See Vol. I, Chapter 8 of the Apache Junction City Code)	7 consecutive days per specific event per calendar year	Developed or vacant non-residential zoned site
Flea Markets and Swap Meets (See Vol. I, Chapter 8 of the Apache Junction City Code)	3 days per week per location	Developed non-residential zoned site
Vendors Using Carts, Booths or Kiosks (excludes food and beverage sales)	3 days per week per location	Developed non-residential zoned site
Food/Beverage Cart or Concession Trailer (See Vol. I, Chapter 8 of the Apache Junction City Code)	7 consecutive days per location	Developed non-residential zoned site
Car Tent Sales (i.e., Applies only to city approved new and/or used car sites)	7 consecutive days, 4 occurrences per year	Developed non-residential zoned site
Classic Car Shows	3 days per week per location	Developed non-residential zoned site
Grand Openings (See Vol. I, Chapter 8 of the Apache Junction City Code)	14 consecutive days	Developed non-residential zoned site
Art Display and/or Sales	7 days per week	Developed or vacant non-residential zoned site
Temporary Residence During Home Construction <sup>6</sup>	8 months	All single-family zoning districts

Notes:

1. Approval of temporary uses not listed in Vol. II, Table 6-3 above are subject to CUP approval.
2. *Special events.* Special events that are conducted, organized and sponsored solely by non-profit organizations with multiple vendors shall be approved by the City Council during the annual budget process, and shall not exceed 4 consecutive days in any calendar year. The community event shall have the purpose of promoting or benefitting the city and its residents and/or the sponsoring



non-profit organizations. City Council approved special events conducted, organized and sponsored by non-profit organizations do not require Development Services Department approval. Special events may be allowed in accordance with Vol. II, § 1-6-3, Table 6-2 and Apache Junction City Code, Vol. I, Chapter 8.

3. *Community events.* Community events that are conducted, organized and sponsored solely by non-profit organizations with multiple vendors shall be administratively approved by the City Manager or designee and shall not exceed 4 consecutive days in any calendar year. The community event shall have the purpose of promoting or benefitting the city and its residents and/or the sponsoring non-profit organizations. Community events are subject to the standards identified in Apache Junction City Code, Vol. I, Chapter 8.

4. *Private events.* Private events that are conducted and sponsored by for-profit organizations, agencies or businesses with multiple vendors shall be administratively approved by the City Manager or designee and shall not exceed 4 consecutive days in any calendar year. Private events may be allowed in accordance with Vol. II, § 1-6-3, Table 6-2 and Apache Junction City Code, Vol. I, Chapter 8.

5. *Residence for security guard.* During the active construction period (after a building or grading permit has been issued) of a construction project involving a non-residential property, 1 manufactured home, park model or trailer may be allowed on the same property to be used as a temporary residence for a night watchman for a period not to exceed 12 months or the active construction period, whichever is less. The temporary structure shall be removed from the site within 14 days of issuance of the final certificate of occupancy.

6. *Residence during home construction.* During the active construction period (after a building or grading permit has been issued) of a residence within all single-family zoning districts, 1 travel trailer, motor home or fifth wheel may be parked and used as a temporary living quarters for up to 8 months while a home is being constructed on a single-family residentially zoned property subject to compliance with the accessory building's setback requirements. The temporary quarters may be temporarily connected to utilities subject to proper permitting.

TABLE 6-4: TEMPORARY USES OR STRUCTURES NOT REQUIRING A PERMIT

<b><i>TEMPORARY USE OR STRUCTURE</i></b>	<b><i>MAXIMUM TIME FRAME PERMITTED</i></b>	<b><i>LOCATION</i></b>
Non-Profit Organization Fundraising	No limit.	Non-Residential Zoned Property

(Ord. 1402, passed 5-6-2014)

**§ 1-6-24 HOMEOWNERS ASSOCIATIONS AND COMMON FACILITY MAINTENANCE.**

Subject to state law, the city may require developers/builders to establish an association to maintain private, common or community owned improvements as condition of final subdivision plat approval.

(Ord. 1402, passed 5-6-2014)

**§ 1-6-25 MODEL HOMES.**

Home builders/developers may be allowed model homes subject to approval of an AUP and the following requirements:

- (A) Proper permitting of utility connections.
- (B) Development Services Department approval of access and access maintenance.
- (C) Development Services Department approval of the number and location of models.

(Ord. 1402, passed 5-6-2014)

**§ 1-6-26 ANCILLARY MANUFACTURING USES.**

(A) An ancillary manufacturing use is a subsidiary or secondary use or operation connected to the main use of a building. Ancillary manufacturing uses identified in manufacturing sectors 31-33 of the 2012 North American Industry Classification System ("NAICS") shall be allowed in the B-1, B-2 or B-3 zoning districts if incidental and subordinate to the primary retail, office, public or quasi/public use, provided that not more than 50%, up to a maximum of 1,500 square feet, of the floor area of the business is engaged in these ancillary manufacturing activities. No outside manufacturing, processing, repair or equipment/inventory storage shall be allowed for ancillary uses.

(Ord. 1402, passed 5-6-2014)

**§ 1-6-27 STORMWATER MANAGEMENT.**

(A) No structures, earthwork, filling or construction, and no fencing or landscape vegetation which would impede water flow, shall be allowed within established drainage ways or retention basins located within platted subdivisions, except as may be approved by the Development Services Engineer.

(B) No structures, including fences and walls, shall be allowed within drainage easements designated on a subdivision plat, except by plat amendment.

(Ord. 1402, passed 5-6-2014)

**ARTICLE 1-7: PARKING, LOADING AND CIRCULATION REGULATIONS**

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Section

- 1-7-1 Intent
- 1-7-2 Application
- 1-7-3 Parking standards
- 1-7-4 Modifications and appeals
- 1-7-5 Loading facility standards
- 1-7-6 Private street standards

**§ 1-7-1 INTENT.**

This chapter of the Zoning Code is intended to provide for adequate off-street parking spaces and help prevent congestion of city streets. Proper design of, and access to, parking facilities shall be required in order to protect the public health, safety and welfare.

(Ord. 1402, passed 5-6-2014)

**§ 1-7-2 APPLICATION.**

Existing parking, loading and circulation areas that were legally established prior to the effective date of this Chapter are allowed to continue. However, new development, or redevelopment and/or additions where 50% or more expansion of the existing building floor area occurs, shall be subject to these parking regulations.

(Ord. 1402, passed 5-6-2014)

**§ 1-7-3 PARKING STANDARDS.**

(A) *Number of stalls required.* Vol. II, § 1-7-6, Table 7-3 sets forth the minimum number of required parking spaces for different land use types.

(B) *Uses not identified in Table 7-3.* The Zoning Administrator shall determine the parking requirement for uses that do not closely correspond to the categories listed in Vol. II, § 1-7-6, Table 7-3. In such instances, the applicant shall provide the following information for staff review and determination:

- (1) Explanation of proposed uses;
- (2) Number of employees;
- (3) Building design capacity;
- (4) Gross floor area (square feet);
- (5) Proposed on-site parking spaces;
- (6) Proposed off-site parking spaces;
- (7) Hours of operation; and
- (8) Analysis of proposed parking demand.

(C) *Parking stall size.* Parking stall and aisle dimensions shall comply with Vol. II, § 1-7-6, Table 7-1.

(D) *Multiple uses.* Where there are multiple uses within a structure or property, the minimum standards shall apply to each use, except as provided in Vol. II, §§ 1-7-3(G) and 1-7-3(H) regarding shared parking facilities.

(E) *Parking location.*

(1) *Business and multi-family zoned properties.* Parking shall only be allowed in approved parking spaces and shall be located on-site, except as provided below in Vol. II, § 1-7-3(G). Parking spaces shall be located and designed to prohibit backward movement of a vehicle onto a public right-of-way, except for single-family and duplex dwellings. Bumper guards or wheel barriers shall be used in multi-family and non-residential parking areas to prevent a parked vehicle from projecting into a public right-of-way, adjoining property or sidewalk.

(2) *Single-family and duplex residential properties.* Parking for passenger vehicles shall be limited to the driveway and to the side of the house. Passenger vehicles, trailers, recreational vehicles, boats, all-terrain vehicles and other types of vehicles and equipment shall not be parked or stored in the front yard, except for the driveway.

(F) *Large trucks and recreational vehicle parking.* One unoccupied recreational vehicle or 1 large truck (e.g., semi or dump truck) less than 24,000 pounds empty weight, which is licensed and operable, may be stored or parked in a residential zoning district in the side or rear yard behind the front façade of the residence, or in a completely enclosed garage.

(G) *Off-site shared parking.* Off-site/off-street shared parking may be allowed if all of the following conditions are met:

- (1) The off-site parking facilities are within 100 feet of the property;
- (2) The Zoning Administrator determines that the total parking demand of all the uses contributing to the parking at any 1 time is less than the total parking stalls required in accordance with the shared parking calculation described in Vol. II, § 1-7-3(H); and
- (3) A city approved perpetual parking easement/agreement for off-site/off-street parking shall be executed by the parties and recorded in the County Recorder's office.

(H) *On-site shared parking.* Developments which contain a mix of uses on the same parcel may reduce the amount of required parking in accordance with the following methodology:

- (1) *Step 1.* Calculate the minimum parking requirements for each use in accordance with Vol. II, § 1-7-6, Table 7-3;
- (2) *Step 2.* Multiply the minimum parking amount for each use by the corresponding percentages for each of the 5 time periods set forth in Columns (B) through (F) of Vol. II, § 1-7-6, Table 7-2;
- (3) *Step 3.* Calculate the total for each time period; and
- (4) *Step 4.* Select the total with the highest value as the required minimum number of parking spaces.

(I) *Maintenance of parking areas.* The maintenance of required parking and loading facilities are continuing obligations of the property owner or tenant. Parking surfaces shall be kept in a clean, safe and well maintained condition. More, specifically, the property owner shall restore the parking surface to its original approved condition if parking surface areas become deteriorated and/or emit dust particles into the air, as determined by the Development Services Engineer.

(J) *Use of parking stalls.* Required parking spaces shall be available for parking of vehicles of residents, customers, patrons and employees, and shall not be used for inventory storage, extra signage, outside retail sales, servicing or repair unless otherwise authorized by the city.

(K) *Site plan.* A scaled site plan illustrating existing and proposed off-street parking shall be included in an application for development site plan approval and/or building permit where parking is required. The site plan shall include the following:

- (1) Delineation and size of individual parking spaces and aisles.
- (2) Circulation area necessary to serve spaces.
- (3) Driveway openings to streets.
- (4) Curb and median cuts.
- (5) Grading, drainage and surfacing details.
- (6) Delineation of obstacles to parking and circulation within parking area.
- (7) Specifications as to signs and bumper guards.
- (8) Landscaping.

(L) *Access to public streets.* Driveways and areas for loading, parking and maneuvering of vehicles for multiple-family residential, business and institutional land use shall comply with Apache Junction City Code, Vol. II, Chapter 10, Engineering Design Guidelines and Policies.

(M) *Stormwater management.* A parking area shall be subject to the runoff, drainage and retention requirements of the Development Services Engineer.

(N) *Parking lot obstructions.* No obstructions of any kind shall be permitted within any designated parking space except for approved landscaping, retention basins, lighting, curbing, walkways or shopping cart corrals.

(O) *Blocked stalls.* No parking space shall be located or used in a manner as to block access to another parking space, except on a parking lot with a parking attendant having access to each vehicle's keys or as part of an approved planned development (PD) rezoning site plan.

(P) *Lighting.* Parking area lighting shall not create unsafe glare to motorists and shall be designed and installed in accordance with Vol. II, Article 1-10.

(Q) *Signage.* Directional signs and pavement markings shall be used to control vehicular movement in a parking area. Signs shall be limited to 2 square feet each, and an aggregate total not to exceed 20 square feet. No sign of any kind other than those indicating entrances, exits, name of establishment to which the parking area is accessory, or conditions of use shall be erected.

(R) *Surface grade.* No driveway over 300 feet long shall exceed a 10% grade, and no driveway shall exceed a 17% grade.

(S) *Shared access.* Common driveways between adjacent properties are encouraged and may be required as a condition of site plan approval. A perpetual cross access and maintenance agreement between the adjoining properties shall be required in a form approved by the City Attorney.

(T) *Parking lot surface.* The following requirements shall apply to loading spaces, maneuvering areas, and driveways for new development or redevelopment and/or additions where 50% expansion of the existing building floor area occurs, shall be surfaced as follows:

(1) *B-1, B-3, B-4, B-4, RM-1, RM-2 and RM-3 Zoning Districts.* Asphalt, concrete or masonry pavers installed at a depth approved by the Development Services Engineer shall be required for new development or redevelopment and/or additions where 50% expansion of the existing building floor area occurs.

(2) *B-2 (Old West District).* A minimum depth of 3 inches of 1/2 minus compacted decomposed granite or other dust controlling material approved by the Development Services Engineer, and which complies with the American Disabilities Act, shall be allowed.

The design and layout of the unpaved parking and circulation area shall be subject to the Zoning Administrator's determination that the unpaved parking area layout provides safe and manageable parking and circulation.

(3) *Air quality control.* Existing and future parking surfaces shall comply with air quality control requirements (i.e., PM-10) as set forth in Ordinance No. 1316, and as amended in the future.

(U) *Landscaping.* Parking lot landscaping shall be designed and installed in accordance with Vol. II, § 1-8-6(E).

(V) *Accessibility standards.* Accessible (persons with disabilities) parking and pedestrian access shall be designed and installed in accordance with the American with Disabilities Act (ADA), as amended.

(W) *Structured parking.* The exterior elevations of any multi-level parking structure must be designed so as to screen or conceal parked cars on the first and second floor from exterior public view.

(Ord. 1402, passed 5-6-2014)

#### **§ 1-7-4 MODIFICATIONS AND APPEALS.**

(A) *Parking standard modification.* If the number of proposed parking stalls does not comply with the standards in Vol. II, § 1-7-6, Table 7-3, the Zoning Administrator may reduce the required number of stalls by up to 10% following review and determination of the following:

(1) Technical evidence that the proposed use(s) generates a parking demand that is at least 10% less than the required parking standard in Vol. II, § 1-7-6, Table 7-3; and/or

(2) Determination by the Zoning Administrator that a portion of the required parking can be accommodated with existing public parking that is available within 100 feet of the property.

(B) *Appeals.* Variances and appeals to the parking standards shall be applied for and processed through the Board of Adjustment and Appeals in accordance with Vol. II, § 1-16-5.

(Ord. 1402, passed 5-6-2014)

#### **§ 1-7-5 LOADING FACILITY STANDARDS.**

Off-street loading, unloading and the maneuvering of commercial vehicles shall be subject to the following:

(A) *Circulation.* There shall be no loading or unloading of commercial vehicles on the public street. Off-street maneuvering space shall be provided so that no backing onto or from a public street is required.

(B) *Screened.* The loading area shall be screened from adjacent residentially zoned property with a solid 8 foot high wall, and located to minimize visibility from a public street.

(C) *Size.* Off-street loading spaces shall be at least 12 feet wide and 35 feet deep, exclusive of access aisles and maneuvering space.

(Ord. 1402, passed 5-6-2014)

#### **§ 1-7-6 PRIVATE STREET STANDARDS.**

(A) Private streets shall be a minimum of 28 feet in unobstructed width of paved surface (back of curb to back of curb, if curbs are installed) with a 20-foot by 20-foot cutoff at intersections or a minimum turning radius of 20 feet. Narrower private streets may be permitted subject to City Council, review and approval.

(B) A private street may be permitted where its use is logically consistent with a desire for neighborhood identification and control of access and where special design concepts may be involved, such as within planned development areas, manufactured home developments, subdivisions or with CUPs.

(C) Private streets shall be subject to Planning and Zoning Commission recommendation, City Council approval and the following

requirements:

(1) Paving shall be installed according to City Engineering Guidelines for public residential streets, or in accordance with subdivision regulations, if applicable. Curbs, gutters, sidewalks and streetlights may be required by the Council. Alternative paving surfaces may be permitted by the Development Services Engineer;

(2) Other requirements may be imposed by the Council for vehicular and pedestrian safety, utilities and emergency vehicle access;

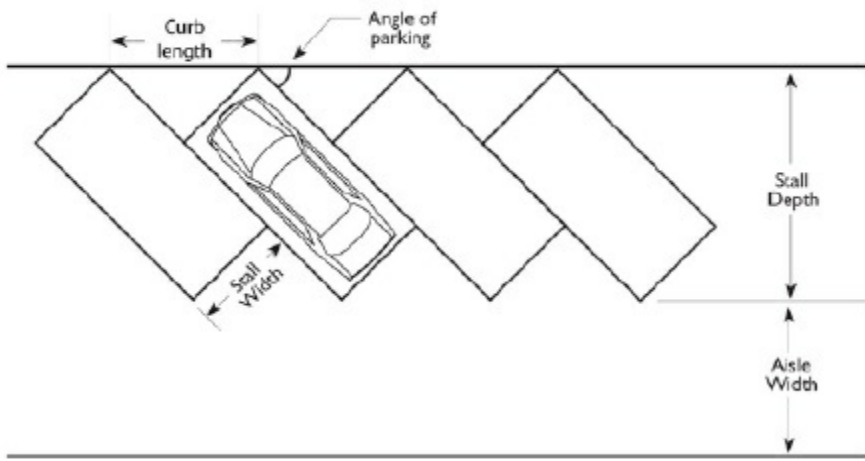
(3) Private streets shall not be allowed if, in the opinion of the City Council, a public street would better serve the public health, safety and welfare, or the location of the private access way presents a potential hazard to vehicular or pedestrian traffic at the intersection of the private street with a public street; and

(4) City approvals shall be required for private streets. The design engineer shall be responsible that their design meets the geometrical and structural street design requirements and policies in accordance with general engineering standards. Testing and inspection for conformance of construction to minimum requirements of approved plans shall be the responsibility of the developer, who shall provide the city with proof that the requirements have been satisfied prior to project acceptance.

(5) The maintenance of private streets is a continuing obligation of the property owners and/or homeowner's association. Streets shall be kept in a clean, safe and well maintained condition. More, specifically, the property owner and/or homeowner's association shall restore the street to its original approved condition if parking surface areas become deteriorated and/or emit dust particles into the air, as determined by the Development Services Engineer.

TABLE 7-1: PARKING STALL AND AISLE DIMENSIONS

<i>Angle of Parking</i>	<i>Stall Width</i>	<i>Curb Length Per Stall</i>	<i>Stall Depth</i>	<i>One-Way Aisle Width</i>	<i>Two-Way Aisle Width</i>
Parallel	9'0"	22'0"	9'0"	12°	20°
30°	9'0"	18'0"	17'4"	11°	20°
40°	9'0"	14'0"	19'2"	12°	22°
45°	9'0"	12'9"	19'10"	13°	24°
50°	9'0"	11'9"	20'5"	15°	24°
60°	9'0"	10'5"	21'0"	18°	24°
70°	9'0"	9'8"	21'0"	19°	24°
90°	9'0"	9'0"	18'0"	24°	24°



Note: Up to 20% of the total required parking spaces may be compact spaces with minimum 9' by 16' stall dimensions for 90 degree parking.

TABLE 7-2 SHARED PARKING CALCULATOR.

(A) Land Use	Weekday		Weekend		(F) Nighttime 12:00 a.m. - 6:00 a.m.
	(B) Daytime 9:00 a.m. - 4:00 p.m.	(C) Evening 6:00 p.m. - 12:00 a.m.	(C) Daytime 9:00 a.m. - 4:00 p.m.	(E) Evening 6:00 p.m. - 12:00 a.m.	
Office/Industrial	100%	10%	10%	5%	5%
Retail	60%	90%	100%	70%	5%
Hotel	75%	100%	75%	100%	75%
Restaurant	50%	100%	100%	100%	10%
Entertainment/Commercial	40%	100%	80%	100%	10%

TABLE 7-3: NUMBER OF PARKING STALLS REQUIRED

CLASSIFICATION	NUMBER OF SPACES REQUIRED <sup>1</sup>
<b>Residential</b>	
Single-family dwelling residential	2 spaces per dwelling unit.
Studio or efficiency residential	1 space per dwelling unit.
One-bedroom apartment	1.5 spaces per dwelling unit.
Two or more bedroom	

apartment	2 spaces per dwelling unit.
Independent senior housing	Based on specific project need as determined by the Zoning Administrator.
Assisted living senior housing	Based on specific project need as determined by the Zoning Administrator.
Nursing home	1 space per 3 beds.
Group home	Based on specific project need as determined by the Zoning Administrator.
Manufactured home or RV in park	1 space per unit space; plus 1 visitor parking space per 10 unit spaces; and parking spaces to meet the needs to any commercial; office or public assembly.
Manufactured home in subdivision	2 spaces per dwelling unit.
Rooming house or boarding house	1 space per guest room; plus 1 space for resident manager.
<b>Commercial</b>	
Retail and/or Office Sales and Service	1 space for each 300 sq. ft. of gross floor area
Restaurant/bar/nightclub (indoor area)	1 space for each 100 sq. ft. of customer accessible area and 8 spaces of stacking in the drive-through area. Stacking shall be from the pick-up/final window back.
Restaurant/bar/nightclub (outdoor area)	1 space per 200 sq. ft. of seating/service area outdoors, in addition to required parking for indoor uses.
Medical and dental offices/clinics	1 space for each 200 sq. ft. of gross floor area.
Lodging (hotel/motel/bed and breakfast)	1 space per room, plus 1 space per 200 square feet of meeting, banquet and restaurant space not solely intended for hotel guests and/or staff.
Indoor amusement center (including bowling alleys)	1 space per 200 square feet of gross floor area.
Funeral home	1 space per 4 seats.
Hospital	1.5 spaces per bed.
Vehicle service and/or sales	1 space for each 300 sq. ft. of gross floor area for office/display/seating, plus 2 spaces per service bay.
Swap meets/farmer's markets	Based on specific project needs as determined by the Zoning Administrator.



Amusement park, fairground or transient show	Based on specific project need as determined by the Zoning Administrator.
Arena, stadium, auditorium or theater	1 space for every 5 seats (20 inches of bench or pew shall be considered 1 seat).  1 space per 200 square feet of gross floor area if not permanent seats.
<b>Institutional</b>	
Private lodges and clubs (no overnight lodging)	1 space per 200 square feet of gross floor area.
Religious assembly	1 space for every 8 seats in the principal auditorium (20 inches of bench or pew shall be considered 1 seat). If no fixed seating is provided, 1 space is required for every 50 sq. ft. of sanctuary/primary assembly area.
Outdoor recreational facilities	Based on specific project need as determined by the Zoning Administrator.
Schools	1 space per 200 square feet of gross floor area.
Day care/nurseery	1 space per 300 square feet of gross floor area.
Library and museum	Based on specific project need as determined by the Zoning Administrator.
<b>Industrial</b>	
Industrial and warehousing	1 space per 1,000 square feet gross floor area of industrial, manufacturing and warehouse space, plus 1 space per 300 square feet of office space.

1. Fractional parking stall calculations should be rounded to the nearest whole number. For example, a parking stall requirement for 10.3 stalls should be rounded to 10 stalls, whereas a requirement for 10.7 stalls should be rounded to 11 stalls.

(Ord. 1402, passed 5-6-2014)

## **ARTICLE 1-8: LANDSCAPE REGULATIONS**

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Section

1-8-1 Intent

1-8-2 Interpretation

1-8-3 Conflicting regulations

- 1-8-4 Scope and applicability
- 1-8-5 Exemptions
- 1-8-6 Landscape standards
- 1-8-7 Landscape plan submittal requirements
- 1-8-8 Installation and inspection
- 1-8-9 Dust control
- 1-8-10 Surety
- 1-8-11 Landscape maintenance
- 1-8-12 Prohibited plants
- 1-8-13 Native plant preservation
- 1-8-14 Modifications and appeals
- 1-8-15 Permit issuance

### **§ 1-8-1 INTENT.**

- (A) Create aesthetically pleasing views and vistas along public streets.
- (B) Complement and enhance the functional and aesthetic design of new buildings and site development projects.
- (C) Provide visual screening of parking, service and storage areas.
- (D) Mitigate the adverse impacts of higher intensity land uses upon lower intensity uses through landscape buffers.
- (E) Promote water conservation by restricting the use of turf and ornamental water features and requiring the use of low water use plant materials.
- (F) Promote climate modifications for enhancement of pedestrian environments at street frontages, parking lots and building façade.
- (G) Provide maximum shade on ground surfaces to reduce the urban heat island effect.

(Ord. 1402, passed 5-6-2014)

### **§ 1-8-2 INTERPRETATION.**

The Zoning Administrator shall be responsible for the interpretation of the landscape regulations.

(Ord. 1402, passed 5-6-2014)

### **§ 1-8-3 CONFLICTING REGULATIONS.**

Where there is a conflict between the provisions of the landscape regulations and provisions of other city, the more restrictive provisions shall apply.

(Ord. 1402, passed 5-6-2014)

### **§ 1-8-4 SCOPE AND APPLICABILITY.**

- (A) *New development.* The landscape regulations shall apply to new development of commercial, industrial, institutional,

subdivision, multi-family residential, manufactured home park and recreational vehicle park land uses. The landscape regulations shall not, however, apply to single-family and duplex dwellings.

(B) *Additions and expansions to existing development.* The landscape regulations in Vol. II, § 1-8-6, Table 8-1 shall apply if the existing building is expanded by more than 50% of its existing gross floor area.

(C) *Landscape plan approval.* Landscape plans shall be subject to review and approval of the Zoning Administrator.

(D) *Landscape architect required.* Landscape plans shall be prepared by a landscape architect registered in the State of Arizona. This requirement may be waived if the Zoning Administrator determines that the landscaping plan requires less than 10 plants.

(Ord. 1402, passed 5-6-2014)

## **§ 1-8-5 EXEMPTIONS.**

(A) *Property frontage less than 50 feet wide.* Business zoned properties with less than 50 feet of street frontage, and/or which are less than 10,000 net square feet in size, shall be exempt from the landscape standards unless required to be landscaped and screened as part of an approved Planned Development rezoning, CUP or AUP. The Director or designee may require, however, that minimal landscape and screening improvements (e.g., planters, foundation shrubbery, and parking lot shading) be installed prior to occupancy.

(B) *B-2 (Old West) and B-3 (City Center) zoned districts.* Property located within the B-2 (Old West) and the B-3 (City Center) zoned district shall be subject to the following unique landscape requirements:

(1) *Transition buffer.* Business zoned properties adjacent to residentially zoned lots/parcels are encouraged to provide a landscape buffer/screen wall between their business site and the residential site.

(2) *Parking lot buffer.* A landscape buffer between the parking lot area and public road right-of-way is encouraged.

(3) *Parking lot landscaping.* Properties with greater than 20 parking stalls shall comply with Vol. II, § 1-8-6(D).

(4) *Desert plants.* All trees and plant material shall be compatible with the desert environment, be water-efficient and shall conform to the current recommended low water using plant list of the Arizona Department of Water Resources Phoenix Active Management Area, or alternative city approved materials that are drought-resistant.

(5) *Installation and surety.* Required landscaping shall be installed prior to the issuance of a certificate of occupancy or final inspection, as applicable. A site inspection must be conducted by the Planning Division to verify proper installation. It is the owner's (or owner's representative's) responsibility to arrange an inspection appointment with the Planning Division. A surety bond, cash deposit or assured letter of credit in an amount to guarantee the installation of the landscaping within 6 months from the date of issuance of the certificate of occupancy or final inspection may be permitted by the Development Services Director or designee in lieu of immediate installation of plant materials. The allowable installation period will not be extended more than 6 months from the date of the certificate of occupancy or final inspection.

(6) *Landscape maintenance.* All landscaping shall be reasonably maintained and any dead plant material shall be immediately replaced by the property owner. Maintenance shall include but not be limited to removal of debris, pruning, trimming, watering or other requirements to create an attractive appearance for the development. Maintenance must ensure that pedestrian and vehicular traffic will not be obstructed by any of the vegetation.

(7) *Overhead wires.* Undergrounding of overhead wires and equipment shall be required in accordance with Vol. II, § 1-8-6(N).

(8) *Planters, planting pots and raised planters.* Landscape planters, planting pots and/or raised planters shall be required between the building and the road right-of-way(s), along walkways, and within parking areas, as approved by the Zoning Administrator. The landscape planters, and/or flower boxes shall be appropriately sized and accommodate a minimum of two 5 gallon shrubs per 20 feet of property frontage.

(Ord. 1402, passed 5-6-2014)

## **§ 1-8-6 LANDSCAPE STANDARDS.**

(A) *Street frontage.* Trees, shrubs and groundcover shall be installed in accordance with the following:

(1) *Minimum quantity and size of plants.* See Vol. II, § 1-8-6, Table 8-1.

(2) *Groundcover.* The street frontage planting strip shall include vegetative ground cover (1-gallon minimum) and be covered with inorganic mulch such as crushed decorative rock, river run and/or boulders. An impervious weed barrier or pre-emergent chemical treatment shall be applied to the bare ground prior to the placement of inorganic ground cover materials.

(3) *Planting strip.* Required trees and shrubs shall be planted within a 10 foot wide planting strip adjacent to and parallel with the street right-of-way. No trees or shrubs shall be planted within the public road right-of-way without approval from the Public Works Department.

(4) *Parking lot screen wall.* See Vol. II, § 1-8-6(B)(1).

(5) *Substitutions.* Twenty (20%) percent of the required shade trees may be substituted with minimum 10 foot high Saguaro cactus.

(6) *Existing landscaping.* Existing trees and shrubs located within the street frontage landscaping area may be counted as part of the street frontage landscape requirement if the existing tree(s) meets the minimum size requirement.

(7) *Flexible design.* The Zoning Administrator may approve a more natural landscape distribution of trees and shrubs rather than the regimented plant spacing provided in Vol. II, § 1-8-6, Table 8-1.

(B) *Screening.*

(1) *Screen walls for side and rear property lines.* Where industrial or commercial development is proposed to be located adjacent to an existing or future residential property, screening walls shall be required in accordance with Vol. II, § 1-6-3, Table 6-2 .

(2) *Screen walls for parking.* If parking is located between the building and the front road right-of-way, a decorative wall or fence between 3 and 4 feet in height shall be installed at the interior edge of the planting strip to serve as a visual transition between the roadside planting strip and the parking area (see Vol. II, § 1-6-3, Table 6-2).

(3) *Screening for patios.* Restaurant and bar patio enclosures shall be allowed in accordance with Vol. II, Table 6-2.

(4) *Screening of outdoor storage.* Outdoor storage on business zoned properties shall be screened in accordance with Vol. II, § 1-6-9(B)(2) and Vol. II, § 1-6-3, Table 6-2.

(5) *Screening of dumpsters.* Dumpsters on business, institutional and multi-family residential properties shall be screened with a minimum 6-foot high decorative masonry wall and a decorative gate. Dumpster gates shall be closed except while loading and unloading.

(C) *Open space area landscaping.* Any part of a site not utilized for structures, parking, driveways or sidewalks is defined as open space and shall be covered with either vegetative ground cover (1-gallon minimum) or inorganic ground cover such as decomposed granite, crushed decorative rock, river run and/or boulders. An impervious weed barrier or pre-emergent chemical treatment shall be applied to the bare ground prior to the placement of inorganic ground cover. Additionally, open space areas shall be landscaped with plantings in accordance with Vol. II, § 1-8-6, Table 8-1.

(D) *Interior parking lot landscaping.* Parking lots containing 10 or more parking spaces shall comply with the following:

(1) *Minimum quantity and size.* See Vol. II, § 1-8-6, Table 8-1.

(2) *Coverage.* A minimum of 10% of the parking lot shall be landscaped. This landscaping shall consist of landscaped islands and peninsulas located within the parking lot. The parking lot is defined as the interior area within the perimeter of the curbs or the edge of pavement framing the parking lot area.

(3) *Landscape island spacing and size.* Landscape islands or peninsulas shall be installed at least every 12 consecutive parking spaces with a minimum 5 foot width and minimum 50 square foot area.

TABLE 8-1: LANDSCAPE AREA STANDARDS

<i>Landscape Area</i>	<i>Minimum Amount</i>	<i>Minimum Size</i>
Street Frontage	1 tree and 5 shrubs per 30 ft. of frontage	Trees: 24" box Shrubs: 5 gallon

Interior Parking Lot	1 tree and 5 shrubs per 10 stalls	Trees: 24" box Shrubs: 5 gallon
Open Space	1 tree and 5 shrubs per 1,000 sq. ft.	Trees: 15 gallon Shrubs: 5 gallon

(E) *Retention basin landscaping.* Retention basins shall be landscaped in accordance with excepted engineering standards to manage erosion.

(F) *Irrigation.* All landscaping shall be serviced with a permanent underground automated irrigation system designed in compliance with the "Minimum Standards for Landscape Irrigation" by the Arizona Chapter, American Society of Irrigation Consultants, which is on file with the Director or designee.

(G) *Curbing.* In order to control storm water flows and minimize damage to plantings by vehicular traffic, all landscaped areas adjacent to vehicular parking and access areas shall be protected by 6 inch vertical concrete curbing, anchored wheel stop, decorative bollards or other alternative approved by the Director or designee.

(H) *Desert plants.* All trees and plant material shall conform to the current recommended low water using plant list of the Arizona Department of Water Resources Phoenix Active Management Area. Furthermore, landscape plans shall comply with Vol. II, § 1-8-13 of this Chapter. Limited turf areas may be allowed for accent areas subject to approval of the Director or designee.

(I) *Intersection visibility triangle.* Plant material installed within the site triangle at roadway intersections shall not exceed 3 feet in height at maturity. The site triangle requirements are further defined in Vol. II, § 1-6-13.

(J) *Landscaping in utility easements.* Landscaping planted in utility easements shall comply with the requirements established by utility company policy.

(K) *Relocation of overhead wires and equipment.*

(1) *Intent and purpose.* The intent and purpose of requiring certain overhead wires and equipment to be placed underground is to enhance the visual aesthetics of the city and to protect the views of the Superstition Mountains, while taking into consideration the financial burden on the property owner and/or developer due to the cost of burying overhead lines.

(2) *Applicability.* All new or existing overhead lines and equipment (i.e., poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances used for electrical, communication, entertainment, and information transmission purposes) located along the property's road frontage shall be placed underground at the developer's or property owner's cost as a condition of subdivision, development and/or redevelopment approval, if all of the following conditions apply:

(a) Electrical power lines are 12 kilovolt (kV) or less capacity;

(b) The width of property (i.e., development site) frontage exceeds 150 feet; and

(c) The proposed subdivision, development or redevelopment is located along a principle arterial, Old West Highway, Apache Trail, State Route 88, any new private and public streets or within an adopted redevelopment area.

(3) *Exemptions.* All requests for exemption from this requirement must be presented in writing to the Director or designee prior to development or redevelopment approval by the city. The Director or designee may exempt or conditionally exempt a proposed development or redevelopment from the requirement to place new and/or existing overhead wires and equipment underground after review and determination of the following:

(a) The adjacent land on both sides of the proposed development/redevelopment property is developed with existing structures or buildings and has existing overhead lines and equipment located along the property's public or private road frontage;

(b) The character of existing development within the immediate area exhibits a dominant pattern of existing overhead lines and equipment;

(c) The proposed development/ redevelopment does not qualify as a substantial improvement;

(d) The proposed development results in a minor subdivision of 3 or less lots; or

(e) The developer demonstrates to the satisfaction of the Director or designee that undergrounding overhead lines and

equipment will result in the proposed development not being constructed.

(f) In no case, however, shall new utility service extensions from existing service/transmission lines to a proposed subdivision or nonresidential development or redevelopment be exempted from the undergrounding requirement.

(Ord. 1402, passed 5-6-2014)

### **§ 1-8-7 LANDSCAPE PLAN SUBMITTAL REQUIREMENTS.**

(A) *Number of plans needed.* Four sets of scaled plans and 1 digital set of plans.

(B) *Required landscape plan elements.* The landscape plan shall include the following details:

(1) Proper dimensions and drawn to scale.

(2) North arrow and scale.

(3) Location of proposed and existing landscaping including trees, shrubs, turf, ground cover and inorganic materials.

(4) Landscape illustrations depicted at mature size.

(5) Schedule identifying botanical and common plant name, planting size and plant quantity.

(6) Property lines, right-of-way(s), easements, alleys and adjacent private streets.

(7) Existing and proposed building footprints.

(8) Existing and proposed parking spaces and internal traffic circulation.

(9) Existing and proposed location of walkways and sidewalks.

(10) Existing and proposed location of refuse/dumpster area(s).

(11) Existing and proposed location of outside storage area(s), if any.

(12) Existing and proposed location of outside product display area(s), if any.

(13) Existing and proposed freestanding signs.

(14) Existing and proposed light poles.

(15) Irrigation plan showing location of controller, existing or proposed meters, backflow preventer, water lines, heads, and materials.

(16) Project data table that includes:

(a) Gross and net site area.

(b) Existing zoning of property.

(c) Lot coverage (i.e., square feet of impervious surface area).

(d) Gross floor area of existing and proposed buildings.

(e) Landscape area (i.e., square feet of pervious surface area).

(Ord. 1402, passed 5-6-2014)

### **§ 1-8-8 INSTALLATION AND INSPECTION.**

All landscaping shall be installed in accordance with Arizona Nursery Association standards and the approved landscape plan. The Zoning Administrator shall inspect all landscaping and no certificate of occupancy or similar authorization will be issued unless the landscaping meets the Landscape Code requirements.

(Ord. 1402, passed 5-6-2014)

### **§ 1-8-9 DUST CONTROL.**

Dust control during and after installation of landscaping shall comply with state and federal particulate matter requirements.

(Ord. 1402, passed 5-6-2014)

### **§ 1-8-10 SURETY.**

All required landscaping materials shall be in place prior to issuance of a certificate of occupancy, weather permitting. In periods of adverse weather conditions, a temporary certificate of occupancy may be issued, subject to the posting of a cash escrow, performance bond or irrevocable letter of credit in an amount equal to 1-1/2 times the estimated cost of the landscaping, with the estimated cost to be certified by a licensed landscaping contractor. The cash escrow or irrevocable letter of credit may be forfeited if the required landscaping is not completed within 6 months after the issuance of the certificate of occupancy. Forfeiture of any cash escrow, performance bond or irrevocable letter of credit shall not relieve the owner of the responsibility to complete the required landscaping.

(Ord. 1402, passed 5-6-2014)

### **§ 1-8-11 LANDSCAPE MAINTENANCE.**

#### *(A) Responsibility.*

(1) The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping within their own private property or on the adjoining right-of-way. Landscaping shall be maintained so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

(2) The property owner is responsible for obtaining required permits for the location of landscaping in a public right-of-way. Lack of maintenance shall constitute a violation of this code.

*(B) Replacement plants.* Dead plants or plants that have been removed shall be the responsibility of the owner and/or tenant to replace immediately. All replacement plants and other non-living landscape materials shall be equal in size, density and appearance as originally required at the time of the approval of the development.

(Ord. 1402, passed 5-6-2014)

### **§ 1-8-12 PROHIBITED PLANTS.**

(A) Olive Trees (*Olea Europaea*), are prohibited for reasons of their profuse production of allergy producing pollen. However, the "Swan Hill Olive" and the "Wilson Olive" varieties may be used due to their non-flowering non-pollen status.

(B) Fountain Grass (*Pennisetum Setaceum*) is prohibited as a defined weed with the potential to spread throughout the city and become a fire hazard.

(C) Common Bermuda Grass (*Cynodon Dactilon*) is prohibited as a defined weed and for its profuse production of allergy producing pollen. (For clarification purposes, non-allergenic species are permissible as approved by the city).

(D) Mulberry Trees (*Morus*) are prohibited as noxious pollen producers.

(E) Other plants deemed inappropriate by interpretation of the Zoning Administrator and/or City Landscape Architect.

(Ord. 1402, passed 5-6-2014)

### **§ 1-8-13 NATIVE PLANT PRESERVATION.**

#### *(A) Purpose.*

- (1) Protect native plants and to ensure appropriate re-vegetation for all development projects.
- (2) Provide for in-place preservation and protection of existing protected native plants and the transplanting of protected native plant materials indigenous to the area and typical of the Sonoran Desert region.
- (3) Preserve the organic characteristics of the Sonoran Desert region.
- (4) Preserve desert wildlife habitats and food sources.
- (5) Require the protection and re-vegetation of protected native plants disturbed during land development.
- (6) Encourage the use of protected native plants that are drought tolerant and require low maintenance and minimal groundwater after establishment.
- (7) Reduce the potential for erosion by water, wind or subsidence.

(B) *Applicability.* The native plant preservation requirements shall apply to rezonings, subdivision plats, non-residential and residential construction, CUPs and/or any amendments thereof.

(C) *Standards for native plant protection and preservation.*

(1) *Protected native trees.* High rated native trees with a 4-inch or larger caliper trunk (as measured 1 foot from the adjacent ground surface) that are listed in Vol. II, § 1-8-15, Table 8-2 shall be considered protected.

(2) *Protected cacti and shrubs.* High rated native cacti and shrubs that are 3 feet in height or taller that are listed in Vol. II, § 1-8-15, Table 8-2 shall be considered protected.

(3) *Non-protected native plants.* All other native plants with less than a 4-inch caliper trunk or 3 feet in height, and with less than a high rating, are considered non-protected and may be offered for salvage to the city, nonprofit organizations or other qualified organizations within 30 days prior to scheduled grubbing and grading operations.

(4) *Location/transplanting.*

(a) *Protected plants.* All protected native plants shall be preserved in place or salvaged and transplanted within on-site landscaped areas if located within a grading/construction area.

(b) *Non-protected plants.* All non-protected native plants shall be placed in a salvage pool for off-site transplanting if requested by the city, or properly disposed of by the property owner.

(c) *Temporary nursery.* Protected plants to be transplanted shall be maintained in a temporary nursery pending relocation in accordance with the approved landscape plan. All temporary nurseries shall provide automatic drip irrigation and fertilizer to promote plant health, until such time that plants are moved for re-planting.

(d) *Donation to city.* Any protected native plants that the developer and Zoning Administrator agree cannot be used on-site, may be donated to the city in conformance with the Arizona Department of Agriculture requirements regarding "notice of intent to clear land".

(D) *Landscape plan submittal requirements.* In addition to the landscape plan submittal requirements described in Vol. II, § 1-8-7, the following additional information is required for properties with protected native plants:

(1) *Professional credentials.* Landscape plans for property with protected native plants shall be prepared by a pre-approved plant salvage professional with credentials as a Western Chapter International Society of Arboriculture ("ISA") certified arborist. Salvage contractors wishing to be placed on this list must first submit a written methodology for inventory, rating and salvaging plants for city approval. Interested parties may contact the city's Development Services Department for further information.

(2) *Landscape plan details.* A landscape plan with the following details shall be submitted and approved for properties with protected native plants prior to issuance of a grading and building permit:

(a) A recent aerial photo or site plan showing construction limits and showing an inventory of all protected native plants, in addition to the project name, a scale (minimum scale of 1 inch = 50 feet), a north arrow, a vicinity map, the adjacent street names, and the name of the company performing the inventory.

(b) Identification and inventory of all native protected plants within the area permitted for grading and 50 feet beyond, or to the edge of the property, whichever is the shorter distance.



(c) The salvage status of each plant (i.e., remaining in place, relocating or being removed) with a tag number, species (both common and botanical names), size and general condition of each plant. If a plant is noted as non-salvageable, the reason or reasons for the assessment shall be stated.

(d) The new location and placement of salvaged protected native plant material, including any proposals and justifications for specific plants to be removed from the project site shall be submitted.

(e) Location of any on-site nursery for the storage of salvaged protected native plants.

(f) A copy of the approved and stamped Arizona Department of Agriculture "notice of intent to clear land" shall be submitted.

(E) *Plant ratings.* The designation of "high rated" plants, as determined by the plant professional, shall be based on the following criteria:

(1) The plant's health reflecting the degree of major infestations or apparent diseases.

(2) The plant's age reflecting the likelihood of transplant survival.

(3) The plant's conduciveness to boxing during the transplanting; tree spading will be allowed on a case-by-case basis.

(4) Ability of excavating existing soil, cohesiveness and ability to support a box transplant.

(5) Accessibility of surrounding topography to box and remove the plant(s).

(6) The likelihood that adjacent plants will not interfere with any root systems or with plant removal.

(F) *Mitigation.*

(1) Protected native plants harmed by on-site salvage and transplant, or damaged or destroyed during development shall be mitigated by 1-to-1 species replacement with a minimum 48-inch box size for trees and 10 foot minimum height for Saguaro cactus.

(2) Protected native plants that have been destroyed by an act of God shall not be subject to the mitigation replacement requirements as long as every effort to maintain the health of the plant has occurred.

(G) *Inspections.*

(1) All protected native plants scheduled to remain in place or authorized for destruction, removal or relocation by the approved landscape plan shall be tagged and numbered by the plant specialist prior to an on-site inspection by the Development Services Department staff. Salvage operations shall not commence until the Development Services Department staff has performed an inspection and given approval to begin salvage.

(2) Tags shall be color-coded according to the following schedule so that the status of each plant may be easily identified:

(a) Protected native plants proposed to remain in place shall be tagged with green plastic tape.

(b) Protected native plants proposed for relocation on-site shall be tagged with white plastic tape.

(c) Protected native plants proposed for destruction shall be tagged with red plastic tape.

(d) Non-protected native plants proposed for off-site relocation by the city shall be tagged with yellow plastic tape.

(3) Tags required by this section shall be affixed in a visible location on the plant. The initial inspection will be performed once tagging is completed and an inspection request has been received by the Development Services Department.

(4) Once attached, the tags shall not be removed until the approved landscape plan is implemented and a final inspection has been performed by the Development Services Department.

(5) All areas designated to remain as natural open space or protected native plants designated to remain in place shall be contained with a fence or a durable tape for protection during construction. The Director or designee may allow an alternative method to protect plants during construction. The applicant is responsible for maintaining this "no disturbance" boundary line, and no protected native plants within this protected area shall be salvaged or destroyed.

(6) The city may perform a nursery inspection to verify conditions of protected native plants during construction of the site.

(7) A final inspection shall be performed by the Development Services Department which verifies the required on-site relocation of salvaged plants to their new locations, and the required in-place preservation of protected native plants.

(H) *Civil penalties.*

(1) Any person who, individually or through the acts of another person, intentionally or negligently damages, destroys or removes from the

site any protected native plant, except as authorized by an approved landscape plan, shall be subject to a civil penalty based on the following:

- (a) Protected native trees: up to \$300 per caliper inch (measured 1 foot above ground level).
- (b) Protected native cacti: \$200 per foot.
- (c) Maximum per plant: \$5,000.

(2) Civil penalties shall be ordered by the Director of designee in accordance with administrative procedures established by the Director.

(3) Determination of the sum of money to be paid to the city pursuant to this section shall be based upon the type, size, density, distribution and condition of the protected native plant materials that existed on the property prior to the violation, or upon inspection of the remains of destroyed protected native plant materials or other physical evidence as may be available. Any party may appeal a civil penalty order to the City Manager or his or her designee by filing the appeal with the City Clerk's Department no later than 20 calendar days from the date of the Development Services Department's civil penalty determination. Within 5 working days, the City Manager or his or her designee shall hold a hearing on the matter. Within 5 working days after the hearing, the City Manager or his or her designee shall send a written determination to the appellant. This decision is final at the city level but can be appealed to the Pinal County Superior Court pursuant to A.R.S. §§ 12-904 *et seq.* in accordance with similar administrative appeals.

(I) *Criminal penalties.* In addition to the civil penalties referenced above, any violator of this chapter may be charged with a class one misdemeanor by the City Attorney's office. See criminal penalties under Vol. II, § 1-16-16.

(Ord. 1402, passed 5-6-2014)

**§ 1-8-14 MODIFICATIONS AND APPEALS.**

(A) *Conditional use permit modifications.* The size, type and amount of required landscaping may be modified by CUP approval in accordance with Vol. II, § 1-16-12(D)(4).

(B) *Board of Adjustment.* Variances and appeals to the interpretation of the landscape standards shall be applied for and processed in accordance with Vol. II, § 1-16-5.

(Ord. 1402, passed 5-6-2014)

**§ 1-8-15 PERMIT ISSUANCE.**

(A) *Building permits.* Building permits shall not be issued prior to Zoning Administrator approval of the required landscape plan.

(B) *Certificate of occupancy.* Certificates of occupancy shall not be issued prior to completion of landscape installation and acceptance by the Zoning Administrator, or the posting of the appropriate surety as provide in Vol. II, § 1-8-10. Compliance with this requirement shall be recorded in written form and released through the Zoning Administrator to the Building Official.

TABLE 8-2: PROTECTED NATIVE PLANT LIST

<i>LATIN NAME</i>	<i>COMMON NAME</i>	<i>PROTECTION</i>
Carnegiea gigantea	Saguaro	NPL
Castela emoryi	Crucifixion Thorn	NPL
Cercidium floridum	Blue Palo Verde, 4" caliper	NPL

Cercidium microphyllum	Foothills Palo Verde, 4" caliper or more	NPL
Echinocactus horizontalis var.	Blue Barrel Cactus	NPL/ESA
Ferocactus wislizenii	Fishhook Barrel	NPL
Fouquieria splendens	Ocotillo	NPL
Mammillaria thornberi	Thornber Clustered Pincushion	NPL
Olneya tesota	Ironwood	NPL
Peniocereus greggi	Desert Night-blooming Cereus	NPL
Prosopis pubescens	Screwbean Mesquite	NPL
Prosopis velutina	Velvet Mesquite	NPL
Tumamoca macdougalii	Tumamoc Globeberry	NPL
Yucca elata	Soaptree Yucca	NPL
Zizyphus obtusifolia var. canescens	Greythorn	NPL
KEY:		
"ESA"=Plants protected by the Federal Endangered Species Act.		
"NPL"=Plants regulated by the Arizona Native Plant Law.		

(Ord. 1402, passed 5-6-2014)

## **ARTICLE 1-9: MANUFACTURED HOMES AND RECREATIONAL VEHICLE REGULATIONS**

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### Section

- 1-9-1 Intent
- 1-9-2 Standards for manufactured home on single-family zoned lots
- 1-9-3 Standards for manufactured home parks and/or recreational vehicle parks
- 1-9-4 Permits and approvals

### **§ 1-9-1 INTENT.**

These regulations are intended to regulate manufactured homes located within single-family residential zoning districts, and manufactured homes and recreational vehicles located in manufactured home or recreational vehicle ("RV") parks.

(Ord. 1402, passed 5-6-2014)

### **§ 1-9-2 STANDARDS FOR MANUFACTURED HOMES ON SINGLE-FAMILY ZONED LOTS.**

(A) *Required zoning.* Manufactured homes may only be located within the RS-GR, RS-54M, RS-20M, RS-10M and RS-7M single-family residential districts.

(B) *Foundation required.* Manufactured homes located on individual single-family zoned lots (i.e., not within parks) shall be permanently attached to a foundation that is approved by the Arizona Office of Manufactured Housing.

(C) *Amount.* Not more than 1 manufactured home shall be permitted on single-family zoned lots. RVs used as a residence shall not be permitted on single-family zoned lots unless permitted as a legal non-conforming use, as a personal caretaker or property caretaker pursuant to Vol. II, §§ 1-6-19 and 1-6-20 or as a temporary residence during construction pursuant to Vol. II, § 1-6-23.

(D) *Maximum height.* Manufactured homes on single-family lots are subject to the maximum height standards for the main structure within the zoning district where the home is located (see Vol. II, § 1-5-2, Table 5-2).

(E) *Minimum lot size.* Lots for manufactured homes are subject to the minimum lot size standards within the zoning district where the home is located (see Vol. II, § 1-5-2, Table 5-2).

(F) *Minimum setbacks.* Setbacks for manufactured homes on single-family lots are subject to the minimum setback standards within the zoning district where the home is located (see Vol. II, § 1-5-2, Table 5-2).

(Ord. 1402, passed 5-6-2014)

### **§ 1-9-3 STANDARDS FOR MANUFACTURED HOME PARKS AND/OR RECREATIONAL VEHICLE PARKS.**

(A) *Required zoning.* Parks that accommodate manufactured homes and RVs shall only be zoned MHP. Parks that accommodate only RVs shall only be zoned RVP.

(B) *Limitation on RVs in MHP District.* No more than 30% of the park spaces/lots in a MHP zoned park may be used for RVs.

(C) *Minimum park area.* Ten acres for both manufactured home and RV parks.

(D) *Minimum park space size.* Two thousand square feet for RV park space and 3,500 square feet for manufactured home park space/lot (see Vol. II, § 1-9-4, Table 9-1).

(E) *Minimum park space width.* Thirty feet for RV park space and 50 feet for manufactured home park space (see Vol. II, § 1-9-4, Table 9-1).

(F) *Maximum height.* Fifteen feet for both RVs and manufactured homes.

(G) *Minimum setbacks.* See Tables 5-2 or 9-1 (see §§ 1-5-2 and 1-9-4).

(H) *Number allowed.* Only 1 RV or manufactured home shall be allowed on each approved park space/lot. No dwelling units of conventional construction shall be permitted on a park space/lot.

(I) *Accessory structure standards.* Detached accessory structures shall be subject to the following standards:

(1) *Minimum setbacks.* See Tables 5-2 or 9-1 (see §§ 1-5-2 and 1-9-4).

(2) *Height.* Fifteen feet maximum.

(3) *Easement areas.* No structures shall be located within a public utility easement or drainage easement area.

(4) *Design.* There are no design standards for accessory buildings in the MHP and RVP districts.

(J) *Manager's office/residence.* A manager's office and community buildings shall be allowed as either conventional or modular construction.

(K) *Community center.* Recreation and social centers may be used by residents for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing and similar entertainment uses. Such facilities shall be of conventional construction (i.e., not factory built).

(L) *Outdoor recreational facilities.* Outdoor recreation facilities such as parks, swimming pools, ramadas, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the park shall be allowed.

(M) *Ancillary retail sales, special events/activities intended for park residents only.* Park management shall apply for and obtain an AUP from the Zoning Administrator prior to conducting or allowing park sponsored and authorized ancillary retail sales (e.g., market days, craft/art sales, fundraisers and temporary food vendors) or special events/activities. If approved, the Zoning Administrator shall issue an AUP with written conditions of approval in accordance with the following:

(1) All proprietors and vendors shall possess valid business licenses and permits as required by the City Code, and comply with required sales tax administration and collection processes.

(2) The application for an administrative permit shall contain a description of the retail sales activity, maximum number and type of vendors, days and hours of operation and a site plan illustrating the location and parking associated with the retail sales.

(3) All signs that describe or relate to ancillary retail activities shall not be visible from beyond the boundaries of the park.

(4) Ancillary retail sales shall be conducted indoors within the recreational/social center or outdoors within a common area.

(5) Parking for approved ancillary retail uses shall be accommodated within established and approved parking areas, or by on-street parking approved by the zoning administrator.

(6) Ancillary retail sales shall be directed to, and be for the benefit of, park residents and their guests only.

(7) Ancillary retail sales shall not exceed more than 3 days per week and shall operate between the hours of 7:00 a.m. to 10:00 p.m.

(8) The administrative permit may be valid for multiple events.

(9) Failure to comply with the conditions of approval established in the administrative permit may result in the revocation of the permit, and prohibition on issuing future ancillary retail sales permits to the park.

(N) *Ancillary retail sales, special events/activities intended for both park residents and non-park residents.* Special events and/or activities hosted or sponsored by the parks (e.g., concerts, fund raisers, lectures, seminars, workshops, educational classes, recreation, food/beverage sales, sporting events and meetings) or ancillary retail uses (e.g., restaurants, personal care services, specialty retail and professional offices) shall only be allowed subject to approval of a CUP or, if applicable, compliance with Vol. I, Chapter 8 of the City Code regarding special events.

(O) *Common use areas/structures.* Common-use laundry facilities, maintenance buildings, and security guard house shall be allowed subject to conventional construction design.

(P) *Required parking.* There shall be a minimum of one 9' x 20' paved parking space per park space. The required parking space may be covered; however the cover may not encroach into the setback area.

(Q) *Accessory parking.* Designated areas for boat and recreational vehicle storage which are used solely by the residents of the park shall be allowed, but shall not exceed 20% of the park's land area. Additionally, parking to accommodate recreation center use and park guests shall be required in accordance with Zoning Administrator review and approval of the number and location of parking spaces.

(R) *Private street widths.* Private streets developed within RV parks shall have a minimum width of 28 feet and a minimum turning radius of 22 feet.

(S) *Access.* Access to lots or spaces shall be from the interior of the park.

(T) *Screening walls.* Minimum 6 foot high solid screening walls shall be constructed around the perimeter of the manufactured home park and RV park. The portion of the wall(s) facing the public street shall be constructed as a decorative wall and all exterior wall surfaces shall be stained or colored with an earth tone approved by the Zoning Administrator.

(U) *Skirting.* A manufactured home and park model shall be skirted in a uniform manner if located within a park for 30 calendar days or more, but shall not be required to be attached to a permanent foundation.

(Ord. 1402, passed 5-6-2014)

## **§ 1-9-4 PERMITS AND APPROVALS.**

(A) *Site plan approval required.* Development, redevelopment and/or expansion of an RV park or manufactured home park shall

require city approval of a site plan in accordance with Vol. II, § 1-16-9.

(B) *Building permit required.* It shall be unlawful for any person to install a manufactured home, park model, structure, addition or any electrical, plumbing, or mechanical component without first obtaining a required permit or permits from the Building Division.

(C) *Owner approval required.* No person shall install any manufactured home, structure or addition without approval of the property owner, the owner's agent, or other authorized representative.

TABLE 9-1: STANDARDS FOR MANUFACTURED HOME PARKS AND RV PARKS

	<i>Recreational Vehicle Park</i>	<i>Manufactured Home Park</i>
Required Zoning:	RVP	MHP
Minimum Park Area:	10 acres	10 acres
Minimum Space Size:	2,000 sq. ft.	3,500 sq. ft.
Minimum Space Width:	30 feet	50 feet
Front Setback <sup>1</sup> :	3 feet	8 feet
Street Side Setback <sup>1</sup> :	3 feet	8 feet
Side Setback <sup>2</sup> :	3 feet	5 feet
Rear Setback <sup>2</sup> :	3 feet	5 feet
Property Line Setback:	5 feet	5 feet
Max. Acc. Structure Height	20 feet	20 feet

1. The front setback and street side setback shall be measured from the nearest edge of the interior road/curb fronting the park space/lot.

2. One detached accessory storage structure smaller than 120 square feet in size may be located anywhere to the side or rear of the RV or manufactured home. Additional accessory structures, including awnings, shall comply with the front, side and rear setbacks in Vol. II, Table 9-1 above.

(Ord. 1402, passed 5-6-2014)

**ARTICLE 1-10: OUTDOOR LIGHTING REGULATIONS**

Section

- 1-10-1 Intent
- 1-10-2 Interpretation
- 1-10-3 Scope and applicability
- 1-10-4 Exemptions
- 1-10-5 Prohibited fixtures

1-10-6 Lighting standards

1-10-7 Non-conforming fixtures

1-10-8 Plan submittal requirements

1-10-9 Verification, inspection and enforcement

1-10-10 Appeals

### **§ 1-10-1 INTENT.**

(A) The outdoor lighting regulations are intended to achieve a balance between safety and aesthetics by regulating the quality and quantity of nighttime illumination. Accordingly, these regulations will control the use of artificial outdoor illuminating devices in a manner that conserves energy, improves safety and security and reduces outdoor lighting glare and trespass.

(B) The city recognizes the International Dark-Sky Association, the Illuminating Engineering Society of North America ("IESNA"), and the International Energy Conservation Code ("IECC"), and has used these organization's recommendations and standards as guiding principles in the development of the outdoor lighting regulations.

(Ord. 1402, passed 5-6-2014)

### **§ 1-10-2 INTERPRETATION.**

(A) The Zoning Administrator shall be responsible for the interpretation of the outdoor lighting regulations.

(B) The interpretation of the Zoning Administrator may be appealed to the Board of Adjustment and Appeals.

(C) The provisions of this Chapter are not intended to prevent the use of any material or method of installation not specifically prescribed by the this chapter, provided any such alternate has been approved by the Zoning Administrator in accordance with the following:

(1) Fixture or device provides approximate equivalence to the specific requirements of this chapter; or

(2) Fixture or device is otherwise satisfactory and complies with the intent of this Chapter.

(Ord. 1402, passed 5-6-2014)

### **§ 1-10-3 SCOPE AND APPLICABILITY.**

(A) *New installations.* These regulations shall apply to all new installations of outdoor lighting fixtures or devices that require city approval and/or issuance of a permit.

(B) *Replacements.* If renovation of a property's lighting system requires a permit and results in replacement of more than 50% of the property's lighting fixtures within a 1-year period, the entire property's lighting system shall be brought into compliance with this Chapter. These regulations shall not apply to simple replacement of a lamp or fixture that does not require city approval and/or issuance of permit.

(Ord. 1402, passed 5-6-2014)

### **§ 1-10-4 EXEMPTIONS.**

(A) Existing outdoor lighting fixtures and devices that were legally permitted and installed prior to the effective date of this Chapter.

(B) Standard maintenance replacement of lamps that were legally permitted and installed prior to the effective date of this Chapter.

(C) Fossil fuel light lighting produced by the combustion of natural gas or other utility-type fossil fuels.

- (D) Incandescent light bulbs less than or equal to 150 watts, and compact fluorescent lamps less than or equal to 40 watts.
- (E) Replacement of outdoor residential lighting fixtures or lamps that do not require an electrical permit.
- (F) Motion sensor controlled security lighting.
- (G) City approved street lighting and public recreational facilities.
- (H) State, federal and local jurisdictions that are pre-empted from local zoning control.
- (I) Temporary emergency lighting needed for public safety.
- (J) Vehicle lights.

(Ord. 1402, passed 5-6-2014)

### **§ 1-10-5 PROHIBITED FIXTURES.**

- (A) Installation of any fixture or lamp that does not comply with this Chapter.
- (B) Mercury vapor, strobe, flashing or search lights.
- (C) The use of laser source light or any similar high-intensity light for outdoor advertising when projected above the horizontal plane.
- (D) Private recreational facility lighting after 10:00 p.m., unless authorized by the city.
- (E) Unshielded outdoor illumination of any building, landscaping or site, except for exempt lighting.

(Ord. 1402, passed 5-6-2014)

### **§ 1-10-6 LIGHTING STANDARDS.**

- (A) *Full cutoff fixtures.* Full cutoff fixtures shall be required for non-exempt fixtures in accordance with Vol. II, § 1-10-10, Table 10-1. A full cutoff fixture is designed such that no light is projected at or above a 90-degree plane running through the lowest point on the fixture.
- (B) *Shielded fixtures.* Shielded fixtures shall be required for non-exempt fixtures in accordance with Vol. II, § 1-10-10, Table 10-1. A shielded fixture is designed such that no light source is visible to adjacent properties and streets.
- (C) *Canopy lighting.* Lighting under canopies shall be fully recessed or flush with the bottom surface of the canopy. Alternatively, indirect lighting where the light is directed upward and then reflected down from the underside of the canopy shall be allowed subject to the light source not being visible from the ground or street.
- (D) *Sign lighting.* External lighting fixtures for signs shall be placed above the sign and shall be shielded and directed downward so that the illumination source is not be visible from adjacent street or property.
- (E) *Billboard lighting.* Billboards shall have shielded lighting equipped with a permanent automatic shut-off device that turns the lighting off between the hours of 12:00 a.m. (midnight) and 5:00 a.m., daily.
- (F) *Landscape and building lighting.*

- (1) Landscaping and building accent lighting shall be shielded and directed to prevent horizontal and vertical glare and light trespass to the street, neighboring property and sky.

- (2) The use of exposed neon, argon, light emitting diode/krypton tubing, incandescent lighting or other similar lighting to outline any structure or portion thereof may be allowed if, according to the Zoning Administrator, such lighting constitutes a design component of the overall building architecture, is harmonious with the architectural style of the building, and does not portray an advertising message.

- (G) *String lighting.* Exposed decorative string lighting shall be allowed subject to a maximum bulb rating of 5 watts or less. String lighting shall not be installed higher than the main building or 15 feet above grade, whichever is higher. String lighting of trees are



exempt from the height limitations.

(H) *Security lighting.* Security lighting systems shall use full cutoff fixtures.

(I) *Flagpole lighting.* Flagpole lighting is restricted to state and federal flags, and shall be shielded or recessed so that the light source is not directly visible from neighboring properties. Flagpole lighting may operate at night, but shall be turned off at dusk if the flag is removed.

(J) *Pedestrian lighting.* Pedestrian lighting systems shall use full cutoff fixtures.

(K) *Outdoor recreational facilities.* Private outdoor recreational lighting shall be turned off by 10:00 p.m. daily, unless otherwise approved by the city as a community event. Lighting for private sport courts, fields and arenas shall be installed as full cutoff fixtures, and the lamps from such fixtures shall not be directly visible from adjacent residential properties. Lighting shall not exceed 25 feet in height, measured from the finished grade to the top of the lighting fixture. Public outdoor recreational lighting shall be installed and operated in accordance with city approval.

(L) *Light glare and trespass.* Non-exempt lighting shall be installed as full cutoff fixtures, and the lamp shall not be directly visible from adjacent residential properties or streets. The use of light shields may be used on full cutoff fixtures to eliminate glare and light trespass. Light spill over from business zoned property onto residentially zoned property shall not exceed 0.5 footcandles above ambient light level at adjacent residentially zoned property lines between the hours of 10:00 p.m. and 6:00 a.m., daily.

(M) *Light fixture height.* Pole and wall mounted light fixtures installed on non-residentially zoned properties and for private recreational facilities shall not exceed 25 feet in height; light fixtures installed on residentially zoned properties shall not exceed 15 feet in height.

(N) *Underground service.* Outdoor lighting for business and multi-family residential zoned properties shall be served by underground electrical service if installed after the effective date of this Chapter.

(O) *Lighting curfew.* Non-security lighting for business zoned properties shall be turned off by 10:00 p.m., daily, or within 1 hour of business closing, whichever is later.

(Ord. 1402, passed 5-6-2014)

## **§ 1-10-7 NONCONFORMING FIXTURES.**

(A) *Existing fixtures.* All legal nonconforming light fixtures installed prior to the effective date of this Chapter shall be allowed to be maintained and continued subject to replacement requirements provided below in Vol. II, § 1-10-8(B).

(B) *Replacement fixtures.* If renovation of a property's lighting system requires a permit and results in replacement of more than 50% of the property's lighting fixtures within a 1-year period, the entire property's lighting system shall be brought into compliance with this Chapter. These regulations shall not apply to simple replacement of a lamp or fixture that does not require city approval and/or issuance of permit.

(Ord. 1402, passed 5-6-2014)

## **§ 1-10-8 PLAN SUBMITTAL REQUIREMENTS.**

(A) *Building and electrical permit.* Lighting plan submittals shall comply with city building and electrical permit requirements.

(B) *Zoning review.* Lighting plans associated with new or expanded development of multi-family residential, mixed-use, business or institutional zoned properties shall be submitted to the Development Services Department for review and approval, and shall include the following:

- (1) Proposed and existing light pole location on site plan.
- (2) Proposed and existing ground lighting on site plan.
- (3) Proposed and existing wall lighting on building elevations.
- (4) Proposed and existing security lighting on site plan and/or building elevations.

(5) Design cut sheets and specifications for all proposed lighting fixtures and poles.

(Ord. 1402, passed 5-6-2014)

### § 1-10-9 VERIFICATION, INSPECTION AND ENFORCEMENT.

All outdoor lighting installations and operations are subject to compliance inspection and verification by the city's Development Services Department.

(Ord. 1402, passed 5-6-2014)

### § 1-10-10 APPEALS.

*Board of Adjustment and Appeals.* Variances and appeals to the outdoor lighting standards shall be applied for and processed in accordance with Vol. II, § 1-16-5.

TABLE 10-1: GENERAL LIGHTING STANDARDS<sup>1</sup>

<b><i>TYPE OF LIGHTING</i></b>	<b><i>REQUIRED DESIGN</i></b>	<b><i>MAX. LIGHT INTENSITY</i></b>	<b><i>MAX. HEIGHT</i></b>
Non-Residential Pole and Wall Lighting	Full Cutoff	None	25 feet
Non-Residential Landscape and Facade Accent Lighting	Shielded	None	-
Residential Site and Building Lighting	Full Cutoff	None	15 feet
Canopy Lighting	Recessed or indirect under canopy	None	-
Private Recreational Facility	Full Cutoff	None	25 feet
Billboard Lighting	Shielded	None	-
Exterior Sign Lighting	Shielded and Directed Downward	None	Top of Sign
Security			25 ft. (Non-

Lighting	Full Cutoff	None	Resid) 15 ft. (Resid)
Flagpole Lighting	Shielded or recessed	None	-
String Lighting	None	5 watts/bulb	Max. Bldg height or 15 feet, whichever is higher

1. See complete description of regulations in Vol. II, § 1-10-6. The cutoff and shielding standards in Vol. II, Table 10-1 shall not apply to exempt lighting described in Vol. II, § 1-10-4.

(Ord. 1402, passed 5-6-2014)

## **ARTICLE 1-11: SIGN REGULATIONS**

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### Section

- 1-11-1 Intent
- 1-11-2 Interpretation
- 1-11-3 Scope and applicability
- 1-11-4 Calculating sign area
- 1-11-5 Calculating sign height
- 1-11-6 Exempt signs
- 1-11-7 Prohibited signs
- 1-11-8 Permitted signs and sign regulations
- 1-11-9 Special sign regulations
- 1-11-10 Sign design criteria
- 1-11-11 Application and permit requirements
- 1-11-12 Construction requirements
- 1-11-13 Nonconforming and discontinued signs
- 1-11-14 Maintenance and repair
- 1-11-15 Modifications and appeals
- 1-11-16 Enforcement and penalties

### **§ 1-11-1 INTENT.**

(A) Preserve and protect the public health, safety and welfare within the city.

(B) Encourage development of private property in harmony with the desired character of the city while providing due regard for the public and private interests involved.

- (C) Minimize visual clutter and maintain high quality signage in the city.
- (D) Promote the effectiveness of signs by preventing their over concentration, deterioration and improper placement.
- (E) Protect the public from injury or damage as a result of sign distraction, obstruction or faulty construction.
- (F) Implement the city's General Plan.
- (G) Assure that public benefits derived from expenditure of public funds for the improvement and beautification of streets and other public structures and spaces shall be protected by exercising reasonable controls over the character and design of private structures.
- (H) Provide an improved visual environment for the city's citizens, business owners and visitors.
- (I) Comply with state and federal law.

(Ord. 1402, passed 5-6-2014)

### **§ 1-11-2 INTERPRETATION.**

- (A) The Zoning Administrator shall be responsible for the interpretation of the outdoor sign regulations.
- (B) The Zoning Administrator's interpretation may be appealed to the Board of Adjustment and Appeals in accordance with Vol. II, § 1-16-5.

(Ord. 1402, passed 5-6-2014)

### **§ 1-11-3 SCOPE AND APPLICABILITY.**

The provisions of the outdoor sign regulations shall apply to the erection, construction, alteration, use, location and maintenance of regulated signs within the city.

(Ord. 1402, passed 5-6-2014)

### **§ 1-11-4 CALCULATING SIGN AREA.**

*Sign area.* The area of a sign is calculated as the entire area within a single contiguous perimeter composed of parallelograms, circles, ellipses, trapezoids and/or triangles which enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of a similar nature, together with any frame of other material, color or condition which forms an integral part of the display and is used to differentiate the sign from the structure, wall or background against which it is placed. Only 1 face of a double faced sign shall be included in determining the area of the sign.

(Ord. 1402, passed 5-6-2014)

### **§ 1-11-5 CALCULATING SIGN HEIGHT.**

*Sign height.* The height of freestanding 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 includes any monument base or other structure erected to support the sign.

(Ord. 1402, passed 5-6-2014)

### **§ 1-11-6 EXEMPT SIGNS.**

Signs that are exempt from these regulations are as follows:

- (A) One nameplate signs or cornerstone up to 4 square feet in size for residences and businesses.

- (B) Tablets, grave markers, headstones, statuary or remembrances of persons or events noncommercial in nature.
- (C) Sign maintenance.
- (D) Signs not visible beyond the boundaries of the property or from any public right-of-way.
- (E) Works of fine art, sculpture, or depictions of persons, places or events noncommercial in nature and not used for purposes of commercial identification.
- (F) Incidental signs, such as logos, hours of business, open and closed signs, under 3 square feet in area.
- (G) Temporary decorations or displays associated with traditional patriotic, religious or local holidays subject to a display period of 30 calendar days prior to the event and 10 calendar days after the event.
- (H) Official government signs, postings, kiosks, flags, pennants, banners or insignias.

(Ord. 1402, passed 5-6-2014)

### **§ 1-11-7 PROHIBITED SIGNS.**

*Prohibited signs.* Prohibited signs are as follows:

- (A) Signs in violation of this Article.
- (B) Signs not listed as permitted in Vol. II, § 1-11-16, Table 11-1.
- (C) Portable signs, except those permitted in Vol. II, § 1-11-16, Table 11-1.
- (D) Off-site signs except those permitted in Vol. II, § 1-11-16, Table 11-1.
- (E) Rotating or moving signs.
- (F) Obscene signs.
- (G) Signs located in the public right-of-way or public easement except for permitted emergency hospital signs, sign walkers, political signs, garage sale signs, temporary real estate directional signs and approved permanent directional/wayfinding signs.
- (H) Signs attached to any public or private utility pole or structure, streetlight, tree, fence, fire hydrant, fire escape, building access ladder, bridge, curb, sidewalk, park bench or other location on public property, except for official government signs and signs for city sponsored events.
- (I) Unsafe signs as determined by the City Engineer, Building Official and/or Chief of Police.
- (J) Roof signs.
- (K) Discontinued and/or abandoned non-conforming signs.
- (L) Audible signs.
- (M) Digital projection signs.

(Ord. 1402, passed 5-6-2014)

### **§ 1-11-8 PERMITTED SIGNS AND SIGN REGULATIONS.**

*Permitted signs.* Vol. II, § 1-11-16, Table 11-1 sets forth the regulations regarding sign type, size, height, quantity, location and design.

(Ord. 1402, passed 5-6-2014)

### **§ 1-11-9 SPECIAL SIGN REGULATIONS.**

(A) *Manual changeable message signs.*

- (1) *Maximum size.* Fifty percent (50%) of the maximum size allowed for the freestanding/monument sign.
- (2) *Maximum height.* In accordance with allowed freestanding/monument signs.
- (3) *Maximum quantity.* One changeable message sign per property to be incorporated into the permitted freestanding/monument sign.
- (4) *Location.* Minimum 5 foot front, side and rear setback. The freestanding sign setback shall also comply with the city's intersection visibility requirements in Vol. II, § 1-6-13.
- (5) *Zoning districts where allowed.* All non-residential zoning districts.
- (6) *Design.* The changeable letter sign shall be incorporated into a decorative monument base.
- (7) *Commercial message content.* The commercial message displayed on the sign shall directly relate to the business or businesses conducted on-site.
- (8) *Illumination.* Signs may be illuminated.
- (9) *Permit required.* AUP.

(B) *Electronic changeable message signs.*

- (1) *Maximum size.* Fifty percent (50%) of the maximum size allowed for the freestanding/monument sign.
- (2) *Maximum height.* In accordance with allowed freestanding/monument signs.
- (3) *Maximum quantity.* One changeable electronic message sign per property to be incorporated into the permitted freestanding/monument sign.
- (4) *Location.* Minimum 5 foot front, side and rear setback. The freestanding sign setback shall also comply with the city's intersection visibility requirements in Vol. II, § 1-6-13.
- (5) *Zoning districts where allowed.* All non-residential zoning districts.
- (6) *Display.* Displays may use full color and animation, however, no flashing, rotating or strobe effects shall be allowed.
- (7) *Design.* The digital sign shall be incorporated into a decorative monument base.
- (8) *Minimum display time.* Static images shall last for at least 5 seconds before transitioning to another static message.
- (9) *Transition method and duration.* Such electronic message sign shall be limited to static displays, messages that appear or disappear from the display through dissolve, fade, travel, scroll or similar transitions and frame effects that have text, animated graphics or images that appear to move or change in size, or be revealed sequentially rather than all at once. The transition duration between messages shall not exceed 1 second.
- (10) *Commercial message content.* The commercial message displayed on the electronic/digital sign shall directly relate to the business or businesses conducted on-site.
- (11) *Illumination levels.*
  - (a) All electronic message signs shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness in direct correlation with ambient light conditions.
  - (b) No electronic message sign shall exceed a brightness level of 0.3 foot candles above ambient light as measured using a foot candle (Lux) meter at a preset distance depending on sign area. The measurement distance shall be calculated with the following formula: The square root of the product of the sign area and 100. Example using a 12 square foot sign:  
  
$$\text{Light Meter Measurement Distance} = \text{Square Root of } (12 \text{ sf} \times 100) = 34.6 \text{ feet.}$$

(12) *Permit required.* AUP.

(C) *Political and campaign signs.*

- (1) *Maximum size.* Sixteen square feet on residentially zoned property and 32 square feet on non-residentially zoned property and

city rights-of-way.

(2) *Maximum height.* Six feet.

(3) *Maximum quantity.* No limit.

(4) *Location.* Political signs placed in public rights-of-way shall not be hazardous to public safety, obstruct clear vision in the area or interfere with the requirements of the Americans with Disabilities Act, as determined by the City Engineer.

(a) If the City Engineer deems that the placement of a political sign constitutes an emergency, city representatives may immediately relocate the sign. The city shall notify the candidate or campaign committee that placed the sign within 24 hours after the relocation.

(b) If a sign is placed in violation of this section and the placement is not deemed to constitute an emergency, the city may notify the candidate or campaign committee that installed the sign. If the sign remains in violation at least 24 hours after the city notified the candidate or campaign committee, the city may remove the sign and shall contact the candidate or campaign committee to retrieve the sign within 10 business days. After such time, the signs may be disposed of as the city deems fit.

(5) *Zoning districts where allowed.* All zoning districts.

(6) *Display period.* Political signs may be posted any time before a primary election, but must be removed within 15 calendar days after a primary election for candidates who do not advance to the general election. All candidate signs must be removed within 15 days after the general election.

(7) *Information.* The sign shall contain the name and telephone number of the candidate or campaign committee contact person.

(8) *Illumination.* Signs shall not be illuminated.

(9) *Permit required.* No.

(D) *Vehicle signs.*

(1) *Sign location on vehicle.* Vehicle signs may be placed along the body surface of the vehicle by means of painting, decal, magnetic attachment or adhesive vinyl film, or may be attached and secured to the body or bed of the vehicle in a manner deemed legal by the Arizona Department of Transportation for licensed street use.

(2) *Maximum size.*

(a) *Signs attached by painting, decal, adhesive and magnetic signs.* The maximum size of these signs, which are self-attached to the vehicle, is limited to the surface area of the vehicle's body (i.e., hood, doors, fenders, and truck box).

(b) *Signs attached with hardware.* The maximum size of these signs shall not exceed 15 square feet in size or extend higher than 2 feet above the top of vehicle.

(3) *Vehicle parking.* The vehicle shall be licensed and operable for use on a public road, and shall be parked within an approved parking space on the property of the business it is advertising. Vehicles with attached signs shall not be located in a manner that interferes with visual or physical access to adjacent businesses.

(4) *Zoning districts where allowed.* All non-residential zoning districts.

(5) *Illumination.* Signs shall not be illuminated.

(6) *Permit required.* No.

(E) *Billboards.*

(1) *New billboards.* No billboards shall be erected within the city limits, including along the freeway.

(2) *Existing billboards.* Existing billboards may be required to be removed as a condition of rezoning, subdivision plat or CUP approval.

(3) *Illumination.* Billboards with existing external illumination deemed legal non-conforming by the Zoning Administrator shall be allowed. No new internal or external lighting of billboards shall be allowed.

(4) *Compliance with state law.* All existing billboard signs shall comply with applicable provision of A.R.S. §§ 9-461, *et. seq.*

(Ord. 1402, passed 5-6-2014)

### **§ 1-11-10 SIGN DESIGN CRITERIA.**

(A) *Design integration.* Permanent signs shall be fully integrated with the design of the building and the site development, reflecting the architecture, building materials, and landscape elements of the project. The means of integrating freestanding signs with the architecture of the building shall be achieved through the use of complimentary architectural embellishments, colors, building materials, texture, and other elements found in the building design.

(B) *Sign style.* Freestanding signs not located along the freeway shall be installed as either a monument style sign or a post and panel style sign. Freestanding signs located along the freeway shall be installed as either a monument style sign, or a pylon sign.

(C) *Lighting and illumination.* Unless specifically prohibited, signs may be either illuminated or non-illuminated. The direct source of the sign's illumination shall not be visible from any public street, sidewalk or adjacent residential area. Sign lighting shall comply with the outdoor lighting standards established in Vol. II, Article 1-10 of this Chapter.

(D) *Action signs.* There shall be no physical movement or rotation of the sign body or any segment thereof by mechanical or any other means.

(E) *Design guidelines.* See city publications on file in the Development Services Department entitled "Commercial Design Guidelines for Apache Junction" and "Downtown Overlay District Design Guidelines" for visual examples of acceptable signs described in this Chapter.

(F) *Neon signs.* Permitted freestanding, wall and/or window signs may use neon display in their design.

(Ord. 1402, passed 5-6-2014)

### **§ 1-11-11 APPLICATION AND PERMIT REQUIREMENTS.**

(A) *Application and permit requirements.* Unless specifically exempted in accordance with Vol. II, § 1-11-6 and Vol. II, § 1-11-16, Table 11-1, no sign shall be erected, installed, enlarged or maintained without first obtaining an AUP from the Development Services Department and paying a permit fee. Application for an AUP shall be made in writing upon forms furnished by the Development Services Department. The application shall contain the sign location, street name and address, as well as the name and address of the owner and the sign contractor or erector. Two copies of fully dimensioned plans and specifications shall be submitted with the application for each sign. All plans shall show complete details to include size, materials, method of support or attachments, name and address of the persons or firm designing the sign and plot plan showing the location of the sign on the premises. The city may require additional information where that information is necessary to ensure compliance with this Code.

(B) *Permit expiration.* If actual work to install or construct the approved sign is not commenced within 100 and 180 days from the date of such AUP issuance, such permit shall become null and void.

(C) *Permit fee.* Before issuing an AUP required by this Chapter, the city shall collect a fee in accordance with a fee schedule established in Vol. I, Chapter 4 of the City Code.

(D) *Permit revocation.* An AUP may be automatically revoked by the Zoning Administrator for lack of compliance with the standards in this Chapter and/or the approved sign permit. The permit applicant shall first receive a 14 calendar day written notice from the Zoning Administrator prior to revocation.

(Ord. 1402, passed 5-6-2014)

### **§ 1-11-12 CONSTRUCTION REQUIREMENTS.**

*Building Code.* All signs shall be designed and constructed in accordance with the Building Code.

(Ord. 1402, passed 5-6-2014)

### **§ 1-11-13 NONCONFORMING AND DISCONTINUED SIGNS.**



(A) *Signs for a legal nonconforming use.* New or additional signs for a nonconforming use shall comply with the requirements of the outdoor sign regulations.

(B) *Signs rendered nonconforming.* Existing legal signs rendered nonconforming as a result of this Chapter shall be considered legal nonconforming and allowed to continue and shall be allowed reasonable repairs and maintenance. Such legal nonconforming signs shall not be expanded, enlarged or structurally altered unless brought into conformance with the outdoor sign regulations.

(C) *Signs rendered discontinued.* The use of any legal nonconforming sign which is located on property which becomes vacant and unoccupied for a period of 6 months shall be deemed to have been discontinued, and therefore shall be removed by the owner of the property or sign.

(D) *Repair and maintenance.* Any legal nonconforming sign may be continued in use and be allowed reasonable repair and maintenance. All signs, sign finishes, supports and electrical work shall be kept in good repair and safe condition, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of the sign.

(E) *Change of tenancy.* Whenever the name of a business changes, the copy on the sign or sign face may be changed without bringing the legal nonconforming sign structure into compliance with the outdoor sign regulations.

(F) *Damage or deterioration.* Any legal nonconforming sign shall be removed or rebuilt in full conformity to the terms of the outdoor sign regulations if it is damaged or allowed to deteriorate to such an extent that the cost of repair or restoration exceeds 50% of the sign value, as determined by a competent Arizona licensed appraiser.

(G) *Removal and replacement.* Legal nonconforming signs that are removed, re-erected or replaced shall be brought into conformance with the outdoor sign regulations.

(H) *New sign permit applications.* If a property contains legal nonconforming signs, the following requirements apply to any new sign permits/applications:

(1) Permits for new wall signs shall not be approved until existing legal nonconforming wall signs are removed or replaced with conforming wall signs.

(2) Permits for new detached signs shall not be approved until existing legal nonconforming detached signs are removed or replaced with conforming detached signs.

(I) *Development, redevelopment and expansion.* New development, redevelopment or expansions of 50% or more of the total building floor area shall require that all nonconforming signs be brought into compliance with the outdoor sign regulations.

(Ord. 1402, passed 5-6-2014)

#### **§ 1-11-14 MAINTENANCE AND REPAIR.**

(A) Signs shall be maintained in a safe, presentable and good condition, including replacement or defective parts, repainting, cleaning and other acts required for the maintenance of the sign.

(B) No person or entity shall maintain or permit to be maintained on any premises they own or control any sign which is in a dangerous or defective condition. Any such sign shall be promptly removed or repaired by the owner of the sign within 90 days of city notice.

(Ord. 1402, passed 5-6-2014)

#### **§ 1-11-15 MODIFICATIONS AND APPEALS.**

(A) *CUP modifications.* Modifications to the sign regulations regarding size (i.e., square footage), location, type and amount may be approved by CUP approval from the Planning and Zoning Commission ("Commission") in accordance with Vol. II, § 1-16-12(D)(4).

(B) *Board of Adjustment and Appeals.* Variances and appeals to the sign standards shall be applied for and processed in accordance with Vol. II, § 1-16-5.

(Ord. 1402, passed 5-6-2014)

**§ 1-11-16 ENFORCEMENT AND PENALTIES.**

(A) *Authority.* The Zoning Administrator, along with code enforcement staff, is hereby authorized and directed to enforce all provisions of the outdoor sign regulations.

(B) *Violation.* It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or sign structure in the city, or cause the same to be done contrary to or in violation of any of the provisions of the outdoor sign regulations.

(C) *Penalty.* See Vol. II, § 1-16-16.

TABLE 11-1: PERMITTED SIGN STANDARDS

SIGN TYPE <sup>1</sup>	MAXIMUM SIGN SIZE <sup>2</sup>	MAXIMUM SIGN HEIGHT <sup>3</sup>	MAXIMUM QUANTITY	PERMIT NEEDED	PERMITTED LOCATION <sup>4</sup>	DISPLAY PERIOD	DESIGN
Freestanding Signs (non-freeway frontage)	1 sf. per 1 lineal ft. of parcel frontage up to a 150 sq. ft. max.	12 ft.	1 sign per street frontage	AUP	Min. 5 ft. front, side and rear setback	Continuous	Monument or Post & Panel signs only. Addresses must be visible from ROW. See Vol. II, Article 1-1
Freestanding Signs (freeway frontage)	1 sf. per 1 lineal ft. of parcel frontage up to a 500 sf. max. for single tenant and 150 sf. for multi-tenant	25 ft. above grade of closest freeway lane.	1 sign per property	AUP	Min. 5 ft. front, side and rear setback	Continuous	Monument and pylon signs only. Addresses must be visible from ROW. See Vol. II, Article 1-1
Wall Signs and Wall Murals	2 sf. per 1 lineal ft. of tenant frontage up to a 150 sq. ft. max. <sup>5</sup>	No higher than building wall	3 signs/murals per tenant per street frontage	AUP	Building wall	Continuous	See Vol. II, Article 1-1
		Min. 8 ft.	1 hanging		Hanging		

Hanging Signs	10 sf. <sup>5</sup>	clearance to ground and no higher than 1st floor.	or projection sign per street frontage	AUP	either perpendicular or parallel to road	Continuous	See Vol. II, Article 1-1
Projecting Signs	10 sf. <sup>5</sup>	Min. 8 ft. clearance to ground and no higher than 1st floor.	1 hanging or projection sign per street frontage	AUP	Hanging either perpendicular or parallel to road	Continuous	See Vol. II, Article 1-1
Window Signs	75% of window area	N/A	No limit	No	Inside of window	Continuous	N/A
Awning Signs	50% of awning area <sup>5</sup>	N/A	No limit	AUP	On awning	Continuous	Non-illuminated
Umbrella Signs	8 sf.	8 ft.	No limit	No	On umbrellas	Continuous	Non-illuminated
Banners and Fin Flags	30 sf.	12 ft. for fin flags and 10 ft. for banners	2 banners, or 2 fin flags, or 1 of each per business	No	Min. 5 ft. front, side and rear setback	Continuous	N/A
A-Frame Signs (visible from road)	6 sf.	3 ft.	1 sign per business	No	Min. 2 ft. from ROW	During business hours only	Professionally manufactured
A-Frame Signs (not visible from road)	6 sf.	3 ft.	1 sign per business	No	Along store front	During business hours only	Professionally manufactured
Temporary Use Signs	50 sf.	8 ft.	1 per approved temporary	AUP	Min. 5 ft. front, side and rear	As per AUP	Non-illuminated Wall or Post &

			business		setback		Panel Sign
Grand Opening Signs (temporary)	100 sf.	No higher than building wall	1 sign per business	AUP	Min. 5 ft. front, side and rear setback	30 days before and 90 days after opening	N/A
Ballons and Inflatable Signs (temporary)	N/A	20 ft.	1 inflatable sign per property	AUP	Min. 5 ft. front, side and rear setback	60 cumulative days/year	N/A
Pennants	2 sf. per pennant	No higher than top of roofline	200 ft. of string length	No	Min. 5 ft. front, side and rear setback	Continuous	N/A
Sign Walkers	12 sf.	N/A	1 sign walker per business	No	Min. 5 ft. from edge of pavement or curb, whichever is greater	During business hours only	N/A
Commercial Flags	15 sf.	20 sf.	2 flags per pole and 2 poles per property	AUP	Min. 5 ft. front, side and rear setback	Continuous	N/A
Menu Boards	30 sf./menu board	8 ft.	2 menu boards per business	AUP	To the side or rear of the building	Continuous	N/A
Emergency Hospital Sign	1 sf. per 1 lineal ft. of street frontage up to a 200 sf. maximum	20 ft.	1 sign per street frontage	AUP	Min. 5 ft. setback or within ROW with encroachment permit	Continuous	Monument Sign
	2 sf. per 1 lineal ft. of						

Interim Business Signs	tenant frontage up to a 150 sq. ft. max. <sup>5</sup>	10 ft.	1 sign per street frontage	AUP	Min. 5 ft. front, side and rear setback	3 months	N/A
Statues	N/A	10 ft.	1 statue per business	No	Min. 5 ft. front, side and rear setback	Continuous	N/A
Parking Lot Directional Signs (on-site)	2 sf. per sign	5 ft.	As per AUP	AUP	Min. 5 ft. front, side and rear setback	Continuous	N/A
Private Light Pole Banners	10 sf.	15 ft.	1 per light pole	No	Min. 5 ft. front, side and rear setback	Continuous	N/A
Gas Stations Canopy Signs	15 sf. per canopy side	Shall not extend above or beyond canopy	1 sign per canopy side	AUP	On canopy	Continuous	N/A
Contractor Project Signs	50 sf.	10 ft.	1 sign per construction site	AUP	Min. 5 ft. front, side and rear setback	During construction	Non-illuminated
Garage Sale Signs	6 sf.	3 ft.	3 off-site signs and 1 on-site sign	No	Min. 2 ft. from pavement edge or curb, whichever is greater	During sale hours only	N/A
Real Estate Open House Signs (off-site)	6 sf.	3 ft.	5 off-site signs per property being marketed	No	Min. 10 ft. from edge of pavement or curb, whichever	6:00 p.m. Friday to 8:00 a.m. Monday or	N/A

					is greater	during holidays	
Real Estate Yard Signs	12 sf.	8 ft.	1 sign per street frontage	No	Min. 5 ft. front, side and rear setback	During listing period	Non-illuminated
Religious Institution Signs (on-site)	1 sf. per 1 lineal ft. of street frontage up to a 120 sf. max.	12 ft. for monument signs and 8 ft. for wall signs	1 monument and 1 wall sign per frontage	AUP	Min. 5 ft. front, side and rear setback	Continuous	N/A
Wayfinding Signs (off-site)	Per City Council approval.	Per City Council approval.	Per City Council approval.	AUP	Per City Council approval	Continuous	N/A
Developer and Builder Signs (temporary)	50 sf.	10 ft.	1 sign per street frontage	AUP	Min. 5 ft. front, side and rear setback	During marketing period	Monument or Post & Panel Sign
Residential Subdivision or Multi-Family Sign	50 sf.	8 ft.	1 sign per entryway	AUP	Min. 5 ft. front, side and rear setback	Continuous	Monument or Post & Panel Sign
Ranch Gate Sign	20 sf.	16 ft. if mounted on overhead gate, 8 ft. if ground mounted	1 sign per property	AUP	Min. 5 ft. front, side and rear setback	Continuous	Exterior illumination allowed
Billboards	See Vol. II, § 1-11-9(E)						
Vehicle Signs	See Vol. II, § 1-11-9(D)						
Changeable Letter Signs (Digital)	See Vol. II, § 1-11-9(B)						
Changeable Letter Signs	See Vol. II, § 1-11-9(A)						

(manual) Political Campaign Signs	See Vol. II, § 1-11-9(C)
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1. See Vol. II, Article 1-11 for additional regulations regarding signs.
2. The area of a sign is calculated as the entire area within a single contiguous perimeter composed of parallelograms, circles, ellipses, trapezoids and/or triangles which enclose the extreme limits of the advertising message, announcement, declaration, demonstration, display, illustration, insignia, surface or space of a similar nature, together with any frame of other material, color or condition which forms an integral part of the display and is used to differentiate the sign from the structure, wall or background against which it is placed. Only one face of a double faced sign shall be included in determining the area of the sign.
3. The height of freestanding 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 includes any monument base or other structure erected to support the sign.
4. The location of freestanding signs is subject to the city's intersection visibility requirements in Vol. II, § 1-6-13 of this Chapter. The setback for freestanding signs is measured from the edge or face of sign which is closest to the right-of-way or property line. Additionally, the location of certain temporary signs within the public road rights-or-way may be subject to Public Works Director approval and encroachment permit.
5. If the business has a combination of wall, awning, projecting and/or hanging signs, the combined square footage of all such signage cannot exceed 2 square feet per lineal foot of tenant frontage or 150 square feet, whichever is less.

(Ord. 1402, passed 5-6-2014)

## **ARTICLE 1-12: FLOODPLAIN MANAGEMENT AND STORMWATER REGULATIONS**

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Section

1-12-1 Floodplain management and stormwater regulations

### **§ 1-12-1 FLOODPLAIN MANAGEMENT AND STORMWATER REGULATIONS.**

The administration and enforcement of floodplain areas and stormwater management shall be in accordance with and pursuant to Apache Junction City Code, Vol. II, Chapter 5.

(Ord. 1402, passed 5-6-2014)

## **ARTICLE 1-13: DESIGN STANDARDS**

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Section

1-13-1 Intent

1-13-2 Applicability

1-13-3 Design standards

### **§ 1-13-1 INTENT.**

This Chapter identifies design standards for certain types of development within the city. These standards shall be carried out in a manner that encourages creative and appropriate solutions while avoiding unnecessary delays in project approval. The intent of requiring design review is as follows:

(A) Ensure that the proposed development plan will be in compliance with the provisions of this Chapter.

(B) Ensure high quality development and encourage development options that are designed in an aesthetically pleasing manner and incorporate public spaces that are integral to the project.

(C) Achieve goals, objective, and policies of the General Plan, sub-area plans, and other policies adopted by the City Council.

(Ord. 1402, passed 5-6-2014)

### **§ 1-13-2 APPLICABILITY.**

Adopted design standards shall apply to all non-residential, mixed-use and multi-family residential development in accordance with the following:

(A) *New development.* New development on vacant land shall be subject to the adopted design standards for that area.

(B) *Additions to existing structures.* Additions to existing structures shall be subject to the adopted design standards for that area. If the addition exceeds 50% of the existing building size, the city may require the existing portion of the building and the entire site to also comply with applicable design standards.

(C) *Redevelopment.* If more than 50% of the existing structure is damaged, destroyed, removed or structurally altered as part of a redevelopment plan, both the existing and proposed structure and site shall be subject to the adopted design standards for that area.

(Ord. 1402, passed 5-6-2014)

### **§ 1-13-3 DESIGN STANDARDS.**

(A) *City of Apache Junction commercial design guidelines.* The "City of Apache Junction Commercial Design Guidelines", available at the Development Services Department, are hereby adopted by reference and declared to be a part of this Chapter. These design guidelines shall apply to all non-residential, mixed-use and multi-family residential development, except for such development located within the Downtown Suburban Zone, Downtown Transition Zone and Core Downtown Zone, which are separately described below in Vol. II, § 1-13-3(B).

(B) *Downtown Overlay District design guidelines.* The "Downtown Overlay District Design Guidelines", available at the Development Services Department, are hereby adopted by reference and declared to be a part of this Chapter. These design guidelines shall apply to any B-1, B-2 or B-3 zoned properties located within the Downtown Suburban Zone, Downtown Transition Zone and Core Downtown Zone.

(1) *Building design requirements.* New buildings and/or building expansions located in these downtown zones shall comply with the "Downtown Overlay District Design Guidelines". Expansions to existing buildings that are greater than 50% of the existing structure's floor area shall require that the entire building comply with the "Downtown Overlay District Design Guidelines".

(2) *Landscaping requirements.* B-1 (General Commercial) zoned property shall comply with the standard landscaping requirements in Vol. II, Article 1-8 of this Chapter. B-2 (Old West) and B-3 (City Center) zoned property shall comply with the unique landscaping requirements in Vol. II, § 1-8-5(B).

(3) *Sign design requirements in B-2 District.* The Downtown Overlay District "Old West" design standards for signs in the transition zone shall be required for new signs and total sign replacements for properties in the B-2 (Old West) district. Reasonable maintenance and repair of existing signs shall not trigger this requirement.

(C) *Accessory building design standards.* Design standards for accessory buildings are required as follows:

(1) *RS-GR, MHP and RVP Zoning Districts.* There are no design requirements.

(2) *Business zoning districts.* The design of accessory buildings is subject to the applicable commercial design standards identified in Vol. II, §§ 1-13-3(A), 1-13-3(B) and 1-6-5.



(3) *All residential zoning districts except RS-GR, MHP, RVP and RS-54.* See Vol. II. § 1-6-5(J)(3).

(4) *RS-54 Zoning District.* See Vol. II, § 1-6-5(K)(4).

(Ord. 1402, passed 5-6-2014)

## **ARTICLE 1-14: ENGINEERING REGULATIONS**

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Section

1-14-1 Engineering regulations

### **§ 1-14-1 ENGINEERING REGULATIONS.**

The administration and enforcement of engineering standards shall be in accordance with and pursuant to Apache Junction City Code, Vol. II, Chapter 10.

(Ord. 1402, passed 5-6-2014)

## **ARTICLE 1-15: GREEN BUILDING AND SITE DEVELOPMENT REGULATIONS**

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Section

1-15-1 Intent

1-15-2 Standards for municipal structures

1-15-3 Guidelines for private development

### **§ 1-15-1 INTENT.**

This Chapter is intended to enhance the public welfare and assure that any city owned and city operated development is consistent with the city's desire to create a more sustainable community by incorporating green building measures into the design, construction, and maintenance of its buildings and sites.

(Ord. 1402, passed 5-6-2014)

### **§ 1-15-2 STANDARDS FOR MUNICIPAL STRUCTURES.**

(A) All new municipal buildings of 5,000 square feet or larger shall be designed, constructed and certified at the United States Green Building Council's Leadership in Energy and Environmental Design ("LEED") minimum certified level.

(B) City staff shall use the most recent LEED certification standards as a benchmark to achieve maximum energy efficiency and environmental sustainability.

(Ord. 1402, passed 5-6-2014)

### **§ 1-15-3 GUIDELINES FOR PRIVATE DEVELOPMENT.**

Private development is encouraged, but not required, to be designed and constructed at minimum LEED certified levels and to achieve energy efficiency and environmental sustainability.

(Ord. 1402, passed 5-6-2014)

Section

- 1-16-1 Development Services Department and Zoning Administrator
- 1-16-2 Planning and Zoning Commission
- 1-16-3 City Council
- 1-16-4 Board of Adjustment and Appeals
- 1-16-5 Appeal and variance procedures
- 1-16-6 Amendments to Zoning Code or Zoning Map
- 1-16-7 Public hearings, notice and citizen review processes
- 1-16-8 Preliminary development review (PDR) processes
- 1-16-9 Site plan review and approval process
- 1-16-10 Annexation process
- 1-16-11 Amendments to the General Plan
- 1-16-12 Conditional use permits, administrative use permits and building permits
- 1-16-13 Development agreements
- 1-16-14 Administrative relief exceptions
- 1-16-15 Fees
- 1-16-16 Violations, penalties and enforcement

**§ 1-16-1 DEVELOPMENT SERVICES DEPARTMENT AND ZONING ADMINISTRATOR.**

(A) *Development Services Department.* The Development Services Department includes the Planning Division, Building Safety and Code Compliance Division and Revenue Development Division. The Planning Division shall be responsible for current planning, long-range planning, General Plan administration, Zoning Code administration and administering the Planning and Zoning Commission and Board of Adjustment and Appeals.

(B) *Establishment of Zoning Administrator.* The Zoning Administrator is the city official(s) established pursuant to A.R.S. § 9-462.05 that is charged with responsibility for interpreting and administering the Zoning Code. The Development Services Director ("Director") or his/her designee shall serve as the Zoning Administrator.

(C) *Authority and duties of Zoning Administrator.* The Zoning Administrator shall be responsible for the following:

- (1) Perform administrative actions required by this Chapter, including the giving of notice, scheduling of hearings, preparation of reports, and receiving and processing of appeals.
- (2) Interpret the Zoning Code to the public, city departments and other branches of government, subject to the supervision of the Director and subject to general and specific policies established by the Mayor and City Council ("Council").
- (3) Serve as Secretary to the Planning and Zoning Commission and Board of Adjustment and Appeals.
- (4) Make recommendations to the Director on changes and improvements in Zoning Code regulations and procedures.
- (5) Determine the location of any district boundary shown on the official Zoning Maps adopted as part of this Chapter when such location is in dispute.
- (6) Review, consider and approve/deny administrative use permits as authorized by the Zoning Code.

(7) Determine non-conforming use status and authorize certificates of legal non-conformity pursuant to Apache Junction City Code, Vol. II, § 1-2-5(E).

(8) Work with the assistance of Code Compliance staff to enforce the provisions of the Zoning Code, including Council directed enforcement priorities, pursuant to A.R.S. §§ 9-462.05 *et. seq.*

(D) *Appeals from Zoning Administrator.* Any person aggrieved by a decision of the Zoning Administrator may appeal the decision to the Board of Adjustment and Appeals in accordance with Vol. II, §§ 1-16-4 and 1-16-5 of this Chapter.

(Ord. 1402, passed 5-6-2014)

## **§ 1-16-2 PLANNING AND ZONING COMMISSION.**

The Planning and Zoning Commission ("Commission") shall be established, constituted, operated and administered in accordance with A.R.S. § 9-461.02, as amended, and City Code, Vol. I, Planning Commission, § 2-22. More specifically, it shall be the duty of the Commission to:

(A) Formulate, create and administer any lawful plan duly adopted by the governing body for the present and future growth of the city pertaining to the use of land and buildings for any purpose, together with all incidental activities usually associated therewith and commonly known as "Planning and Zoning".

(B) To make or cause to be made a continuous study of the best present and future use to which land and buildings shall be put within the city.

(C) To recommend to the governing body revisions in the plans which, in the opinion of the Commission, are for the best interest of the citizens of the city.

(D) To promulgate rules of procedure and to supervise the enforcement of rules so promulgated by the Commission and approved by the Council.

(Ord. 1402, passed 5-6-2014)

## **§ 1-16-3 CITY COUNCIL.**

The Council shall be established, constituted, operated and administered in accordance with City Code, Vol. I, Article 2-1. In addition to any authority granted the Council by general or special law, the Council shall make final decisions pertaining to the following development and zoning matters:

(A) Initiate, adopt, and amend a comprehensive, long-range General Plan for the development of the city.

(B) Initiate, adopt, and amend specific plans, regulations, programs and legislation as needed for the systematic implementation of the General Plan.

(C) Initiate, adopt, and make amendments to the Zoning Code regulations and/or Zoning Code Maps.

(D) Create necessary boards, commissions or taskforces to administer and implement the General Plan and Zoning Code.

(E) Consider and approve applications for preliminary and final plats.

(F) Consider and approve development agreements.

(G) Adopt design guidelines for the design review process.

(H) Consider and adopt, reject or modify annexation of property within the city.

(I) Consider and adopt, reject, or modify requests for public rights-of-way dedications, extinguishments, vacations and relinquishments.

(J) Appoint members of the Commission and Board of Adjustment.

(K) Adopt the policies, rules, and procedures deemed necessary for the implementation and enforcement of the Zoning Code.

(Ord. 1402, passed 5-6-2014)

#### **§ 1-16-4 BOARD OF ADJUSTMENT AND APPEALS.**

(A) *Establishment.* A Board of Adjustment and Appeals ("Board") is hereby established pursuant to A.R.S. § 9-462.06 and Apache Junction City Code, Vol. I, § 2-21-1.

(B) *Meetings.* The Board shall meet regularly as needed. All meetings shall be open to the public. It shall elect its own officers, establish its own rules, keep a record of its action, and render an annual report to the Council and Commission. The Chairperson, or in his or her absence, the Acting Chairperson, may administer oaths and compel the attendance of witnesses in accordance with the laws of the State of Arizona. Any finding, ruling, or decision of the Board relating to the administration of the Zoning Ordinance shall be an order at either a regular or special meeting of the Board, and shall be fully reported in the minutes of the Board.

(C) *Powers and duties.* The Board shall have the following powers and duties:

(1) *Appeals of Zoning Administrator's decisions.* Hear and decide appeals in which it is alleged there is an error in an order, requirement, interpretation or decision made by the Zoning Administrator in the enforcement of the Zoning Code.

(2) *Appeals for variances.*

(a) Hear and decide requests for variances from the terms of the Zoning Ordinance only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the zoning ordinance will result in unnecessary property hardships, result in serious impairment of substantial property rights and deprive such property of privileges enjoyed by other property of the same classification in the same zoning district.

(b) Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not be contrary to the public interest, shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located and shall cause the minimum possible interference with the general purposes and intent of this Chapter.

(D) *Powers and duties not authorized.* The Board shall not have the following powers and duties:

(1) Make any changes or allow modifications to the uses permitted in any zoning district classification (i.e., no use variances allowed).

(2) Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

(E) *Ex parte communications.* The Board shall act in a quasi-judicial manner and shall not entertain, accept or participate in any ex parte communications.

(Ord. 1402, passed 5-6-2014)

#### **§ 1-16-5 APPEAL AND VARIANCE PROCEDURES.**

(A) *Legal standing for appeals.* Appeals to the Board may be taken by persons aggrieved or by any officer, department, board or bureau of the city affected by a decision of the Zoning Administrator, by filing with the Development Services Department a notice of appeal and required complete application within 30 calendar days of the decision being communicated to the applicant.

(B) *Information required for filing an appeal.* The following information is required for filing an appeal:

(1) Completed application form filed with the Zoning Administrator at 300 E. Superstition Blvd., Apache Junction, Arizona 85119, with date of appeal, name and contact information of person filing the appeal (i.e., appellant), assessor's parcel number, case number and any individual representing the appellant.

(2) List of address to which notices must be sent.

(3) Description of requested variance or decision being appealed.

(4) Date of the Zoning Administrator's decision that is being appealed.

(5) Description of requested outcome if the appeal is granted.

- (6) Description of grounds for appeal.
- (7) Scaled and properly dimensioned Site Plan illustrating relevant property information.
- (8) Payment of application fees established in Apache Junction City Code, Vol. I, Chapter 4.
- (9) Other items and materials required by the application form and/or necessary for the appeal.

(C) *Legal effect of appeal.* An appeal to the Board stays all proceedings in the matter appealed from, unless the Zoning Administrator certifies to the Board that, in the Zoning Administrator's opinion and finding, a stay would cause imminent peril to life or property. Upon such finding, proceedings shall not be stayed, except by restraining order granted by the Board or by a court of record on application and notice to the Zoning Administrator. Proceedings shall not be stayed if the appellee requests relief which has previously been denied by the Board, except pursuant to a special action in Superior Court.

(D) *Public hearing.* The Board shall fix a reasonable time to conduct a public hearing for the appeal. Public notice of the hearing shall be administered by the Development Services Department and shall comply with the following:

(1) *Newspaper publication.* Notice of the time, date and place of the hearing, including a general description of the matter to be considered and a general description of the area affected, shall be published in a newspaper of general circulation that is published or circulated in the community. The publication notice shall be at least 15 calendar days before the hearing, and shall be published as required by A.R.S. 9-462.04, as amended.

(2) *Posting notice.* The notice of public hearing shall be posted by the applicant in accordance with the instructions provided in the application materials.

(3) *Mailing notice.* The city shall send notice by first class mail to each real property owner, as shown on the last assessment of the property, within 300 feet of the appellant's property. The notice shall include the proposed hearing date, time, location and information regarding the case.

(E) *Failure to receive notice.* The failure of any person or entity to receive notice shall not constitute grounds for the city or any court to invalidate the actions of the Board.

(F) *Board review.* The Board shall conduct a public hearing (i.e., de novo), and shall review all relevant information, including but not limited to the application, plans, related project materials that were submitted by city staff and the appellant, the original decision being appealed, any additional materials as may be presented at the appeal hearing, any written correspondence submitted prior to or during the hearing, and any information observed by a site visit.

(G) *Board's decision.* The Board may approve, approve with conditions, or deny an appeal, and may prescribe reasonable conditions in connection with its decision as may be necessary in order to fully carry out the purpose and intent of the Zoning Code.

(H) *Appeal to Superior Court.* Any person aggrieved by a decision of the Board or any taxpayer, officer or department of the municipality affected by a decision of the Board may, at any time within 30 calendar days after the Board has rendered its decision, file a complaint for special action in the Superior Court to review the Board decision. Filing the complaint does not stay proceedings on the decision sought to be reviewed, but the Court may, on application, grant a stay and on final hearing may affirm or reverse, in whole or in part, or modify the decision reviewed.

(I) *Expiration.* Rights and privileges established by the granting of a variance shall be exercised within 1 year following the date of approval unless a different time limit is specified by the Board at the time the variance is granted. Failure to exercise a variance within the time limits specified shall cause the variance to become null and void.

(Ord. 1402, passed 5-6-2014)

## **§ 1-16-6 AMENDMENTS TO ZONING CODE OR ZONING MAP.**

(A) *Authority.* The Council may, from time to time, upon the recommendation of the Commission amend, supplement, change or repeal the Zoning Code regulations (i.e., Zoning Code text) and/or Zoning Map boundaries (i.e., rezoning). The Council shall have the power to approve, modify and approve with conditions or deny the Commission's recommendation.

(B) *Request to amend.*

(1) *By Commission or Council.* Request to amend the Zoning Code regulations or Zoning Maps may be initiated by the Council or Commission on its own motion.

(2) *By private party.* Petition by a private party for a Zoning Map amendment shall be made to the Commission on a form and application provided for that purpose by the Development Services Department and shall be signed and notarized by the real property owners of the properties to which the Zoning Map amendment applies.

(C) *Citizen review process.* Prior to any Commission public hearing regarding a Zoning Map amendment initiated by a private party, a Citizens Review Process shall be required pursuant to Vol. II, § 1-16-7(B).

(D) *Public hearing and notice.* The Commission shall hold a public hearing on any proposed amendment to the Zoning Code regulations or Zoning Map boundaries, and city staff shall provide the following notice:

(1) *Newspaper publication.* Notice of the time, date and place of the hearing, including a general description of the matter to be considered and a general description of the area affected, shall be published in a newspaper of general circulation that is published or circulated in the community. The publication notice shall be at least 15 calendar days before the hearing, and shall be published as required by A.R.S. § 9-462.04, as amended.

(2) If the proposed amendment involves a change to the Zoning Code standards, the changes, or reference to where the changes may be publically viewed, shall be published in a display ad covering not less than 1/8 of a full page as per A.R.S. § 9-462.04(A)(4)(c).

(3) *Property posting.* The notice of public hearing shall be posted by the applicant in accordance with the instructions provided in the application materials.

(4) *Outside agency notice.* In proceedings involving Zoning Map amendments of land which abuts other municipalities or unincorporated areas of the county or a combination thereof, copies of the notice of public hearing shall be transmitted to the planning agency of such governmental unit abutting such land.

(5) *Mailing notice for Zoning Map amendments.* Proposed amendments to the Zoning Maps shall require that the city send notice by first class mail to each real property owner, as shown on the last assessment of the property, of the area to be rezoned and all property owners, as shown on the last assessment of the property, within 300 feet of the property to be rezoned to a non-industrial zoning district classification. Proposed rezoning to an industrial district classification shall require a mailing to property owners within 500 feet of the property to be rezoned. Mailing notices shall not be required for Zoning Code text amendments.

(E) *Failure to receive notice.* The failure of any person or entity to receive notice shall not constitute grounds for the city or any court to invalidate the actions of the Commission or Council.

(F) *Planning and Zoning Commission decision.* Following 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 shall be transmitted to the Council in such form and manner as may be specified by the Council.

(G) *City Council decision.*

(1) If the Commission has held a public hearing, the Council may adopt the recommendation 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 the aggrieved party or any member of the public or of the Council, or in any case, if no public hearing has been held by the Commission. Notice of the date, 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 Commission.

(2) A request made by an aggrieved party or member of the public or of the Council for a public hearing to be held by the Council shall be made within 14 calendar days from the date the Commission votes upon a proposed amendment. The request shall be in writing on a form provided by the City Clerk and filed with the City Clerk.

(H) *Conditions of Zoning Map amendment approval.*

(1) *Base district Zoning Map amendments.* The Council may condition approval of base district Zoning Map amendments on the following:

(a) Dedication of public rights-of-way as streets (in accordance with city's Street Classification System), alleys, public ways, drainage and public utilities as are reasonably required by or related to the effect of the rezoning.

(b) Establishment of a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the legislative body, after notification by certified mail to the owner and applicant who requested the rezoning, may schedule a public hearing to take administrative action to extend or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

(2) *Planned Development Overlay District Zoning Map amendments.* The Council may condition approval of a Planned Development Overlay Zoning Map amendment on modification of regulations in accordance with Vol. II, § 1-4-3 (PD District).

(I) *Reconsideration of denied amendment.* In the event that an application for amendment to the zoning district boundaries is denied by the Council, the Commission and Council shall not reconsider a similar application for at least 90 calendar days from the date of the denial action.

(J) *Protests against Zoning Map amendment.*

(1) If the owners of 20% or more either of the area of the lots included in a proposed Zoning Map amendment, or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of 3/4 of all members of the Council. If any members of the Council are unable to vote on such a question because of a conflict of interest, the required number of votes for passage of the question shall be 3/4 of the remaining membership of the Council, provided that such required number of votes shall in no event be less than a majority of the full membership of the legally established Council.

(2) Protests shall be filed with the Development Services Department no later than 5:00 p.m. on the Wednesday preceeding the Council meeting, or the following day if Wednesday is a holiday where City Hall is closed.

(K) *Effective date.* A decision by the Council involving rezoning of land which is not owned by the city and which changes the Zoning Map classification of such land may not be enacted as an emergency measure and such change shall not be effective for at least 30 days after final approval of the change in classification by the Council.

(L) *Consistency with the General Plan.* All Zoning Map amendments or Zoning Code text amendments adopted under this article shall be consistent with and conform to the adopted General Plan of the city. In the case of uncertainty in construing or applying the conformity of any part of a proposed amendment to the adopted General Plan of the city, the proposed amendment shall be construed in a manner that will further the implementation of, and not be contrary to, the goals, policies and applicable elements of the General Plan. An amendment conforms to the General Plan if it proposes land uses, densities or intensities within the range of identified uses, densities and intensities of the Land Use Element of the General Plan.

(M) *Filing fees.* Application fees for amendments to the Zoning Code regulations or the Zoning Maps shall be in accordance with Apache Junction City Code, Vol. I, Chapter 4.

(Ord. 1402, passed 5-6-2014)

## **§ 1-16-7 PUBLIC HEARINGS, NOTICES AND CITIZEN REVIEW PROCESSES.**

(A) *Public hearing and notice.* Information and procedures regarding public hearing, public posting, newspaper publication, property posting and property owner mailing notice requirements for certain zoning and development applications is provided below.

(1) *Zoning Code and Map amendments.* Public notice requirements for Zoning Code and Zoning Map amendments are provided in Vol. II, § 1-16-6.

(2) *Board of Adjustment and Appeals.* Public notice requirements for appeals are provided in Vol. II, § 1-16-5.

(3) *Conditional use permits.* Public notice requirements for conditional use permit applications are provided in Vol. II, § 1-16-12(D).

(4) *General Plan amendments.* Public notice requirements for General Plan amendments are provided in Chapter 15 (Amending the General Plan) of the "Apache Junction General Plan", or any subsequent amendment.

(5) *Annexations.* Public notice requirements for proposed annexations are provided in Vol. II, § 1-16-10.

(B) *Citizen review process.* A neighborhood meeting shall be required for all privately initiated applications for major General Plan Land Use Plan Map amendments, Zoning Map amendments and specific Plan approvals. The purpose of the neighborhood meeting is to provide a means for the applicant, surrounding neighbors and homeowners associations to review privately initiated preliminary Zoning Map and Land Use Plan Map amendment proposals and solicit input and exchange information about the proposed amendment with the intent to resolve potential conflicts prior to the required formal hearings.

(1) *Neighborhood meeting scheduling.* The applicant is required to hold at least 1 neighborhood meeting at least 15 calendar

days prior to their scheduled Planning Commission Public Hearing.

(2) *Neighborhood meeting notification.* At least 10 calendar days prior to the neighborhood meeting, the applicant shall provide notification to the affected neighbors as follows:

(a) Applicant shall notify by first-class mail all property owners of record within 300 feet of the property.

(b) Applicant shall notify any persons who have specifically requested notice regarding the application who register their names and addresses with the city as being interested in receiving such notice.

(c) The neighborhood meeting notice shall set forth the purpose, substance of the proposed application (e.g., site plans, building elevations and project data), and the time, date and place of the meeting.

(d) A copy of the neighborhood meeting notice shall be submitted to the Development Services Director.

(3) *Follow-up report.* Applicants shall provide a written report to the Development Services Department on the results of their citizen review efforts at least 10 calendar days prior to the Commission's public hearing. This report will be attached to the staff's public hearing case report. At a minimum, the written report of the citizens review meeting shall include the following details:

(a) Dates and locations of all meetings where citizens were invited to discuss the proposal;

(b) Content, dates mailed and number of mailings, including examples of letters, meeting notices, newsletters and other publications;

(c) The addresses of residents, property owners and interested parties receiving notices, newsletters or other written materials;

(d) The number of people that participated in the process; and

(e) A summary of concerns, issues and problems expressed during the process, including the substance of the concerns, issues and problems; and how the concerns were addressed or resolved.

(Ord. 1402, passed 5-6-2014)

## **§ 1-16-8 PRELIMINARY DEVELOPMENT REVIEW (PDR) PROCESS.**

(A) *Purpose.* The purpose of the preliminary development review ("PDR") process is to create efficiency, predictability and consistency in the development review and approval process. The PDR process provides an internal forum for the prospective applicant and city staff to review and discuss a proposed development, identify opportunities and constraints and to outline the procedural steps that are required for approval.

(B) *PDR submittal and review process.* The PDR submittal process and requirements are provided in the "Preliminary Development Review Instructional Packet" available at the Development Services Department.

(Ord. 1402, passed 5-6-2014)

## **§ 1-16-9 SITE PLAN REVIEW AND APPROVAL PROCESS.**

(A) *Purpose.* The Site Plan review and approval provisions are intended to promote safe, functional and aesthetic development of property and to ensure that new structures, utilities, streets, parking, circulation systems, yards and open spaces are developed in conformance with the standards of the Zoning Code, Engineering Design Guidelines, General Plan and any adopted specific plans.

(B) *Application.* No non-residential and/or multi-family residential structure or use shall be permitted prior to Development Services Department review and approval of a development site plan prepared in accordance with this section.

(C) *Submittal and approval requirements.* The applicant shall submit a completed application to the Director or designee in accordance with this Article. The Director will review the application and Site Plan then proceed as follows:

(1) *Incomplete submittal.* If the Site Plan application is incomplete, the application shall be returned to the applicant with a statement of the reasons why the proposed Site Plan does not conform to the applicable Zoning Code standards.

(2) *Permitted by right uses and structures.* If the proposed use or structure is permitted by right in the Zoning Code, the



Director or designee will review the completed application and Site Plan in accordance with applicable Zoning Code standards, and either deny the Site Plan for cause or approve and forward the Site Plan to the Building Division for code review and processing.

(3) *Conditional uses or planned development overlay zoning requests.* If the proposed use or structure is associated with a CUP application or a Planned Development Overlay Zoning application, the Director will review the Site Plan and forward a report and recommendation to the Commission and/or Council for their final review and action. If the final Site Plan conforms to the approval of the Commission and, if required, Council, the Director will forward such approval to the Building Division for permit processing.

(D) *Minor Site Plan modifications and revisions requiring only administrative approval.* The following proposed minor changes to Commission or Council approved Site Plans may be administratively approved by interpretation of the Director or his/her designee:

- (1) A change in floor area less than 10%, subject to compliance with setback requirements.
- (2) A reduction of less than 10% of the landscape area, open space or outdoor living area.
- (3) A minor change to a condition of approval that does not change the basic intent of the condition.
- (4) A minor change to the design that does not deviate from the previously approved design concept.
- (5) Changes that are not likely to have an adverse impact on adjoining properties.

(E) *Major Site Plan modifications and revisions requiring Commission and/or Council approval.* Major changes to Site Plans associated with Commission approved CUPs or Council approved planned development rezonings shall require approval by the Commission or Council, respectfully. Major modifications shall include substantial design, Site Plan, setback, landscaping, density, lot size, signage, building height, access and/or use revisions to the approved Site Plan.

(F) *Site Plan requirements.* The Site Plan submittal process and requirements are provided in the "City of Apache Junction Site Plan Application Checklist" available at the Development Services Department.

(G) *Effect of Site Plan approval.*

(1) *Effective period of Site Plan approval.* The approval of a Site Plan shall be effective for a period of 2 years from the date of approval, at the end of which time the applicant must have submitted an application for building permit. If a Site Plan is not submitted for certification within the 2 year period, the approval shall be null and void, and the applicant shall be required to submit a new Site Plan for review.

(2) *Application for building permits.* After a Site Plan has been approved, the applicant may apply for building permits consistent with the Site Plan as approved. No building permit application may be issued until the Site Plan has been certified by the Director as conforming to the approved Site Plan.

(H) *Final inspection.* The Director or his/her designee shall inspect the development site for compliance with the approved Site Plan before a final certificate of occupancy is issued for the project. Any deficiencies shall be recorded in a letter to the applicant. The applicant shall have 10 calendar days in which to eliminate the deficiencies. If the applicant is unable to comply within the 10 calendar day period, the applicant may request, in writing, an extension of time for the completion which shall not exceed 6 months. The written request shall state the extenuating circumstances causing the delay. Upon review and approval by the Director or designee, a temporary certificate of occupancy may be issued indicating the date by which the deficiencies shall be eliminated (Note: the Planning Division's final inspection for Site Plan compliance is separate and distinct from the Building Division's inspections for Building Code compliance).

(Ord. 1402, passed 5-6-2014)

## **§ 1-16-10 ANNEXATION PROCESS.**

(A) *Intent.* This section establishes uniform procedures for annexation of property not within the city limits and subsequent zoning of that property.

(B) *Process.*

(1) Upon compliance with state statutes and city regulations and processes, annexation applications shall be forwarded to the Council for the public hearing required by A.R.S. § 9-471(A)(3) prior to release of the annexation petition.

(2) Once the Council conducts its initial public hearing and accepts the request for annexation, official annexation petitions shall be prepared by staff to be circulated to the effected property owners following the public hearing.

(3) When all provisions of A.R.S. §§ 9-471, *et seq.* have been complied with, the Council shall hold the required public hearings to consider an ordinance authorizing annexation of the property into the city.

(C) *Zoning of annexed properties.* Areas under consideration for annexation may be zoned at the time of annexation or within 6 months after the annexation to city zoning districts comparable to, but not greater in intensity than the county zoning applicable to the property immediately preceding annexation. In the event that city zoning is not established with annexation, the area shall be considered to be zoned as shown on the Official Pinal or Maricopa County Zoning Map, as the case may be.

(D) *Construction and building permits.*

(1) County building permits validly issued pursuant to county requirements not more than 60 calendar days prior to the effective date of annexation, shall be accepted by the Building Official as valid permits for a period of 60 calendar days after the effective date of annexation. If construction has not commenced on or before the 60th calendar day after the effective date of annexation, a city building permit shall be required.

(2) For buildings under construction with a valid building permit issued by Pinal County prior to the effective date of an annexation ordinance, a city building permit shall not be required, but the Building Official shall require that buildings constructed under such county building permit be structurally safe and conform to pertinent county zoning regulations in effect at the time the county permit was issued.

(E) *Existing uses and structures.*

(1) Any use or activity conducted contrary to county zoning regulations at the effective date of annexation and not constituting a legal non-conforming use under the county zoning regulations, shall not be considered a legal non-conforming use by the city.

(2) Any use or activity conducted in conformance with county zoning regulations at the effective date of annexation and not in conformance with this Chapter shall be considered a legal non-conforming use by the city.

(3) Any use, activity or structure that is existing at the effective date of annexation, under a county use permit with a time limit imposed, may continue for the remainder of the time limit. Any extension of this time limit requires city approval of a CUP. The type of CUP required shall be determined according to the regulations for the city zoning district where the use is located. If, after the expiration of the Pinal County use permit, no CUP is specified or approved for that activity, then the property shall require rezoning to a conforming zoning district permitting the activity, or the activity may continue only as a legal nonconforming use, subject to the requirements of Vol. II, § 1-2-5.

(4) Any legal lot or parcel of land duly recorded in the County Recorder's Office prior to the effective date of this Chapter and having an area, width, depth, or street frontage less than that required in the Zoning District regulations in which such lot or parcel is situated, shall be deemed to be a lot and may be used as a building site, provided that all other regulations for the city zoning district shall apply.

(5) Building setbacks established by county overlay zoning or special use permit for existing residential developments shall be enforced. Conventional residential developments without county overlay zoning or special use permit shall have setbacks as specified in the city's Zoning Ordinance.

(Ord. 1402, passed 5-6-2014)

## **§ 1-16-11 AMENDMENTS TO THE GENERAL PLAN.**

*Submittal and approval process.* Proposed amendments to the General Plan shall comply with the amendment process and requirements established in the most current version of the Apache Junction General Plan, or any subsequent update to the Plan.

(Ord. 1402, passed 5-6-2014)

## **§ 1-16-12 CONDITIONAL USE PERMITS, ADMINISTRATIVE USE PERMITS AND BUILDING PERMITS.**

(A) *Authorization and applicability.* It shall be unlawful to erect, construct, reconstruct, alter or change the structure, land and/or use of any property within the city without first obtaining the required building permit, administrative use permit, and/or conditional use

permit from the Development Services Department.

(B) *Building permits.* The City of Apache Junction Building Official and the city's adopted building codes establish the requirements and procedures for building permits.

(C) *Administrative use permits.* An Administrative Use Permit ("AUP") may be approved by the Zoning Administrator following review of the application and a finding that the use and/or structure complies with specific standards specified for such use and/or structure in the Zoning Code. Uses and/or structures requiring approval of an AUP, along with permit approval criteria, are identified in Tables 5-1 and 5-3 (see Vol. II, §§ 1-5-1 and 1-5-3).

(D) *Conditional use permits.* Conditional uses are those uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual Planning and Zoning Commission review and Conditional Use Permit ("CUP") approval of their location, design, operation and configuration along with the imposition of conditions in order to ensure the appropriateness of the use at a particular location. Uses requiring a CUP are identified in Tables 5-1 and 5-3 (see Vol. II, §§ 1-5-1 and 1-5-3). The CUP application and process requirements are as follows:

(1) *CUP application.* An application for a CUP shall be filed with the Development Services Department in accordance with the "City of Apache Junction Conditional Use Permit Application Checklist" available at the Development Services Department.

(2) *CUP public hearing and notice.* The Commission shall hold a public hearing on any proposed CUP or CUP amendment, and provide the following notice. The failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the Commission or Council.

(a) *Newspaper publication.* Notice of the time, date and place of the hearing, including a general description of the matter to be considered and a general description of the area affected, shall be published in a newspaper of general circulation that is published or circulated in the community. The publication notice shall be at least 15 calendar days before the hearing, and shall be published as required by A.R.S. § 9-462.04, as amended.

(b) *Property posting.* The notice of public hearing shall be posted by the applicant in accordance with the instructions provided in the application form.

(c) *Mailing notice.* The city shall notice by first class mail each real property owner, as shown on the last assessment of the property, within 300 feet of the property subject to the CUP proposal.

(3) *Findings.* A CUP may be granted upon a finding by the Commission that the use covered by the permit, the manner of its conduct, and any structure involved will not be detrimental to persons residing or working in the area, to adjacent property, to the neighborhood, or to the public welfare in general. The burden of proof for satisfying the aforementioned requirements shall rest with the applicant. In arriving at the above determination, the Commission shall consider but not be limited to the following factors:

- (a) Adequacy of roadways, off-street parking, public facilities and services to accommodate the proposed use;
- (b) Negative impacts arising from the emission of odor, dust, gas, noise, lighting, vibration, smoke, heat or glare;
- (c) Contribution to the deterioration of the neighborhood or the negative impact on neighborhood property values;
- (d) Compatibility with surrounding uses and structures;
- (e) Conformance with the General Plan and city policies;
- (f) Screening and buffering of uses; and
- (g) Unique nature of the property, use and/or development's physical characteristics.

(4) *CUP modification of dimensional zoning standards.* When a proposed development exhibits unique characteristics related to land, topography, architectural style, scale, historical interest or other distinguishing feature that necessitates a measure of regulatory relief, CUP modification of certain dimensional zoning standards may be approved by the Commission in accordance with the findings described above in Vol. II, § 1-16-12(D)(3). The following dimensional zoning standards may be subject to this type of modification:

(a) *Accessory dwelling units.* Accessory dwelling unit size and height standards required in Vol. II, § 1-6-19 of this Chapter may be modified.

(b) *Accessory structures.* Accessory structure size, height, design and setback standards required in Vol. II, § 1-6-5 may be modified.

(c) *Landscaping*. Landscaping size, type, amount and location standards required in Vol. II, Article 1-8 may be modified.

(d) *Signs*. Sign size, type, amount and location standards required in Vol. II, Article 1-11 may be modified.

(5) *Expiration*. CUPs granted by the Commission shall be void if the use is not commenced within 12 months of the approval date or within the time stipulated by the Commission.

(6) *Revocation*. An approved CUP may be revoked by the Commission following public hearing and a finding that there has been material noncompliance with any condition prescribed in the permit and/or the use generates a demonstrated public safety, health or welfare concern.

(7) *Appeal and City Council review*. The approval or denial of a CUP by the Commission shall be final unless, within 20 calendar days from the date of the Commission's decision, the applicant or any persons aggrieved by the decision appeals the decision to the Council. The appeal shall be in writing, filed with the Development Services Department, and shall indicate how the Commission was in error. The appeal shall be accompanied by a fee equal to 50% of the original filing fee. The appeal shall require a Council public hearing and notification provided in the same manner as required for the Planning and Zoning Commission hearing. The Council, at its public hearing, shall uphold, modify or overrule the decision of the Commission. The decision of the Council shall be final.

(Ord. 1402, passed 5-6-2014)

### **§ 1-16-13 DEVELOPMENT AGREEMENTS.**

(A) *Intent and purpose*. A development agreement is a contract between a local jurisdiction and a person who has ownership or control of property within the jurisdiction. The purpose of the agreement is to specify the standards and conditions that will govern development of the property. The development agreement provides assurance to the developer that he/she may proceed to develop the project subject to the rules and regulations in effect at the time of approval and that the development will not be subject to subsequent changes in regulations. Development agreements must also benefit the local jurisdiction with sufficient legal consideration. The city may include conditions (mitigation measures) that must be met to assure that a project at a specific location does not have unacceptable impacts on neighboring properties or community infrastructure. The agreement may clarify how the project will be phased, the required timing of public improvements, the developer's contribution toward funding system-wide community improvements, economic incentives and other conditions. The agreement can also facilitate enforcement of requirements, since it is a contract that details the obligations of the developer and city.

(B) *Applicability*. The use of development agreements will be based on a case by case determination by city staff.

(C) *Administrative responsibility*. The city department responsible for administering development agreements will be assigned on a case by case basis. If the development agreement is focused on economic development incentives, the Economic Development Division will be responsible for administering the agreement. If, however, the development agreement is focused on land use, infrastructure and zoning requirements, the Development Services Department's Planning Division will be responsible for administering the agreement.

(D) *Legal review*. In all cases, the City Attorney shall be responsible for legal review and modification of the development agreement prior to City Council consideration.

(E) *City Council approval required*. The City Council has the final authority in approving or denying development agreements. Development agreements shall be presented to the Council for consideration at a public hearing.

(Ord. 1402, passed 5-6-2014)

### **§ 1-16-14 ADMINISTRATIVE RELIEF EXCEPTIONS.**

(A) *Intent*. The purpose of creating administrative relief from development standards is to authorize minor administrative deviations from the requirements of the Zoning Ordinance. The intent is to provide the Director or his or her designee the authority to grant administrative relief from certain development standards where such deviations will expedite minor entitlements, maintain or improve the quality of development, and provide reasonable flexibility with the application of development regulations and standards.

(B) *Decision-making authority (10% rule)*. The Director is authorized to grant administrative relief, with or without conditions, from certain dimensional requirements of the Zoning Ordinance, not to exceed 10% of the applicable requirements/standards, subject to all of the following findings:

- (1) The administrative relief is consistent and in conformity with the General Plan.
- (2) The administrative relief is substantially consistent with the Zoning Ordinance.
- (3) The administrative relief applies only to setbacks, building height, site coverage, sign height, sign size, open space and/or number of parking stalls.
- (4) The administrative relief will not create conditions materially detrimental to the public health, safety and general welfare or will not be injurious to or incompatible with other properties or land uses in the vicinity.
- (5) The administrative relief is necessary due to the physical attributes and conditions of the property and the proposed use or structure including but not limited to topography, noise exposure, irregular property boundaries or other unusual circumstances.
- (6) There are no alternatives to the requested modification that could provide similar benefits with less potential detriment.
- (7) The request is not part of multiple applications from an individual homebuilder for a specific subdivision or planned community.
- (8) Granting the relief does not impose an undue financial or administrative burden on the city.
- (9) The applicant's demonstrated need substantially outweighs any detriment to the public's needs and interests.

(C) *Application requirements.* An application for administrative relief shall be filed with the Development Services Director or his or her designee and shall include all of the following:

- (1) Legal description of the property and proposed development, scaled plot plan, conceptual floor plans and preliminary building elevations of proposed buildings.
- (2) A property survey prepared by a licensed professional If deemed necessary by the Zoning Administrator to accurately determine property dimensions, size and setbacks.
- (3) Written justification for proposed relief.
- (4) Official application form with ownership verification.
- (5) Filing fees as established by the Apache Junction City Code, Vol. I, Chapter 4, Fees.
- (6) Proposition 207 waiver.

(D) *Violations of conditions.* A violation of any condition stipulated by the Director shall be a violation and shall render the granted administrative relief null and void. An approval shall also be null and void if the use has not commenced or if a building permit has not been obtained within 60 calendar days after relief has been authorized by the Director, or within any greater or lesser time stipulated by the Director, not to exceed one 12-month period.

(E) *Right to appeal.* Any applicant aggrieved by the decision of the Director may appeal the decision to the Board of Adjustment and Appeals, in accordance with Vol. II, § 1-16-5, within 30 calendar days after receipt of the Director's decision. Any such appeal shall be subject to a separate application and fee pursuant to Apache Junction City Code, Vol. I, Chapter 4, Fees.

(Ord. 1402, passed 5-6-2014)

## **§ 1-16-15 FEES.**

*Fee schedule.* Fees associated with development review, approval and permitting are provided in Apache Junction City Code, Vol. I, Chapter 4. Development fees are provided in Apache Junction City Code, Vol. II, Chapter 7.

(Ord. 1402, passed 5-6-2014)

## **§ 1-16-16 VIOLATIONS, PENALTIES AND ENFORCEMENT.**

(A) *Violations.* Any building, structure or improvement erected, built, moved or maintained, or any use of property contrary to the provisions of the Zoning Code is hereby declared to be unlawful and a public nuisance.

(B) *Remedies and enforcement powers.* Failure to comply with any provision of this Chapter is hereby declared unlawful. The following remedies and enforcement powers may be used to administer and enforce this Chapter.

(1) *Withhold permits.* The city may deny or withhold all permits, certificates or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this Chapter or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the city. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

(2) *Permits approved with conditions.* Instead of withholding or denying a permit or authorization the city may grant such authorization subject to the condition that the violation be corrected.

(3) *Revoke permits.* Any AUP issued under this Chapter may be revoked when the Zoning Administrator determines any one of the following:

(a) That there is departure from the plans, specifications, or conditions as required under terms of the permit.

(b) That the development permit was procured by false representation or was issued by mistake.

(c) That any of the provisions of this Chapter are being violated. Written notice of such revocation shall be served upon the owner, the owner's agent or contractor, or upon any person employed on the building or structure for which such permit was issued, or shall be posted in a prominent location; and, thereafter, no such construction shall proceed.

(4) *Revoke plan or other approval.* Where a violation of this Chapter involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the City Council may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected) and after a public hearing, revoke the plan or other approval or condition its continuance on strict compliance with this Chapter, the provision of security to ensure that construction is completed in compliance with approved plans, or such other conditions as the City Council may reasonably impose.

(5) *Injunction and abatement.* The city may initiate injunction or abatement proceedings or other appropriate action in a court of competent jurisdiction against any person who fails to comply with any provision of this Chapter, or any requirement or condition imposed pursuant to this Code, to prevent, enjoin, abate, or terminate violations pursuant to A.R.S. § 9-462.05.B. The city may seek a court order in the nature of mandamus, abatement, injunction, special declaratory judgment or other action for proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.

(6) *Criminal filings.* It is unlawful to erect, construct, reconstruct, maintain or use any land in any zoning district in violation of any regulation or any provisions of this Chapter. Any person, firm or corporation violating this Chapter or any part thereof, is guilty of a class one misdemeanor. Each and every day during which the illegal erection, construction, reconstruction, alteration, maintenance or use continues is a separate offense. The City Attorney shall have the sole authority to use his or her discretion in determining whether a criminal action should be filed. The penalty for a class one misdemeanor conviction can be up to 6-months jail time, up to \$2,500 fines or restitution, 3 years probation and other terms the court finds just.

(7) *Other powers.* In addition to the enforcement powers specified in this Article, the city may exercise any and all enforcement powers granted by Arizona law. If deemed necessary by the city for public health and safety reasons, the city may immediately commence all necessary actions or proceedings for the abatement, enjoinder and removal thereof in the manner provided by law, and may apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin and remove the building or use and restrain and enjoin any person, firm or corporation from setting up, erecting, building, moving or maintaining any such building or using any property contrary to the provisions of this Chapter.

(C) *Civil enforcement procedures for emergency matters.* In the case of violations of this Chapter that constitute an emergency situation as a result of safety or public concerns or violations that will create increased problems or costs if not remedied immediately, the city may use the enforcement powers available under this Article without prior notice.

(D) *Enforcement procedures for non-emergency matters.* If after an inspection and informal attempts have failed to gain compliance with this Chapter in a non-emergency situation, the city shall serve the owner, owner's statutory or authorized agent, occupant, lessee or person in control of the property with a notice of violation. This notice shall contain the following:

(1) Legal identification of property.

(2) Statement of violations in sufficient detail to allow an owner or responsible party to identify and correct the problem.

(3) The expected compliance deadline of at least 21 calendar days from the date of the notice.

(4) A re-inspection date.

(5) Address and telephone number of a city representative to contact.

(6) A warning that failure to comply may result in the filing of a civil or criminal misdemeanor case, depending on whether this violation is the 1st, 2nd, 3rd or 4th violation over a 24-month consecutive period.

(7) A warning that failure to comply may also result in an administrative or court abatement action by the city, which the owner or responsible person will be financially liable through a lien process that may include foreclosure of the property.

(8) Appeal rights (Board of Adjustment and Appeals, the protocol thereunder and required fees).

(E) *Effective date.* Any notice issued under this Chapter shall be deemed effective on the date when written notice is hand-delivered or sent via first class U.S. certified mail, return receipt requested, to the individuals referenced above. Any recorded notice shall run with the land and shall constitute legal notice for all purposes of this chapter to all parties and entities thereafter acquiring an interest in the property. Officers may use their discretion in granting extensions for compliance with the code, depending on the violators' efforts to date.

(F) *Civil citations and complaints.* If the owner or other responsible party fails to comply with the notice of violation, and fails to appeal the notice, or loses the appeal hearing and fails to pursue other available appellate courses of action, a civil action to enforce the provision of this chapter may be commenced and a summons shall be issued in accordance with the procedures set forth in the Arizona Revised Statutes and applicable city ordinances. Jurisdiction of proceedings in this Chapter shall be in the Municipal Court of the City of Apache Junction. The City Manager and/or his or her designee shall be responsible for filing civil citations with the Apache Junction Municipal Court subject to the following:

(1) *Penalties.*

(a) First offense during 24 consecutive month period: civil penalty of \$250;

(b) Second offense during 24 consecutive month period: civil penalty of \$500;

(c) Third offense during 24 consecutive month period: civil penalty of \$750.

(2) *Timing and fines.* The 24-month period shall be calculated from the dates the violations are first committed. The owner or responsible party shall receive the progressively higher civil penalty upon a finding of responsibility for any violation of this chapter which was committed within 24 months of the commission of another violation for which the owner or responsible party was found responsible. In no event shall the Court reduce the minimum dollar penalties referenced above. The dollar amounts noted above are the fines, exclusive of any other Court imposed penalties.

(3) *Separate offences.* Every day any violation of any provision of this Chapter continues shall constitute a separate violation or offense. The owner of record, as reflected in the Pinal or Maricopa County Recorder's Office, may be presumed to be a person having lawful control over the building, structure or parcel of land which is the subject of the violation. If more than 1 person is recorded as the owner of the property, the persons may be jointly and severally presumed to be the persons having lawful control over the building, structure or parcel of land.

(4) *Civil hearing procedure.* A person lawfully served with a civil citation or complaint shall appear at the time and place stated in the citation or summons, or may appear prior to the time and admit or deny the allegations of the complaint. Allegations not denied at the time of appearance are deemed admitted. If the allegations are admitted, the Court shall enter judgment for the city and impose the minimum dollar sanction as noted above, exclusive of any additional court fees and costs that the Court may or is obligated to impose. If the defendant denies the allegations, the Court shall set the matter for hearing. Civil hearings are to be held informally and held without a jury, and the city is required to prove the allegations by a preponderance of the evidence. Technical rules of evidence do not apply, except for statutory provisions relating to privileged communications. If the defendant elects to be represented by counsel, the defendant shall so notify the Court at least 10 court days prior to the hearing date. Hearings shall be recorded by technological devices, including tape recording or by stenographer. If the Court finds in favor of the defendant, the Court shall enter an order dismissing the citation or complaint. If the Court finds in favor of the city, the Court shall enter judgment for the city and impose the minimum dollar sanction noted above, plus any additional court fees and costs that the Court is obligated to add.

(5) *Appeal of civil court hearing.* Any party may appeal the judgment of the Municipal Court to the Superior Court under A.R.S. § 12-124. Appeals from civil proceedings shall be in accordance with the Superior Court Rules of Appellate Procedure - Civil.

(G) *Validity of permit.* The issuance or granting of a building or use permit or approval of plans or specifications under the authority of this Chapter shall not be deemed or construed to be a permit for or an approval of any violation of any of the provisions of this Chapter or the amendments thereto or of any other ordinance or law. No permit presuming to give authority to violate or cancel any of the provisions of this Chapter or any existing law shall be issued, and if issued shall not be valid; except insofar as the work or

use which it authorizes is lawful and permitted.

(H) *Enforcement by city officials.* It shall be the duty of the officers of the city charged with the enforcement of the law to enforce the provisions of the Zoning Code.

(I) *Remedies.* All remedies provided for herein shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve that person from the responsibility to correct prohibited conditions or to remove prohibited buildings, structures or improvements, nor to prevent the enforcement, correction or removal thereof. In addition to other remedies provided in this Chapter, any adjacent or neighboring property owner who shall be especially damaged by the violation of any provision of this Chapter, may institute in addition to other remedies provided by law, injunction, mandamus, abatement or other appropriate action, proceeding or proceedings to prevent, abate or remove the unlawful erection, construction, reconstruction, alteration, maintenance or use.

(Ord. 1402, passed 5-6-2014)

## ARTICLE 1-17: DEFINITIONS

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Section

1-17-1 Definitions

### § 1-17-1 DEFINITIONS.

For the purpose of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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

**ABUTTING.** Two or more lots or parcels of land sharing a common boundary line.

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

**ACCESSORY DWELLING UNIT.** A dwelling unit is an attached or detached residential dwelling unit that may provide complete independent living facilities for one or more persons, and which may include provisions for living, sleeping, eating, cooking, and sanitation on the same parcel where the primary single-family dwelling is situated. An accessory dwelling unit may also be known as a secondary dwelling unit, granny flat, property caretaker's dwelling or guest house, but should not be confused with "accessory structures".

**ACCESSORY STRUCTURE.** A non-habitable structure which is incidental or subordinate to the main structure or use on the same building site.

**ACCESSORY USE.** Incidental, related, appropriate and clearly subordinate to the primary use of a lot or building, which does not alter the principal use of the lot or building.

**ADMINISTRATIVE DECISION.** Any action on a development application made by an authorized city employee, pursuant to this Chapter.

**ADMINISTRATIVE USE PERMIT.** Authorization by the Zoning Administrator to use property in accordance with Zoning Code rules and regulations (see Vol. II, § 1-2-4).

**ADULT FOSTER CARE.** A residential setting which provides room and board and adult foster care services for up to 10 adults in a family environment.

**ADULT FOSTER CARE HOME.** A residential care institution licensed by the Arizona Department of Health Services, which provides supervisory care, personal care or custodial care services to not more than 10 adults who are unrelated to the manager or owner of the home and who require the assistance of not more than 1 person to walk or to transfer from a bed, chair or toilet, but who are able to self-propel a wheelchair.

**ADULT ORIENTED BUSINESS AND USE TERMS.**



(1) **ADULT ARCADE** or **PEEPSHOW**. Any place to which the public is permitted or invited where coin-operated or slug-operated, or for any form of consideration, electronically, electrically or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to a person in a booth or a viewing room where the images so displayed depict or described specified anatomical areas or specified sexual activities.

(2) **ADULT BOOKSTORE, ADULT VIDEO STORE** or **ADULT NOVELTY STORE**. A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any 1 or more of the following:

(a) Books, magazines, periodicals or other printed matter, or photographs, films, computer generated images, motion pictures, video cassettes or video reproductions, slides or other visual representations that depict or describe specified anatomical areas or specified sexual activities; or

(b) Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities, excluding condoms and other birth control and disease-prevention products.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified anatomical areas or specified sexual activities and still be categorized as **ADULTBOOKSTORE, ADULT VIDEO STORE** or **ADULT NOVELTY STORE**. Such other business purposes will not serve to exempt these commercial establishments from being categorized as an **ADULT BOOKSTORE, ADULT VIDEO STORE** or **ADULT NOVELTY STORE** so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified anatomical areas or specified sexual activities.

(3) **ADULT CABARET**. A nightclub, bar, restaurant or other commercial establishment licensed to serve alcoholic beverages pursuant to A.R.S. § 4-209(B), which regularly features, exhibits or displays as one of its principal business purposes:

(a) Individuals who appear in a state of nudity or semi-nudity;

(b) Live performances which are characterized by the exposure of specified anatomical areas or specified sexual activities; or

(c) Films, motion pictures, video cassettes, slides or other photographic reproductions which depict or describe specified anatomical areas or specified sexual activities.

(4) **ADULT HOTEL/MOTEL**. A hotel or motel or similar commercial establishment that:

(a) Offers public accommodations for any form of consideration; provides patrons with closed-circuit television transmissions, films, computer-generated images, motion pictures, video cassettes, slides or other photographic reproductions that depict or describe specified anatomical areas or specified sexual activities as one of its principal business purposes; and has a sign visible from the public right-of-way which advertises the availability of these adult types of photographic reproductions;

(b) Offers a single sleeping room for rent less than 10 hours in a 24-hour period; or

(c) Allows a tenant or occupant of a sleeping room to sublet the room for a period of time that is less than 10 hours in a 24-hour period.

(5) **ADULT LIVE ENTERTAINMENT ESTABLISHMENT**. A business that offers any of the following entertainment:

(a) Male or female adult services providers and employees who are nude or are in a state of nudity;

(b) Nude models; or

(c) Mud wrestling, wet T-shirt or other similar entertainment.

(6) **ADULT MOTION PICTURE THEATER**. A business where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown as one of its principal business purposes that depict or describe specified anatomical areas or specified sexual activities.

(7) **ADULT SERVICES**. Dancing, service of food or beverage, modeling, posing, wrestling, singing, reading, talking, sitting or listening, or other performances or activities conducted for any consideration in a sexually oriented business by an individual who is nude or is in a state of nudity during all or part of the time the person is providing this service.

(8) **ADULT SERVICES PROVIDER** or **EROTIC ENTERTAINER**. Any individual who provides any adult services, whether an employee or independent contractor.

(9) **ADULT THEATER**. A business which regularly features, exhibits or displays, as one of its principal business purposes,

individuals who appear nude, in a state of nudity or semi-nudity, live or by 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, designed for exhibition by projection on a screen, or any type of viewing booth or equipment, that expose or depict specified anatomical areas or specified sexual activities.

(10) **BOOTH.** A partitioned area in which coin or token operated video machines, projectors or other electronically or mechanically controlled devices are used in the regular course of business to produce still or moving picture images, that expose or depict specified anatomical areas or specified sexual activities.

(11) **DISCERNIBLY TURGID STATE.** Being visibly swollen, bloated, inflated or distended.

(12) **EMPLOYEE.** Any individual who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated as an employee, independent contractor, agent or otherwise, and whether or not the individual is paid a salary, wage or other compensation by the operator; does not include a person exclusively on the premises for repair or maintenance of the premises or for delivery of goods to the premises.

(13) **ESCORT.** An individual who, for tips or any other consideration, agrees or offers to act as a companion, guide or date for another individual or who agrees or offers to privately model or otherwise be clothed in lingerie or to privately perform a striptease for another individual.

(14) **ESCORT AGENCY.** A person or business that furnishes, offers to furnish, or advertises to furnish escorts as one of his, her, or its principal business purposes, for a fee, tip or other consideration.

(15) **ESTABLISHMENT.** The opening or commencement of any sexually oriented business as a new business; or the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or the addition of any sexually oriented business to any other sexually oriented business; or the relocation of any sexually oriented business.

(16) **FIGURE MODEL.** Any individual who, for pecuniary compensation, consideration, hire or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculpted, photographed or otherwise depicted.

(17) **MANAGER'S STATION.** A permanently designated area marked accordingly within a sexually oriented business where a sexually oriented business manager is located in the normal course of operations.

(18) **MODELING STUDIO.** A business which provides, for pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purpose of sexual stimulation of patrons, display specified anatomical areas to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying this consideration.

(19) **NUDE, NUDITY or STATE OF NUDITY.** The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft/cleavage or buttocks with less than a fully opaque covering; the showing of the female breast with less than a fully opaque covering of any part of the nipple; or the showing of the covered male genitals in a discernibly turgid state.

(20) **OPERATE A SEXUALLY ORIENTED BUSINESS; OPERATOR.** Supervising, managing, inspecting, directing, organizing, controlling, or being responsible for, or in charge of, the conduct of activities of a sexually oriented business.

(21) **PATRON or CUSTOMER.** An individual invited or permitted to enter and remain upon the premises of a sexually oriented business, whether or not for consideration.

(22) **PREMISES.** Interior and exterior areas of a sexually oriented business establishment, including the parking lot.

(23) **PRINCIPAL BUSINESS PURPOSES.** A commercial establishment that derives over 50% of its gross income from the sale or rental of items in an adult bookstore, or adult video store, or adult novelty store.

(24) **SEMI-NUDE or SEMI-NUDE CONDITION.** A state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.

(25) **SEXUAL ENCOUNTER CENTER.** A business that as one of its principle business purposes offers for any form of consideration physical contact in the form of wrestling or tumbling between persons of the opposite sex, or activities between male and female persons and/or persons of the same sex, when 1 or more of the persons is in a state of nudity or semi-nudity.

(26) **SEXUALLY ORIENTED BUSINESS.** An adult arcade, adult bookstore, adult cabaret, adult live entertainment establishment, adult hotel/motel, adult motion picture theater, adult novelty store, adult theater, adult video store, escort agency, modeling studio, sexual encounter center, and any combination thereof.

(27) **SEXUALLY ORIENTED BUSINESS MANAGER**, or **MANAGER**. An individual on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business.

(28) **SPECIFIED ANATOMICAL AREAS.**

(a) Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola;

(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

(c) Any device, costume or covering that simulates any of the body parts included in divisions (a) and (b) of this definition.

(29) **SPECIFIED SEXUAL ACTIVITIES.** Whether performed directly or indirectly through clothing or other covering:

(a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast; or

(b) Sex acts, actual or simulated, including human masturbation, intercourse, oral copulation or sodomy; or

(c) Masturbation, actual or simulated; or

(d) Excretory functions as part of in connection with any of the other activities described in divisions (a) through (c) of this definition; or

(e) Human genitals in a state of sexual stimulation or arousal.

**ADVERSE IMPACT.** A negative consequence to the physical, social, or economic environment resulting from an action or project.

**AGGRIEVED PERSON.** The city, through the City Council, the Planning and Zoning Commission, or the Administrator; a county or municipality within an area designated as a joint planning area; applicants, persons, businesses, corporations, institutions, governments or other entities having standing to challenge a development order pursuant to Arizona law.

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

**AIRPORT, COMMERCIAL.** An airport, landing strip or landing field used by or available to commercial carriers, flight training schools, private pilots or owners of noncommercial aircraft on a commercial basis.

**AIRPORT, PRIVATE.** An airport, landing strip or landing field owned and used by owners of noncommercial aircraft, including private bona fide flying clubs, on a noncommercial basis.

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

**ALTERATION.** Changes in materials, additions, remodels, demolitions, and relocation of buildings or structures, but excluding ordinary maintenance and repairs.

**AMATEUR RADIO TOWER.** A structure, either freestanding or building-mounted, that may consist of more than a single shaft of steel or concrete used to elevate an antenna intended for airway communication purposes by a person holding a valid amateur radio ("HAM") license issued by the Federal Communication Commission. For the purpose of interpreting this definition, connecting wires used for transmission and/or reception between poles, masts, or ancillary supports, shall be considered accessory appurtenances to the tower and not additional towers. Poles, masts, cross-wires for transmission/ reception and ancillary supports less than 18' high, or a maximum of 10' above the highest part of the residence, whichever is the greater, shall not be considered Amateur Radio Towers.

**ANCILLARY MANUFACTURING USE.** A use or operation that is a subsidiary or secondary to the main use of a building (see Vol. II, § 1-6-26).

**ANIMAL HOSPITAL.** A place where animals are given medical or surgical treatment and are cared for during the time of the treatment; use as kennel shall be limited to recovery time and shall be only incidental to such animal hospital use.

**APARTMENT.** A residential dwelling unit for rent or lease within a multiple-family building.

**AREA, GROSS LOT.** The area of a lot or parcel, including all easements and non-dedicated road rights-of-way.

**AREA, NET LOT.** The area of a lot or parcel, excluding all dedicated and/or non-dedicated public road rights-of-way.

**ARTICLE.** Subsections within a Chapter.

**ASSISTED LIVING FACILITY.** A residential care institution intended for occupancy by persons of advanced age or limited ability for self-care, which may provide food, transportation, recreation, or other services to the residents thereof, and which is licensed by the Arizona Department of Health Services to perform supervisory care, personal care, or custodial care services.

**AUTOMOTIVE REPAIR.** Engine rebuilding or major reconditioning, body shop work and the repair and replacement of parts to automobiles.

**AWNING.** Roof like cover entirely supported by and extending from a building for the purpose of protecting openings therein, from the elements.

**BANNER.** A temporary sign of fabric, plastic, paper or other pliable material not enclosed in a rigid frame.

**BAR.** Premises used primarily for the sale or dispensing of alcoholic beverages by the drink for on-site consumption and where food may be available for consumption as an accessory use. Also known as a tavern or saloon.

**BARN.** A building used for storing farm or ranch products and/or sheltering livestock. A horse shade shall not be considered a barn for purposes of this Chapter.

**BASEMENT.** A story partly or wholly underground. A **BASEMENT** shall be counted as a story for the purpose of height measurement where more than " of its height is above finished grade.

**BED AND BREAKFAST.** A house, or portion thereof, where short-term lodging rooms and meals are provided for up to 5 guestrooms. The operator of the inn shall live on the premises or in adjacent premises.

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

**BOARD OF ADJUSTMENT AND APPEALS.** The Board of Adjustment and Appeals of the City of Apache Junction, Arizona, which hears appeals from this Chapter, among other things.

**BOARDING OR ROOMING HOUSE.** A building where, for compensation and by pre-arrangement for definite periods, lodging is provided in a single housekeeping unit for 3 to 20 persons.

**BUILDABLE AREA.** The buildable portion of the lot remaining after deducting all applicable road and alley easements, rights-of-way, and required building setbacks.

**BUILDING.** Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or property of any kind.

**BUILDING, ENCLOSED.** A building composed of rigid walls on all sides, and a roof.

**BUILDING ENVELOPE.** The volume of space for building as defined by the minimum building setbacks and the maximum allowable building height.

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

**BUILDING PERMIT.** A permit required for the erection, construction, modification, addition to or moving of any building, structure or use in the incorporated areas of the city, pursuant to building codes adopted by the City Council.

**BUILDING SITE.** A legally created parcel or contiguous parcels of land, which provides the area and the open space required by this Chapter, exclusive of all vehicular and pedestrian rights-of-way and all other easements that prohibit the surface use of the property by the owner thereof.

**BULK REGULATIONS.** Dimensional zoning requirements including lot size, lot width, setbacks, height, lot coverage and density.

**CALIPER.** A measurement of diameter taken on a circular tree trunk.

**CAMPGROUND.** Any place where any bedding, sleeping bag or other sleeping matter is placed, established or maintained, whether or not the place incorporates the use of a tent, lean-to, shack or other structure or vehicle or part thereof.

**CANOPY.** A roof-like structure supported by a permanent foundation and open on all 4 sides.

**CARETAKER.** A person residing on the premises of an employer and who is receiving meaningful compensation to assume the primary responsibility for the necessary repair, maintenance, supervision or security of the real or personal property of the employer which is located on the same or contiguous lots or parcels of land.

**CARGO CONTAINER.** A portable, reusable and prefabricated cargo pod, shipping container, mobile-mini designed for or used in the packing, shipping, movement or transportation of freight, articles, goods, or commodities; and/or designed for or capable of being mounted or moved on a rail car or being mounted on a chassis for movement by truck trailer or loaded on a ship.

**CARPORT.** A permanent roofed structure or a portion of a main structure with not more than 2 enclosed sides used or intended to be used for automobile storage for the occupants of the premises.

**CARWASH.** A facility for the cleaning and washing of motor vehicles including interior cleaning, vacuuming, waxing and detailing by means of self-service, automated mechanical equipment, manual labor, or combination thereof.

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

**CENTERLINE.** The centerline established by the City Engineer for any proposed or dedicated public way.

**CHILD.** A person under 18 years of age.

**CHILD CARE HOME.** Home based nursery schools, preschools, and day care facilities for children.

**CHURCH.** A building, portion of a building, or group of buildings used primarily as a place of communion or worship, including convents, religious educational buildings and parish houses.

**CITY.** The City of Apache Junction, Arizona.

**CLUB or LODGE.** A regularly constituted association of persons, whether or not incorporated, regardless of form of ownership; who are bona fide members paying regular dues, primarily organized for some common social purpose and which derives not more than 10% of its revenue or income from the sale of goods and services to its members or others.

**COMMERCIAL HORSE BOARDING.** A properly approved and licensed facility that commercially rents horse stalls on RS-GR, RS-54 and RS-54M zoned property with a minimum gross lot area of 2.5 acres.

**COMMERCIAL USE.** The buying, selling, repair, leasing or storage of goods and services. This term shall not include manufacturing, distribution or general warehousing activities as a primary use.

**COMMISSION.** The City of Apache Junction Planning and Zoning Commission.

**COMMUNICATION TOWER.** A freestanding structure including appurtenances (greater than 34 feet in height) used for VHF and UHF television, AM and FM radio, two-way radio, common carriers, cellular telephone and microwave.

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

**CONTRACTOR'S YARD.** The use of any lot or parcel of land for the commercial or noncommercial parking, storage, maintenance of commercial vehicles; and/or more than 1 piece of commercial machinery; and/or outdoor storage of building materials, aggregates, lumber, piping, vehicle parts, tires and the like.

**CONVENTIONAL CONSTRUCTION.** A site-built building constructed on a permanent foundation, using individual structural components pursuant to the International Building Code as adopted by the city, and requiring normal phase inspection by the City Building Official.

**COUNCIL.** The City Council of the City of Apache Junction, Arizona.

**COUNTY.** Pinal County or Maricopa County, depending on the applicability, context and location of a specific parcel of property.

**COUNTY RECORDER.** The County Recorder of Pinal and Maricopa Counties, depending on the applicability, context and location of a specific parcel of property.

**DAY CARE.** The care, supervision and guidance of persons unaccompanied by parent, guardian or custodian, on a regular basis for periods of less than 24 hours per day in a place other than the person's own home.

**DAY CARE FACILITY.** A facility in which day care is regularly provided for compensation in an appropriate business zoning district.

**DECORATIVE FENCE.** Wrought iron, picket, split rail, post and rail, ornamental aluminum and plastic type fences; does not include wire, stockade or chain link type fences.

**DECORATIVE WALL.** Architectural block, split faced block, split faced veneer, stucco or slump block that is painted or stained with an earth-tone color; does not include standard concrete block.

**DECORATIVE WATER FEATURE.** Any man-made body of water or a structure containing a body of water not intended for swimming, diving or recreational bathing, such as a fish pond, waterfall or fountain, but does not include water tanks, retention basins, storage ponds or similar functional types of facilities that are not intended to be primarily decorative in nature.

**DENSITY.** The maximum number of dwelling units permitted on a zoning lot or property.

**DENSITY, GROSS.** Total number of residential units/gross land area. Gross land area includes non-dedicated road rights-of-way and easements, if any.

**DENSITY, NET.** Total number of residential units/net land area. Net land area excludes all road rights-of-way.

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

**DETACHED SINGLE-FAMILY RESIDENTIAL.** See **DWELLING, SINGLE-FAMILY.**

**DEVELOPER.** A person, firm, partnership, joint venture, association, corporation, groups or organization who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale or lease of a development.

**DEVELOPMENT.** Any manmade change to improved or unimproved real estate, including but not limited to the division of a parcel of land into 2 or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any physical use of land with or without accompanying buildings or structures.

**DEVELOPMENT AGREEMENT.** A contract between a local jurisdiction and a person/legal entity that has ownership or control of property within the jurisdiction. The purpose of the agreement is to specify the standards and conditions that will govern development of the property. The development agreement provides assurance to the developer that he/she may proceed to develop the project subject to the rules and regulations in effect at the time of approval and that the development will not be subject to subsequent changes in regulations, unless otherwise stated. The city may include conditions and mitigation measures that must be met to assure that a project at a specific location does not have unacceptable impacts on neighboring properties or community infrastructure. The agreement may clarify how the project will be phased, the required timing of public improvements, the developer's contribution toward funding system-wide community improvements, economic incentives and other conditions. The agreement can also facilitate enforcement of requirements, since it is a contract that details the obligations of the developer and local jurisdiction.

**DEVELOPMENT SERVICES DIRECTOR.** The Department Director of the Apache Junction Development Services Department, or his or her designated agent.

**DEVELOPMENTAL DISABILITY.** Autism, cerebral palsy, epilepsy or cognitive disability.

**DIRECTOR.** The Development Services Director of the City of Apache Junction.

**DISABLED** and **DISABILITY.** Unless otherwise specified, the definition shall be the same definition as set forth in Arizonans with Disabilities Act of 1992, as codified in A.R.S. § 41-1492(5), as amended, and/or in the Americans with Disabilities Act, as codified in 42 U.S.C. §§ 12101 *et seq.* and 47 U.S.C. §§ 225 and 611, which shall include with respect to an individual, physical or mental impairment that substantially limits 1 or more of the major life activities of the individual, a record of such an impairment or being regarded as having an impairment.

***DORMITORY.*** A building intended or used principally for sleeping accommodations, where the building is related to an educational or religious institution.

***DOWNTOWN OVERLAY DISTRICT DESIGN GUIDELINES.*** The design guidelines approved by the City Council through Resolution 11-22.

***DRIVEWAY.*** A private, vehicular access connecting a house, carport, parking area, garage, or other buildings with the street.

***DWELLING.*** A building or portion thereof designed or used exclusively for residential occupancy, including single-family dwellings, two-family dwellings, duplexes, townhouses, triplexes, fourplexes, manufactured homes, mobile homes, modular homes, and multiple-family dwellings, but not including hotels, boarding and lodging houses.

***DWELLING, DUPLEX.*** A building containing 2 single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

***DWELLING, MULTIPLE.*** A building containing 2 or more primary dwelling units on a single lot. Types of multiple residence dwellings include duplexes, garden apartments, and multi-story apartment buildings.

***DWELLING, SINGLE-FAMILY DETACHED.*** A building containing 1 single-family dwelling unit that is not attached to any other dwelling unit.

***DWELLING UNIT.*** Any structure or part thereof designed to be occupied as the living quarters with a single housekeeping unit.

***EARTH TONE.*** A color scheme that draws from a color palette of browns, tans, and greens natural to the Sonoran Desert environment. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss or trees, and rocks.

***EASEMENT.*** A portion of land created by grant or agreement (i.e., easement) that provides a specific right or privilege to use the property. Easements may, for example, be reserved or used for utilities, traffic access, drainage or other physical operations on the land.

***ELEVATION, ARCHITECTURAL.*** A two-dimensional scaled drawing of a building or structure.

***EXCAVATION.*** The removal of soil, rock, or other matter from a land area.

***FACTORY BUILT BUILDING.*** A residential or nonresidential building including a dwelling unit or habitable room thereof which is either wholly or in substantial part manufactured at an off-site location to be assembled on-site, except that it does not include a manufactured home, recreational vehicle or mobile home; also referred to as "modular" buildings or units.

***FAMILY.*** Any number of related persons, or a group of not more than 10 persons who are unrelated by blood, marriage, or adoption, living together within a single housekeeping dwelling unit and using common cooking facilities.

***FEED LOT.*** An animal feeding operation which is used in factory farming for finishing livestock, notably beef cattle, but also swine, horses, sheep, turkeys, chickens or ducks, prior to slaughter.

***FLOOR AREA.*** The sum of the gross horizontal areas of the several stories of the building measured from the exterior faces of the exterior walls or from the center line of party walls. Included shall be any basement floor, interior balconies and mezzanines, elevator shafts, and stair wells and enclosed porches. The floor area of accessory uses and of accessory buildings on the same lot shall be included.

***FOSTER HOME.*** A dwelling maintained by an individual or individuals having care or control of 1 but not more than 6 minor children, other than those related by blood, marriage or adoption, to those who are legal wards of such individuals, which is licensed by the Arizona State Department of Economic Security.

***FOSTER HOME, GROUP.*** A place suitable for the housing of more than 6 but not more than 10 minor children which is licensed by the Arizona Department of Economic Security.

***FREESTANDING/MONUMENT SIGN.*** See definition and illustrations in the "City of Apache Junction Commercial Design Guidelines".

***FRONT YARD.*** The area of the property between the dwelling unit and the fronting road right-of-way.

***FRONTAGE.*** The side(s) of a lot abutting on a street.

**FRONTAGE, DOUBLE.** A lot which has two or more road frontages.

**GARAGE, PRIVATE.** A detached accessory building or portion of the main building on the same lot for the parking or storage of vehicles of the occupants of the premises.

**GARAGE, PUBLIC.** Premises used for the storage of cars or other vehicles, or where the vehicles are equipped for operation, or repaired, or kept for hire or sale.

**GARAGE, STORAGE.** Premises, other than those herein defined as a private or public garage, used exclusively for the storage of vehicles and for no other purpose whatever.

**GENERAL PLAN.** The most current version of the City of Apache Junction General Plan and all adopted amendments thereto.

**GRADE PLANE.** The average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and a point 6 feet from the building.

**GRANDFATHERED.** A provision in an ordinance that, under certain circumstances, exempts those already involved in a legally regulated activity or business from the new regulations established by the ordinance; also referred to as a legal non-conforming use, structure or lot.

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

**GROSS DENSITY.** See **DENSITY, GROSS.**

**GROSS FLOOR AREA OR "GFA".** The sum of the areas of all floor levels of a building or structure measured within the exterior face of exterior walls or the centerline of walls separating 2 abutting buildings, but excluding any space where floor-to-ceiling height is less than 6 feet and 6 inches (6'6").

**GROSS LOT AREA or GROSS LAND AREA or GROSS ACRES.** The area of a lot or parcel, including all non-dedicated road rights-of-way.

**GROUP CARE HOME.** A dwelling shared as their residence by handicapped or disabled persons who reside together as a single housekeeping unit, in which staff persons may provide supervision, counseling, treatment or therapy for the residents therein, and which may be licensed by, certified by, registered with or otherwise authorized, funded or regulated, in whole or in part, by an agency of the state or federal government. The term shall include adult care homes, homes for the chronically mentally ill, homes for the developmentally disabled, group care agencies and similar residential living arrangements for handicapped or disabled persons, but shall not include boarding houses, nursing homes, substance abuse treatment facilities, or any facility providing treatment, counseling or therapy to patients or clients who do not reside on the premises.

**GUEST HOUSE.** Living, eating, and sleeping quarters, not leased for income production, within an accessory building for the sole use of occupants of the premises, guests of such occupants, or persons employed on the premises.

**GUEST RANCH.** A resort hotel and/or group of buildings containing sleeping units, meals, beverages and outdoor recreational activities on property not less than 3 gross acres in size.

**HALFWAY HOUSE.** A group home for recently incarcerated persons.

**HANDICAPPED.** The definition under the American with Disabilities Act of 1990, 42 U.S.C. §§ 12101 *et seq.*, 47 U.S.C. §§ 225 and 611.

**HANGING SIGNS.** Those which are located on the underside of a roof structure which extends out over a sidewalk adjacent to a building.

**HEAVY INDUSTRIAL.** Industrial uses that may include outdoor assembly, manufacturing, processing, repair and/or storage, and that may generate traffic, noise, vibration, odor, glare, and/or light impacts that need to be conditionally managed.

**HEIGHT.** See Vol. II, § 1-1-4(C)(3)(g).

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



**HORSE RENTAL STABLE.** Enterprise providing horses and equipment rented on a temporary basis, and wherein the rented horses are permitted to be ridden away from the property either by individual renters, with a group or with a guide.

**HORSE SHADE or MARE MOTEL.** An open air structure without walls consisting of a roof supported by columns and used exclusively for the shading of livestock and/or equine.

**HOSPITAL.** An institution for the diagnosis, care and treatment of human illness, including surgery, primary treatment, and observation. Some hospitals may offer as part of their service, 24-hour emergency medical care, with ambulance receiving facilities.

**HOTEL - MOTEL.** A structure or portion thereof, or a group of attached or detached structures containing completely furnished individual guest rooms or suites occupied less than 30 calendar days by any 1 individual or group of individuals, for compensation.

**HUD CERTIFIED PARK MODEL ALTERNATIVE.** Department of Housing and Urban Development certified manufactured home that is oftentimes referred to as an "park model alternative unit" or "TAG mobile home unit" because it is sized and designed similar to a park model unit.

**IMPERVIOUS SURFACE.** Includes all buildings or structures measured at their greatest extent and so as to include areas overhung by eaves, balconies, decks and other projecting features of the structure; also all paved or otherwise hard-surfaced areas such as roads, curbs and gutters, walks, parking lots and loading areas, and asphalt or concrete aprons for solid waste containers, signs or outdoor mechanical equipment.

**INDUSTRIAL USE.** The excavation, transporting, manufacture, fabrication, processing, reduction or destruction of any article, substance or commodity, or any other treatment thereof in such manner as to change the form, character or appearance thereof, and including storage elevators, truck storage yards, warehouses, wholesale storage and other similar types of enterprise.

**INFILL.** Development of vacant, underdeveloped or remnant lands passed over by previous development.

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

**JUNK YARD.** The storage, keeping or abandonment of junk, including scrap material, or for the dismantling, demolition or abandonment of automobiles, or other vehicles or machinery parts thereof.

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

**LAND SPLIT.** A division of land into no more than 3 parcels in accordance with the city's subdivision regulations.

**LANDSCAPING.** The placement of trees, shrubs, vegetative and organic or inorganic materials including gravel, cinders, rock and bark materials.

**LIGHT INDUSTRIAL.** Industrial uses that are located within an enclosed building and tend to generate moderate and manageable traffic, noise, vibration, odor, glare and/or light impacts.

**LIVESTOCK, LARGE.** Cattle, oxen, horses, mules, donkeys, alpaca, llama, sheep, goats or similar sized hooved animals.

**LIVESTOCK/FOWL, SMALL.** Rabbits, potbellied pigs, parrots, pigeons, ducks, hens (not roosters), geese or similar sized animals.

**LIVE/WORK UNITS.** A unique type of mixed-use development that combines residential living space and commercial or office space within one structure for a single owner/operator; enabling the city to adapt to changes in the economy and meet the needs of special groups such as artists or new businesses that need smaller, affordable work and housing space.

**LOT.** A parcel of real property with a separate and distinct number or other designation shown on a plan or parcel map recorded in the office of the Pinal or Maricopa County Recorder's Office, or a parcel of real property delineated on an approved record of survey, parcel map or subdivision map as filed in the office of the Pinal or Maricopa County Recorder and abutting at least 1 public street or right-of-way, or easement determined to be adequate for the purpose of access.

**LOT AREA.** The total area of a lot measured in a horizontal plane, included within the lot lines of a lot or parcel of land. Also see **GROSS LOT AREA** and **NET LOT AREA**.

**LOT AREA, MINIMUM.** See Vol. II, § 1-1-4(C)(3)(j).

**LOT, CORNER.** A lot located at the intersection of 2 or more streets.

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

**LOT, INTERIOR.** Any lot that is not a corner lot.

**LOT LINE.** The legal boundary of a lot or parcel.

**LOT LINE, FRONT.** On an interior lot, the front lot line is the property line abutting the street where access is provide. On a corner lot, the front lot line is the shorter property line abutting a street, except in those cases where the subdivision or parcel map specified another line as the front lot line. On a through lot or a lot with 3 or more sides abutting a street or a corner lot with lot lines of equal length, the Director shall determine which property line shall be the front lot line for the purposes of compliance with setback provisions.

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

**LOT LINE, REAR.** A lot line not abutting a street which is opposite and most distant from the front lot line. In the case of an irregular-shaped lot, a line within the lot, parallel to and at a maximum distance from the front lot line, having a length of not less than 10 feet; also a lot which is bounded on all sides by streets may have no rear lot lines.

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

**LOT (SITE) COVERAGE.** That portion of a lot or building site which is occupied by any building or structure, excepting paved area, uncovered decks/patios, uncovered parking areas, driveways, walks, lanai, terraces, swimming pools and landscaped areas.

**LOT TYPES.** See diagram below:

**LOT WIDTH.** Lot width is the distance between side lot lines measured perpendicular to the lot depth at the front setback line.

**MAIN STRUCTURE.** In residential zoning districts, typically the primary dwelling unit, whereas in business and institutional zoning districts, the building in which business is conducted.

**MAINTENANCE.** The replacing or repairing of a minor part or minor parts of a building or structure which have degraded by ordinary wear or tear or by the weather.

**MANUFACTURED HOME.** A structure transportable in 1 or more sections which is 8 feet or more in width and 40 feet or more in length or when erected on-site is 400 or more square feet; manufactured after June 15, 1976, and built to Department of Housing and Urban Development ("HUD") standards with a HUD seal affixed; and which is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. Modular homes are considered as manufactured homes in this Chapter.

**MANUFACTURED HOME PARK.** Any development providing rental spaces for manufactured homes.

**MANUFACTURED HOME SPACE.** A plot of ground within a manufactured home park designed for the accommodation of 1 manufactured home, together with its accessory structures, carports or other off-street parking areas, storage lockers, ramadas, cabanas, patios, patio covers, awnings and similar appurtenances.

**MANUFACTURED HOME SUBDIVISION.** A development designed and intended for residential use with lots for sale where the residence consists exclusively of manufactured homes.

**MANUFACTURING.** Designing, assembling, fabricating, producing, constructing or preparing a product or part of a product before sale or use.

**MEDICAL MARIJUANA USES.** Taken from, in whole or in part, or related to the Arizona Medical Marijuana Act (A.R.S. Title 36, Chapter 28.1).

(1) **CARDHOLDER.** A qualifying patient, a designated caregiver or a nonprofit medical marijuana dispensary agent who has been issued and possesses a valid registry identification card.

(2) **CULTIVATION.** The process by which a person grows a marijuana plant.

(3) **DESIGNATED CAREGIVER.** A person who is at least 21 years of age, has agreed to assist with a patient's medical use of marijuana, has not been convicted of an excluded felony offense, and assists no more than 5 qualifying patients with the medical use of marijuana.

(4) **DESIGNATED CAREGIVER CULTIVATION LOCATION.** An enclosed, locked facility such as a closet, room, greenhouse or other building where a designated caregiver and cardholder, whose registration card indicates that the cardholder has been authorized to cultivate marijuana plants for a qualifying patient's medical use. The designated caregiver's cultivation location must be accessory to the designated caregiver's primary residence. Medical marijuana cultivation as an accessory use to the designated caregiver's primary residence must not be detectable from the exterior of the building in which the cultivation takes place.

(5) **ENCLOSED LOCKED FACILITY.** A closet, room, greenhouse, building or other enclosed area equipped with locks or other security devices that permit access only by a cardholder.

(6) **MARIJUANA.** All parts of any plant of the genus cannabis whether growing or not, and the seeds of such plant.

(7) **MEDICAL MARIJUANA.** All parts of the genus cannabis that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

(8) **MEDICAL MARIJUANA INFUSION (OR MANUFACTURING) FACILITY.** A facility that incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible goods. An infusion facility may be an existing commercial-zoned facility such as a bakery, restaurant or food products factory; or, it may be a "stand-alone" facility whose sole or primary purpose is to make consumer products such as lotions, balms or consumable/edible medical marijuana products.

(9) **MEDICAL USE.** The acquisition, possession, cultivation, manufacture, use, administration, delivery, transfer or transportation of marijuana or paraphernalia relating to the administration of marijuana to treat or alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

(10) **NONPROFIT MEDICAL MARIJUANA DISPENSARY.** A nonprofit (not-for-profit) entity that acquires, possesses, cultivates, manufactures, transfers, transports, supplies, sells, gives, dispenses, or otherwise provides medical marijuana or related educational materials to cardholders.

(11) **NONPROFIT MEDICAL MARIJUANA DISPENSARY AGENT.** A principal officer, board member, employee, or volunteer of a nonprofit medical marijuana dispensary who is at least 21 years of age and has not been convicted of an excluded felony offense.

(12) **NONPROFIT MEDICAL MARIJUANA DISPENSARY OFF-SITE CULTIVATION FACILITY.** The additional location where marijuana is cultivated by a nonprofit medical marijuana dispensary.

(13) **QUALIFYING PATIENT.** A person who has been diagnosed by a physician as having a debilitating medical condition.

(14) **QUALIFYING PATIENT CULTIVATION LOCATION.** An enclosed, locked facility such as a closet, room, greenhouse or other building where a qualifying patient, who is also a cardholder authorized to cultivate marijuana plants. The qualifying patient's cultivation location must be accessory to the qualifying patient's primary residence. Medical marijuana cultivation as an accessory use to the qualifying patient's primary residence must not be detectable from the exterior of the building in which the cultivation takes place, and shall only be permitted if the residence is located at least 25 miles distance from a state certified nonprofit medical marijuana dispensary.

(15) **REGISTRY IDENTIFICATION CARD.** A document issued by the Arizona Department of Health Services that identifies a person as a registered qualifying patient, registered designated caregiver or a registered nonprofit medical marijuana dispensary agent.

(16) **USABLE MARIJUANA.** The dried flowers of the marijuana plant, and any mixture or preparation thereof, but does not include the seeds, stalks and roots of the plant and does not include the weight of any non-marijuana ingredients combined with marijuana and prepared for consumption as food or drink.

**MINIMUM LOT AREA.** See Vol. II, § 1-1-4(C)(3)(j).

**MINIMUM LOT WIDTH.** See Vol. II, § 1-1-4(C)(3)(h).

**MINING.** Includes the land necessary or incidental to digging, excavating or otherwise procuring minerals and ores found in their natural state, or the operating of a rock crusher.

**MIXED USE DEVELOPMENT.** Non-residential and residential uses on the same development site.

**MOBILE HOME.** A structure generally referred to as being built prior to June 15, 1976, on a permanent chassis capable of being transported in 1 or more sections and designed to be used with or without a permanent foundation as a dwelling when connected to on-

site utilities, except that it does not include recreational vehicles and factory-built buildings. See **MANUFACTURED HOME**.

**MOBILE HOME PARK.** See **MANUFACTURED HOME PARK**.

**MOBILE HOME SPACE.** See **MANUFACTURED HOME SPACE**.

**MOBILE HOME SUBDIVISION.** See **MANUFACTURED HOME SUBDIVISION**.

**MONUMENT SIGN.** Any low profile detached sign which is supported by a solid base of at least 75% of the sign width.

**MOTEL.** See **HOTEL**.

**MULTIPLE-FAMILY RESIDENTIAL.** Two or more units per building.

**MUNICIPAL SOLID WASTE LANDFILL.** Any solid waste landfill that accepts household waste, household hazardous waste or conditionally exempt small quantity generator waste, which are defined as:

(1) **CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR WASTE.** Hazardous waste in quantities as described in 40 C.F.R. § 261.5, incorporated by reference and adopted and amended in A.R.S. § 49-701(4), and in the Arizona Administrative Code, Title 18, Chapters 1 through 13.

(2) **HOUSEHOLD HAZARDOUS WASTE.** Solid waste as described in 40 C.F.R. § 261.4(b)(1), incorporated by reference and adopted and amended in A.R.S. § 49-701(14), and in Arizona Administrative Code, Title 18, Chapters 1 through 13.

(3) **HOUSEHOLD WASTE.** Any solid waste including garbage, rubbish and also sanitary waste from septic tanks that is generated from households, including single and multiple family residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas, not including construction debris, landscaping rubble or demolition debris.

**MURAL.** An artistic rendering on a building which does not promote a particular business, service or product.

**NATIVE PLANT.** A plant species that occurs naturally in a particular region, state, ecosystem and habitat without direct or indirect human actions.

**NET DENSITY.** See **DENSITY, NET**.

**NET LOT AREA** or **NET LAND AREA** or **NET ACRES.** The area of a lot or parcel, excluding dedicated and non-dedicated public road rights-of-way and alleys.

**NEW CONSTRUCTION.** Structures for which the start of construction commenced on or after the effective date of this Chapter.

**NIT.** A unit measure of luminance or brightness equal to 1 candela per square meter, measured perpendicular to the rays of the source.

**NONCONFORMING SIGN.** Any sign which is currently not allowed under this Chapter, but which when first constructed, was legally allowed by the city.

**NONCONFORMING USE, STRUCTURE AND/OR LOT.** See Vol. II, § 1-2-5.

**NURSERY.** A place where young trees or other plants are raised for transplanting or for sale, but does not include commercial fertilizer yard or processing plant.

**OBSCENE.** Offensive or outrageous to accepted standards of decency or modesty.

**OFFICE.** A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

**OFF-PREMISE/OFF-SITE ADVERTISING SIGN.** A sign which contains a message unrelated to a business or profession conducted or to a commodity, service, or activity primarily sold, manufactured, fabricated, possessed or offered upon the premises where such sign is located.

**OFF-SITE.** Any premises not located within the area of the property to be subdivided or developed, whether or not in the common ownership of the applicant for subdivision or development approval.

**ON-PREMISE ADVERTISING SIGN.** A sign which contains a message related to a business or profession conducted or to a commodity, service, or activity primarily sold, manufactured, fabricated, possessed or offered upon the premises where the sign is located.

**OPEN SPACE.** The area or areas of a lot or parcel intended to provide light and air, and is designed for either scenic, aesthetic or recreational purposes, excluding buildings, parking, driveways and other vehicular surfaces.

**OUTDOOR BUSINESS ACTIVITY/OPERATION.** The outdoor fabrication, processing, manufacturing, repair or assembly of products in business zoning districts.

**PARAPET.** That portion of an exterior wall that extends above the roof line.

**PARK MODEL** or **PARK TRAILER.** A structure built on a single chassis, mounted on wheels and designed to be connected to the utilities necessary for the operation of installed fixtures and appliances and that has a gross interior area of not less than 320 square feet and not more than 400 square feet when prepared for occupancy.

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

**PARKING SPACE.** A space within a public or private parking area, exclusive of driveways, ramps, columns, offices and work areas, which space is for the temporary parking or storage of 1 motor vehicle.

**PERMIT.** Any conditional use permit, administrative use permit, temporary use permit, building permit, license, certificate, approval, or other entitlement for development and/or use of property as required by any public agency.

**PLANNING AND ZONING COMMISSION.** The City of Apache Junction Planning and Zoning Commission. Also referred to as the **COMMISSION.**

**PLEX RESIDENTIAL.** Two to 4 residential units per building.

**POLE SIGN.** See definition and illustrations in the "City of Apache Junction Commercial Design Guidelines".

**PONY WALL.** A low wall often used as a garden wall or fence.

**POOL.** See **SWIMMING POOL.**

**PORTABLE SIGN.** A sign that is designed to be moved easily and is not permanently affixed to the ground, building, structure or vehicle.

**POST AND PANEL SIGN.** A freestanding sign fabricated by using 2 visible posts to support the panel sign.

**PRE-SCHOOL.** See **DAY CARE.**

**PRINCIPAL BUILDING** or **MAIN STRUCTURE** or **PRINCIPLE STRUCTURE.** A building or buildings in which the dominant use of the lot on which it is situated is conducted. In any residential district, any dwelling (excluding an accessory dwelling or accessory apartment) shall be deemed to be the principal or main building of the lot on which it is situated. In a business zoning district, the store, shop and or office building shall be deemed the principal or main building.

**PRINCIPAL USE.** The main or primary use of a parcel of land.

**PRIVATE STREET.** A street, road or driveway on privately-owned property, limited to the use of the owner or a group of owners and guests who share the use and maintain the road without assistance from a government agency. The distinctions and standards related to private streets, roads, drives or access ways shall be determined by the Zoning Administrator.

**PROFESSIONAL.** Includes but is not limited to accountants, architects, chiropractors, dentists, engineers, lawyers, naturopaths, osteopaths, physicians, surgeons, surveyors and veterinarians.

**PROJECTING SIGN.** A sign, other than a flat wall sign, that projects more than 12 inches from the face of the building or structure upon which it is located.

**PROPERTY.** Any real or tangible personal property.

**PROPERTY OWNER.** The individual, corporation, firm, single proprietorship, partnership, trust or other legal entity that owns property.

**PYLON SIGN.** A freestanding sign with visible support structure, with the support structure enclosed with a pole cover or some architectural feature. See illustrations in the "City of Apache Junction Commercial Design Guidelines".

**QUASI-PUBLIC USE.** Uses which are considered to be dedicated to public service or to culture. Including for the purposes of this Chapter, public schools, hospitals, universities and churches.

**RAILROAD.** Includes the land used for general railroad purposes, including mainline and switching trackage, repair shops, stations, communications, equipment, roundhouses, and storage facilities, but does not include railroad equipment (miniature or otherwise) operated by its owner as a hobby or as a part of the equipment of an amusement resort.

**RANCH HAND.** See Vol. II, § 1-6-7(D)(7).

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

**RECREATIONAL VEHICLE.** A vehicle or unit generally described as 1 or more of the following:

- (1) *Tent camper.* Mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold for camping.
- (2) *Motor home.* Designed to provide temporary living quarters for recreational, camping or travel use, and built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.
- (3) *Park model.* Built on a single chassis, mounted on wheels and designed to be connected to utilities necessary for operation of installed fixtures and appliances and has a gross trailer area of not less than 320 square feet and not more than 400 square feet when it is set up, except it does not include fifth-wheel trailers.
- (4) *Travel trailer.* Mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of a size or weight that may or may not require special highway movement permits when towed by a motorized vehicle and has a trailer area of less than 320 square feet. This includes fifth-wheel trailers. If a unit requires a size or weight permit, it must be manufactured to the standards for park trailers in ANSI A119.5 of the American National Standards Institute Code.
- (5) *Truck camper.* Constructed to provide temporary living quarters for recreational travel or camping use and consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck. A **RECREATIONAL VEHICLE** shall not be considered a dwelling nor be occupied as such, and is not a manufactured home.

**RECREATIONAL VEHICLE PARK.** Facilities for the temporary storage, parking and maneuvering of recreational vehicles with adequate roads and stall sites, including sanitary and water facilities with locations provided on a day-to-day basis.

**RECREATIONAL VEHICLE SPACE.** A plot of ground within a recreational vehicle park designed for the accommodation of 1 recreational vehicle.

**RECYCLING CENTER.** A building within which recoverable resources such as newspaper, glass and cans are collected, separated and processed essentially by hand prior to shipment to others for use in the manufacture of new products.

**REDEVELOPMENT.** The act or process of renewing, rehabilitating, revitalizing, restoring, and/or renovating pre-existing buildings, structures and/or property in the city.

**REGULATION.** An applicable provision or standard of this Chapter.

**REPAIR.** An existing structural or mechanical element of a building or structure that has failed and needs to be maintained or replaced.

**RESTAURANT.** A business establishment where meals and/or refreshments may be purchased for consumption on or off-site.

**RETAIL.** The business of selling personal property directly to the ultimate consumer for any purpose other than for resale, or providing services or entertainment to the general public.

**RIGHT-OF-WAY.** Lands which by deed, conveyance, agreement, easement, dedication, usage or process of law is reserved for or dedicated to the general public for street, highway, alley, public utility, pedestrian walkway, bikeway, drainage or other purpose.

**RIGHT-OF-WAY, ROAD.** Land which by deed, conveyance, agreement, easement, dedication, usage or process of law is

reserved for general public street, highway, alley, pedestrian walkway or bikeway access.

**ROADWAY.** All or part of any platted or designed and reserved public street, highway, alley, lane, parkway, avenue, road, sidewalk, public utility easement or other public way.

**ROOF LINE.** The top edge of a roof or building parapet, whichever is higher, excluding cupolas, pylons, chimneys, or similar minor projections.

**ROOF SIGN.** See **SIGN, ROOF.**

**SETBACK, FRONT.** The minimum required distance between any buildings and the road right-of-way fronting the property. For properties fronting a private street, the front setback shall be measured from the private road's edge of pavement or curb.

**SETBACK, REAR.** The minimum required distance between any buildings and the rear lot line or road right-of-way at the rear of the property, whichever is less.

**SETBACK, SIDE.** The minimum required distance between any buildings and the side lot line(s) or road right-of-way(s) on the side of the property, whichever is less.

**SIDEWALK.** The portion of a street or cross walkway, paved or otherwise surfaced, intended for pedestrian use only.

**SIGN.** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

**SIGN, BUILDING.** Any sign attached to, or painted on, any part of a building.

**SIGN, FREE STANDING/MONUMENT.** Any sign supported by structures of supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

**SIGN, OFF-PREMISES.** Any sign not located on the property in which it serves to advertise.

**SIGN, PERMANENT.** A sign which is securely attached to the ground or a structure so that it can not readily be moved.

**SIGN, PORTABLE.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, which includes but is not limited to: signs designed to be transported by means of wheels; A-frame type signs; menu and sandwich board signs; inflatables; banners; umbrellas used for advertising; and signs attached to or painted on vehicles parked and visible from public rights-of-way, unless said vehicle is properly parked and used for transportation purposes in the normal day-to-day operations of the business.

**SIGN, POST AND PANEL.** See **POST AND PANEL SIGN.**

**SIGN, PROJECTING.** A sign attached to a principle structure and extending outward from the wall more than 12 inches.

**SIGN, ROOF.** A sign erected on a roof, or projecting above the highest point of the roof line, parapet, or fascia of a building.

**SIGN, TEMPORARY.** Any sign that is used only temporarily and is not permanently mounted.

**SIGN, WINDOW.** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**SINGLE-FAMILY DETACHED RESIDENTIAL.** One unit per building.

**SITE-BUILT CONSTRUCTION.** A conventionally constructed building on a permanent foundation, using individual structural components pursuant to the International Building Code as adopted by the city, and requiring normal phase inspection by the City Building Official.

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

**SOLAR FARM.** An installation or area of land in which a large number of solar panels are set up in order to generate electricity for commercial sale.

**SOLAR PANELS.** A panel designed to absorb the sun's rays as a source of energy for generating electricity or heat.

**SOLID WASTE LANDFILL.** A facility, area of land or excavation in which solid wastes are placed for permanent disposal. **SOLID WASTE LANDFILL** does not include a land application unit, surface impoundment, injection well, compost pile or waste pile or an area containing ash from the on-site combustion of coal that does not contain household waste, household hazardous waste or conditionally exempt small quantity generator waste.

**SPECIFIC PLAN.** A document encompassing a specific geographic area of the city which is prepared for the purpose of specifically implementing the General Plan by: (1) refining the policies of the General Plan to a specific geographic area; and (2) containing specific recommendation as to the detailed policies and regulations applicable to a focused development scheme. The specific plan shall consist of goals, objectives and policies; requirements for capital improvements; the level of service required for public facilities; physical and environmental conditions; transportation; circulation; housing and land use characteristics of the area; and maps, diagrams and other appropriate materials showing existing and future conditions.

**SPORT COURTS.** Sport court or game court is a facility that is constructed to incorporate basketball, paddle tennis, volleyball and other similar court sports and activities within the same playing area. Sport courts are usually constructed using a rectangular cement slab with at least 1 basketball goal, center net posts and a net adjustment system to easily raise and lower the net from paddle tennis height to volleyball height. Lights, ball containment, hockey goals, shuffleboard markings, and practice components such as a rebounder are frequently incorporated into the design. Basketball backboards/hoops attached to the garage or standalone pole in the driveway are not classified as sport courts for the purposes of zoning regulation.

**STABLE, COMMERCIAL.** A structure or site for horses, mules or ponies which are rented, used or boarded on a commercial basis for compensation.

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

**STAFF.** Employees of the City of Apache Junction.

**STATE.** The State of Arizona and its agents and employees.

**STORAGE YARD.** The outdoor storage of RVs, trucks and vehicles.

**STORY.** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

**STREET.** A public thoroughfare or right-of-way or approved private thoroughfare or right-of-way determined by the Commission to be adequate for the purpose of access, which affords the principal means of access for abutting property, including avenue, place, way, drive, land, boulevard, highway, road and any other thoroughfare; including major and secondary highways, arterials, collectors, and local streets as defined below.

#### **STREET TYPES.**

- (1) *Alley.* A public or private way providing vehicular access to the rear or side of abutting properties.
- (2) *Arterial, major.* Designated in the city's approved Street Classification Plan to carry the highest volumes of traffic across the city, often connecting to freeways, and providing access to major commercial and employment areas.
- (3) *Arterial, minor.* Designated in the city's approved Street Classification Plan to carry large volumes of traffic across the city, not generally connecting to freeways, and providing access to commercial and employment areas.
- (4) *Collector street.* Serves as a connection between local and arterial streets. Collector streets carry moderate amounts of traffic.
- (5) *Cul-de-sac.* Connects to another street at 1 end and terminating in a vehicular turnaround.
- (6) *Local street.* Provides direct access to properties.

**STRUCTURAL ALTERATION.** Any change in or modification to a structure involving a bearing wall, column, beam or girder, floor or ceiling joists, roof rafters, roof diaphragms, foundations, piles, retaining walls or similar components, or which extends the height, bulk or area thereof.

**STRUCTURE.** Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground, but does not include freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials or fences.



**SUBDIVISION.** See Apache Junction City Code, Vol. II, Chapter 2, Subdivision Regulations.

**SUBSTANTIAL IMPROVEMENT.** Any new construction on a vacant lot, and any reconstruction, rehabilitation, addition, or other modification of a structure that exceeds 50% of the existing structure's market value, or exceeds 50% of the existing structure's floor area, but does not include the following:

(1) Modification of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to ensure safe living and/or working conditions; or

(2) Costs of alterations or modifications whose express purpose is the mitigation of future stormwater damage.

**SWIMMING POOL.** Any man-made body of contained water in excess of 18 inches in depth that is intended for the purposes of swimming, diving or recreational bathing, including in-ground or above-ground swimming pools, wading pools or any similar body of water.

**TEMPORARY USE OR STRUCTURE.** A use or structure that is established for a fixed period of time, to be discontinued upon the expiration at a designated time, and that does not involve the construction or alteration of any permanent structure.

**TENANT FRONTAGE.** The width of the leased space fronting the road.

**TRAIL, EQUESTRIAN.** A linear path designated for horses.

**TRAIL, MULTI-USE.** A linear path designated for pedestrians, bicycles, and horses.

**TRANSFER FACILITY.** A site that is owned, operated or used by any person for the rehandling or storage for 90 days or less of solid waste that was generated off-site for the primary purpose of transporting that solid waste, including those facilities having significant solid waste transfer activities that warrant the facility's regulation as a transfer facility.

**TRAVEL TRAILER.** See **RECREATIONAL VEHICLE.**

**TRUCK STOP.** A facility for the servicing of trucks and tractor trailers, with or without a convenience market and has 4 or more diesel fuel pumps, 2 or more truck washing bays and facilities for the repair of diesel engines.

**TRUCK YARD.** The parking, storage or maintenance of 2 or more commercial vehicles on any given lot or parcel of land.

**UNLICENSED VEHICLE.** Any motor vehicle which is not currently licensed in the State of Arizona.

**USE.** The purpose for which land or a building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

**USE, CONDITIONAL.** An activity which, because of its unique characteristics, is not classified as a permitted use by right in a particular district and must be conditionally controlled to protect surrounding properties.

**USE, PERMITTED BY RIGHT.** Any activity that is or may be lawfully established in a particular zoning district, provided that it conforms with all zoning requirements.

**USE, PROHIBITED.** An activity not specifically allowed nor analogous to those specifically allowed in a particular zoning district.

**UTILITY FACILITIES.** Buildings, structures, or land used by a utility, railroad, or governmental agency for uses such as, but not necessarily limited to, water or sewage treatment plants or pumping stations, substations, telephone exchanges, and resource recovery facilities, but not including land, buildings, or structures used solely for storage and maintenance of equipment and materials.

**VARIANCE.** A grant of relief from the requirements of the Zoning Code which permits construction in a manner that would otherwise be prohibited, generally involving dimensional and locational provisions, but not land use.

**VEHICLE.** A device used for transporting people or goods.

**VIEW CORRIDOR.** The area or areas along a street, pedestrian path, hiking trail or other such openings that allow for a clear and unobstructed view of or frames, highlights or accentuates, a prominent building, object, site, structure, scene, or panorama, patterns or rhythms of buildings, objects, sites or structures.

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

**WAREHOUSING.** Loading, unloading, storing or otherwise moving any item or items to and from trucks, railroad cars, conveyors and buildings.

**WAREHOUSING, MINI.** Buildings which are composed of contiguous individual rooms which are rented to the public for the storage of personal property and which have independent access and locks under the control of the tenant; but excluding the storage of explosive, corrosive or noxious materials, such as dust, fumes, or noise that could be dangerous, injurious, distasteful, pernicious or obnoxious to man or other organisms or properties; and further excluding any other use otherwise permitted in the zoning district.

**WASTE TIRE.** Any tire that:

- (1) Is no longer suitable for its original intended purpose because of wear;
- (2) Is removed from a motor vehicle and is retained for further use;
- (3) Has been chopped or shredded; and
- (4) Is otherwise defined in A.R.S. § 49-701(39), as amended.

**WASTE TIRE COLLECTION SITE.** A site where waste tires are collected before being offered for recycling or reuse and where more than 500 tires are kept on site on any day.

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

**WHOLESALING.** The selling of any type of goods or materials for the purpose of resale.

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

**ZONE or DISTRICT.** A classification established by this Chapter which regulates various and specific uses.

**ZONING ADMINISTRATOR.** The Zoning Administrator is the city official(s) established pursuant to A.R.S. § 9-462.05, as amended, that is charged with responsibility for interpretation and administration of the Zoning Code. The Development Services Director ("Director") or his/her designee shall serve as the Zoning Administrator.

**ZONING ORDINANCE or CODE.** The zoning regulations of the City of Apache Junction, Arizona, set forth in Apache Junction City Code, Vol. II, Chapter 1, Zoning Ordinance; also referred herein as "the Ordinance", "this Chapter", "this" or "the" "Code".

(Ord. 1402, passed 5-6-2014)

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