

# CHAPTER 14 - ZONING CODE

## Article 14-1 SCOPE AND PURPOSE

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### Section 14-1-1 Title

This Chapter shall be known as and may be cited as the "City of Globe Zoning Code". All references to "this ordinance", "this code", or "zoning ordinance" in "this chapter" or other such wording shall mean the provisions of Chapter 14 and all provisions, appendices and/or maps incorporated herein.<sup>1</sup>

### Section 14-1-2 Purpose and Application

- A. The purpose of this Chapter and the intent of its application is to provide the minimum requirements for the implementation of the General Plan; promote the public interest, health, comfort, safety, convenience, and general welfare; and provide for adequate light and air and avoidance of overcrowding of land and excessive concentration of population by establishing land use classifications, imposing regulations on the use of land and on the location, height and bulk of buildings and structures; and establishing standards for design and development.
- B. This Chapter establishes procedures, offices, boards, and commissions for the enforcement, interpretation, and processing of amendments, variances, Special and Conditional Use Permits, and appeals and for violations and penalties for infractions of these zoning regulations.
- C. It is not the intention of this Chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances, except those zoning and building ordinances specifically repealed by the adoption of this Chapter.
- D. All buildings, structures, and uses of land, constructed or developed, shall be subject to all provisions of this Chapter.
- E. All changes to distinguishing traits or primary features or the use of a building or land, as evidenced by increased parking requirements, change of occupancy, change of outside storage, or other features, occurring to existing properties after the effective date of this Chapter shall be subject to all provisions of this Chapter. The use of a building or land shall refer to the primary or specific purpose for

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<sup>1</sup> **Editor's Notes:** A.R.S. 9-462 et seq. Zoning enabling statutes. This version of the zoning code was first adopted by and through Ordinance No. 691 (1998)

which the building or land is occupied, designed, intended, or maintained.

### **Section 14-1-3 Non-Conforming Uses, Buildings, Structures, and Sites**

Subject to the restrictions contained in this section the use of any land, building or structure existing at the time of the enactment of the original adopting ordinance (June, 1998) may be continued even though such use does not conform with the provisions of this Chapter for the zoning district in which it is located, such use shall be referred to as a "non-conforming" use.

#### **A. Expansion**

A non-conforming use shall neither be expanded nor extended to displace a conforming use; but the extension of a lawful use to any portion of a non-conforming building which existed prior to the original enactment of this ordinance shall not be deemed the extension of such non-conforming use.

#### **B. Change**

1. Once changed to a conforming use, no building or lands shall be permitted to revert to a non-conforming use.
2. A non-conforming use may be changed to a use of the same or more restrictive classification, and when so changed to a more restrictive classification, such use thereafter shall not be changed to a less restrictive classification.
3. Whenever the boundaries of a district shall be changed so as to transfer an area from one district to another district of a different classification, the foregoing provisions shall also apply to any non-conforming uses existing therein.

#### **C. Abandonment**

Whenever a non-conforming use has been discontinued for a period of six (6) months, such use shall not thereafter be re-established, and any further uses shall be in conformity with the provisions of this Chapter.

#### **D. Prohibited Uses**

Notwithstanding any other provisions of this Chapter, any automobile wrecking yard, other junk yard, any billboard, non-conforming sign, or advertising structure in existence in any residential district at the date of original enactment of this zoning ordinance shall at the expiration of three (3) years from such date become a prohibited and unlawful use and shall be discontinued.

#### **E. Reconstruction**

1. Except as provided in this section, a non-conforming structure may not be

reconstructed or structurally altered to an extent exceeding fifty percent (50%) of its cost to rebuild unless said building is changed to a conforming use, and no structure damaged by fire or other cause to the extent of more than fifty percent (50%) of its reproduction value shall be repaired or rebuilt except in conformity with the regulations of this Chapter.

- a. Any structure or portion thereof declared unsafe by a proper authority may be restored to a safe condition.
- b. If the non-conforming structure is a manufactured, mobile, or modular home said structure may be replaced with a manufactured or modular home provided site plan approval is obtained in compliance with Section 14-10-5 and all installation and construction is completed in strict compliance with the requirements of Section 14-5-5.

F. Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been heretofore issued and the construction of which shall have been diligently prosecuted within six (6) months of the date of such permit, and the ground story framework of which, including the second tier of beams, shall have been completed within six (6) months of the date of the permit, and which the entire building shall be completed according to such plans as filed within one (1) year from date of the original adoption of the Globe Zoning Code (June, 1998)..

G. Lands which, for reason of law, change in ownership or for any other reason, come under the authority of the City of Globe shall be subject to the following:

1. All property annexed into the City of Globe shall continue to be zoned within the County until rezoned pursuant to the requirements of Arizona Revised Statutes within six (6) months of said annexation.
  - a. Any use or activity conducted contrary to County zoning regulation at the effective date of annexation and not constituting a non-conforming use under the County zoning regulations shall not be considered a non-conforming use hereunder and the continuance thereof shall constitute a violation of this chapter.
  - b. Any use, activity or structure, that is existing at the effective date of annexation, under a Gila County Use Permit with a time limit imposed, shall not be a non-conforming use hereunder, but may continue for the extent of the time limits.
  - c. The physical plant, buildings and land, devoted to any use which is permitted only after securing a use permit under the terms of this Chapter may be enlarged or extended only after securing a new Use Permit from the City.

H. Gila County Building or Use Permits, legally issued not more than sixty (60) days

prior to the effective date of annexation, shall be honored by the Building Official within sixty (60) days after the effective date of annexation who shall issue a City building permit when construction details conform to all pertinent City construction codes and construction ordinances and pertinent County Zoning regulations in effect at the time the County Permit was issued. The amount of the fee paid for the County Permit shall apply on the City Permit and the balance only must be paid before a City Permit is issued.

1. Buildings legally under construction with a Building or Use Permit, issued by Gila County prior to the effective date of annexation, and the exterior walls of which have been completed to the plat line or beyond, shall not be required to secure a City building permit but the City shall require that buildings shall be structurally safe and conform to pertinent County Zoning regulation in effect at the time the County permit was issued.
2. Buildings under construction on the effective date of annexation which are completed to a lesser degree than above, shall be required to secure a City building permit, and from the effective date of annexation, all construction shall conform to the pertinent City construction ordinance, and conform to pertinent County Zoning regulations in effect at the time the permit was issued.

#### **Section 14-1-4 Interpretation**

- A. The standards and restrictions established by this Chapter shall be the minimum requirements for zoning procedures, standards, enforcement, fees, administration, restrictions, uses, variances, and all other areas addressed herein.
- B. In the event any provision of this Chapter and any other ordinance, rule, or regulation impose overlapping or contradictory regulations, the provision or ordinance which imposes higher standards or requirements, or which is more restrictive, shall govern, so that in all cases the most restrictive provision shall apply.

#### **Section 14-1-5 Applicability, Exceptions**

- A. General Applicability: This Chapter shall govern the development and the use of land and structures within the corporate limits of the City. Except for property owned and operated by the City or other governmental entity, no building, structure, or land shall be used or occupied, and no building, structure, or land shall be developed, and no permit shall be issued for any building, structure, or land, unless it is in conformity with all applicable provisions of this Chapter.
- B. Exceptions: The following exceptions shall apply but must be strictly construed.
  1. All projects having received Building Permits prior to June, 14 1998 shall be permitted to start construction under the regulations in effect when such permit was issued for a period of six (6) months from said date.

Once started, those projects proceeding with all due diligence shall be allowed to continue to proceed under the regulations under which they were approved.

2. All conditional uses which have been approved, shall be permitted to proceed under such approvals, provided that the person or persons who obtained such conditional uses have also obtained Building Permits for all buildings to be constructed and completed all construction within twelve (12) months of the approval of such conditional use.
3. Any addition to or expansion of a permitted conditional use described in paragraph 2 of this subsection shall be permitted only in accordance with the procedures prescribed by this Chapter for a new conditional use. Any change of a permitted conditional use to a new use shall be permitted only if this Chapter classifies the new use as a permitted use or a conditional use in the applicable Zoning District and only in accordance with the approval procedures set forth in this Chapter.

#### **Section 14-1-6 Violations and Penalties**

- A. It is unlawful to construct, erect, install, alter, change, maintain, use, or permit the construction, erection, installation, alteration, change, maintenance, or use of any building, structure, or land contrary to or in violation of any provision of this Chapter or of any provision designated as a condition of approval either by the plan review process or through an amendment, special or conditional use permit, variance, site plan, design review, or appeal by an office, board, commission, or the City Council as established by this Chapter.
- B. Any person, firm, or corporation violating any provision of this Chapter shall be punishable as provided in Section 1-5-1(A) of this code.

## **Article 14-2 ADMINISTRATION**

- Section 14-2-1 City Council
- Section 14-2-2 City Planning Commission
- Section 14-2-3 Board of Adjustment
- Section 14-2-4 Zoning Administrator
- Section 14-2-5 Appeals Procedure for Required Dedication or Exaction
- Section 14-2-6 Non-Waiver and Disclaimer of Liability

### **Section 14-2-1 City Council**

The Mayor and City Council shall have the following powers and duties under this Chapter:

- A. To adopt, review, and amend the General Plan for the City and such other plans as it may deem necessary and appropriate to fulfill the purposes of this Chapter.
- B. To hear, review and consider recommendations of the City Planning Commission in accordance with the provisions of this Chapter.
- C. To hear, review and approve tentative subdivision plats after receiving the recommendation from the City Planning Commission, in accordance with the provisions of this Chapter.
- D. To hear, review and adopt amendments to the Zoning District Map after recommendation by the City Planning Commission in accordance with the provisions of this Chapter.
- E. To hear, review and adopt amendments to the text of this Chapter after the recommendation by the City Planning Commission, in accordance with the provisions of this Chapter.
- F. To take such other action as the City Council may deem desirable and necessary to implement the provisions of this Chapter and any General Plan adopted by the City Council.
- G. Exercise the power to enforce the provisions of this Chapter through its representatives and agents.

### **Section 14-2-2 City Planning Commission**

- A. Establishment and Purpose.<sup>2</sup> There is hereby created a City Planning Commission for the purpose of promoting the health, safety, order, beauty, prosperity and general welfare of the City; and for securing efficiency, economy and concerted effort in the growth and development of the City; and for exercising such powers as are granted by this Chapter and Arizona Revised Statutes Sections 9-461 through 9-462.08, as same may be amended from time to time.

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<sup>2</sup> **Editor's Notes:** State law reference - Planning Commission; creation; A.R.S. 9-461.02

- B. Membership. The Commission shall consist of seven (7) members who shall be appointed by the Mayor with the approval of the City Council. At least five (5) members shall be residents of the City of Globe and any non-resident shall reside within the greater Globe-Miami area.
- C. Term of Office. The term of office of members of the Commission shall be four (4) years. All members of the Commission shall hold office until their successors are appointed by the Mayor and approved by the City Council. Any member of the Commission may be removed from office on grounds of inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause by a majority vote of the City Council. If any member shall leave office prior to the expiration of his/her term for any reason, the Mayor, with the approval of the City Council, shall appoint a new member to the Commission for the duration of the unexpired term.
- D. Organization:
1. Officers. The Commission shall elect a chairperson and vice-chairperson from the members of the Commission at the first meeting held in each calendar year. The City Manager shall assign a secretary to the Commission who shall record the minutes of public hearings, take roll at meetings of the Commission, report Commission findings and recommendations to the City Council, record the votes of members of the Commission, and provide such other information as the City Council may request.
  2. Meetings. The Commission shall hold at least one (1) regular meeting each quarter at such time and place as may be fixed by the Chairperson of Commission. Special meetings of the Commission may be called by the chairperson or upon written request signed by any three (3) members of the Commission or City Administration. All meetings shall be in compliance with the open meeting law.
  3. Quorum. A majority of the Commission shall constitute a quorum for the transaction of business.
  4. Rules and Regulations. The Commission shall adopt such other rules and regulations governing its organization and procedures as it may deem necessary, except that such rules and regulations shall not be inconsistent with the ordinances of the City or the laws of the State of Arizona.
- E. Duties. In addition to any authority granted to the City Planning Commission by Arizona law, other ordinances of the City or by this Chapter, the City Planning Commission shall have the following powers and duties:
1. To hold public hearings when necessary and make recommendations to the City Council on all matters concerning or relating to the creation of zoning districts, the boundaries thereof, the appropriate regulations

governing in said districts, the amendment of this Chapter, and any other matter within the scope of the zoning power. The Commission shall act as an advisory board to the City Council on land use and zoning matters and is authorized to confer with other advisory committees or commissions of the City.

2. To administer oaths and take evidence and to keep a record of its resolutions, transactions, findings and determinations. The Commission's record shall be a public record.
3. To report to the Mayor and City Council the Commission's proceedings each year at such time as directed by the Mayor, with a full statement of the Commission's receipts, disbursements and the progress of its work during the preceding fiscal year.
4. To review and dispose of applications for conditional use permits pursuant the provisions of this Chapter.
5. To adopt, with the consent of the Mayor and Council, all rules and procedures necessary or convenient for the conduct of the Commission's business consistent with the provisions of this Chapter and Arizona law.
6. To initiate, hear, review and make recommendations to the City Council regarding applications for amendments to the General Plan or any other such plan, in accordance with the provisions of this Chapter.
7. To serve as an advisory body to the City Council and to furnish to the Council, through its secretary, the facts concerning any report or recommendation on matters brought before the Commission.
8. To make its special knowledge and expertise available, upon reasonable written request and authorization of the City Council, to any official, department, board, commission or agency of the State or the Federal government.
9. To initiate, hear and review applications for amendments to the Zoning District Map, in accordance with the provisions state statutes and this Chapter..
10. To initiate, hear, and review applications for amendments to the text of this Chapter.
11. To confer with and advise other similar city planning commissions or county planning commissions.
12. To make investigations, reports, and recommendations regarding the physical development of the City.
13. To review develop and make recommendation to the Mayor and Council,



on a comprehensive general plan for the development of the City and for any land outside the City which, in the opinion of the Commission, is substantially related to the planning of the City.

14. To hear, review and make recommendations to the City Council regarding tentative subdivision plats, in accordance with the provisions of this code.
  15. To make recommendations to the City Council concerning programs for the improvements and financing of public works.
  16. To review and recommend to the City Council a Zoning District Map dividing the City into districts of the number, shape, and area that the Commission deems best suited to carry out the purposes and provisions of this Chapter.
- F. Compensation. The members of the Commission shall serve without compensation.

### **Section 14-2-3 Board of Adjustment**

- A. Establishment and Purpose.<sup>3</sup> There is hereby created a Board of Adjustment for the purpose of hearing and deciding appeals from the decisions of the Zoning Administrator, and for exercising such other powers as may be granted by this Chapter, including but not limited to, the power to decide applications for variances from the terms of this Chapter, and other powers prescribed for boards of adjustment pursuant to Arizona Law.
- B. Membership. The Board shall consist of seven (7) members who shall be appointed by the City Council. At least five (5) members shall be residents of the City of Globe and any non-resident shall reside within the Globe-Miami area. In lieu of appointing a Board of Adjustment, the Mayor, with the consent of the City Council, may establish the City Council as the Board of Adjustment. The members of the Board shall serve without compensation.
- C. Term of Office. Whenever the City Council is not serving as the Board, the term of office of the members of the Board shall be four (4) years, staggered terms. With the consent of a majority vote of the City Council, the Mayor may remove a member of the Board from that member's position on the Board for inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause. If, for any reason a Board member's position shall become vacant prior to the expiration of that Board member's term of office, the Mayor, with the consent of the City Council, shall appoint a new member to fill the vacancy for the duration of the unexpired term.
- D. Organization of Board of Adjustment.
1. Chairpersons. The Board shall elect a chairperson and a vice-chairperson

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<sup>3</sup> **Editor's Notes:** State law reference – Board of Adjustment A.R.S. 9-462.06

from the members of the Board at the first meeting held in each calendar year.

2. Secretary. The City Manager shall assign a secretary to the Board. The secretary shall keep minutes of all Board proceedings, record the vote of each member upon each question voted upon by the Board, or the absence of members, or the member's failure to vote, if such is the case, and shall keep records of the examinations of the Board and other official actions, and shall file such records in the office of the Board as a public record.
  3. Meetings. The chairperson shall call a meeting of the Board to decide all appeals of zoning matters and to perform any and all other duties of the Board. The Board shall meet at any other times that the Board may prescribe. All meetings of the Board shall be in compliance with Arizona Open Meeting Law.
  4. Rules and Procedures. The Board shall adopt and publish rules and procedures necessary or convenient for the conduct of its business. The acting chairperson may administer oaths and compel the attendance of witnesses, in accordance with the laws of the State of Arizona.
- E. Duties. In addition to any authority granted to the Board of Adjustment by State law, the Board shall have the following powers and duties:
1. To perform all of the duties required of a Board of Adjustment pursuant to Arizona law and this Chapter and to hear and decide all matters referred to the Board by the Zoning Administrator.
  2. To adopt rules and by-laws to govern the organization and conduct of meetings of the Board consistent with this Chapter and the laws of the State of Arizona.
  3. To hear and decide appeals in which it is alleged that there is an error in an order, requirement or decision made by the Zoning Administrator or the City Planning Commission in the enforcement of this Chapter. This power shall include the power to reverse or affirm, wholly or in part the order, requirement, or decision of the Zoning Administrator.
  4. To hear and decide requests for variances from the terms of this Chapter, only if, because of special circumstances applicable to the property, including its size, shape, topography, location, or surroundings, the strict application of the this Chapter will deprive such property of privileges enjoyed by other property of the same classification in the zoning district in which the property is located. Any variance granted is subject to such conditions as will assure that the adjustment authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the zoning district in which such property is located.

5. To hear and decide appeals in which it is alleged that an error exists in any order, requirement, decision or determination made by any administrative official of the City in the enforcement of this Chapter.
6. To reverse, affirm, or modify, wholly or partly, any order, requirement or decision of the Zoning Administrator or City Planning Commission properly appealed to the board, and make such order, requirement, decision or determination as is necessary.
7. To adopt all rules and procedures necessary or convenient for the conduct of the business of the Board consistent with the provisions of this Chapter and Arizona law.
8. To vary or adjust the strict application of the provisions of this Chapter in the case of an irregular, narrow, shallow, or steep lot or other physical condition applying to a lot or building as a result of which a strict application of the provisions of this Chapter would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved. Any such variance granted shall be granted according to the requirements and procedures established by or pursuant to this code. Variances may be granted only for hardships related to the physical characteristics of land. Variances to this Chapter related to permitted, accessory and/or conditional uses in any district shall not be allowed. No variance or adjustment in the strict application of any provision of this Chapter may be granted unless:
  - a. Special circumstances or conditions, further described in the Board's findings, are peculiar to the land or building for which the variance or adjustment is sought and do not apply generally to land or buildings in the same zoning district and have not resulted from any act of the applicant subsequent to June, 1498.
  - b. For reasons fully set forth in the Board's finding, the circumstances or conditions are such that the strict application of the provisions of this Chapter would deprive the applicant of the reasonable use of the land or building, the granting of the adjustment is necessary for the reasonable use of the land or building, and the variance or adjustment, as granted, is the minimum adjustment that will accomplish this purpose; and
  - c. The granting of the adjustment is in harmony with the general purpose and intent of this Chapter and any general plan of development adopted by the City prior to the date the variance or adjustment is granted, and the granting of the adjustment will not be injurious to the neighborhood, the purpose of the Zoning District or otherwise detrimental to the public welfare.
9. The Board shall prescribe in connection with any Special Use Permit or

variance such conditions as the Board may deem necessary in order to fully carry out the provisions and intent of this Chapter.

10. To grant exceptions and variances upon request where, after a showing that an illegal construction or a non-conforming building or use existed for a period of at least five (5) years, in violation of this Ordinance or previous zoning ordinances of the City and the City, with knowledge of the existence of the condition, has not employed any of the enforcement mechanisms prescribed by this Ordinance, with respect to the condition.
- F. Appeals to the Board of Adjustment. Appeals to the Board shall be made in the manner set forth in Section 14-10-7 of this Chapter.
- G. Appeals of Board of Adjustment Decision.
1. A person aggrieved by a decision of the Board or an officer or department of the City of Globe affected by a decision of the Board may at any time within thirty (30) days after the Board has rendered its decision, file a complaint for special action in Superior Court to review the Board or City Council decision. The court review shall be in conformance with the rules of special action adopted by the Arizona Supreme Court.

#### **Section 14-2-4 Zoning Administrator**

- A. Establishment and Purpose.<sup>4</sup> The staff position of Zoning Administrator is hereby created for the general and specific administration of this Chapter. The Zoning Administrator shall possess all powers of a Zoning Administrator under this Chapter and Arizona Law and shall perform such duties as are set forth. During any period that the position of Zoning Administrator is vacant, the City Building Official shall perform the duties of, and possess the powers of, the Zoning Administrator.
- B. Duties of the Zoning Administrator. The Zoning Administrator shall have the following duties:
1. To establish rules, procedures and forms to provide for processing of applications or requests for action under the provisions of this Chapter.
  2. Accomplish all administrative actions required by this chapter, including the giving of notice, scheduling of hearings, preparation or reports, receiving and processing appeals, the acceptance and accounting of fees, and the rejection or approval of site plans as provided in Section 14-10-5 hereof.
  3. To provide advice and recommendations to the City Planning Commission, the Board of Adjustment and the City Council with respect to applications and requests for approvals and permits required by this

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<sup>4</sup> **Editor's Notes:** State law reference – Planning Department A.R.S. 9-461.03

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4. To direct such inspections, observations and analysis of any and all erection, construction, reconstruction, alteration, repair or use of buildings, structures or land within the City as is necessary to fulfill the purposes and procedures set forth in this Chapter. No building shall be occupied until such time as the zoning administrator has issued a certificate of occupancy certifying compliance with this Chapter.
  5. To take such action as is necessary for the enforcement of this Chapter with respect to any violations hereof.
  6. Interpret the Zoning Code to the public, City departments, and other branches of government.
  7. Undertake preliminary discussions with, and provide non-legal advice to, applicants requesting zoning adjustment action.
  8. Grant Special Use Permits required by the City Code upon a finding that the use covered by the permit, the manner of conducting the same, and any use or building which is involved will not be detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general.
  9. Prescribe in connection with any Special or Conditional Use Permit or any approved variance such conditions as deemed necessary in order to fully carry out the provisions and intent of this code.
  10. Determine the location of any district boundary shown on the Zoning Map adopted when such location is in dispute.
- C. To allow an opportunity for staff input and proper evaluation, all requests for action by the Planning Commission or Board of Adjustment shall be filed with the Zoning Administrator in a form required by the Zoning Administrator and in a manner provided in this Chapter or in rules or regulations approved pursuant to this code.
- D. The Zoning Administrator shall not make any changes in the uses permitted in any zoning classification or zoning district or make any changes in the terms of the Zoning Code, provided that the restriction in this paragraph shall not affect the authority to grant variances properly approved by the Board of Adjustment in accordance herewith.
- E. Any person aggrieved by a decision of the Zoning Administrator may appeal said decision to the Board of Adjustment within a period of twenty (20) days from the date said decision is made in the manner specified in Section 14-10-7 of this Ordinance.
1. Notice shall be deemed received when actually mailed to the aggrieved

person at the address provided or when notice of the action is placed upon the property.

**Section 14-2-5 Appeals Procedure for Required Dedication or Exaction**

- A. Should an administrative agency or official of the City require a property owner to complete a dedication or exaction as a condition of approving an application for use, improvement, or development of the owner's real property, said owner may appeal such decision in accordance with Article 14-12.
- B. The provisions of this Section shall not apply to a dedication or exaction required in a legislative act of the City Council which does not give discretion to an administrative agency or official to determine the nature or extent of the dedication or exaction.

**Section 14-2-6 Non Waiver and Disclaimer of Liability**

No person or entity shall be relieved from responsibility for violations of this Chapter or for damages resulting from such violations by the failure of any person charged with the administration or enforcement of this Chapter to observe or recognize said violations. This Chapter is not intended to confer, and shall not be construed to confer, any claim or action for civil damages against any person charged with its administration or enforcement for any failure to observe or recognize violations of, or to enforce the provisions of, this Chapter.

## **Article 14-3 DEFINITIONS**

For the purpose of this Chapter, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural shall include the singular; the word "building" shall include the word "structure," the word "lot" shall include the word "plot"; the word "may" is permissive, and the word "shall" is mandatory; further, the word "or" shall mean "either" and the word "and" shall mean "in conjunction with". Zone shall mean district. The following additional words and phrases shall, for the purpose of this Chapter, have the following meanings:

- A. Access or Access Way: Shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this code.
- B. Accessory Building: Shall mean a subordinate building or portion of the main building on the same lot or building site, the use of which is incidental to that of the main building and which is used exclusively by the occupants of the main buildings or their non-paying guests or employees.
- C. Accessory Structures for Manufactured Homes and Park Model Recreational Home: Storage buildings, decks, awnings, patios and similar structures. Patio enclosures which may include window screens, knee walls, and other partial enclosures as specified in the Building Code which are intended for sheltered recreation area, and not intended to be used as sleeping rooms or liveable area.
- D. Accessory Use: Shall mean a use customarily incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or building or adversely affect other properties in the district.
- E. Addition: Shall mean an extension or increase in floor area or height of a building or structure.
- F. Adjoining Lot or Land: Shall mean a lot or parcel of land which shares all or part of a common lot line with another lot or parcel of land
- G. Alley: Shall mean a way dedicated to the public which affords a secondary means of access to contiguous property.
- H. Alteration: Shall mean a change in construction or a change in occupancy. Where the term of alteration is applied to a change of construction, it is intended to apply to any change, addition, or modification in construction. When the term is used in connection with a change of occupancy, it is intended to apply to changes of occupancy from one trade or use to another.
- I. Amendment: Shall mean a change in the wording, context, or substance of this Chapter, an addition or deletion, or a change in the district boundaries or classifications upon the district map, which imposes any regulation not heretofore

imposed or removed or modifies any such regulation theretofore imposed.

- J. Analogous Use: Shall mean any use which is comparable to the permitted uses, is similar in one or more important ways to the permitted uses or resembles the permitted uses in one or more aspects. Analogous uses shall not be anymore deleterious, obnoxious or harmful than the uses permitted.
- K. Buildable Area: Shall mean the net portion of the lot remaining after deducting all required yards from the gross area of a lot or building site.
- L. Building: Shall mean any structure for the shelter, housing or enclosure of persons, animals, chattels, or property of any kind. Each portion of a building separated by dividing wall or walls without openings may be deemed a separate building for the purpose of issuing building permits. This does not include dog houses, play houses, etc.
- M. Building Height of: Shall mean the vertical distance from the grade to the highest point of the coping of a flat roof, or to the highest point of a mansard roof, or to the highest gable of a pitch or hip roof.
- N. Building Permit: Shall mean written permission issued by the Building Office for the construction, repair, alteration, or addition to a building or structure.
- O. Building Site: Shall mean the ground area of a building or buildings together with all open spaces adjacent thereto as required by this code.
- P. Carport: Shall mean an accessory building, attached or detached, or portion of a main building with two (2) or more open sides designated or used for the parking of motor vehicles. Enclosed storage facilities may be provided as part of a carport.
- Q. City: Shall mean the City of Globe, Arizona.
- R. Collector Streets: Shall mean a street that collects traffic from several smaller streets within a residential neighborhood. It should serve as a major access from a neighborhood to an arterial street or highway.
- S. Communication Tower: A free-standing or building mounted structure, including appurtenances and antennae, intended for airway communication purposes, such as a television antenna, cellular phone tower, HAM radio tower and satellite dish.
- T. Conditional Use: Shall mean a use permitted in any particular zoning district only upon a showing that such use in a specified location will comply with all the conditions and standards for the location or operation of such use as specified in this Chapter.
- U. Conventional Construction: Shall mean a structure or dwelling constructed on the site by craftsmen utilizing materials delivered to the site. Said structure shall



consist of footings and foundations poured in place and solidly attached to the walls. Roofing materials, interior and exterior finishes shall be applied on the site. All construction shall be in conformance with all city codes in force at the time of construction.

- V. District: Shall mean any zone as shown on the zoning map of the City of Globe for which there are uniform regulations governing the use of buildings and premises or the height and area of buildings.
- W. Dwelling, Duplex: Shall mean a building containing only two (2) dwelling units.
- X. Dwelling, Multiple: Shall mean a building or portion thereof containing three (3) or more dwelling units.
- Y. Dwelling, One-Family: Shall mean a building containing only a single dwelling unit.
- Z. Dwelling Unit: Shall mean an enclosed space providing complete independent living facilities for a family including, permanent provisions for living, sleeping, eating, cooking, and sanitation.
- AA. Family: Shall mean any number of individuals related by blood or marriage or not more than five (5) unrelated persons customarily living together as a single housekeeping unit, and using common cooking, facilities, as distinguished from a group occupying a hotel or club. A family shall be deemed to include domestic servants.
- BB. Fence: A freestanding structure of metal, masonry, composition or wood or any combination thereof resting on or partially buried in the ground and rising above ground level, and used for confinement, screening or partition purposes.
- CC. Frontage: Shall mean that portion of a parcel of property which abuts a public street.
- DD. Garage, Private: Shall mean an accessory building or portion of the main building designed or used for the shelter or storage of self-propelled vehicles owned or operated by the occupants of the main building.
- EE. Grade: Shall mean elevations for purposes of height limitations shall be measured from natural grade. Natural grade shall be the natural and original ground level. It shall be determined from an original topography or, in case grading or filling has been performed, from the level of adjoining streets, or sidewalks. Wherever a building or wall is constructed adjoining a street, the grade shall be measured from the back of the sidewalk or, in case there is no sidewalk, then either from the center of the paving or the street.
- FF. Home Occupation: Shall mean a business activity carried on by the occupant of a dwelling as a secondary use, including professional and semi-professional offices, when conducted and entered from within the dwelling. In connection with

said business activity there can be no sale of stock-in-trade upon the premises. No more than one non-resident of the premises can be employed and no more than one-fourth (1/4) of the floor area of one story of the main building or a detached home workshop of not more than four hundred (400) square feet in area can be used for such home occupation; and provided that the residential character of the dwelling is not changed by said business use and that such occupation does not cause any sustained, unpleasant or unusual noises or vibrations, or noxious fumes or odors, or cause any parking or traffic congestion in the immediate neighborhood. No signs may be erected or maintained outside said dwelling to advertise any business or occupation.

- GG. Inspector: Shall mean Building Inspector or any of his/her Deputy Inspectors.
- HH. Lot: Shall mean a legally created parcel of land occupied or intended for occupancy by one (1) main building together with its accessory buildings, and uses customarily incident to it, including the open spaces required by this code and having its principal frontage upon a street as defined in this Chapter.
- II. Lot Area: Shall mean the total horizontal area included within the lot lines not including any area in a public way.
- JJ. Lot, corner: Shall mean a lot adjoining two (2) or more streets at their intersection.
- KK. Lot Coverage: Shall mean that part or percentage of a lot occupied by principal and/or accessory buildings.
- LL. Lot, depth of: Shall mean the mean horizontal distance between the front and rear lot lines.
- MM. Lot, interior: Shall mean a lot other than a corner lot or key lot.
- NN. Lot Line, Front: Shall mean in the case of a lot abutting only one street, the line separating such lot from the street. In the case of a corner or through lot, the owner may elect any street lot line as the front lot line, provided such choice in the opinion of the Zoning Administrator will not be injurious to the existing or desirable future development of adjacent properties.
- OO. Lot line, Rear: Shall mean the lot line which is opposite and most distant from the front lot line. The rear lot line of an irregular, triangular lot shall, for the purpose of this Chapter, be a line entirely within the lot at least ten (10) feet long and parallel to and most distant from the front lot line.
- PP. Lot Width: Shall mean the mean horizontal width of the lot measured at right angles to the depth.
- QQ. Lot of Record: Shall mean a lot which is a part of a subdivision, the plat of which has been recorded in the office of the clerk of Gila County Recorder's Office; or parcel of land, the deed of which is recorded in the office of the County Recorder.

- RR. Manufactured Home: Shall mean a structure that has been certified as a manufactured home by the applicable State of Arizona or United States government agency in accordance with the national manufactured home construction and safety standards act of 1974 and Title VI of the housing and community development act of 1974.
- SS. Manufactured Homes - Multi-Sectional: Shall mean a multi-sectional manufactured home not exceeding two (2) stories in height and manufactured after June 15, 1976, to standards established by the U.S. Department of Housing Urban Development that when joined form a residence for human occupancy that contains nine hundred forty (940) square feet or more and which is designed to be installed on a permanent foundation system when located on an individual lot of record. A multi-sectional manufactured home shall have roofing and siding materials similar in appearance and kind to those used in site built (conventional) homes.
- TT. Manufactured Home Park: Shall mean a tract or parcel of land approved pursuant to this Chapter for placement of manufactured homes used for sleeping or household purposes.
- UU. Manufactured Home Space: Shall mean a plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home.
- VV. Manufactured Home Subdivision: Shall mean a residential subdivision as shown in the records of the Gila County Recorder's Office, designed and approved in accordance with planned area development and subdivision regulations of this code, in which individual ownership of a lot is permitted for the placement of a manufactured home for dwelling unit purposes.
- WW. Mobile Home: Shall mean a structure built prior to June 15, 1976, on a permanent chassis, capable of being transported in one or more sections and designed to be used with or without a permanent foundation as a dwelling when connected to on-site utilities except recreational vehicles and factory-built buildings.
- XX. Modular Home/Dwelling/ Structure: Shall mean a "factory built building" a single story commercial building of less than four thousand five hundred (4,500) square foot floor space: a residential building not exceeding two (2) stories in height, 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 mobile home or a manufactured home as defined in this section.
- YY. Net Lot Area: Is the area of a lot or parcel excluding all dedicated streets, alleys, roadway or alley easements.
- ZZ. Non-conforming Building: Shall mean a building or portion thereof which was lawful when established but which does not conform to a subsequently established district or district regulations.

- AAA. Non-conforming Lot: Shall mean a parcel of land having less area, frontage or dimensions than required in the district in which it is located.
- BBB. Non-conforming Use: Shall mean any building or land lawfully occupied by a use at the time of passage of the original zoning ordinance, June, 1998, or amendment thereto which does not conform after the passage of said ordinance or amendment thereto with the use regulations of the district in which located.
- CCC. Open Space: Shall mean space which can be enjoyed by people. This could include landscaped plazas, grass, desert washes, areas with natural open features, trees, shrubs, fountains, sitting areas, shade structures for pedestrians, etc., and is meant to provide an open garden atmosphere. Open space does not include parking areas, vacant or undeveloped lots or any other space which does not contribute to the quality of the environment.
- DDD. Park Model Recreational Home (PM-RH): A park model recreational home unit is defined as a park trailer home 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 three hundred twenty (320) square feet and not more than four hundred (400) square feet when it is set up. Park model homes shall be manufactured to the standards for park trailers A119.5 of the American Standards Institute Code. A park model recreational home park or subdivision shall not include a recreational vehicle as defined herein.
- EEE. Park Model Recreational Home Lot: A parcel of land within an approved park model recreational home subdivision, which is shown in the records of the Gila County Recorder's office, and which was designed and intended for the accommodation of one (1) park model recreational vehicle.
- FFF. Park Model Recreational Home Park: An approved residential development as shown in the records of the City of Globe, in which individual spaces are provided for parking one (1) park model recreational home per space for temporary portable housing purposes, whether or not a charge is made for such accommodation.
- GGG. Park Model Recreational Home Space: A site within an approved park model recreational home park, which is shown in the records of the City of Globe, and which is designed and intended for the accommodation of one (1) park model recreational home.
- HHH. Park Model Recreational Home Subdivision: A residential subdivision as shown in the records of the Gila County Recorder's office, designed and approved in accordance with the City of Globe's subdivision regulations, in which individual ownership of a lot is permitted for the placement of a Park model recreational home for temporary portable housing purposes.
- III. Permitted Use: Shall mean a use specifically permitted or a use analogous to

those specifically permitted.

JJJ. Principle Use: Shall mean the Main use to which the premises are devoted and the primary purpose for which the premises exists.

KKK. Prohibited Use: Shall mean a use not specifically permitted or a use analogous to those not specifically permitted.

LLL. Recreational Vehicle: Shall mean a vehicular type unit which is one of the following:

- (1) A portable camping trailer mounted on wheels and constructed with collapsible partial sidewalls which fold for towing by another vehicle and unfold for camping.
- (2) A 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) A 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 permit when towed by a motorized vehicle and has a trailer area of less than three hundred twenty (320) square feet and shall include fifth wheel trailers. If a unit requires a size or weight permit, it shall be manufactured to the standards for park trailers set forth in (A) 114.5 of the American National Standards Institute code.
- (4) A portable 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.

MMM. Sign: Shall mean:

- (1) Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization.
- (2) The term "sign" shall mean and include any display of any letter, numeral, figure, emblem, picture, outline, character, spectacle, delineation, announcement or anything in part or in combination by any means whereby the same are made visible to the eye and for the purpose of attracting attention outdoors to make anything known. Whether such display be made on, attached to, or as a part of a structure erected for the purpose, or as a part of any other structure, surface or thing, including but

not limited to, the ground or any rock, tree or other natural object, which display is visible beyond the boundaries of the lot or parcel of property on or over which the same is made.

- NNN. Structural Alterations: Shall mean any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof.
- OOO. Structure: Shall mean any artificial piece of work constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground.
- PPP. Use: The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.
- QQQ. Use Permit: Shall be a permit issued by the Zoning Administrator or the Board of Adjustment for the development or use of any property which is subject to a Use Permit. Such permit shall set forth by incorporation or reference all stipulations and limitations for the use of said property, as well as the time period for which such permit shall be issued. (Note: This is not a conditional use permit.)
- RRR. Yard: Shall mean an open area at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
- SSS. Yard, front: Shall mean an open unoccupied space on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot . The front yard of a corner lot may be either street frontage. Double frontage lots within districts that require front yards shall maintain the required front yard on both streets.
- TTT. Yard, rear: Shall mean an open space on the same lot with a main building between the rear line of the building and the rear line of the lot extending the full width of the lot. The rear yard shall always be opposite the front yard.
- UUU. Yard, side: Shall mean an open unoccupied space on the same lot with a main building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side lot line. An interior side yard is defined as the side yard adjacent to a common lot line.

## **Article 14-4 DISTRICTS AND BOUNDARIES**

Section 14-4-1 Establishment of Zoning Districts

Section 14-4-2 District Boundaries: Zoning Map and Zoning Overlay Map

Section 14-4-3 Zoning In Newly Annexed Areas

### **Section 14-4-1 Establishment of Zoning Districts**

In order to classify, regulate, restrict and separate the uses of land, buildings and structures and to regulate and to limit the type, height and bulk of buildings and structures and to regulate the areas of yards and open areas around and between the buildings and structures and to regulate the density of growing units, and to otherwise carry out the purpose of this Chapter, the City is hereby divided into the following districts:

#### **A. Open Space District:**

OSOpen Space District

#### **B. Residential Districts:**

R1-43	Rural Zoning District - One (1) Acre Per Dwelling Unit
R1-9	Single-Family Residential District
R1-6	Single-Family Residential District
R1-MH	Manufactured Home and Modular Home Overlay District
MHS	Manufactured Home and Modular Home Subdivision District
MHP	Manufactured Home Park District
RV	Recreational Vehicle District
R-2	Multi-Family District
TR	Transitional Residential District

#### **C. Commercial Districts:**

N-S	Neighborhood Office/Service Zoning District
C-2	Intermediate Commercial District
C-3	Central Commercial District
M-1	Light Industrial District
M-2	General Industrial District

#### **D. Overlay Zoning Districts**

BIZ	Bonus Intensity Zone
PAD	Planned Area Development
DMP	Development Master Plan
DRO	Design Review Overlay

#### **Section 14-4-2 District Boundaries: Zoning Map and Zoning Overlay Map**

- A. The locations and boundaries of zoning districts are established on the City of Globe Zoning Map and the City of Globe Zoning Overlay Map, which maps accompany and are hereby declared a part of this Code as if set forth in full.
- B. The Zoning District Boundary lines are intended to follow street, alley, lot, or property lines, except where such district boundary lines are fixed by dimensions shown on the Zoning Map, in which case such dimensions shall govern; in no case, however, is the Zoning Map intended to be used as a precise, legal narrative of any zoning district boundary.
- C. Where a zoning district boundary is not clearly discernible on the Zoning Map, its boundaries shall be determined by the Zoning Administrator.
- D. Conditions imposed by special ordinance in conjunction with amendments to the Zoning Maps are thereon referenced to separate files maintained in the office of the Zoning Administrator and are hereby made a part of the Zoning Map.

#### **Section 14-4-3 Zoning In Newly Annexed Areas**

Unincorporated areas annexed by the City shall retain Gila County Zoning designations and remain subject to the rules and regulations governing such designation until such time as City zoning is adopted for the newly annexed area by the City Council in accordance with the provisions of the code. City zoning shall be adopted as soon as practicable within six (6) months from the effective date of the annexation.



## **Article 14-5 ZONING DISTRICTS**

- Section 14-5-1 (OS) Open Space District
- Section 14-5-2 (R1-43) Rural Zoning District - One (1) Acre Per Dwelling Unit
- Section 14-5-3 (R1-9) Single-Family Residential District
- Section 14-5-4 (R1-6) Single-Family Residential District
- Section 14-5-5 (R1-MH) Manufactured Home and Modular Home Overlay District
- Section 14-5-6 (MHS) Manufactured Home and Modular Home Subdivision District
- Section 14-5-7 (MHP) Manufactured Home Park District
- Section 14-5-8 (RV) Recreational Vehicle District
- Section 14-5-9 (PM-RH) Park Model Recreational Home District
- Section 14-5-10 (R-2) Multi-Family District
- Section 14-5-11 (TR) Transitional Residential District
- Section 14-5-12 (N-S) Neighborhood Office/Service Zoning District
- Section 14-5-13 (C-2) Intermediate Commercial District
- Section 14-5-14 (C-3) Central Commercial District
- Section 14-5-15 (M-1) Light Industrial District
- Section 14-5-16 (M-2) General Industrial District
- Section 14-5-17 Overlay Zoning Districts - BIZ, PAD, and DMP
- Section 14-5-18 Regional Design Review Program Overlay Zoning District ( DRO )
- Section 14-5-19 Medical Marijuana Dispensaries; Conditional Use Permit Required

### **Section 14-5-1 (OS) Open Space District**

#### **A. Purpose and Intent.**

The Open Space District (OS) is intended to provide areas of open space to serve as a buffer between incompatible land uses and to create a sense of identity by promoting the "green belt" concept. OS Districts are also to be utilized to prohibit development in those areas where flood control, topography, soil bearing capacity, or any other physical conditions make such development detrimental to the health, safety or welfare of the residents of the City.

#### **B. Use Regulations.**

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in OS Districts except for the following:
  - a. Publicly owned parks and recreation areas and centers.
  - b. Governmental office buildings, grounds or other compatible uses.
  - c. Museums, observatories, and similar quasi - public facilities.
2. Prohibited uses in (OS) District.

All uses not specifically permitted shall be prohibited.
3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in OS Zoning Districts provided that first a

conditional use permit has been obtained for such use pursuant to this code, and such permit continues in full force and effect:

- a. Golf courses, including club houses, provided that the following conditions are satisfied:
  - i. All direct vehicular access shall be from an abutting arterial or collector street;
  - ii. All principal and accessory buildings, including pools and tennis courts, shall be located not less than fifty (50) feet from any property line;
  - iii. All commercial uses appurtenant thereto, such as restaurants, pro shops, and cocktail lounges shall have entrances only from within the building, arcade or interior patio; and
  - iv. There shall be no exterior signage or advertising displays.
- b. Recreational uses.
- c. Commercial radio and television antennas, provided that any such facility shall be located not closer to any property line than a distance equal to the height of the antenna.

C. Property Development Standards.

Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the OS District shall be conventional construction and meet the following property development standards:

1. Lot Area. No minimum lot area.
2. Lot Dimensions. Lots within the OS District shall have no minimum dimensional requirements.
3. Density and Intensity. The character of openness and spaciousness shall be maintained.
4. Maximum Height. No building or structure in the District shall exceed thirty (30) feet in height.
5. Setback Requirements. Buildings and structures erected in the OS District shall be setback a minimum distance from the property boundary lines in order to provide for front, rear, and side yards. These minimum distances shall be as follows:
  - a. Front yard: Fifty (50) feet

- b. Side yard: Fifty (50) feet
  - c. Rear yard: Fifty (50) feet
6. Design and Development Standards.
- a. The open space character of the district shall be maintained.
  - b. No buildings shall be constructed or maintained within any OS district subject to flood inundation such that said construction or maintenance would, in any way, impede or retard the natural flow of flood or nuisance water as determined by the Building Inspector or Zoning Administrator.

**Section 14-5-2 (R1-43) Rural Zoning District - One (1) Acre Per Dwelling Unit**

A. Purpose and Intent.

This Zoning District is intended to provide one-acre lots on which animals may be maintained and accessory uses. The general land use classification for this District is Low Density Residential.

B. Use Regulations.

- 1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a R1-43 District except for the following:
  - a. One (1) single family dwelling unit of conventional construction or a manufactured or modular home constructed and/or installed pursuant to Section 14-5-5.
  - b. Schools, colleges, and churches or similar places of worship including parish houses, parsonages, rectories, convents, and dormitories accessory thereto. Athletic activities in conjunction with a church or similar place of worship and on the same lot or contiguous lots may be permitted subject to a Use Permit.
  - c. Public utility buildings and facilities when necessary for serving the surrounding territory; provided that no public business offices and not repair or storage facilities are maintained therein.
  - d. Publicly owned and operated parks, playgrounds, and community buildings and other recreational uses.
  - e. Accessory uses and buildings customarily incidental to any use allowed in this Section provided that if any accessory building contains sleeping quarters or otherwise constitutes a guesthouse; it shall maintain the side yard otherwise required and shall not be

closer than forty (40) feet to the rear lot line.

- f. Grazing and harvesting of field, tree, or bush crops including flowers.
- g. Sales stands for the sale of farm or ranch products produced on the premises or times similar to those products or related to the sale of these products subject to the securing of a Use Permit.
- h. Keeping of livestock or fowl is authorized subject to the following restrictions:
  - i. There shall be no more than two (2) horses and/or three (3) other head of livestock maintained on the property for the first one (1) acre of land and not more than two (2) additional head for each additional one-half ( $\frac{1}{2}$ ) acre of land owned and operated by the person keeping and maintaining said livestock.
  - ii. No fowl, rodents, or livestock shall be cooped, stabled, or confined in any building within one hundred (100) feet from any residence, dining, or sleeping quarters which may be situated on adjacent land, and all such animals shall be kept in suitable enclosures and shall not be permitted to run at large.
    - a) All such enclosures shall be maintained in a sanitary condition.
    - b) The Sanitation Department may impose other rules and regulations approved by Council resolution which shall have the force and effect of law to insure proper sanitary conditions are maintained and to enforce the provisions of the Code. Any violations of any such rule or regulation, after receipt of notice of same, shall be considered a violation of this code and punishable as such.
  - iii. All animals allowed to be maintained within the zoning district shall be kept and maintained in such a manner as to not disturb the peace, comfort, and health of any other person residing in the City. It shall be considered a violation of this section if offensive or fowl odors or noise are emitted beyond the property boundaries of the premises on which the animals are maintained.

2. Prohibited uses in R1-43 District

- a. All commercial and business uses, except those specifically

permitted as a home occupation.

- b. All manufacturing, warehousing, and wholesaling.
  - c. Multiple residence.
  - d. Recreational vehicle parks and manufactured home parks.
  - e. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds or having dual rear wheels exceeding seventeen inches (17") in diameter.
  - f. Uses similar to those listed above in this Section as determined by the Zoning Administrator.
3. Uses Subject to Conditional Use Permits. The following uses shall be permitted on property in R1-43 Districts provided that first a conditional use permit has been obtained for such use pursuant to the Chapter, and such permit continues in full force and effect:
- a. Public and private riding stables and boarding stables providing that the site contains at least five (5) acres and that the building housing animals is set back from all lines a distance of not less than one hundred (100') feet.
  - b. Corrals for the keeping of horses and other livestock owned by the resident in accordance with all provisions of the city code regarding set backs.
  - c. Temporary outdoor events such as rodeos, circuses, dances and auctions and other associated activities.
  - d. Bed and breakfast uses and day care facilities.
  - e. Group homes for the handicapped.

C. Property Development Standards.

Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the R1-43 District shall meet the following property development standards:

1. Lot area. Lots within the (R1-43) Zoning District shall have a minimum area of forty three thousand (43,000) square feet.
2. Lot Width: Each lot shall have a minimum width of one hundred forty-five (145) feet.
3. Lot Coverage: The maximum lot coverage shall be fifteen (15%) percent

of the lot area.

4. Maximum Height. The height of buildings shall not exceed thirty (30) feet nor two (2) stories.
5. Yard Regulations.
  - a. Front Yard: There shall be a front yard having a depth of not less than forty (40) feet.
  - b. Side Yard: There shall be a side yard on each side of a building having a width of not less than thirty (30) feet.
  - c. Rear Yard: There shall be a rear yard having a depth of not less than forty (40) feet.
6. Design and Development.
  - a. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required side or rear yard. Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard except as otherwise provided herein. The height of the wall or fence is measured from inside the enclosure.
  - b. In the front yard, walls and fences a maximum of six (6) feet in height are allowed providing:
    - i. The wall or fence shall be set back three (3) feet from the front property line.

### **Section 14-5-3 (R1-9) Single-Family Residential District**

#### **A. Purpose and Intent.**

The Single-Family Residential District (R1-9) is intended to preserve and promote the development of medium density single-family residential neighborhoods. The dominant land use of this district shall be single-family dwellings of conventional construction with other allowed uses dispersed throughout and in proportion to the size of the neighborhood so as to adequately serve the neighborhood.

#### **B. Use Regulations.**

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a R1-9 District except for the following:
  - a. One single family dwelling of conventional construction.

- b. Accessory buildings; swimming pools, etc.
  - c. Home Occupations.
2. Prohibited uses in R1-9 District
- a. All commercial and business uses, except those specifically permitted as a home occupation.
  - b. All manufacturing, warehousing, and wholesaling.
  - c. Multiple residence.
  - d. Manufactured homes, and Modular homes unless same are located within a designated R1-MH Overlay Zone.
  - e. Recreational vehicle parks and manufactured home parks.
  - f. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds or having dual rear wheels exceeding seventeen inches (17") in diameter.
  - g. Uses similar to those listed above in this Section as determined by the Zoning Administrator.
3. Uses Subject to Conditional Use Permits. The following uses shall be permitted on property in R1-9 Districts provided that first a conditional use permit has been obtained for such use pursuant to this Chapter, and such permit continues in full force and effect:
- a. Churches and church facilities; provided that all direct vehicular access is from an abutting arterial or collector street; temporary revival tents or buildings shall not be allowed.
  - b. Public buildings providing cultural, recreational, educational, administrative, fire and police protection services to district residents; provided that all direct vehicular access shall be restricted to arterial streets.
  - c. Elementary and secondary schools (public and parochial); provided that the site shall contain a net land area totaling at least five hundred (500) square feet per pupil of anticipated ultimate enrollment and that secondary school sites shall have direct vehicular access to an arterial or collector street.
  - d. Recreational uses provided the noise generated will be compatible with the neighborhood and access is from abutting arterial or collector street.

- e. Public utility buildings and facilities (but not public utility business offices nor repair and/or storage facilities) when necessary for serving the surrounding territory, subject to securing a use permit therefor, and provided, further, that no use permit shall be required for the construction of power or pipe lines necessary to serve the surrounding territory.
- f. Cemetery; provided access is from an abutting arterial or collector street and provided there is a minimum of five (5) acres of contiguous site.
- g. Bed & Breakfast subject to parking signage and related restrictions to maintain residential character.

C. Property Development Standards.

Unless otherwise permitted herein, all buildings, structures, premises and property in the R1-9 District shall meet the following property development standards:

1. Lot Area. Lots within the (R1-9) Zoning Districts shall have a minimum area of nine thousand (9,000) square feet.
2. Lot Dimensions. Lots within the (R1-9) Zoning Districts shall have the following minimum dimensions:
  - a. Minimum width: Seventy-five (75) feet
  - b. Minimum depth: Seventy-five (75) feet
3. Density and Intensity. There shall be not more than one (1) single-family dwelling of conventional construction on any one (1) lot.
4. Maximum Height. Thirty (30) feet beginning with the main floor level.
5. Setback Requirements. Buildings and structures erected in the R1-9 Zoning Districts shall be setback a minimum distance from the property boundary lines in order to provide for front, rear, and side yards. These minimum distances shall be as follows:
  - a. Front yard: Minimum twenty (20) feet
  - b. Side yard: Minimum ten (10) feet each side
  - c. Rear yard: Minimum twenty (20) feet with reasonable access
6. Design and Development.
  - a. Walls, fences and hedges not to exceed eight (8) feet in height



shall be permitted on the property line or within the required side or rear yard. Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard except as otherwise provided in this ordinance. The height of the wall or fence is measured from inside the enclosure.

- b. In the front yard, walls and fences a maximum of six (6) feet in height are allowed providing:
  - i. The wall or fence shall be set back three (3) feet from the front property line.

## **Section 14-5-4 (R1-6) Single-Family Residential District**

### A. Purpose and Intent.

This Single-Family Residential (R1-6) District is intended to promote and preserve the development of urban single-family residential neighborhoods. The dominant land use of the R1-6 District shall be single-family dwellings of conventional construction, with incidental or accessory uses as required to provide a balanced neighborhood. The district standards promote the maximum usability of the lot and the maximum flexibility for site and building design.

### B. Use Regulations.

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a R1-6 Zoning District except for the following:
  - a. One single-family dwelling of conventional construction.
  - b. Accessory buildings, swimming pools, home occupations.
2. Prohibited uses in R1-6 District
  - a. All commercial and business uses, except those specifically permitted as a home occupation.
  - b. All manufacturing, warehousing, and wholesaling.
  - c. Multiple residence.
  - d. Manufactured homes, and Modular homes unless same are located within a designated R1-MH Overlay zone.
  - e. Recreational vehicle parks and manufactured home parks.
  - f. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds or having dual rear wheels exceeding seventeen inches (17") in diameter.
  - g. Uses similar to those listed above in this Subsection as determined by the Zoning Administrator.
3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in R1-6 Zoning Districts provided that first a conditional use permit has been obtained for such use pursuant to this Chapter, and such permit continues in full force and effect:
  - a. Churches and church facilities; provided that all direct vehicular

access is from an abutting arterial or collector street; temporary revival tents or buildings shall not be allowed.

- b. Public buildings providing cultural, recreational, educational, administrative, fire and police protection services to district residents; provided that all direct vehicular access shall be restricted to arterial streets.
- c. Elementary and secondary schools (public and parochial); provided that the site shall contain a net land area totaling at least five hundred (500) square feet per pupil of anticipated ultimate enrollment and that secondary school sites shall have direct vehicular access to an arterial or collector street.
- d. Recreational uses provided the noise generated will be compatible with the neighborhood and access is from abutting arterial or collector street.
- e. Public utility buildings and facilities (but not public utility business offices nor repair and/or storage facilities) when necessary for serving the surrounding territory, subject to securing a use permit therefore, and provided, further, that no use permit shall be required for the construction of power or pipe lines necessary to serve the surrounding territory.
- f. Cemetery; provided access is from an abutting arterial or collector street and provided there is a minimum of five (5) acres of contiguous site.
- g. Bed & Breakfast subject to meeting requirement for parking facilities and restrictions for signage and other protective measures required to protect the residential character of the area.

C. Property Development Standards.

Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the R1-6 Zoning District shall meet the following property development standards:

- 1. Lot Area. Except as provided in paragraph seven (7) of this subsection, lots within the R1-6 Zoning Districts shall have a minimum area of six thousand (6,000) square feet.
- 2. Lot Dimensions. Lots within the R1-6 Zoning Districts shall have the following minimum dimensions:
  - a. Minimum width: Sixty (60) Feet
  - b. Minimum depth: Seventy (70) Feet

3. Density and Intensity. There shall be not more than one (1) single-family dwelling of conventional construction on any one (1) lot.
4. Maximum Height. Thirty (30) feet beginning with the main floor level.
5. Setback Requirements. Buildings and structures erected in the R1-6 Zoning Districts shall be setback a minimum distance from the property boundary lines in order to provide for front, rear, and side yards. These minimum distances shall be as follows:
  - a. Front yard: Minimum twenty (20) feet.
  - b. Side yard: Minimum five (5) feet each side except corner lots shall have ten (10) feet on exterior side.
  - c. Rear yard: Minimum twenty (20) feet with reasonable access.
  - d. Side yards may be reduced to two (2) feet on one side, provided ten (10) feet is maintained between buildings on adjoining lots and a group of lots are developed at one time.
6. Design and Development.
  - a. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required side or rear yard. Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard except as otherwise provided in this ordinance. The height of the wall or fence is measured from inside the enclosure.
  - b. In the front yard, walls and fences which are a maximum of six (6) feet in height are allowed providing:
    - i. The wall or fence shall be set back three (3) feet from the front property line.
7. The foregoing provisions of this section notwithstanding, the Mayor and Council have declared it to be beneficial to the City to authorize reasonable use of smaller lots established, created or developed prior to November 1, 1997. Therefore, it shall be a permitted use within this district to construct one (1) single family dwelling of conventional construction on lots established prior to November 1, 1997 when said lots have a square footage of three thousand (3,000) square feet to six thousand (6,000) square feet. Provided, however, that the dwelling constructed upon the premises shall have a minimum of nine hundred forty (940) square feet of livable space, excluding carports and porches. All other provisions of this section, including the set back requirements must be met. Prior to a building permit being issued a site plan approval, pursuant to Section 14-10-5 of this Chapter, shall be obtained and the

Zoning Administrator may impose reasonable conditions on the construction of the dwelling.

### **Section 14-5-5 (R1-MH) Manufactured Home And Modular Home Overlay District**

#### **A. Purpose and Intent.**

Except for the manufactured and modular home parks, duly established, there was no zoning district in which manufactured and modular homes may be located as a permitted use at the time of adoption of the original zoning ordinance (June, 1998). Such homes exist as “non-conforming” structures/uses within some Single-Family Residential Districts. This R1-MH Overlay District has been established because there is a need for alternative housing to replace some residences within some Residential Districts. Further, there may be other structures within the R1-MH District which may not be replaced or lots which may not be utilized unless alternative housing is made available. Therefore, the R1-MH District has been established so multi-sectional manufactured or modular housing may be installed in a manner which would give said home the appearance of a conventional site-built home. To avoid defeating the purpose of this Section, conditional use permits for installation of manufactured or modular homes which cannot meet all the multi-sectional and square footage requirements should be granted sparingly and only where equity requires. This R1-MH District classification shall not alter or modify land uses permitted under existing zoning classifications but, shall overlay existing zones within which other residential sites are found to exist.

#### **B. Use Regulations.**

##### **1. Permitted Uses.**

- a. Any use permitted in the R1-9 and R1-6 District.
- b. Multi-Sectional Manufactured or Modular home installed pursuant to the provisions of this Section as a single family home.

##### **2. Prohibited uses in R1-MH District**

- a. Same as primary district (existing classifications) which this R1-MH District overlays, except for permitted uses set forth above.

##### **3. Uses Subject to Conditional Use Permit.**

- a. Same as underlying district which this R1-MH District overlays.

#### **C. Property Development Standards.**

Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the R1-MH Overlay Zoning District shall meet the following property development standards:

1. Lot Area. Lots within the R1-MH Zoning District shall have a minimum area of three thousand (3,000) square feet.
2. Lot Dimensions. Lots within the R1-MH Zoning District shall have the following minimum dimensions:
  - a. Minimum width: Thirty (30) Feet
  - b. Minimum depth: Seventy (70) Feet
3. Density and Intensity. There shall be not more than one (1) single-family dwelling on any one (1) lot.
4. Maximum Height. Twenty-six (26) feet beginning with the main floor level.
5. Setback Requirements. Buildings and structures erected in the R1-MH Zoning Districts shall be setback a minimum distance from the property boundary lines in order to provide for front, rear, and side yards. These minimum distances shall be as follows:
  - a. Front yard: Minimum twenty (20) feet.
  - b. Side yard: Minimum five (5) feet each side except corner lots shall have ten (10) feet on exterior side.
  - c. Rear yard: Minimum twenty (20) feet with reasonable access.
  - d. Side yards may be reduced to two (2) feet on one side, provided ten (10) feet is maintained between buildings on adjoining lots and a group of lots are developed at one time.
6. Design and Development.
  - a. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required side or rear yard. Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard except as otherwise provided in this code. The height of the wall or fence is measured from inside the enclosure.
  - b. In the front yard, walls and fences which are a maximum of six (6) feet in height are allowed providing:
    1. The wall or fence shall be set back three (3) feet from the front property line.

D. Additional Requirements for Manufactured Home Installation/Construction.

1. A building permit shall be required prior to commencement of construction

or installation of any structure including a manufactured home or modular home (MH) in this district.

2. No building permit may be issued for any manufactured home unless the home was manufactured in compliance with applicable Arizona and Federal laws within six (6) years of the date of application for the building permit to install same.
3. No structure or home authorized in this Section may be occupied or inhabited until such time as the building official has issued a "certificate of occupancy" certifying that the construction and/or installation has fully complied with all applicable codes and all provisions of this Section.
4. No MH shall be erected or maintained within the City pursuant to this section which has a livable space of less than nine hundred forty (940) square feet or width of less than twenty (20) feet, excluding carports and porch areas.
5. No more than one (1) single-family dwelling shall be placed on a lot or parcel. Each lot or parcel shall meet all minimum square footage and dimension requirements of the District/area in which the MH is located.
6. Except as preempted in A.R.S. § 41-2155, the MH shall be placed or constructed upon a lot or parcel within the City in compliance with all applicable building or installation codes and shall be permanently affixed and placed upon a permanent foundation by a certified/licensed installer.
7. The MH shall be installed in compliance with all regulations of the Office of Manufactured Housing and Department of Building and Fire Safety of the State of Arizona, if applicable, as well as strictly comply with all provisions of this section.
8. The MH shall be permanently oriented on a lot or parcel so that the longest side of the home faces the front lot line so that all setback requirements have been met. The narrow side may face the front lot line if there is a front door on that side.
9. All re-roofing, residing, or other structural additions or changes to the home shall conform to the building codes of the City. The roof shall have a pitch of not less than twelve (12) inches for each four (4) feet of width.
10. Unless the topography of a particular lot precludes it, the MH shall be installed no higher from grade than 18" (from ground to frame) on the highest side; and not more than 12" on the low side. The building official is authorized to approve minor deviation from the height requirement after inspection of the property to determine such deviation is necessary because of lot conformity.
11. The MH shall be placed on excavated foundation with permanent

foundation wall, or if permanent foundation wall is not installed, all sides of home shall extend to meet the ground, or a facade shall be used on all sides so that the home appears to have a foundation wall similar in appearance and kind to conventional site built homes. One of the following skirting options must be utilized on the MH:

- a. Non-bearing Concrete or CMU block perimeter stem wall. This wall must be reinforced and have vents per building code requirements.
  - b. Ground set or pit set. This eliminates the need for siding and skirting, but may be difficult to do because of Flood Control District requirements on the finish floor elevation.
  - c. Stemwall foundation (bearing). This must be according to the manufacturer's installation requirements and meet minimum building code standards.
12. A multi-sectional Manufactured Home shall have a minimum of four (4) tie downs/anchors. All Manufactured Homes allowed to be installed pursuant to a conditional use permit shall have one on each end.
13. The home owner must file and record an affidavit of afixture with the Gila County Assessor and Recorder offices within ninety (90) days of completion of installation and file a copy with the Zoning Administrator.

**Section 14-5-6 (MHS) Manufactured Home and Modular Home Subdivision District**

A. Purpose and Intent.

The MHS district provides for the placement and occupancy of manufactured or modular homes for residential purposes on individually owned lots. The district standards promote developments of a single-family residential character oriented toward permanent occupancy.

B. Use Regulations.

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a MHS Zoning District except for the following:
  - a. Manufactured or modular homes for single-family residence.
  - b. Any use permitted in R1-6 or R1-9 District.
  - c. Private accessory buildings and uses - including home occupations,



storage areas, swimming pools, and other similar accessory uses on individual lots.

2. Prohibited uses in MHS District

- a. All commercial and business uses, except those specifically permitted as a home occupation.
- b. All manufacturing, warehousing, and wholesaling.
- c. Multiple residence.
- d. Recreational vehicle parks and manufactured home parks.
- e. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds or having dual rear wheels exceeding seventeen inches (17") in diameter.
- f. Uses similar to those listed above in this Section as determined by the Zoning Administrator.

3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in MHS Zoning Districts provided that first a conditional use permit has been obtained for such use pursuant to this Chapter, and such permit continues in full force and effect:

- a. Communal recreation building, laundry facilities, swimming pool, playground and other common area uses for the exclusive benefit of district residents.
- b. Golf courses (except miniature courses or practice driving tees operated for commercial purposes), including club house and service facilities which are intended to primarily serve golf course uses and are no closer than three hundred (300) feet to any exterior boundary of the golf course except that such facilities shall have direct access from a collector or arterial street or a highway from which there shall be a distance of at least fifty (50) feet.
- c. City parks, playgrounds, and community owned buildings.
- d. Temporary buildings used for the sale of lots.
- e. All other conditional uses allowed in R1-6 District.

C. Property Development Standards.

Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the MHS Zoning District shall meet the following property development

standards:

1. Development Area. Minimum area for a manufactured or modular home subdivision shall be ten (10) acres.
2. Lot Dimensions. Lots within the MHS District shall have the following minimum dimensions:
  - a. Minimum width: Fifty (50) feet
  - b. Minimum depth: Seventy Five (75) feet
3. Density and Intensity. There shall be not more than one (1) manufactured or modular home on any one lot.
4. Maximum Height. Two (2) stories or twenty-four (24) feet.
5. Setback and Landscaping Requirements.
  - a. Minimum distance from any portion of the manufactured or modular home and its accessory structures to the following lines shall be as specified:
    - i. Front yard: Ten (10) feet.
    - ii. Side yard: Fifteen (15) feet with the following exception: ten (10) feet to any canopy that is open on at least three (3) sides.
    - iii. Rear yard: Ten (10) feet
    - iv. Exterior boundary of subdivision: Twenty (20) feet.
    - v. A landscaped yard, a minimum of twenty (20) feet in depth shall be maintained adjacent to all street frontages. This yard may be penetrated by access drives.
    - vi. A minimum setback of two (2) feet per one (1) foot of building height shall be maintained from any adjacent manufactured home or modular home lot or any property zoned OS, R-2, R1-9, R1-6, or from any alley that abuts either property so zoned or another home lot.
    - vii. A minimum setback of one (1) foot per one (1) foot of building height shall be maintained from any property line that abuts property zoned MHP, RV, C-1, C-2, C-3, M-1, M-2, or from any alley that abuts property so zoned.

6. Design and Development.

The following development standards shall apply:

- a. The minimum distance between main buildings and or manufactured or modular homes on adjacent lots is twenty (20) feet.
- b. The minimum distance between an accessory building and the main building or manufactured or modular home is ten (10) feet but should also meet the setback requirements.
- c. All utility lines shall be placed underground within the subdivision. Each manufactured or modular home lot shall be provided with all utilities.
- d. Trees shall be planted as follows: a minimum average of one (1) tree per lot with a minimum trunk caliper of three-quarter (3/4) inch. A minimum fifty percent (50%) of the aforementioned tree requirement shall be planted in front yards and/or in landscaped areas adjacent to a dedicated public street.

7. Parking and Loading Requirements.

- a. Subdivisions shall have vehicular access from a major street or highway.
- b. All lots within any MHS subdivision shall have frontage on a dedicated public street with a minimum curb-to-curb width of thirty (30) feet.
- c. A minimum of two (2) parking spaces shall be provided on each home lot.

**Section 14-5-7 (MHP) Manufactured Home Park District**

A. Purpose and Intent.

The Manufactured Home Park District (MHP) provides for the placement and occupancy of manufactured homes for residential purposes on rented or leased lots. It is further the intent of this district to stabilize and protect the residential character of the area and to promote a better living environment through high quality property development standards.

B. Use Regulations.

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a Manufactured Home Park (MHP) Zoning District except for the following:

- a. Manufactured homes (MH).
  - b. Private accessory buildings and uses - including home occupations, storage areas, and other similar accessory uses on individual lots.
  - c. Any use allowed in MHS district.
2. Prohibited uses in MHP District
- a. All commercial and business uses, except those specifically permitted as a home occupation.
  - b. All manufacturing, warehousing, and wholesaling.
  - c. Multiple residence.
  - d. Recreational vehicle parks and manufactured home parks.
  - e. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds or having dual rear wheels exceeding seventeen inches (17") in diameter.
  - f. Uses similar to those listed above in this Section as determined by the Zoning Administrator.
3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in MHP Zoning District provided that first a conditional use permit has been obtained for such use pursuant to this Chapter, and such permit continues in full force and effect:
- a. Communal recreation building, laundry facilities, swimming pool, playground and other common area uses for the exclusive benefit of park residents.
  - b. Golf courses (except miniature courses or practice driving tees operated for commercial purposes), including club house and service facilities which are intended to primarily serve golf course uses and are no closer than three hundred (300) feet to any exterior boundary of the golf course except that such facilities shall have direct access from a collector or arterial street or a highway from which there shall be a distance of at least fifty (50) feet.
  - c. City parks, playgrounds, and community owned buildings.
  - d. Temporary buildings used for the sale of lots.
  - e. Office and gate house, dwelling for owner or manager.

D. Property Development Standards.

Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the MHP District shall meet the following property development standards:

1. Lot Area. Minimum area for a Park in a MHP District shall be a minimum of eight (8) acres.
2. Lot Dimensions. Lots within the MHP shall have the following minimum dimensions:
  - a. Minimum width: Forty (40) feet.
  - b. Minimum depth: Seventy-five (75) feet
3. Density and Intensity. There shall not be more than one (1) MH per lot.
4. Maximum Height. Two (2) stories or twenty-four(24) feet.
5. Setback Requirements.
  - a. Minimum distance from any portion of the MH and its accessory structures to the following lines shall be as specified:
    - i. Front yard: Ten (10) feet.
    - ii. Side yard: Fifteen (15) feet with the following exception: Ten (10) feet to any canopy that is open on at least three (3) sides.
    - iii. Rear yard: Ten (10) feet.
    - iv. Exterior boundary of park: Twenty (20) feet.
    - v. A landscaped yard, a minimum of ten (10) feet in depth shall be maintained adjacent to all street frontages. This yard may be penetrated by access drives.
    - vi. A minimum setback of two (2) feet per one (1) foot of building height shall be maintained from any adjacent MH home lot or any property zoned OS, R-2, R1-9, R1-6, MHS, or from any alley that abuts either property so zoned or a MH lot.
    - vii. A minimum setback of one (1) foot per one (1) foot of building height shall be maintained from any property line that abuts property zone RV, C-1, C-2, C-3, M-1, M-2, or

from any alley that abuts property so zoned.

6. Design and Development.

- a. The minimum distance between main building or MH on adjacent lots is twenty (20) feet.
- b. The minimum distance between an accessory building and the main building or MH is ten (10) feet but, meet the setback requirements.
- c. All utility lines shall be placed underground within the MH park. Each MH lot shall be provided with all utilities.
- d. Exterior boundaries of the park abutting a public street shall be provided with an opaque wall or fence having a height of six (6) feet and designed to create an attractive border. In addition, a setback of at least ten (10) feet in depth shall be maintained as landscaped open space between any perimeter street and the required wall.
- e. Exterior boundaries of the park which do not abut a public street shall be bounded by a six (6) foot high masonry wall.
- f. Trees shall be planted as follows: A minimum average of one (1) tree per lot with a minimum trunk caliper of three-quarter (3/4) inch. A minimum fifty percent (50%) of the aforementioned tree requirement shall be planted in front yards and/or in landscaped areas adjacent to a dedicated public street.

7. Parking and Loading Requirements.

- a. MH parks shall have vehicular access from a major street or highway.
- b. Minimum width of roads within the park shall be thirty (30) feet as measured from back of curb to back of curb.
- c. A minimum of two (2) parking spaces provided for each MH lot; and one (1) additional space for each five (5) MH shall be provided as guest parking.

**Section 14-5-8 (RV) Recreational Vehicle District**

A. Purpose and Intent.

The Recreational Vehicle (RV) District provides for the development of RV parks at standards consistent with the health, safety and welfare of the community. The district is intended to be highway oriented and commercial in nature and provides short term accommodations and accessory facilities for a transient

clientele.

B. Use Regulations.

1. Permitted Uses. Recreational Vehicle Park: No building, structure or premise shall be erected, enlarged, structurally altered or used in a RV Zoning District except for the following:
  - a. For the temporary parking of RVs, to include campers, camping trailers, and similar living units with the capability of immediate movement. Said units need not contain restroom facilities.
  - b. The term "temporary" as used in this chapter shall mean a period of less than six (6) months. No stay within a RV park may be extended beyond six (6) months unless a conditional use permit is granted by the Zoning Administrator based on a bona fide hardship which prevents the removal of the travel trailer and /or recreational vehicle.
  - c. Any conditional use permit issued pursuant to subparagraph (b) of this section shall be issued only upon verified application requesting extension of six (6) months limitation and shall require movement of the subject RV within a specified period which is not greater than three (3) months.
  - d. No more than one (1) extension may be granted pursuant to subsection (b) of this section.
2. Prohibited uses in RV District
  - a. No commercial or business activity may be conducted from any individual RV unit within the park.
  - b. All manufacturing, warehousing, and wholesaling.
  - c. Multiple family residence.
  - d. Manufactured homes, and Modular homes.
  - e. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds or having dual rear wheels exceeding seventeen inches (17") in diameter.
  - f. Uses similar to those listed above in this Section as determined by the Zoning Administrator.
3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in RV Zoning Districts provided that first a

conditional use permit has been obtained for such use pursuant to the Chapter, and such permit continues in full force and effect:

- a. Office and gate house.
- b. Dwellings for owner and manager.
- c. Laundry facilities and outdoor drying yards.
- d. Restroom facilities including showers.
- e. Communal facilities including club house, non-alcoholic beverage service, and outdoor recreation spaces for the exclusive benefit of park residents.

C. Property Development Standards.

Site plan approval must be obtained pursuant to Section 14-10-5 of this code. Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the RV Zoning District shall meet the following property development standards.

1. Lot Area. Minimum usable area for an RV park district shall be three (3) acres.
2. Density and Intensity. There shall be not more than one (1) RV per lot.
3. Maximum Height. Two (2) stories or twenty-four (24) feet.
4. Setback Requirements.
  - a. Permitted Uses: Minimum distance from any portion of the RV to the following lines shall be as specified:
    - i. Front: Ten (10) feet.
    - ii. Side: Six (6) feet.
    - iii. Rear: Six (6) feet.
    - iv. A minimum setback of two (2) feet per one (1) foot of building height shall be maintained from any adjacent RV lot or any property zoned OS, R-2, R1-9, R1-6, MHS, MHP.
    - v. A minimum setback or one (1) foot per one (1) foot of building height shall be maintained from any property line that abuts property zone C-2, C-3, M-1, M-2, or from any alley that abuts property so zoned.



5. Design and Development.

- a. The minimum distance between main buildings or RVs, on adjacent lots is twelve (12) feet.
- b. The minimum ratio of community use areas shall be two hundred (200) square feet of such area for each RV space. Such land may include all land devoted to recreation and service facilities and landscaping not included within lots.
- c. All utility lines shall be placed underground within the RV park. Each RV lot shall be provided with electrical service and water supply.
- d. There shall be provided adequate sanitation and toilet facilities which shall be not less than one (1) toilet for every ten (10) RVs or fraction thereof, and such other sanitary facilities and water supplies as shall be required by the appropriate state and/or county health officer.
- e. Exterior boundaries of the park shall be provided with an opaque wall or fence having a height of six (6) feet and designed to create an attractive border. In addition, a setback of at least ten (10) feet in depth shall be maintained as landscaped open space between any perimeter street and the required wall.
- f. Refuse collection areas and sewage waste disposal stations shall be provided and screened from public view.

6. Parking and Loading Requirements.

- a. Minimum width of roads within the park shall be thirty (30) feet.
- b. All roads shall be paved with asphalt to standards established by the City engineer during the site plan approval process.
- c. Wheels or similar devices shall not be removed from RVs. RVs shall not be attached to or placed on the ground in a manner that would prevent or obstruct the ready movement of said RV.

**Section 14-5-9 (PM-RH) Park Model Recreational Home District**

A. Purpose and Intent.

The purpose of this section is to provide for Park Model Recreational Home parks and subdivisions which are suitably developed for the placement and occupancy of park model recreational homes for residential purposes on rented, leased, or owned spaces with the necessary accessory uses and amenities.

These regulations are intended to enable the development of unique, well-planned projects for seasonal or permanent occupancy. It is also the intent of this Section to provide adequate regulations to preserve the residential character of the development and to prohibit inappropriate and incompatible land uses.

B. Use Regulations.

1. Permitted Uses.

- a. One (1) park model recreational home on each approved lot or space. No manufactured homes or dwelling units of conventional construction shall be permitted on a lot or space for living purposes, except as specified below.
- b. Park Model recreational home accessory structures as defined in the definition section of this chapter, with the following additional requirements applying to patio enclosures:
  - i. At least sixty-five percent (65%) of the surface area of the longest wall and one additional wall shall be open below a height of six feet eight inches (6'8") from finish floor grade;
  - ii. Openings may be covered with screen mesh, plastic panels, or mineral glass not more than one-eighth inch (1/8") thick;
  - iii. Open walls may contain solid knee walls not more than thirty-two inches (32") above a finished floor;
  - iv. An open area located within an open wall shall be a minimum of forty-eight inches (48") in height;
  - v. Glass located within twelve inches (12") of a doorway or eighteen inches (18") of a floor must be tempered glass;
  - vi. Solid walls may consist of conventional wood framing or modular (prefabricated) construction;
  - vii. Parking spaces shall not be enclosed;
  - viii. The home shall have a maximum size of four hundred (400) square feet;
  - ix. Partitions may be used to accommodate laundry, bath, and toilet facilities;
  - x. Conventional electrical outlets and air conditioning equipment may be installed;

- xi. Removal of siding, doors, windows, or other modification of the existing park model recreational home area enclosed by the patio enclosure is prohibited.
- c. Storage buildings, attached or detached, subject to:
  - i. A maximum area of one hundred twenty (120) square feet;
  - ii. A maximum height of ten feet (10');
  - iii. Location within the buildable area unless placed in the rear quarter of the space or lot and separated from the park model recreational home by at least six feet (6').
- d. Manager's office and residence, which may be of conventional construction.
- e. Recreation and social centers, which may be used for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing, and similar entertainment uses which are intended primarily as a resident amenity. Such facility may be of conventional construction.
- f. Outdoor recreational 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 or subdivision.
- g. Common-use laundry facilities, maintenance buildings, and security guard houses which may be of conventional construction.
- h. Designated areas for boat and recreational vehicle storage, which are used solely by the residents of the park or subdivision.
- i. Recreation center parking lots and guest parking areas.

2. Prohibited uses in PM-RH District

- a. All commercial and business uses.
- b. All manufacturing, warehousing, and wholesaling.
- c. Recreational vehicle parks and manufactured home parks.
- d. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds or having dual rear wheels exceeding seventeen inches (17") in diameter.
- e. Uses similar to those listed above in this Section as determined by

the Zoning Administrator.

C. Property Development Standards.

Site plan approval is required, all buildings, structures, premises and property in the (PM-RH) Park Model Recreational Home District parks and subdivisions shall meet the following property development standards:

1. Lot Area Park and Subdivision. Minimum usable area for a PM-RH district lot shall be ten (10) acres.
2. Lot Dimensions. Lots within the PM-RH park and subdivision shall have the following minimum dimensions:
  - a. Minimum width: Parks - twenty eight feet (28')  
Subdivisions - thirty five feet (35')
  - b. Minimum depth: Parks - forty feet (40')  
Subdivisions - fifty feet (50')
  - c. Minimum lot size: Parks - twelve hundred sq. feet (1,200)  
Subdivisions - seventeen hundred fifty sq. ft.  
(1,750) with an average lot size of 2,000 sq. ft.
3. Density and Intensity. Twenty two (22) spaces per net acre for parks, and fifteen (15) lots per net acre for subdivisions. Net acre means after deduction of existing and/or proposed rights-of-way.
4. Maximum Height. Two (2) stories or twenty-four (24) feet.
5. Setback Requirements.
  - a. Required yard setbacks are measured from any portion of the unit or accessory structures except for rear yard storage buildings as specified in permitted uses section:
    - i. Front: Parks five (5) feet.  
Front: Subdivisions seven (7) feet
    - ii. Side: Parks three feet six inches (3'6") minimum total.  
Side: Subdivisions five feet ten inches (5'10") minimum total.
    - iii. Rear: Parks three (3) feet.  
Rear: Subdivision five (5) feet.
    - iv. Exterior boundary of park and subdivision: Ten (10) feet.  
Setbacks are measured from required screen walls.

- v. Minimum Recreation area: Public or private streets, vehicle storage areas and exterior boundary landscaping areas shall not be included in this area.

Parks: seventy five (75) sq. feet per lot.

Subdivisions: one hundred fifty (150) sq. feet per lot.

- vi. Minimum paved parking: Minimum space size 9' x 18' may be tandem but not in required front yard setback.

Parks and Subdivisions: one (1) per lot.

- vii. Minimum Visitor parking:

Parks and Subdivisions one (1) per 10 lots.

## 6. Design and Development.

- a. The minimum distance between main buildings or park models, on adjacent lots is twelve (12) feet.
- b. A minimum of five percent (5%) of the required recreational area shall be enclosed within a recreational hall or building. Public or private streets, vehicle storage areas, and exterior boundary landscaping areas shall not be included when calculation required recreational area.
- c. All utility lines shall be placed underground within the PM-RH park.
- d. Perimeter landscaping shall be provided in accordance with the applicable sections of the city code and the site plan approval.
- e. A six foot (6') high masonry screen wall shall be required along all park and/or subdivision boundaries that border on parcels of a differing zoning classification.
- f. Access to lots or spaces shall be from the interior of the park or subdivision.
- g. Private streets shall be paved to a minimum width of twenty-eight feet (28') including required sidewalks when flush with the surface of the paving.
- h. Concrete sidewalks at least two feet (2') in width shall be provided on each side of interior private streets.
- i. Required parking spaces shall be paved with either two inches (2") of asphalt or four inches (4") of concrete.

6. Parking and Loading Requirements.

- a. Minimum width of roads within the park shall be thirty (30) feet.
- b. All roads shall be paved.

7. General Provisions:

a. Locations outside of parks and subdivisions:

- i. Permitted uses for park model recreational homes outside of a park or subdivision are limited to the following:
  - (a) As a sales office for park model recreational home sales.
  - (b) As a construction field office for use by contractors while a permanent building is under construction.
  - (c) As a temporary place of business for the owner or lessee during the course of construction of a new building on the site.
- ii. Prior to the use of a park model recreational home for any of the uses enumerated in this chapter, a Special Use Permit for the unit shall be obtained from the City of Globe Zoning Administrator. The use permit shall be non-transferable from one owner or lessee to another and shall expire six (6) months from date of issue, unless earlier revoked. A Use Permit fee shall be collected when the Use Permit is issued.

b. Temporary Parking

- i. Emergency parking of a park model recreational home for a period of not longer than one (1) hour is permitted on any public thoroughfare subject to the provisions of the parking and traffic regulations of the City. The temporary parking of a park model recreational home on a public street in a residential area for the purposes of loading, unloading, or cleaning for a period of time not to exceed forty-eight (48) hours shall also be permitted subject to the parking and traffic regulations of the City and provided the vehicle is not parked so as to create a traffic hazard or obstruct traffic visibility.
- ii. Park model recreational homes shall not be parked, stored, or occupied on any property which is not a park of an approved recreational home park, subdivision, sales, or storage lot.

## Section 14-5-10 (R-2) Multi-Family District

### A. Purpose and Intent.

The (R-2) Multi-Family District is intended to allow medium density multi-family residential development of conventional construction. The District is further intended to provide for development of planned complexes of buildings with development standards which are compatible with abutting single-family residential districts.

### B. Use Regulations.

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a (R-2) Multi-Family Zoning District except for the following:
  - a. Single-family residential of conventional construction.
  - b. Two-family residential of conventional construction.
  - c. Multi-family residential of conventional construction.
  - d. Accessory buildings, swimming pools, home occupations.
  - e. Park, playground and community owned building.
  - f. Churches and church facilities; provided that all direct vehicular access is from an abutting arterial or collector street; not allowing temporary revival tents or buildings.
  - g. Elementary and secondary schools (public and parochial); provided that the site shall contain a net land area totaling at least five hundred (500) square feet per pupil of anticipated ultimate enrollment and that secondary school sites shall have direct vehicular access to an arterial or collector street.
  - h. Public utility buildings and facilities (but not public utility business offices nor repair and/or storage facilities) when necessary for serving the surrounding territory, subject to securing a use permit therefor, and prided, further, that no use permit shall be required for the construction of power or pipe lines necessary to serve the surrounding territory.
  - i. Public buildings providing cultural, recreational, educational, administrative, fire and police protection services to district residents; provided that all direct vehicular access shall be restricted to arterial streets.

- j. Rooming house, provided that the site contains a net land area of at least one thousand (1,000) square feet per individual to be housed.

2. Prohibited uses in R-2 District

- a. All commercial and business uses, except those specifically permitted as a home occupation.
- b. All manufacturing, warehousing, and wholesaling.
- c. Manufactured homes, and Modular homes.
- d. Recreational vehicle parks and manufactured home parks.
- e. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds or having dual rear wheels exceeding seventeen inches (17") in diameter.
- f. Uses similar to those listed above in this Section as determined by the Zoning Administrator.

C. Property Development Standards.

Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the (R-2) Multi-Family Zoning District shall be of conventional construction and shall meet the following property development standards:

- 1. Lot Area. The minimum lot area shall be determined by the aggregate area of buildings, required yards, off-street parking and loading space, and any other specific area requirements applicable to the permitted use.
- 2. Density and Intensity. In the R-2 District the following minimum lot space for each dwelling unit shall be maintained:
  - a. Single-family dwelling: 5,000 net square feet of lot space per unit.
  - b. Two-family dwelling unit: 7,000 net square feet of lot space per unit.
  - c. Multi-family dwelling: 5,000 minimum square feet plus for structures such as Apartment Buildings the following minimum square feet per unit.
    - 1. Efficiency unit: 850 net square feet per unit
    - 2. 1-bedroom unit: 1,100 net square feet per unit
    - 3. 2-bedroom unit: 1,750 net square feet per unit
    - 4. 3-bedroom unit: 2,100 net square feet per unit



5. 4-bedroom unit: 2,400 net square feet per unit
3. Maximum Height. Thirty-six (36) feet from main floor level, except the Commission on written application may, permit heights in excess of this for buildings not adjoining a single-family residential district. A site plan providing such information as the Commission may desire shall be submitted with the application.
4. Setback Requirements.
  - a. Front: Twenty (20) feet.
  - b. Side: There shall be a side yard on each side of a building having an aggregate width of not less than fourteen (14) feet, provided, however, the minimum side yard shall not be less than five (5) feet in width.
  - c. Rear: Twenty (20) feet with reasonable access.
5. Design and Development.
  - a. Walls and fences not to exceed six (6) feet in height shall be permitted on the property line or within the required side or rear yard. Walls and fences shall not exceed three (3) feet in height on the front property line or within the required front yard.
6. Parking and Loading Requirements.
  - a. If a garage or carport is enclosed to become part of the living area, two (2) parking spaces shall be provided on the site.
  - b. There shall be a minimum of two (2) parking spaces for each dwelling unit and each parking space shall be fully contained within the lot boundaries.
  - c. All parking spaces shall be paved.

#### **Section 14-5-11 (TR) Transitional Residential District**

##### **A. Purpose and Intent.**

This Transitional Residential (TR) District is intended to serve as a buffer between residential districts and commercial or industrial districts. The district permits a mixture of uses intended to provide a low scale residential character to protect and enhance adjacent residential districts.

B. Use Regulations.

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a TR Zoning District except for the following:
  - a. Single-family, two-family, multi-family residential dwellings.
  - b. Office building uses related to any of the following occupations: government, executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate, research, education, design; provided that there shall be no display of any actual product for sale except in compliance with the following regulations:
    - i. No display shall be placed in an exterior window.
    - ii. The total area devoted to display, including the objects displayed and the floor area set aside for viewing displayed objects, shall not exceed fifteen (15) percent of the usable floor area of the establishment.
2. Prohibited uses in TR District
  - a. Manufactured homes, and Modular homes.
  - b. Recreational vehicle parks and manufactured home parks.
  - c. Commercial uses not specifically authorized.
  - d. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds or having dual rear wheels exceeding seventeen inches (17") in diameter.
  - e. Uses similar to those listed above in this Section as determined by the Zoning Administrator.
3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in the TR Zoning District provided that first a conditional use permit has been obtained for such use pursuant to this Chapter, and such permit continues in full force and effect:
  - a. Hospitals, sanitarium, nursing or convalescent home, orphanage, home for the aged, indigent, or physically handicapped, subject to federal and state regulations, providing one parking space for each two beds.
  - b. Child care center, subject to the following:

- i. Proof that the center meets all state and local life safety codes.
- c. Churches and church facility complexes.
- d. Medical and dental offices and clinics.
- e. Establishments whose principal function is basic research, design and pilot or experimental product development, when conducted within a completely enclosed building.
- f. Headquarters buildings or charitable, philanthropic and welfare organizations; provided that their primary activities are administrative and clerical rather than residential in nature.

C. Property Development Standards.

Site plan approval shall be required in this district. Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the TR Zoning District shall meet the following property development standards:

1. Lot Area. The minimum lot area shall be determined by the aggregate of buildings, required yards, off-street parking and loading space and any other specified lot area requirements applicable to the particular use.
2. Lot Dimensions. Lots within the TR district shall have the following minimum dimensions:
  - a. Minimum width: Sixty (60) feet.
  - b. Minimum depth: Seventy (70) feet.
3. Density and Intensity. The following minimum net lot areas shall be required for each dwelling unit.
  - a. Single-family dwelling: 5,000 net square feet per dwelling unit.
  - b. Two-family dwelling: 4,000 net square feet per dwelling unit.
  - c. Multi-family dwelling: 6,000 minimum square feet plus the following minimum net square feet per unit.
    - Efficiency unit - 850 net square feet per dwelling unit
    - 1-bedroom unit - 1,100 net square feet per dwelling unit
    - 2-bedroom unit - 1,750 net square feet per dwelling unit
    - 3-bedroom unit - 2,100 net square feet per dwelling unit

4-bedroom unit - 2,400 net square feet per dwelling unit

4. Maximum Height. Thirty-six (36) feet from main floor level, except the Commission on written application may, permit heights in excess of this for buildings not adjoining a single-family residential district. A site plan providing such information as the Commission may desire shall be submitted with the application.
5. Setback Requirements.
  - a. Front: Twenty (20) feet.
  - b. Side: There shall be a side yard on each side of a building having an aggregate width of not less than fourteen (14) feet, provided, however, the minimum side yard shall not be less than five (5) feet in width.
  - c. Rear: Twenty (20) feet with reasonable access.
6. Design and Development.
  - a. Walls and fences not to exceed six (6) feet in height shall be permitted on the property line or within the required side or rear yard. Walls and fences shall not exceed three (3) feet in height on the front property line or within the required front yard.
  - b. Parking requirements as the zoning administrator shall direct unless otherwise provided in this code.

#### **Section 14-5-12 (N-S) Neighborhood Office/Service Zoning District**

##### **A. Purpose and Intent.**

This Zoning District is intended to provide for well-designed and attractive small scale office and service facilities which will blend with neighboring residential uses. The General Plan land use classification for this District is Convenience Commercial.

##### **B. Use Regulations.**

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a N-S Zoning District except for the following:
  - a. Single-family, multi-family residential dwellings.
  - b. Office building uses and Home occupations.
  - c. Beauty shops, day care centers, and other analogous service

oriented uses.

- d. Clinics and health care facilities, Libraries and museums, Parks, Places of worship, Public Facilities, Residential Facilities, Schools public and private, Utility Office Facilities.

2. Prohibited uses in N-S District

- a. All commercial except those listed in subsection one of this section.
- b. Manufactured homes, and Modular homes.
- c. All manufacturing, warehousing, and wholesaling.
- d. Recreational vehicle parks and manufactured home parks.
- e. The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds or having dual rear wheels exceeding seventeen inches (17") in diameter.
- f. Uses similar to those listed above in this subsection as determined by the Zoning Administrator.

3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in the N-S Zoning District provided that first a conditional use permit has been obtained for such use pursuant to this Chapter, and such permit continues in full force and effect:

- a. Mobile office, temporary.
- b. Roadside stands for a period of not more than two (2) weeks in the aggregate in any six (6) month period.

C. Approval Process.

Site Plan approval shall be required in accordance with Section 14-10-5. Upon approval of the site plan by the zoning administrator and city engineer, the site plan shall be submitted to the Mayor and Council for review at a regularly scheduled meeting. Upon review, the Mayor and Council may approve or reject the site plan and/or order modifications of same to carry out the purpose and intent of this district.

D. Performance Standards.

Uses in this district shall be in full conformance with the standards of this and other applicable sections of this chapter:

- 1. Hours of operation shall not extend beyond 8 a.m. to 10 p.m., Monday

through Friday, with reduced hours on the weekend.

2. Longer hours of operation may be granted and extension of hours of operation may be allowed for special activities after approval of a Conditional Use Permit if there are findings which indicate the extension will better serve, and not negatively impact the adjacent neighborhood.
3. All activity shall be conducted within an enclosed building except as approved in subsection (B) (3) of this section.
4. Principal vehicle access to and from the site shall be via a primary driveway.
5. All mechanical noise shall be muffled so as not to become objectionable to areas zoned for residential use due to intermittence, beat frequency or shrillness. Noise may equal but not exceed average street traffic noise. Measurement of noise levels shall be made at the zoning district boundary and shall not exceed the sound level of the abutting use district or the street abutting such use, whichever is greater.
6. Building and landscape setbacks, height, building coverage, and the minimum and maximum lot area shall be as set forth in C-2 Zoning District.
7. The exterior design of any building shall be compatible with the design and character of residential buildings in an adjacent and/or surrounding residential district.
8. A phasing plan for the installation of utilities, stormwater retention, and landscaped setbacks is required at the time of site plan approval.

E. Development Policy.

The following are used as policy directions adopted by the City to evaluate protect quality within this district:

1. A direct pedestrian connection to the adjacent neighborhood is preferred.
2. The project should be designed in such a way that it is interesting for the pedestrian. This shall be obtained through the creation of plazas, fountains, and building details provided at eye level. The parking lot shall not be the dominant design feature of the site plan.
3. To assure compatibility between commercial and residential land uses transitional zoning techniques may be required by the Zoning Administrator.
4. Driveway locations and dimensions shall meet the standards established by the Zoning Administrator.

## **Section 14-5-13 (C-2) Intermediate Commercial District**

### **A. Purpose and Intent.**

The Intermediate Commercial (C-2) District is intended to permit most types of commercial activities oriented to a larger segment of population than the average neighborhood and includes the sale of commodities or performance of services. This district is designed for application on highways and major streets to serve that traffic, but should NOT be applied along the continuous length of a highway or major street. Development should be contiguous, grouped or clustered to prevent undesirable "strip" commercial development.

### **B. Use Regulations.**

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in an Intermediate Commercial Zoning (C-2) District except for the following:

- a. Retail sales of apparel and accessories; shoes; dry goods; foods; drugs; flowers; garden supplies; hardware; gifts and novelties; pet and hobby supplies; jewelry; music and records; household supplies; stationery; books; paint, wallpaper and glass; sporting goods; toys; variety store goods; and similar convenience goods.
- b. Office building uses related to any of the following occupations: government, executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate, research, design and sales.
- c. Health services such as hospitals, clinic, medical and dental offices, hospital for animals, nursing home, orphanage, home for the aged.

2. Prohibited uses in C-2 District.

All industrial uses.

3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in C-2 Zoning District provided that first a conditional use permit has been obtained for such use pursuant to the Chapter, and such permit continues in full force and effect:

- a. Establishments serving food or beverages, indoors, or out-of-doors, including entertainment and dancing.
- b. Repair, and construction service establishments having enclosed workshop combined with retail outlet or office, such as heating and plumbing equipment, electrical fixtures and service, air conditioning, custom upholstery and furniture repair, auto body, tire retreading,

tool sharpening, sign painting, auto, boat and truck parts, and similar activities no more objectionable in character.

- c. Commercial recreation enterprises such as golf driving ranges, miniature golf, bowling alleys.
- d. Indoor or outdoor sales or rental of new and used autos, trucks, boats, mobile homes, trailers, agricultural implements, lumber, lawn furniture, nursery stock and home gardening supplies and equipment; provided that no sales, rentals or displays are performed in the required front setback.
- e. Drive-in establishments, including eating and drinking places and car washes; provided that all structures are architecturally compatible with the area in which they are constructed.
- f. Hotels and motel, subject to the following:
  - i. All direct vehicular access shall be from an abutting arterial street or highway.
  - ii. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns, landscaping or recreational areas.
  - iii. Building height in excess of that permitted in the district may be allowed; provided that the minimum required side and rear setbacks shall be increased by one (1) foot for every one (1) foot by which the height exceeds the maximum building height otherwise permitted and provided that the Commission shall determine substantial additional areas are provided in open space and no detrimental effect is imposed on adjoining property.
- g. Gasoline service station, subject to the following:
  - i. Facilities for tire changing and repair, polishing, greasing, washing and minor repair and servicing of motor vehicles shall be entirely within an enclosed building.
  - ii. Minimum lot size is ten thousand (10,000) square feet and minimum frontage is one hundred (100) feet.
  - iii. All sources of artificial light shall be concealed from view, except for freestanding standards, which shall have translucent covers so as to diffuse the light and eliminate glare.
- h. Drive-in theater, provided that:



- i. The screen surface is not visible from the street.
- ii. All direct vehicle access is from an abutting arterial street or highway.

C. Property Development Standards.

Site plan approval shall be required in this district. Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the (C-2) Zoning District shall be of conventional construction and meet the following property development standards:

1. Lot Area. The minimum lot area required for development shall be determined by the aggregate of buildings, required yards, off-street parking and loading space and any other specified lot area requirements applicable to the particular use.
2. Lot Dimensions. No minimum requirements unless specified as applicable to the particular use.
3. Density and Intensity.
  - a. Hotels and motels shall have a minimum of three hundred fifty (350) net square feet of lot area for each guest room.
  - b. The total of all buildings shall not exceed an area greater than fifty percent (50%) of the total lot area.
4. Maximum Height. Thirty (30) feet.
5. Setback Requirements.
  - a. Front: Minimum twenty (20) feet from any street line, shall be in landscaped open space, except that it may be penetrated by drives.
  - b. Side: Ten (10) feet from each lot line.
  - c. Rear: Ten (10) feet from rear lot line.
6. Design Development / Use Standards.

Site plan approval shall be required in this district. Uses in this district shall be in full conformance with the standards of this and other applicable sections of this Chapter and site plan approval shall be required.

- a. Except as provided in subsection (C), all operations and storage shall be conducted within a completely enclosed building of conventional construction.

- b. Auto service uses shall be separated from any adjacent single-family district by a building, collector street, or two hundred (200) feet in distance. A Permit Is required.
- c. Limited exceptions to the requirement that operations must be conducted within completely enclosed buildings may be granted by the Zoning Administrator upon written application for a conditional use permit. Permits shall be granted for such businesses as nurseries, day care centers, landscaping materials storage and sales, or automobile and equipment rental or supply businesses. Such permits shall not be issued for activities such as flea markets or to circumvent the requirement. Provided however, that no such activities shall be authorized in the Central Business District on Broad Street. Any permit issued shall require as a condition, sufficient measures to protect all surrounding property from loss do to outdoor activities on the applicants property.
  - i. Any permit issued pursuant to this section shall require fencing when deemed appropriate by the zoning administrator.
- d. Principal vehicle access to and from the site shall be via a primary driveway.
- e. All mechanical noise shall be muffled so as not to become objectionable to areas zoned for residential use due to intermittence, beat frequency or shrillness. Noise may equal but not exceed average street traffic noise. Measurement of noise levels shall be made at the zoning district boundary and shall not exceed the sound level of the abutting use district or the street abutting such use, whichever is greater.

#### **Section 14-5-14 (C-3) Central Commercial District**

##### **A. Purpose and Intent.**

The Central Commercial (C-3) District is intended to provide for the full range of sales, services and office uses necessary to maintain a vital downtown area and permits those uses which are oriented toward serving the entire community. The district is intended to preserve, protect, and enhance the central business district of the City.

##### **B. Use Regulations.**

1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a (C-3) Zoning District except for the following:

- a. Office building uses related to any of the following occupations: government, executive, administrative, professional, accounting, banking, writing, clerical, stenographic, graphic art, real estate, research, design and sales.
  - b. Banks, stock brokerage firms, savings and loan associations, loan companies, credit unions, and other financial establishments.
  - c. Health services such as hospitals, clinics, medical and dental offices.
  - d. Retail, wholesale sales, and warehousing.
  - e. Establishments serving food or beverages.
2. Prohibited uses in C-3 District: All industrial uses and Commercial uses not specifically authorized in subsection (1).
3. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in C-3 Zoning District provided that first a conditional use permit has been obtained for such use pursuant to the Chapter, and such permit continues in full force and effect:
- a. Hotels and motels, subject to the following:
    - i. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns, landscaping or recreational areas.
    - ii. Building height in excess of that permitted in the district may be allowed; provided that one (1) percent of the site be in open space for each one (1) foot of height.
  - b. Multiple-family dwellings.
  - c. Commercial parking lots.
  - d. Other uses analogous to those set out in subsection (B) (1) of this section.
- C. Property Development Standards. Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the (C-3) Central Commercial Zoning District shall be of conventional construction and meet the following property development standards:
- 1. Lot Area. The minimum lot area required shall be determined by the aggregate of buildings, required yard, off-street parking and loading space and any other specified lot area requirements applicable to the particular

use.

2. Density and Intensity.

- a. Hotels shall provide a minimum three hundred fifty (350) net square feet of lot area per room unit.
- b. Motels shall provide a minimum three hundred fifty (350) net square feet of lot area per room unit.

3. Maximum Height. One hundred (100) feet, provided that for each one (1) foot above thirty (30) feet one percent (1%) of the site area be in open space.

4. Setback Requirements. No requirements.

5. Design Development / Use Standards.

Site plan approval shall be required in this district. Uses in this district shall be in full conformance with the standards of this and other applicable sections of the chapter.

- a. Except as provided in sub paragraph (C) of this subsection, all operations and storage shall be conducted within a completely enclosed building of conventional construction.
- b. Auto service uses shall be separated from any adjacent single-family district by a building, collector street, or two hundred (200) feet in distance. A Permit Is required.
- c. Principal activities shall be conducted within an enclosed building, but accessory uses may be allowed outdoors if they do not exceed fifteen (15%) percent of the gross floor area of the principal use and are oriented away from single-family districts. This area requirement shall not pertain to day care centers, outdoor restaurant seating and retail plant nurseries.
- d. Principal vehicle access to and from the site shall be via a primary driveway.
- e. All mechanical noise shall be muffled so as not to become objectionable to areas zoned for residential use due to intermittence, beat frequency or shrillness. Noise may equal but not exceed average street traffic noise. Measurement of noise levels shall be made at the zoning district boundary and shall not exceed the sound level of the abutting use district or the street abutting such use, whichever is greater.

## **Section 14-5-15 (M-1) Light Industrial District**

- A. Purpose and Intent. The Light Industrial (M-1) District is intended to accommodate industrial storage and other employment uses in a park-like setting. Regulations are designed to permit those industrial uses which can be operated in a relatively clean, quiet, and safe manner compatible with adjoining industrial uses and without serious effect, danger or hazard to adjacent or nearby land uses.
- B. Use Regulations.
1. Permitted Uses. No building, structure or premise shall be erected, enlarged, structurally altered or used in a M-1 Zoning District except for the following:
    - a. Manufacture, fabrication and processing of such durable goods as: stone, clay and glass products, furniture and fixtures; electrical machinery; scientific instruments and goods; provided that no stamping, punching or pressing machinery exceeding five (5) tons in weight shall be used.
    - b. Manufacturing, fabrication, and processing of such non-durable goods as: food products, except meat products; beverages; milk products, leather products; printing, publishing and allied industries; grain milling; sawmill or planing mill, gases other than nitrogen and oxygen.
    - c. Wholesaling, warehousing, distributing, repair, rental and servicing of any commodity the sale of which is permitted in any commercial district, excluding live animals, commercial explosive, and above ground storage of flammable liquids and gases.
    - d. Government buildings, services and facilities, unrestricted; public utility buildings and facilities, unrestricted.
    - e. Rail and motor freight terminals; railroad facilities excluding locomotive repair shops.
    - f. Printing and publishing establishments.
  2. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in M-1 Zoning Districts provided that first a conditional use permit has been obtained for such use pursuant to this Chapter, and such permit continues in full force and effect:
    - a. Retail sales, eating and drinking places, financial institutions, medical offices, private recreation facilities, and similar establishments and activities; provided that they are specifically intended to serve the convenience needs of the district.

- b. Gasoline service station, subject to the following:
  - i. Facilities for tire changing and repair, polishing, greasing, washing and minor repair and servicing of motor vehicles shall be entirely within an enclosed building. Access to the building shall be from the rear.
  - ii. All structures shall be of unique design that is appropriate to the area in which they are constructed.
  - iii. Paved areas shall be reduced to the smallest area commensurate with efficient operation and function of the site. All unpaved areas shall be maintained in lawns and landscaping. The frontage to any street shall be landscaped to a minimum depth of fifteen (15) feet from the right-of-way line. Drives of maximum width of thirty-three (33) feet may penetrate frontage landscaping.
  - iv. Minimum lot size is twenty-two thousand five hundred (22,500) square feet and minimum frontage is two hundred (200) feet.
  - v. All sources of artificial light shall be concealed from view, except for freestanding standards, which shall have translucent covers so as to diffuse the light and eliminate glare.
- c. Sexually oriented businesses

C. Property Development Standards. Unless otherwise permitted in this Ordinance, all buildings, structures, premises and property in the M-1 Zoning District shall meet the following property development standards:

- 1. Lot Area. Determined by the aggregate area of buildings, required yards, off-street parking and loading space, and any other specific area requirements applicable to the permitted use.
- 2. Lot Dimensions. Lots within the (M-1) Light Industrial Zoning Districts shall have the following minimum dimensions:
  - a. Minimum width: Eighty (80) feet.
  - b. Minimum depth: One hundred (100) feet.
- 3. Density and Intensity.
  - a. Maximum lot coverage by all buildings shall not exceed forty percent (40%).

4. Maximum Height. Forty-eight (48) feet.
5. Setback Requirements.
  - a. Front: Thirty (30) feet; provided further that this yard area shall be primarily considered a landscaped setting rather than for parking and any parking in said area shall be kept to a minimum.
  - b. Side:
    - i. A side yard of not less than fifty (50) feet shall be maintained where the side of the lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district. The fifty (50) feet may include the width of the alley.
    - ii. A side yard of not less than twenty five (25) feet shall be maintained where the side lot abuts a multiple-family residential district. The twenty five (25) feet may include any alley adjacent to the multiple-family residential district.
  - c. Rear:
    - i. A rear yard of not less than fifty (50) feet shall be maintained where the rear lot abuts a single-family residential district or abuts an alley which is adjacent to a single-family residential district. The fifty (50) feet may include the width of the alley.
    - ii. A rear yard of not less than twenty five (25) feet shall be maintained where the rear lot abuts a multiple-family residential district. The twenty five (25) feet may include any alley adjacent to the multiple-family residential district.
6. Design and Development.
  - a. No use shall be operated in such a manner as to be an explosion or fire hazard; nor shall there be emitted into the atmosphere any smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, or toxic fumes to such an extent as to constitute a nuisance.
  - b. Any part of the total lot area not required for buildings, structures, loading and vehicular access ways, streets, parking and utility areas, pedestrian walks and hard-surfaced activity areas shall be landscaped with grass, trees, shrubs, and may include other organic materials such as water and aggregate.

## **Section 14-5-16 (M-2) General Industrial District**

### **A. Purpose and Intent.**

The General Industrial (M-2) District is intended to accommodate certain industrial structures and uses, including large-scale or very specialized industrial operations, having external physical effects which may be offensive or hazardous to some degree to any adjoining district. This district should be "buffered" and adjoining uses protected by interspacing an Open Space (OS) District or other positive, protective means. Regulations are structured to permit the processing of raw materials, and the manufacturing, processing and compounding of semi-finished products.

### **B. Approvals.**

Every structure or use of land in this district, by reason of the intent and typical physical or operational characteristics, shall first have conditional use permit approval prior to erection, occupation, or expansion. The Planning Commission shall be completely satisfied that the intent of this district is met, and every structure or use is designed and developed in a manner which assures maximum protection of the health, safety, welfare, and compatibility with adjoining uses.

### **C. Use Regulations.**

1. Permitted Uses. See conditional uses.

2. Uses Subject to Conditional Use Permit. The following uses shall be permitted on property in M-2 Zoning Districts provided that first a conditional use permit has been obtained for such use pursuant to the Chapter, and such permit continues in full force and effect:

- a. Auto, airplane, truck and machinery wrecking, junk and scrap material processing.
- b. Butane gas filling; storage of bulk fuels, flammable liquids and gases.
- c. Railroad shops and similar heavy service facilities.
- d. Any manufacturing, mining, processing or assembling use.
- e. Any permitted use in the M-1, C-3 or C-2 districts.
- f. Sexually oriented businesses.

D. Property Development Standards. Unless otherwise permitted in this Chapter, all buildings, structures, premises and property in the (M-2) General Industrial Zoning District shall meet the following property development standards:



1. Lot Area. Lots within the (M-2) General Industrial Zoning Districts shall have a minimum area of two (2) acres.
2. Lot Dimensions. No requirement.
3. Density and Intensity. Maximum lot coverage by all buildings is forty percent (40%).
4. Maximum Height. Sixty (60) feet.
5. Setback Requirements. No building or activity shall be located closer than two hundred (200) feet to any abutting residential district or seventy five (75) feet to any commercial district or thirty (30) feet to any property line.
6. Design and Development.
  - a. No use shall be operated in such a manner as to be an explosion or fire hazard; nor shall there be emitted into the atmosphere any smoke, soot, dust, radiation, odor, noise, vibration, heat, glare, or toxic fumes to such an extent as to constitute a nuisance.

### **Section 14-5-17 Overlay Zoning Districts - BIZ, PAD, and DMP**

#### **A. Purpose and Intent**

The purpose of these overlay districts is to provide for unique developments worthy of flexibility or variation from the specific application of this Ordinance. The intent of the Bonus Intensity Zone (BIZ), Planned Area Development (PAD), and Development Master Plan (DMP) districts is to encourage quality-designed developments in appropriate locations in conformance with the General Plan, Specific Plans, and Council policies. In the PAD and DMP overlay zones, variations from conventional development requirements, such as building height, setbacks, and on-site parking may be authorized by the City Council where projects offer amenities, features, or conditions which compensate for such variations. The BIZ overlay zone also allows for the above variations in addition to increased residential densities. The following further delineates the overlay zoning district classifications:

1. Bonus Intensity Zone, (BIZ): The purpose of this overlay zoning district is to provide for variation from the application of residential densities and other development requirements to encourage unique, innovative developments of superior quality. The intent of this district is to allow for higher-intensity land use where appropriate and to encourage development of bypassed or under-utilized properties in locations where appropriate facilities and services are available. It must be demonstrated that the resulting development will be more consistent with the General Plan, Specific Plans, and Council policies and will provide significant social or economic benefits to the City.

2. Planned Area Development, (PAD): The purpose of this overlay zoning district is to allow for innovative design and flexibility in projects which are planned for development as a cohesive unit. The intent of this district is to provide for creative, high quality development which incorporates the following:
  - a. Substantial open space and/or recreational facilities held in common ownership.
  - b. Private or public streets.
  - c. The preservation of significant aspects of the natural character of the land.
  - d. Building design, site design, and amenities that create a unique alternative to conventional development.
  - e. Property owners' associations and recorded covenants, conditions, and restrictions.
3. Development Master Plan, (DMP): The purpose of this overlay zoning district is to allow for conceptual zoning of large land parcels into planned uses for future development. The intent is to allow for both specific site plan zoning for immediate project development as well as conceptual development plans with specific site plans deferred to the time of future project development.

B. Use Regulations.

1. Permitted Uses.
  - a. The BIZ, PAD, and DMP overlay zoning districts are to be used in conjunction with an underlying zoning district, thereby permitting the same uses as the underlying base zoning district, except those that may be excluded by the City Council.
  - b. Permitted uses shall be specified in accordance with the Administration and Procedures provision of this Chapter.
2. Prohibited Uses.
  - a. Same as those specified in the underlying base zoning district.
  - b. Those uses that may be specifically excluded by the City Council as part of the overlay zoning approval.
3. Uses subject to special or council use permit in accordance with the administration and procedures provision of this chapter. Same as those specified in the underlying base zoning district.

C. Property Development Standards.

1. Density, area, building, and yard regulations.

- a. The minimum site area for a PAD shall be five (5) acres and for a DMP, forty (40) acres.
- b. The specified minimum lot area, maximum density, maximum building height, minimum setbacks, and maximum lot coverage for each underlying zoning district is required, unless specifically modified by the City Council.

D. Supplementary provisions.

1. Land developed under this Section may consist of individual lots or may have common building sites.
2. Common open space shall be an essential and major element of the plan. Open areas should provide an efficient, aesthetic, and desirable usage.
3. Every structure containing residential, commercial, or industrial units shall have access to a public street, directly or via a court, walkway, or other common area, which shall be owned and maintained as common ground.

E. Design guidelines landscaping and screening regulations.

Shall be as authorized in the approved site plan under section 14-10-5.

F. Sign regulations and parking regulations.

Shall be as provided in this code and the approved site plan.

G. Application and procedure for overlay districts.

1. Application. Requests for overlay zoning districts shall follow the same procedures specified for zoning amendments in the Administration and Procedures sections hereof.
2. Modifications to Plans. Changes to the approved development plan shall be reviewed and processed in accordance with the provisions specified in the Administration and Procedures Provision sections hereof.
3. Building Permits and Regulations.
  - a. An approved development may be built in phases as part of the project's plan, provided that 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 site plan proceed at a rate commensurate with the construction of buildings. If the zoning administrator determines that the rate of building construction is not commensurate with the construction of the aforementioned necessary elements, he/she shall notify the developer that no permits for building construction will be issued until the rate of construction conforms accordingly. Failure to comply with the terms of this Section in a timely manner following notification shall result in all building construction being halted until compliance is restored.

- b. When the project has been completed, the use of the land and the construction, modification, or alteration of any buildings or structures within the development shall remain in conformance with the development plan, except that any minor extension, alteration, or modification of existing buildings or structures may be authorized by the Zoning Administrator or Board of Adjustment in accordance with the Administration and Procedures sections hereof if they are consistent with the purpose and intent of the approved development plan.

#### **Section 14-5-18 Regional Design Review Program Overlay Zoning District (DRO )**

##### **A. Purpose and Intent**

The purpose of the design review program is to preserve and enhance the beauty and uniqueness of the region, facilitate incorporation of the region's culture and natural resources into property, increase the value of the property, pedestrian friendly planning, and to contribute to the further enhancement of the economic base of our area through increased awareness and appeal of the properties adjacent to the U.S. Highway 60-70 corridor benefiting all property owners, residents, and visitors to the region.

##### **B. Applicability**

These guidelines shall be applicable to all developable properties that front on the U.S. Highway 60/70 corridor from the West end of Miami to the East end of Globe. The Program's guidelines will also apply to all currently developed properties on that same corridor that undertake property and/or structure redevelopment involving modification of 50 % or more of their present property or structure to include modification to design, layout, signage, or exterior appearance for which a building permit is required.

##### **C. Definitions**

1. Architectural Elements: Elements indicative of local heritage; embellishments to windows, doors, and similar attributes.
2. Building Height: Building height is the distance from the finished grade to the highest point on the structure.

3. Color Board: The Historic Colors of America color chart put out by Spectra-Tone Paint
4. Façade: The front of a building or any side facing a public way or area.
5. Governmental Agency: The City of Globe, Town of Miami and/or Gila County Government that has jurisdiction over the area of concern.
6. Ground Cover: Vegetative groundcovers that serve to keep soil from eroding or moving as a result of natural forces.
7. Hardscape: Hardscape, or "hardscaping" refers to inanimate elements of landscaping. Anything used in landscaping that is not part of the living component of the landscape (i.e. plants) can be considered a hardscape element (i.e., water fountains, stone walls, concrete or brick patios, tile paths, wooden decks and wooden arbors).
8. Low Profile Sign: A sign that does not exceed a height of five feet from finished grade  
Marquee Sign: A permanent or portable illuminated freestanding sign that employees flashing or moving elements.
9. Natural open space: Undisturbed, native vegetation
10. Overhead Protection Structure: Overhead protection structures are devices installed on a building façade or freestanding devices intended to provide shade and protection to pedestrian areas and display windows. These may include porches, colonnades, trellises, pergolas, canopies, awnings and recessed doorways.
11. Utility Equipment: Hardscape devices which are installed vertically into/onto the property and visible from the corridor for the purpose of power transmission, lighting, or communication.
12. Xeriscape: A water-efficient landscaping technique, utilizing unthirsty native or drought tolerant exotic plants

#### D. Exemptions

The guidelines of this Design Review Program shall not apply to the following activities:

1. Maintenance of the exterior of an existing structures such as repainting, re-roofing, residing, where similar materials and colors, are used
2. Interior remodeling
3. Existing nonconforming aspects of a building or site not addressed in an application for a design review permit

4. Short-term/temporary preventative maintenance as a result of an emergency situation. i.e. fire, flood, natural disaster.

E. Application Procedures

Applications for a Design Review requires submission of nine (9) design packets for review by the government agency with jurisdiction over the property and the Regional Design Review Committee. Each packet must contain:

1. Site Plan that provides the following:
  - a. Pedestrian & Vehicular Circulation
  - b. Building floor plans showing orientation of windows & doors on the exterior walls of the proposed structure
  - c. Location and description of exterior signage
  - d. Landscape plan, including plants type and placement, and hardscape details
  - e. Exterior Lighting; location, type, and orientation.
  - f. Fences and walls, (material and surface textures)
2. Building Elevations which provide the following:
  - a. Façade Treatment
  - b. Architectural Design
  - c. Building Height
  - d. Building Materials
  - e. Design Detail for windows and doors

F. Design Review Committee

1. The Design Review Committee will serve as an advisory committee to the Planning & Zoning Administrators (or equivalent) of the governmental agencies involved.
  - a. Each governmental agency will appoint three members to serve on the Design Review Board.
  - b. Administration of the program should be rotated among the governmental agencies each year.

- c. At least one of the three members should be from property owners within the district.
  - d. All members should be appointed to four-year terms.
  - e. At the time of initial appointment, the governmental jurisdiction should appoint one member for two years and one member for three years and one member for four years. Thereafter all members should be appointed for four-year terms.
  - f. The Design Review Committee shall elect a Chairman and a Vice Chairman to serve one-year terms to coordinate meetings and the Committee's proceedings in compliance with the requirements of the Arizona Open Meeting Laws. Their responsibilities shall include preparation and publication of the notices of the meeting, an agenda, and minutes of the meeting.
  - g. All meetings of the Design Review Board must comply with requirements of the Arizona Open Meeting laws.
  - h. Non-voting/advisory membership may be extended to a representative of other governmental agencies for the purpose of consultation at the discretion of the committee, i.e., Arizona Department of Transportation.
2. Upon receiving design packets from the property owners in accordance with Section E above, the staff of the governmental agency having jurisdiction will transmit those packets to the Design Review Committee.
  3. The Design Review Committee shall meet within 15 days of receipt of a Design Packet and prepare a written recommendation to the staff of the governmental agency having jurisdiction. If a written recommendation is not received within 30 days from the date of transmittal described above, the governmental agency having jurisdiction will assume the packet is approved with no recommendation from the Design Review Committee.

G. Review Procedures

Upon submittal of a completed Application, the Design Review Committee shall review and prepare a written recommendation to the governmental agency having jurisdiction over the subject property regarding the following elements to which the Design Review Program's guidelines apply:

1. Site Layout
  - a. Site Layout: Orientation and location of buildings, hardscape, natural features and landscaped areas in relation to physical characteristics of the site, neighborhood character, and the appearance and harmony of adjacent buildings.

- b. For the purpose of these guidelines a property not immediately adjacent to the corridor shall be considered as adjacent to the corridor if the property adjacent to the corridor is undeveloped.
- c. The appearance and safety of the proposed pedestrian system.

2. Landscaping:

- a. The location, height and species of hedges, trees, and xeriscape to ensure harmony with the ambiance of the area and the intent of these guidelines
- b. The planting of groundcover to prevent dust and erosion.
- c. The preservation of existing healthy trees.
- d. Hardscaping

The location, height and material of walls, fences, and other artificial embellishments to ensure harmony with the ambiance of the area and the intent of these guidelines.

3. Outdoor Signage:

The number, location, color, size, lighting, and landscaping of outdoor advertising devices as they relate to pedestrian and vehicular traffic, their appearance and harmony with the existing adjacent structures, and the intent of these guidelines

4. Architectural Character:

- a. The consistency of the applications of the proposed design with approved design guidelines.
- b. The compatibility of the character of the proposed design with adjacent structures and the intent of these regulations.
- c. Preservation of historical structures (if within registered Historic Districts.)

5. Overall Compliance with Development Standards

The Design Review Committee or the Planning Staff of the government agency with jurisdiction over the said property, on a case-by-case basis, may make exceptions to the provisions of Section H, Development Standards, due to unique characteristics of the site or economic hardship to the applicant.



## H. Development Standards (Site Design)

### 1. Pedestrian and Vehicular Circulation

- a. Circulation patterns should be obvious and simple. All likely pedestrian routes should be considered in the design phase to eliminate “short cuts” that damage landscaped areas.
- b. Circulation systems should limit conflicts between vehicular, bicycle and pedestrian traffic.
- c. Where pedestrian routes cross vehicular traffic paths, a change in grade, materials, textures and/or colors should be provided.
- d. Pedestrian routes/paths should be provided to the front entrance of a building from the public right of way.
- e. Bicycle parking facilities may be substituted for automobile parking spaces required at a ratio of five (5) bicycle spaces for one required vehicle parking space. A maximum of 5% of the total required parking spaces may be reduced from the total number of parking spaces required under the established parking spaces related requirements in the government agency’s standards. Bicycle parking facilities should include provisions for locking of the bicycle in a secure rack.

### 2. Building Set Backs

- a. Buildings should be placed as close to the front property line as reasonable with consideration for the safe passage of vehicular and pedestrian traffic.
- b. Where no side yard set back is provided, structural wall construction must be two-hour fire rated, and the roof must not drain directly onto adjoining property.
- c. Rear yard set back is not required except when the adjoining property is residential. Where this occurs a case-by-case review will determine appropriate set backs that are compatible with the adjoining properties.
- d. Overhead structures such as porches and balconies may be placed on the front property line except where adjoining structures have larger front yards.

### 3. Parking Facilities

Parking should not be positioned between the public sidewalk and the

front of the building, where feasible. Parking at the side of the property must be landscaped and screened.

4. Multiple Buildings

Multiple buildings on the same property should be designed to create a cohesive visual relationship between buildings.

5. Driveways

- a. Shared or common driveways are encouraged.
- b. There should be a maximum of one driveway per lot or parcel except where the lot has more than one hundred (100) feet of frontage on the Highway Corridor. Driveways should be separated by a minimum of 100 feet. Approval of the Arizona Department of Transportation must be obtained in each case. The State's jurisdiction and decision shall always prevail if different than the recommendation of the Design Review Committee.

6. Signage

- a. No roof sign should be permitted except where significant negative grade exchange exists from the roadway to the building site.
- b. Portable freestanding signs must not exceed three (3) feet in height, six (6) square feet on each face, and must not obstruct pedestrian ways or cause line of sight problems.
- c. Permanent freestanding signs should not exceed thirty-two (32) square feet on each face and must be low profile.
- d. Marquee signs must not be installed in such a manner that the illumination from the sign causes distraction or hindrance to vehicles on the corridor nor occupants of nearby properties.
- e. Colors should be used from the approved color board.
- f. Signs must be properly maintained.
- g. Signs should be architecturally integrated with their surroundings in terms of size, shape, color, texture and lighting.
- h. Signs should not be in visual competition with each other.
- i. In the event that these signage guidelines are found to be in conflict with the adopted sign code, provisions of the government agency with jurisdiction, the established governmental sign code requirements shall have precedence.

7. Lighting

- a. Colored lighting is allowed but should not:
  - i. spill over onto adjacent properties,
  - ii. be the primary lighting theme,
  - iii. contain moving or streaming lights or components.
- b. Lighting fixtures should be historically appropriate to the area, close in appearance to other installed historic lighting within the government jurisdiction.

8. Utility Equipment

- a. Mechanical systems equipment should be screened and sound attenuated, using approved building materials and positioned to maintain minimum intrusion on the public view.
- b. Utility areas and equipment, such as trash receptacles, storage areas, service yards, loading/unloading areas should be screened from public view with approved building materials.
- c. Permanently installed utility standards and communication equipment should blend into the surrounding environment. The use of earth colors and/or the installation of faux foliage, and/or the installation of equipment constructed to replicate a living plant, such as a palm tree, cactus, or other tree as appropriate to blend the equipment into the environment should be considered.

9. Landscaping

- a. Landscaping should soften the visual appearance of the site, and provide a pedestrian friendly environment.
- b. Any planting within the rights of way should not create a line of sight nuisance, or be a nuisance to pedestrian and vehicular traffic in any way.
- c. All undeveloped areas within public view should be landscaped or left with undisturbed natural vegetation.
  - i. Deciduous or evergreen shrubs and trees can be used.
  - ii. Planter boxes are encouraged for flowers.

10. Hardscape

- a. Colors, textures and materials selected for walkways, patios and other ground plane enhancements must support the architectural character of the area.
- b. Materials should not impede accessibility to those who are physically challenged.
- c. The texture and color of hardscape should clearly differentiate between driveways, parking facilities, and those areas used by bicyclists or pedestrians.
- d. Stone, brick, colored concrete, pavers, covered boardwalks, and concrete finishes are acceptable. Natural materials should be used to the maximum extent. Synthetic materials may be considered.

11. Street Furniture

- a. Street furniture should be of design and character consistent with municipal streetscape elements.
- b. Synthetic or Plastic elements are not permitted.

12. Fences and Walls

When adding fences and walls, the building materials should comply with the approved building materials in this guideline

13. Overhead Protection Structures

- a. Overhead protection structures should be installed on the façade of the ground floor above any installed or planned pedestrian pathways.
- b. A minimum of seven (7) foot vertical clearance is required for overhead structures above potential pedestrian pathways.

I. Development Standards (Architectural and Structural Design)

1. Architectural Features:

- a. Architectural design should be compatible with the character of the area. Design compatibility should include complimentary building style, form, size, color and materials.
- b. Diversity of architectural design is encouraged that portrays the historical and cultural influences of the area.

- c. Detail is required at/around all doorways and windows that front on the street or are part of visible sidewalls.
2. Building Materials:
  - a. The preferred building materials include wood, stone, brick and adobe. Stucco and synthetic materials may be considered.
3. Metal buildings are permitted if the facade visible from the right-of way is composed of building materials specified in paragraph b (1) above.
4. Building Colors:
  - a. Exterior colors should be selected from the recommended color board, Historic Colors of America.
  - b. Trim and body colors should be complimentary, and brilliant, bold colors should be avoided.
5. Roof Design:

Acceptable roof materials include galvanized and colored metal or dimensional asphalt shingles. The use of composite material will be reviewed on a case-by-case basis.
6. Facade Treatment:
  - a. The concealing of original facades as part of restoration/rehabilitation should be avoided.
  - b. Storefront restoration should return the façade to its original character as much as is reasonable and appropriate and meets design review requirements.
  - c. Reflective or mirrored glass should be avoided. Tinted glass should comply with Arizona Standards of 30 maximum reduction of transparency.
  - d. A minimum of 35% of the front first floor of the building at the front property line should be windows or doors.
  - e. No new construction or remodeling of an existing building will use mill finished aluminum windows, doors, or display devices.
  - f. In new construction, glass block windows visible from public walkways should be avoided.

7. Side Walls:
  - a. Blank or solid walls/wall sections visible from the pedestrian or vehicular right-of-way should be limited to prevent the disruption of existing architectural patterns.
  - b. Side facades should be carefully designed with similar detailing and should be compatible with the principal façade of the building.
  - c. Visible blank or solid walls will be limited to no more than a 20-foot section of wall without required breaks or other changes.

J. Reporting of the Project Approvals by the Government Agency

1. Upon receipt of the recommendations of the Design Review Committee, the designated project review officials of the government agency of jurisdiction will communicate the committee's recommendation, along with other review comments by the government agency to the property owner or their designated representative.
2. If the government agency finds conflict between its application of codes, engineering standards, and other established and appropriate project-approval requirements, the government agency's officials shall prepare a report explaining the reasons why recommendations of the Design Review Committee could not be incorporated in the overall review comments and requirements for the project and submit a copy of the report to the Design Review Committee. If a project requires specific approval of the government agency's Planning & Zoning Commission or the elected governing body, the Planning & Zoning official shall include a copy of the above report in the information package submitted to the Commission or governing elected officials prior to their consideration and final decision on the project.

K. Guideline Review

This guideline is subject to continuous review by the Design Review Committee and the governmental agencies to which it applies. Significant changes to this document will require full concordance of all affected agencies before those changes are implemented.

**Section 14-5-19 Medical Marijuana Related Facilities; Conditional Use Permit Required**

**A. Location**

1. A Medical Marijuana Related Facility may not be located within any Residential District within the City.

2. A Medical Marijuana Related Facility may not be operated as a Home Occupation anywhere within the City.
3. A Medical Marijuana Related Facility includes a Medical Marijuana Dispensary, a Medical Marijuana Cultivation Facility, a Medical Marijuana manufacturing Facility, a medical Marijuana Club, and any other medical marijuana facility of any kind. <sup>5</sup>
4. A Medical Marijuana Related Facility may only be located in C-2, C-3, M-1 or M-2 Zoning Districts pursuant to a conditional use permit approved in like manner as provided in Section 14-10-6 of this Code, except that in addition thereto, the recommendations of the Planning Commission shall also be reviewed, approved, denied or modified by the City Council prior to the issuance of any conditional use permit for a Medical Marijuana Related Facility.
5. Not more than one (1) Medical Marijuana Dispensary may be located within the City pursuant to A.R.S. 36-2804 (C). A Request for Proposals or other public competitive bidding procedure shall be utilized to grant an initial license agreement to operate within the City.

**B. Standard Conditions of Approval Medical Marijuana Dispensaries**

1. No person under the age of eighteen (18) may be present at a Medical Marijuana Dispensary except with the prior approval of the Chief of Police, or designee, for good cause shown.
2. Marijuana may not be used in any manner on the premises or in the vicinity of any Medical Marijuana Dispensary within the City.
3. Only persons with a Registry Identification Card, as defined by A.R.S. 36-2801 (14), authorized licensees, and authorized employees may be present at a Medical Marijuana Dispensary.
4. A Business License shall be required as provided under the provisions of Chapter 8.
5. The Medical Marijuana Dispensary shall comply with all the restrictions and requirements of the Arizona Medical Marijuana Act, A.R.S. 36-2801 through 2818, together with compliance with any regulations adopted by the Arizona Department of Health Services pursuant to same, and said regulations are incorporated herein by this reference as if set forth in full.
6. No alcoholic beverages shall be sold, served, or consumed on the premises.
7. Each Dispensary shall display in a manner legible and visible to its clientele:
  - a. Notice that persons without a registry identification card or under the age of 18 (eighteen) are not allowed on the premises.

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<sup>5</sup> **Editor's Notes:** Originally adopted by and through Ordinance No. 807, 10/17/11

- b. A request that there be no consumption of medical marijuana on the premises or in the vicinity of the Dispensary.
8. Dispensaries are to be designed and constructed so that no area or portion where growing marijuana can be visible from the exterior while requiring the entrance to be visible from a public street.
9. Medical Marijuana Dispensaries must conform to regulations for other businesses with similar zoning and all applicable building, fire and safety codes.
10. A Conditional Use Permit under the provisions of this Section for a Nonprofit Medical Marijuana Dispensary may only be received or held by a registered Nonprofit Medical Marijuana Dispensary Agent for a registered Medical Marijuana Dispensary as provided in A.R.S. 36-2804, and as licensed by the City pursuant to Subsection 14-5-19 (A) 5 above.
11. Drive through services and dispensing machines are prohibited.
12. The Dispensary shall be operated in compliance with regulations for same that the City may adopt regardless of the date of the grant of an initial business license or the approval of a conditional use permit. Such regulations may be amended from time to time as the City deems appropriate and shall be deemed to be incorporated in any conditional use permit authorized hereunder.
13. Appropriate setbacks or screening from residential and other sensitive adjacent properties shall be required.
14. The Medical Marijuana Dispensary shall be operated in accordance with the requirements of Article 8-6, Licensing of Medical Marijuana Facilities.
15. Any other condition as may be approved by the City Council by agreement with the applicant.

**C. Standard Conditions For Medical Marijuana Cultivation Facilities and Manufacturing Facilities.**

1. The standard conditions as set forth in Subsections B 1, 2, 4, 5, 6, 8, 9, 10, 11, 13, 14, and 15 shall also be applicable to Medical Marijuana Cultivation and Manufacturing Facilities.
2. Only registered medical marijuana agents as defined by Arizona state law may be present at a medical marijuana cultivation or manufacturing facility. This does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of non-medical marijuana related goods to the premises.
3. In addition thereto, health, safety, security, environmental, consumer, utility,



industrial, cultivation and manufacturing” best practices” shall apply.

4. Water, sewer and other infrastructure impacts shall be addressed.

**D. Additional Conditions of Approval Authorized**

In addition to the standard conditions of approval as set forth in Subsection B above, the City may add any other condition of approval appropriate to the application considering the location, building, surroundings, adjacent land uses, topography, security and safety considerations, best practices as determined from experience, or any other rational and stated basis, as may be necessary to achieve a compatible land use with the surrounding community as authorized by law.

## **Article 14-6 (HP) HISTORIC PRESERVATION OVERLAY DISTRICT**

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### **Section 14-6-1 Purpose and Intent**

The purpose of this Article and the Historic Preservation (HP) Overlay Zoning District shall be to insure the harmonious growth and development of the City by encouraging the preservation of archaeologically and historically significant structures and sites by providing a means by which such sites and structures may be designated as archaeologically or historically significant, through the creation of a special zoning classification, and further providing that significant alterations to such sites and structures shall be subject to review and approval. The HP zoning classification shall not alter or modify land uses permitted under existing zoning classifications but shall overlay existing zones within which archaeologically or historically significant sites and/or structures are found to exist. It is the intent of the HP classification in this Article to insure that renovation, restoration, or alteration of designated sites or structures shall be accomplished in such a manner as to preserve their distinguishing historic qualities or character. Further, it is the intent of this Article to insure that, within designated districts, construction of new structures shall be in harmony with the historical character of said districts.

### **Section 14-6-2 Definitions**

Unless otherwise stated, the following words and phrases shall, for the purposes of this Article, have the following meanings:

- A. Alteration: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.
- B. Archaeologically Significant: A site which has revealed or has the potential of revealing important information regarding the lifestyles of prehistoric peoples and/or cultures which occupied the City and surrounding region in prehistoric and

historic times.

- C. Building: Any structure having a roof supported by columns or walls and originally or presently intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.
- D. Contributing Structure: Any structure located within a Designated HP District which, when evaluated separately, would substantially meet the criteria for individual designation.
- E. Continuity: The state or quality of being in order, forming a continuous whole.
- F. Demolish: To pull down or tear down a structure without regard to maintaining the visual or structural integrity of its various components.
- G. Designation: The process through which a site, structure, objects or district is officially recognized as worthy of preservation.
- H. Harmony: Possessing characteristics aesthetically similar to the surrounding built environment.
- I. Historically Significant: A site, structure, object, place, view, or district which exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural past; which embodies distinguishing characteristics of a style, period, method of construction, or development or serves as a valuable example of the use of indigenous materials or craftsmanship in the City's history; which represents the notable work of a master builder, designer, or architect; which represents a rare building type, style, design, or indigenous building form; or which is identifiable with a person or event significant in local, state, or national history.
- J. Historic Preservation (HP) District: An area within the city consisting of either seven (7) or more properties, whether or not separated by a street, or total cumulative street frontage of three hundred (300) feet, but in no case fewer than four (4) properties, constructed or occupied prior to 1935, and united by an association with past events in the City's history, common architectural heritage, or possessing cultural, aesthetic, or educational value.
- K. Linkage: The association or correlation of two (2) or more sites, buildings, structure, or objects because of location, setting, and similarity of time, place and/or other characteristics.
- L. Major Alteration: The alteration of any designated building or structure costing in excess of fifty percent (50%) of the total value of the structure, involving more than fifty percent (50%) of the floor area or involving modification to twenty-five percent (25%) or more of the facade or exterior. For non-contributing buildings or structures within Designated Historic Districts, modifications involving fifty percent (50%) or more of the facade or exterior.

- M. Object: A material thing occurring in nature, such as a rock, tree, or geologic feature, but not a structure, that is closely associated with past human events.
- N. Ordinary Maintenance and Repair: Regular, customary or usual care, reconstruction or renewal of any part of an existing building, structure or object, for the purpose of preserving said property and maintaining it in safe and sanitary condition.
- O. Remove: To move a building, structure, or object from its present location to some other location.
- P. Renovate: To alter an existing building or structure by installing new components with the objective of giving the building or structure a more modern appearance or function.
- Q. Restore: To alter an existing building or structure with the objective of replicating its appearance at the time of its original construction.
- R. Significant Alteration: See Major Alteration.
- S. Site: Any plot or parcel of land or combination of contiguous lots or parcels of land.
- T. Structure: A combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.

**Section 14-6-3 Globe Preservation Advisory Commission**

- A. There is hereby created a committee to be known as the Globe Preservation Advisory Commission, which shall:
  - 1. Act as an advisory commission to the Mayor and Common Council of the City of Globe in the matter of the designation of sites, districts, and structures within the City limits as archaeologically and/or historically significant;
  - 2. Review the design for alterations to designated structures and new construction within designated districts;
  - 3. Recommend the approval or denial of building permits for proposed alteration or new construction following said review.
- B. The Globe Preservation Advisory Commission shall consist of no fewer than five (5) nor more than nine (9) members who shall be appointed by the Mayor with the consent of the Council.
- C. Each member shall serve for a term of three (3) years, except that two of the initial members shall be designated upon appointment to serve a first term of two

(2) years, and two of the initial members shall be designated to serve a first term of four (4) years.

D. Members shall serve without compensation.

E. Members shall meet the following qualifications:

1. All members shall have demonstrated interest and/or experience in or knowledge of the history of the community and the preservation of its historic and prehistoric past.
2. Whenever feasible, at least one (1) member should be an architect, architectural designer, or planner with a demonstrated interest in the preservation of historic structures.
3. Whenever feasible, at least one (1) member should be a licensed building contractor or journeyman building trades craftsman with demonstrated interest in the techniques involved in the preservation of historic structures.
4. Whenever feasible, at least one (1) member shall also be a member of the Gila County Historical Society.
5. Whenever feasible, at least one (1) member shall be the owner of a designated site or structure within a designated district.
6. At least one-half ( $\frac{1}{2}$ ) the members of the Commission shall reside within the corporate limits of the City of Globe.
7. The Mayor shall serve as an ex-officio member of the Commission. The Mayor may designate a member of the Council or City staff to serve in his/her absence.
8. Members may be removed from the Commission for cause or for failure to attend the required meetings of the Commission without adequate notification to the Chairperson. Vacancies occurring on the Commission due to the resignation or removal of members shall be filled within sixty (60) days.

#### **Section 14-6-4 Organization of Advisory Commission**

- A. At its initial meeting, the Commission shall elect a Chairperson and such other officers as it deems useful, except that the office of Secretary shall be filled by an appointment of the Chairperson.
- B. The Commission shall meet annually within fourteen (14) days of the anniversary of its initial meeting, at which time it shall elect a Chairperson and officers for the ensuing year. Thereafter, the Commission shall meet a minimum of once each quarter and at other times at the direction of the Council or call of the

Chairperson, or at the request of any two duly appointed members.

- C. The Commission shall adopt rules for the conduct of its business and may, in such rules, delegate certain responsibilities to individual members or subcommittees within the Commission. Such rules shall be a matter of public record.
- D. Meetings of the Commission shall be duly noticed and open to the public, in compliance with the Arizona Open Meeting Laws.

#### **Section 14-6-5 Commission Duties**

- A. The Commission shall advise the Mayor and Council in all matters concerning archeological and historical structures, sites, and districts, and in this regard, it:
  - 1. May recommend to the Mayor and Council changes in this Chapter, the Building Code, or other ordinances and regulations, as may enhance the purposes of this Article.
  - 2. May recommend to the Mayor and Council acquisition by the City of structures, sites, or easements for maintenance or repair for preservation purposes where private preservation is not feasible.
  - 3. Shall initiate and conduct, in a methodical manner, detailed studies and surveys of that entire area located within the boundaries of the Globe City Limits in an effort to identify, inventory, and recommend designation for all those structures, sites, and districts of archeological and/or historic significant found within said boundaries, with the understanding, however, that the Commission may not engage consultants or incur costs related to such studies and/or surveys without the prior consent of the Council.
- B. The Commission shall review all applications for designation and nominations to the National Register of Historic Places, and make recommendations for approval or denial to the Mayor and Council.
- C. The Commission shall recommend to the Mayor and Council the approval or denial of building permits for the alteration of designated structures or contributing structures within designated districts or for new construction within designated districts, and shall also recommend approval or denial of permits to demolish designated structures or contributing structures within designated districts in accordance with those procedures herein set forth.
- D. The Commission shall work in close cooperation with the State Historic Preservation Office under the directives of 36 CFR 614(B), as may be amended from time to time, and any other applicable codes and shall prepare an annual report of its activities to be submitted to the Mayor and Council and the State Historic Preservation office.
- E. The Commission may, with the consent of the Mayor and Council, engage such

consultants and advisors as it deems necessary to assist and advise it in carrying out its assigned duties.

### **Section 14-6-6 Procedure for Designation**

When designating property within the provisions of this article, the following procedures shall be followed:

- A. A, Site, Structure, or District may be designated as Archaeologically or Historically Significant by the majority vote of the Council of the City of Globe, subject to the following procedure:
  1. An application for designation may be submitted on a form provided by the City Clerk by direction of the Mayor and Council to consider a structure, site, or district for designation, an initiative of the Globe Preservation Advisory Commission or the request of an individual property owner or fifty-one percent (51%) of the property owners within a proposed district.
  2. Within five (5) working days of the filing of an Application for Designation, said application shall be forwarded to the Chairperson or Secretary of the Commission, and a date for a hearing on the application before the Commission shall be set no later than thirty (30) days from the date of filing.
  3. Notice of a public hearing on the application shall be published in a newspaper of general circulation within the City at least fifteen (15) days prior to the date of the hearing. In addition, notice shall be sent by certified mail to the owner of record at the address shown on the official Tax Rolls of Gila County of a proposed designated structure or site or the owners of contributing structures within a proposed designated district, and notice shall be posted upon the proposed designated structure or site and a minimum of six (6) places within a proposed designated district at least fifteen (15) days prior to the public hearing. Failure of any owner to receive a notice properly served shall not serve to invalidate the proceedings of the Commission.
  4. At its hearing on the Application, the Commission may:
    - a. Recommend approval of the Application.
    - b. Recommend denial of the Application.
    - c. Request additional information to support the Application and reschedule the hearing to a future date no later than thirty (30) days from the date of the initial hearing.
    - d. Refer the Application to a subcommittee of the Commission or to a consultant for further study and reschedule the hearing to a future date no later than thirty (30) days from the date of initial hearing.

5. Following the public hearing on the Application, the Commission will submit its recommendation to the City Clerk, who shall in turn cause it to be brought before the Mayor and Council and scheduled for public hearing no later than thirty (30) days after the date of the Commission's recommendation.
- B. At least fifteen (15) days prior to the public hearing before the Mayor and Council, the Clerk shall cause notice of said hearing to be given in the manner set forth in Subsection "A" of this section.
  - C. Written protest to the recommendation of the Globe Historic Preservation Advisory Commission may be filed with the City Clerk within ten (10) days following the date of the public hearing at which the recommendation was made.
  - D. At its hearing on the Commission's recommendation, the Mayor and Council may:
    1. Accept the recommendation of the Commission.
    2. Deny the recommendation of the Commission.
    3. Refer the recommendation back to the Commission for further study, provided, however, that a subsequent hearing must be set within the time limits set forth in this section.
  - E. Immediately following action by the Mayor and Council approving a recommendation of the Commission for designation, the Clerk shall notify the appropriate official to identify the designated site, structure or district on the official Zoning Map of the City of Globe with the symbol "HP" immediately following the existing zoning district name; no modification of the underlying zone or permitted use shall thereby be affected.

#### **Section 14-6-7 Criteria For Designation**

When considering designation of Archaeologically and/or Historically Significant Sites, Places, Views, or Structures the following criteria shall be utilized:

- A. A Site or Structure may be considered for designation as Historically or Archaeologically Significant only if it was constructed or occupied prior to 1935 and it meets one or more of the following criteria:
  1. Exemplifies or reflects special elements of the City's or region's cultural, social, economic, political, aesthetic, engineering, or architectural past.
  2. Embodies distinguishing characteristics of a style, period, method of construction, or development in the City, or serves as a valuable example of the use of indigenous materials or craftsmanship.



3. Represents the notable work of a master builder, designer, or architect.
4. Represents a rare building type, style, design, or indigenous building form.
5. Is identifiable with a person or event significant in local, state, or national history.
6. For archeological sites, has the potential of providing significant information on the prehistory or history of the City or region or has the potential of providing significant information about various cultures which have occupied the region during its prehistory or history.

#### **Section 14-6-8 Historic District Designation**

An area within the corporate limits of the City of Globe may be designated an Historic Preservation (HP) District only if it meets the following criteria:

- A. It possesses a significant concentration, linkage or continuity of sites, structures, or objects constructed or occupied in the history of the City or region.

#### **Section 14-6-9 Mandatory Review of Building and Demolition Permit Application**

- A. No permit may be issued to alter, renovate, remodel, demolish, or remove:
  1. Any designated Site, Structure, Object or any contributing Site, Structure, or Object within a designated HP District, or to construct any new structure within a designated HP District without the review of the Globe Preservation Advisory Commission and the consent of the Council. However, nothing in this section shall be construed to prevent the ordinary maintenance and repair of any exterior feature of any designated, contributing, or non-contributing Site, Structure, or Object that does not involve a change in its design, material, color, or appearance.
- B. The Commission may require such photographs, plans, descriptions, dimensions, drawings, or other information as it deems necessary prior to making a recommendation regarding the issuance or non-issuance of a Permit. The minimum requirements of the Commission shall be provided in written form to all applicants. Professionally executed plans, specifications, and drawings shall be required only to the extent required by state statute or the Building Department.
- C. The Commission shall meet to review an application no later than fourteen (14) days from the application date, and shall make a recommendation to the Council within thirty (30) days of review; provided, however, that all information required of the applicant has been submitted in a timely manner.
- D. Notice of the Commission's meeting to review the application shall be published and posted in accordance with the requirements of the open meeting laws and, further, shall be sent to the applicant by Certified Mail no later than seven (7) days prior to the date of the meeting. Notice shall be deemed served when

mailed to the address shown on the application.

- E. The Commission shall act upon the application by recommending approval or denial at a public meeting held for that purpose, and shall specify the reasons for its recommendation. The Chairperson or Secretary shall cause the Commission's recommendation to be delivered to the Mayor and Council. Failure of the Commission to meet and act on the application within the time limits set forth in this Section shall constitute approval of the application unless the applicant agrees in writing to an extension.
- F. The recommendation of the Commission shall be delivered to City Clerk within five (5) days following the date of the meeting. A hearing on the recommendation shall be scheduled at the next regular business meeting of the Council, subject to public posting and advertising requirements. A majority vote of the Council members present as a quorum for the purposes of conducting official business shall be required to overrule the recommendation of the Commission.
- G. Except where a clear and present danger to the public safety exists, there shall be a mandatory one hundred and twenty (120) day waiting period between the overruling by the Council of a Commission recommendation denying an application for demolition or removal and the issuance of a Permit. During this time, the Applicant and Commission shall attempt to secure a buyer willing to preserve the site, structure, or object for which demolition or removal is sought. Such waiting period may be extended by joint agreement between the Commission and the Applicant.

#### **Section 14-6-10 Failure to Maintain Structure - Public Nuisance**

Willful failure of the owner of a Designated or Contributing Structure to maintain said structure in a safe condition shall constitute a Public Nuisance, which may be remediated by any mechanism provided by state law or this code. Such public nuisance shall also be punishable as provided in Section 1-5-1.

#### **Section 14-6-11 Public Safety Exceptions**

Nothing in this Article shall prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the Building Inspector shall certify is required because of an unsafe or dangerous condition.

#### **Section 14-6-12 Enforcement**

- A. It shall be the duty of the Zoning Administrator and Building Official to enforce the provisions of this Article related to construction or modification of structures.
  - 1. The Building Official shall receive applications for Permits, review these applications to see that they meet all existing City requirements, including applicable fees, and transmit these applications to the Zoning Administrator and the Chairperson of the Globe Preservation Advisory

Commission for the required review. At the direction of the Council, subject to the mandatory review requirements of this Article, the Building Official shall issue the necessary permits.

2. The Building Official shall examine premises for which permits have been issued, and shall make the necessary inspections to see that the provisions of this Article and any provisions attached to the approval of the permit by the Commission and/or Council, along with the applicable building codes, are complied with.
- B. The Building Official shall cause to be maintained careful and comprehensive records of permits issued, inspections made, reports rendered, and notices and orders issued. He/she shall cause to be retained file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. Such records shall be available for public inspection at reasonable hours.

### **Section 14-6-13 Violation - Penalty**

It is unlawful to alter, modify, construct, reconstruct, renovate, demolish, or remove any structure or object in violation of any provision of this Article. Any person, firm, or corporation violating this Article is punishable as provided in Section 1-5-1(A). Each and every day during which the violation continues shall be considered to be a separate offense.

### **Section 14-6-14 Injunction**

- A. If any structure or object is constructed, reconstructed, renovated, demolished, or removed in violation of this Article, the City, in addition to other remedies, may institute any appropriate actions or proceedings to restrain, correct, or abate the violation.
- B. In any such action or proceeding, the court with jurisdiction thereof has the power to, and in its discretion may, issue a restraining order or a preliminary injunction upon such terms and under such conditions as will do justice and enforce the purpose of this Article.

### **Section 14-6-15 Amendments - Procedure**

- A. The provisions of this Article may, from time to time, be amended, supplemented, changed, modified, or repealed.
- B. Requests to amend this Article may be initiated by the Globe Preservation Advisory Commission, the City Council, or the owner of a designated property or a property within a designated district. Applications for amendment shall be filed with the City Clerk on the form provided.
- C. There shall be a Hearing by the Globe Preservation Advisory Commission on proposed amendments under the following procedures:

1. All applications for amendment to this Article shall be submitted to the Chairperson or Secretary of the Commission within seven (7) days of filing, and the Chairperson or Secretary shall cause to be scheduled a public hearing on the proposed amendment not later than thirty (30) days from the date of filing.
2. Notice of the public hearing stating the date, time and place of the hearing, as well as the nature of the proposed amendment, shall be published once in a newspaper of general circulation in the City and posted in a public place not less than fifteen (15) days before the date of the hearing.
3. At its hearing on the proposed amendment, the Commission may recommend to the Council approval, denial, or modification of the proposed amendment. Such recommendation shall be in the form of a written report to the Council and shall be delivered to the City Clerk not later than five (5) days following the date of the Commission's hearing.
4. The City Clerk, upon receipt of the Commission's report, shall schedule a hearing on the recommendation before the Council not later than thirty (30) days following the date of receipt of the report.
5. At its hearing on the recommendation of the Globe Preservation Commission, the Council may approve or deny the Commission's recommendation or refer the matter back to the Commission for further study provided, however, that a subsequent hearing shall be set in accordance with the time limits set forth in this section.

## **Article 14-7 GENERAL PERFORMANCE REQUIREMENTS**

- Section 14-7-1 Purpose
- Section 14-7-2 Swimming Pools
- Section 14-7-3 Glare and Lighting
- Section 14-7-4 Height Limitation on Corner Lots and Driveways
- Section 14-7-5 Fences and Walls
- Section 14-7-6 Projections of Structures Into Required Yards
- Section 14-7-7 Accessory Buildings
- Section 14-7-8 Required Screening
- Section 14-7-9 Unsuitable Sites
- Section 14-7-10 Dumping and Disposal

### **Section 14-7-1 Purpose**

- A. The purpose of this Article is to establish general development and performance standards applicable to all Zoning Districts. These standards are intended and designed to assure compatibility of uses; to prevent urban blight, deterioration and decay; and to enhance the health, safety and general welfare of the residents of the communities. The standards and regulations set forth in this Article shall qualify or supplement, as the case may be, the District Regulations set forth elsewhere in this Chapter. Design and site review and approval pursuant to Section 14-10-5 of this Chapter shall be required prior to issuance of a building permit except as exempted.
- B. The provisions of this Article shall supplement other building codes and development regulations which are adopted from time to time by the Mayor and Council.

### **Section 14-7-2 Swimming Pools**

- A. No swimming pool shall be located within any utility easement or closer than five (5) feet to any property line or any building.
- B. Any swimming pool shall be enclosed by a fence or permanent structure not less than five (5) feet in height, and access to such and enclosed area shall be through buildings, or gates that are equipped with self closing and self-latching devices.
- C. No heater, filter, pump or other mechanical equipment used in association with any swimming pool shall be located within three (3) feet of any property line. Any such mechanical equipment shall be situated so that no exhaust, vibration, noise, or other nuisance creates a disturbance to the adjoining property.

### **Section 14-7-3 Glare and Lighting**

- A. Any lighting used to illuminate an on-street parking area, sign or other structure, shall be arranged so as to deflect light away from any residential area or zone and away from public streets. Direct or sky-reflected glare, whether from flood lights or high temperature processes such as combustion or welding shall not be

directed into any adjoining property. The source of lights shall be hooded or controlled in manner so as not to light adjacent property. Bare incandescent light bulbs shall not be permitted in view of adjacent property or public rights-of-way. Any light or combination of lights which cause light on a public street, other than lights specifically intended for and authorized for that purpose by the appropriate authority, shall not exceed one (1) foot candle (meter reading) as measured from the center line of such street. Any light or combination of lights which casts light on residential property shall not exceed four (4) foot candles (meter reading) as measured from the nearest property line of such property.

- B. No light which flashes, revolves or otherwise resembles a traffic-control signal shall be allowed in any area where such light could create a hazard for passing vehicular traffic.
- C. All outdoor lighting shall be installed, maintained, and utilized in conformance with Article 14-9 of this Chapter.

**Section 14-7-4 Height Limitation on Structures, Fences, Hedges, Signs, Shrubbery on Corner Lots and Driveways**

Notwithstanding any other provisions in any zoning district, as an aid to safe movement of vehicles at and near street intersections, and in order to promote more adequate protection for the safety of children, pedestrians, motor vehicle operators, and for the protection of property, the height of any fences, walls, gateways, ornamental structures, other structures or fixture construction, hedges, shrubbery and plantings on corner lots in all districts shall be limited to a height not to exceed two (2) feet above the established elevation of such lots for a distance of twenty (25) feet along the front and side lot lines of such lots as measured from the corner nearest to any adjacent street intersection.

**Section 14-7-5 Fences and Walls**

All fences and walls within any district shall be constructed in conformance with the following:

- A. No person, firm or corporation, shall construct, or cause to be constructed or erected, any fence or wall within the City, without first making application for and obtaining a building permit for such construction.
- B. All fences and walls shall be located entirely on the private property of the person, firm or corporation constructing, or causing the construction of any such fence or wall unless the owner of the adjoining property agrees, in writing that such fence or wall may be erected on the division line of the respective properties.
- C. Construction and Maintenance
  - 1. Every fence or wall shall be constructed in a diligent workmanlike manner and of substantial material reasonably suited for the purpose for which the

fence or wall is proposed to be used. Every fence or wall shall be maintained in a condition of reasonable good repair and shall not be allowed to become and remain in a condition of disrepair, damage, or unsightliness, and shall not be allowed to constitute a nuisance, public or private. Any such fence or wall which is, or has become, dangerous to the public safety, health or welfare, or has become unsightly through improper maintenance or neglect shall be deemed to be a public nuisance and the Zoning Administrator may commence proper proceedings for the abatement of such nuisance.

2. Link or wire fences or walls shall be constructed in such a manner so that no barbed ends shall be located at the top of such fence or wall, except in Industrial Districts, and shall be constructed of at least eleven (11) gauge wire or comparable material.
3. Electrical or barbed wire fences or walls shall be prohibited.

D. Fence or Wall Height Measurement

1. The height of any fence or wall shall be calculated to the uppermost points as follows:
  - a. In required yards abutting a street, the height of the fence or wall shall be the total effective height as measured from the finished grade on the side nearest the street.
  - b. In other required yards, the height of any fence or wall shall be the total effective height above the finished grade measured on the side nearest the abutting property.
  - c. On property lines, the height of any fence or wall may be measured from the finished grade of either side of the fence or wall when the abutting property owners are in joint agreement.

E. Residential Fences or Walls

1. In all Residential Districts of the City, no fence or wall shall be erected or maintained at a height of greater than six (6) feet.

F. Business and Industrial Fences or Walls

Fences or walls in all commercial and industrial zoning districts shall not exceed ten (10) feet in height except that boundary-line fences or walls abutting residential zoning districts shall not be greater than six (6) feet in height.

G. Exceptions

Special-Purpose Fences or Walls

The foregoing provisions notwithstanding, fences or walls for special purposes and fences or walls differing in construction, height, or length may be permitted in any zoning district by issuance of a conditional use permit obtained in accordance with the provisions of this Chapter. Such conditional use permit may be issued only by written findings that such fence or wall is necessary to protect, buffer or improve the premises for which the fence or wall is intended and will not detrimentally affect adjacent property.

### **Section 14-7-6 Projections of Structures Into Required Yards**

All front, side, and rear yards shall be open and unobstructed from the ground to the sky except as follows:

#### **A. All Yards**

1. In all front, side, or rear yards, sills, belt courses, cornices, eaves and ornamental features may project two (2) feet into the required yard.
2. In all front, side, and rear yards, terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) above the adjacent natural ground level may project into the required yard so long as these projections are a distance of at least two (2) feet from the adjacent lot lines.
3. In any front, side, and rear yards, chimneys may project two (2) feet into the required yard.

#### **B. Front Yards**

1. Balconies, stairs, and covered porches may project four (4) feet into the required yard.
2. Canopies and awning projecting over windows may extend into the required yard three (3) feet; however, a canopy extending from the main entrance of the main structure on the property to the sidewalk, and not wider than the entrance may project to the nearest line of any easement for public right of way or utilities.

#### **C. Side Yards**

1. Balconies and stairs located in a required side yard may project two (2) feet into the required yard but not nearer than two (2) feet to the adjacent side property line.
2. In any required side yard, canopies and awnings projecting over windows may extend into the required yard three (3) feet.
3. In any required side yard, mechanical equipment, such as air conditioners, may be constructed in the side yard so long as the blower system is not



directed toward the adjacent property, and so long as such mechanical equipment is not closer than ten (10) feet to any opening to an indoor living area on an adjacent lot.

**D. Rear Yards**

1. In any required rear yard, balconies and stairs may project four (4) feet into the required yard.
2. In any required rear yard, covered porches may project into the required yard so long as they are not closer than ten (10) feet to the rear property line.
3. In any required rear yard, canopies and awnings projecting over windows may extend into the required yard three (3) feet.
4. In any required rear yard, mechanical equipment such as air conditioners may be constructed in the rear yard so long as the blower system is not directed toward the adjacent property, and so long as such mechanical equipment is not closer than ten (10) feet to any opening to an indoor living area on an adjacent lot.

**Section 14-7-7 Accessory Buildings**

Any and all accessory buildings shall be established and constructed according to the regulations for the main building within the applicable zoning district and in accordance with the following provisions and exceptions:

- A. Accessory buildings shall not be constructed closer than five (5) feet to any property line.
- B. Accessory buildings shall not be constructed within any required setback adjacent to a street or within any utility easement or easement for public right-of-way.
- C. Accessory buildings shall not exceed fifteen (15) feet in height.

**Section 14-7-8 Required Screening**

For sanitation purposes, the Building Official may require a permanent enclosure for all refuse containers in any and all zoning districts and for any and all uses other than single-family dwellings.

**Section 14-7-9 Unsuitable Sites**

No land shall be used or structure erected if the Planning Commission has determined that the land is unsuitable for such use or structure by reason of potential flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low percolation rate or bearing strength, erosion susceptibility or any other

feature or features which may render such use or structure likely to be harmful to the health, safety and general welfare of the community. The person or entity proposing such use or structure on land determined by the Planning Commission to be unsuitable for such use or structure may appeal the Planning Commission's determination of unsuitability and may present evidence to the City Council in support of such an appeal. The City Council thereafter may affirm, modify, or withdraw the determination of unsuitability.

**Section 14-7-10 Dumping and Disposal**

- A. No person shall obstruct or reduce the capacity of Pinal Creek or any other natural waterway within the City by filling or dumping any earth, stone or other materials therein.
- B. The use of land for the dumping or disposal of scrap iron, junk garbage, rubbish or other refuse, or of ashes, slag, or other industrial wastes or byproducts shall be prohibited in every zoning district except as specifically otherwise provided in this Ordinance.

## **Article 14-8 PARKING, LOADING, ACCESS REQUIREMENTS**

- Section 14-8-1 Purpose
- Section 14-8-2 Applicability
- Section 14-8-3 Off-Street Parking Standards
- Section 14-8-4 Location of Off-Premises Parking Facilities
- Section 14-8-5 Off-Street Loading Standards
- Section 14-8-6 Access Standards for Developments

### **Section 14-8-1 Purpose**

The purpose of this Article is to regulate and ensure the provision of adequate motor vehicle parking and loading areas for each land use.

### **Section 14-8-2 Applicability**

The following Subsections describe required standards for off-street parking and off-street loading:

- A. When the use of any building, structure, or premises is changed to a new use, or the intensity of use is increased through addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified in this Article for required parking or loading facilities, parking and loading facilities shall be provided for such increase in intensity of use or change of use in accordance with the provisions of this Article.
- B. Accessory off-street parking or loading facilities which are located on the same lot as the building or use served and which were in existence on the effective date of this Chapter (June, 1998) or were provided voluntarily after such effective date shall not hereafter be reduced below, or if already less than, shall not further be reduced below, the requirements of this Article for a similar new building or use.
- C. The requirements set forth in this Article with respect to the location or improvement of parking, standing, and loading spaces shall apply to all such spaces that are provided for, such spaces are provided in accordance with the requirements of this Article or are voluntarily provided.
- D. Off-street parking facilities accessory to residential uses and developed in any residential district in accordance with the requirements of this Article shall be used solely for the parking of passenger autos, recreational vehicles, or boats owned by occupants of the dwelling structures to which such facilities are accessory, or by guests of said occupants. Under no circumstances shall required off-street parking facilities accessory to residential structures be used for the storage of commercial vehicles associated with a business operation other than for a permitted home occupation at the same location. Such residential parking facilities shall not be used for the parking of automobiles belonging to the employees, owners, tenants, visitors, or customers of nearby commercial or manufacturing establishments.

- E. No major motor vehicle work of any kind shall be permitted in conjunction with accessory off-street parking or loading facilities; e.g., the overhauling of engines shall be prohibited.

### **Section 14-8-3 Off-Street Parking Standards**

#### **A. Size**

A parking space shall mean an area of not less than one hundred sixty-six and one-half (166.5) square feet, with a minimum width of nine (9) feet, and a minimum depth of eighteen and one-half (18.5) feet, which is specifically designated for, and used for, the parking of an automobile or light truck, exclusive of all driveways and access ways.

#### **B. Permits**

An applicant for plan review, development review, or a building permit must submit plans showing the off-street parking required by this Article. These plans must show locations, arrangement, and dimensions of the off-street parking, turning spaces, drives, aisles, and ingress and egress, and must be approved by the Planning and Zoning Director. Whenever a permit has been issued in compliance with the requirements of this Article, subsequent use of the structure, or use of the land is conditioned upon the unqualified availability of off-street parking as shown in the approved plans.

#### **1. Alterations, Additions, and Expansion of a Business:**

- (a) A new use, addition, or alteration of a building shall not be approved if it would create or increase a deficit in off-street parking.
- (b) It is unlawful to reduce the amount of existing parking below the minimum required by this section without first supplying other spaces as are required.
- (c) If a building or business is destroyed, and if it is allowed to be reconstructed subject to the provisions of Section 14 – 1 -3, it shall be required to provide only the number of parking spaces which existed prior to the destruction.
- (d) If a business expands, it shall, in addition to the parking spaces in existence prior to such expansion, be required to provide only the number of additional parking spaces necessitated by the expansion.

#### **2. Parking Garage**

All garage or other space allocated for the parking of vehicles, within buildings, basements, or on roofs of buildings, shall be considered part of the off-street parking facilities and may be included as such in computing the parking area requirements.

#### **3. Access**

All off-street parking shall have access from a public street or alley.

#### **4. Ingress / Egress**

Ingress, egress, internal traffic circulation, off-street parking and loading facilities, and pedestrian ways shall be designed so as to promote safety and convenience and so that traffic visibility is not obstructed.

#### **5. Downtown Commercial Zone**

There shall be no additional minimum parking space requirements for the downtown commercial zone, however, additional off-street parking provided shall meet these standards.

### **C. Design and Location of Parking Spaces.**

#### **1. Single-family, Manufactured Homes, Duplexes and Agricultural Uses**

- (a) Location: Required off-street parking shall be located on the same lot or parcel as the use it is intended to serve.
- (b) Surfacing: Off-street parking spaces, driveways, and access ways shall be properly surfaced and graded so as to prevent impoundment of surface water in a manner satisfactory to the city engineer.

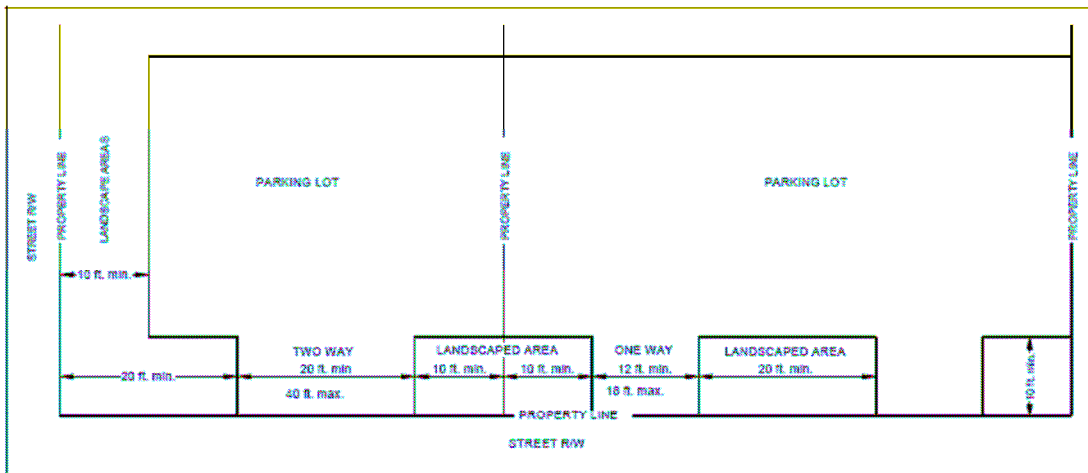
#### **2. All Other Uses**

- (a) Location: Required off-street parking shall be located within three hundred (300) feet of the building or use it is intended to serve, the distance being measured along the street line from the nearest point of the building or use to the nearest point of the parking lot. Whenever the use of a separate lot or parcel is proposed for fulfillment of minimum parking requirements, the owner shall submit as a part of his application satisfactory assurance that the separate lot or parcel is permanently committed to parking use by enforceable legal measure and such parking is authorized by the legal owner of the separate lot or parcel.
- (b) Off-street parking spaces shall be situated in a manner, which will not result in automobiles backing onto a public street.
- (c) Surfacing: Customer, patron parking areas, and automotive display areas: All new construction shall be subject to the following: All areas, access ways, driveways, and display areas for vehicles with gross vehicle weight of less than two and one-half (2-1/2) tons shall provide a pavement design drawing showing the extent of the new pavement area. This design drawing shall include a section specifying the type and thickness of the asphalt pavement, aggregate base, and subgrade and shall consist of a minimum of three (3) inches of asphalt over an eight (8) inch aggregate base over a compacted subgrade, or as otherwise specified by the site design engineer and approved by the city engineer. Paved parking lots shall be maintained at an approved standard for paving. Existing gravel parking lots shall be maintained at an approved standard with a compacted aggregate base and surfaced with three-quarter-inch (3/4) minus gravel (cinders prohibited) at a two (2) inch minimum depth, or a material of equal or better strength and durability which meets the city engineer's minimum standards. All surface water run-off shall be detained on-site or drained into a drainage system approved by the city engineer,

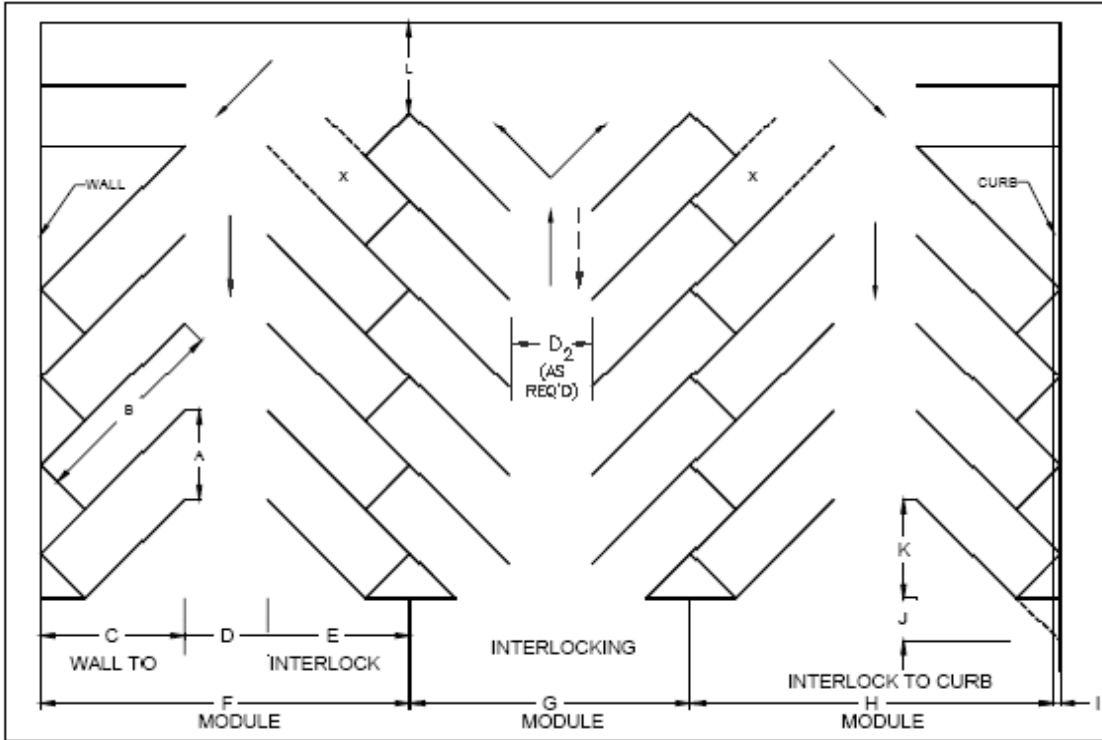
and shall be maintained by the property owner. The city engineer may require a drainage study or grading and drainage plans sealed by licenses civil engineer at their discretion.

(d) Curbing: A six (6) inch wide by six (6) inch high curb or bumper guard shall be installed along all property lines bordering the parking and maneuvering area, excluding necessary points of ingress and egress, and shall be so located that no part of a vehicle shall extend over or beyond any property line.

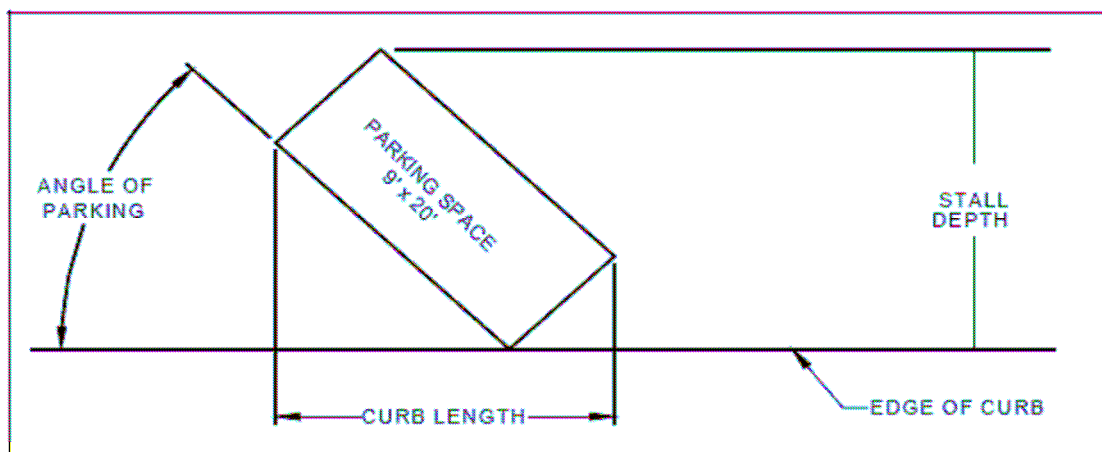
(e) Design: As indicated in the diagram below, all areas of the parking lot, with the exception of necessary points of ingress and egress, shall be no closer than ten (10) feet from the front property line. That unoccupied area shall be landscaped and maintained with trees, shrubs, ground cover, pedestrian walkways, and plazas in a manner acceptable to the zoning director. Such landscaping shall be maintained and kept in a weed-free manner. Access to off-street parking areas from a public street shall be from a two-way driveway with a minimum width of twenty (20) feet and a maximum width of forty (40) feet, or two (2) one-way driveways each with a minimum width of twelve (12) feet and a maximum width of 18 feet. No access driveway shall be located closer than twenty feet from a street intersection or other access driveway, nor any closer than ten feet from any property line.



(f) Dimensions: Arrangements of parking spaces within the parking lot and driveway widths shall conform with the following requirements:



Parking lot dimension (in feet) for 9 feet by 18 ½ feet stalls at various angles.



Dimension	On Diagram	Angle			
		45	60	75	90
Stall width, parallel to aisle	A	12.7	10.4	9.3	9.0
Stall length of line	B	27.5	23.7	20.9	18.5
Stall depth to wall	C	19.5	20.5	20.0	18.5
Aisle width between stall lines					
One-way traffic	D	12.0	16.0	23.0	26.0
Two-way traffic	D <sub>2</sub>	20.0	28.0	36.0	36.0
Stall depth, interlock	E	16.5	18.5	19.0	18.5
Module, wall to interlock	F	48.0	55.0	62.0	63.0
Module, interlocking	G	45.0	53.0	61.0	63.0
Module, interlock to curb face	H	46.0	52.5	59.5	60.5
Bumper overhand (typical)	I	2.0	2.3	2.5	2.5
Offset	J	6.4	2.6	0.6	0.0
Setback	K	13.1	9.3	4.8	0.0
Cross aisle, one way	L	14.0	14.0	14.0	14.0
Cross aisle, two way	L	24.0	24.0	24.0	24.0

(g) Screening: Whenever a parking lot or a driveway to a parking lot is established so as to adjoin the side or abut the rear line of a lot in a residential or manufactured home zoning district, a solid masonry or solid material fence six (6) feet in height, or of other material or height as allowed or required by the planning and zoning commission (subject also to the fence height regulations established in Section 15-1-44 of this ordinance) shall be constructed and maintained along said side or rear lot line.

(h) Lighting: Parking lots used during hours of darkness shall be lighted to minimum level of one point five (1.5) foot-candles.

Lighting shall be indirect, hooded and arranged so that the source of light is not directly visible from any street or adjoining property. All outdoor lighting shall conform to Division V., Outdoor Light Control, as outlined in Section 15-1-71 through Section 15-1-77 of the zoning ordinance. Light standards shall be a maximum of forty (40) feet in height above grade, in airport, commercial, and industrial zones and sixteen (16) feet in residential zones.

## **(D) Schedule of Required Off-street Spaces.**

### **1. Off-street Parking Spaces**

Shall be provided for each specified use in accordance with the schedule below. While the following schedule requires the minimum amount of parking spaces, the business is not relieved of the responsibility to provide adequate off-street parking for all employees and customers, including such parking as is required for handicap accessibility as designated by ADA guidelines.

### **2. Definitions**

In calculating the total number of required parking spaces, "usable area" as used herein shall mean the area capable of being devoted to the specified use (does not include such spaces as kitchens, restrooms, hallways, etc.), and the term "seat" shall also include each thirty (30) inches of bench seating when individual seats are not provided.



### 3. Mixed uses

In the event of mixed uses, the total requirement for off-street parking spaces is the sum of the requirements of the various uses computed separately.

### 4. Fractional Amount

In calculating the total number of required off-street parking spaces, fractional amounts are to be rounded to the next highest whole number.

### 5. Unlisted Uses

The Planning and Zoning Administrator shall determine parking requirements for a specific use not listed in this section.

### 6. Land Use Spaces Schedule

#### a. Residential Use

(1) One- or two-family residences: 2 per dwelling unit

(2) Multiple dwellings

Efficiency units 1-1/2 per dwelling unit  
One-bedroom units 1-1/2 per dwelling unit  
Two or more bedroom units 2 per dwelling unit

(3) Senior living facilities 1 per 2 dwelling units

(4) Rooming houses, fraternities, sororities, resident clubs, lodges: 1 per sleeping room or 1 per bed, whichever is greater

(5) Manufactured home parks and subdivisions 2 per manufactured home and site, plus 1 per 2 employees

(6) Recreational Vehicle Parks, 1 space per each recreational vehicle space, plus space required off-street parking space for any accessory uses.

#### b. Commercial Sales and Services

:

(1) Restaurants, bars, cocktail lounges: 1 per 50 sq. ft. of gross floor area excluding kitchens and storage areas

(2) Drive-in food or drink places with on-site consumption area: 1 per 50 sq. ft. of gross floor area excluding kitchens and storage areas, plus 1 per each 3 employees on the maximum shift.

(3) Churches, mortuaries, funeral homes: 1 per 30 square feet of assembly room space for each congregation meeting at the same time, whichever is greater.

(4) Self-service laundries and dry cleaners; 1 per 2 machines

(5) Open air businesses: 1 per 500 sq. ft. of sales area for first 2,000 sq. ft., plus 1 per additional 2,000 sq. ft or portion thereof over 50 sq. ft.

(6) Car lots: All parking for employees, customers, and auto storage or display shall be legally contained within the boundary of the property

(7) Gasoline service stations: 1 per employee on the maximum shift, plus 2 for each service bay (additional parking for grocery or other retail sales shall be required in the amount specified herein)

(8) Car wash: 1 per employee, plus reserved spaces equal to 5 times the wash line capacity

(9) Motor vehicle and machinery sales, auto repair shops: 1 per 800 sq. ft. of floor area

(10) Barbershops, beauty shops: 2 per service chair

(11) Furniture and appliance stores, household equipment 1 per 800 sq. ft. usable floor area

(12) Supermarkets, drugstores: 1 per 250 sq. ft. of gross leasable space

(13) Hotels, motels: 1 per guest room or suite, plus 1 per 2 employees

(14) Bus depots: 1 per 150 sq. ft. of waiting room space

(15) Skating rinks, dance halls, dance studios: 1 per 3 persons capacity permitted by fire regulations

(16) Bowling alleys: 7 per bowling lane, plus 1 per 5 seats in gallery, plus 1 per 2 employees

(17) Billiard parlors: 2 per 1 billiard tables, plus 1 per 2 employees

(18) Gymnasiums, health studios: 1 per 400 sq. ft. of usable floor area, plus 1 per 2 employees

(19) Private golf clubs and similar uses: 1 per 8 member families or individuals

(20) Theaters: 1 space for each 3 seats

(21) Any other retail use not indicated above 1 per 250 sq. ft. of customer: floor area, plus 1 per 2 employees on the maximum shift

### **(c) Office and Clinic Uses**

(1) Offices, banks, savings and loan usable agencies; 1 per 200 sq. ft. of: floor area

(2) Medical and dental offices/complexes and clinics; 1 per 150 sq. ft. of gross floor area for the first 20,000 sq. ft. and 1 per 250 sq. ft. of the remaining gross floor area over 20,000 sq. ft.

### **(d) Schools and Institutions**

(1) Elementary and intermediate schools: 1 per employee, plus 1 per every 20 students

(2) High schools: 1 per 8 students, plus 1 per employee

(3) Junior colleges, colleges, day universities: 1 per 3 enrolled full-time students, plus 1 per employee

(4) Trade schools, business colleges: 1 per 150 sq. ft. of gross floor area

(5) Hospitals: 1 per 2 beds, plus 1 per resident employee, plus 1 per 2 nonresident employees

(6) Day or Nursery Schools: 1 space per employee on largest work shift, plus 1 space per 6 students for student drop off area

**(E) Loading Space Requirements**

(1) Each use is required to provide off-street loading spaces for the safe maneuverability of loading and unloading of its delivery vehicles.

**Table 14-8 (A)**

**Dimensional Requirements for Parking Rows, Aisles and Modules**

one-way Angle, in degrees  
parallel\*30 45 60 90

single row of parking 9'17" 20' 20' 19"  
driving aisle 12'11" 13'18" 24'  
minimum width of module (row + aisle) 21'28" 33'38" 43'  
two rows of parking 18'34" 40' 40'38"  
driving aisle 11'12" 13' 18' 24'  
minimum width (row + aisle) 30'45" 53' 58' 62'

**Table 14-8 (B)**

**Variations from Standard Parking Space and Aisle Width**

1. As displayed in this table, parking space width may be reduced to a minimum of eight (8) feet if aisle width is increased to at least thirteen (13) feet at 30°, fifteen (15) feet at 45°, twenty (20) feet at 60°, or twenty-six (26) feet at 90°; or
2. Aisle width may be reduced to at least eleven (11) feet at 30°, twelve (12) feet at 45°, fifteen (15) feet at 60°, twenty-three (23) feet at 90°, if parking width is increased to ten (10) feet or more.

**Parking Angle**

30 45 60 90

Parking width thirteen (13') feet or more 13'15" 20' 26'

Parking width ten (10') feet  
but less than thirteen (13') feet 11' 12' 17' 23'

Note: No variations are allowed for parallel parking modules.

**Section 14-8-4 Location of Off-Premises Parking Facilities**

The location of off-premises parking facilities in relation to the use served shall be as prescribed in this section.

- A. Off-street parking facilities accessory to residential uses shall be located on the same lot as the use served.
- B. Off-street parking facilities accessory to non-residential uses may be located on a lot adjacent to or across a collector street, local street, or alley from the lot occupied by the use served but in no case at a distance in excess of one

hundred (100) feet from such use except in the Central Business (CB) District where this distance may be increased to four hundred (400) feet if such off premise parking facility is shared based upon a sharing formula approved by the Zoning Administrator. The distance shall be determined as measured from the closest point of the off-street parking facility to the closest point of the site being served by such off-premise facility. No off-premise parking facilities accessory to an industrial, commercial, or institutional use shall be located in a residential district.

- C. Pedestrian access between the use or the site and the off-premise parking area shall be via paved sidewalk or walkway.

#### **Section 14-8-5 Off-Street Loading Standards**

Any use with a gross floor area of six thousand (6,000) square feet or more, and which requires deliveries or shipments, must provide off-street loading facilities as determined necessary by the Zoning Administrator after review of the site plan.

- A. No loading space shall be located within the right-of-way of any street, roadway or public alley or in any designated off-street parking area. At no time shall any part of a truck or van be allowed to extend into a public thoroughfare or the right-of-way while the truck or van is being loaded or unloaded.
- B. Adequate off-street truck maneuvering area for any required loading berths shall be provided on-site and not within any public street right-of-way or other public lands.
- C. All required loading berths shall be located on the same lot as the use served.
- D. All loading spaces shall be accessible at all times from a street, alley or driveway intended to serve such off-street loading areas. Access to loading areas may be provided by way of designated off-street parking areas using only designated and marked aisles for such access. If access to loading spaces involves the utilization of off-street parking areas, no interference of any type shall be permitted in terms of the normal use and function of said off-street parking lot and no designated off-street parking area or space shall be infringed upon at any time for the movement of any vehicle waiting to gain access to said loading space.
- E. Access to loading spaces shall not be blocked by other loading spaces, permanent or movable structures of any type including trash receptacles or compactors nor shall any loading space interfere with any fire exit or emergency access.

#### **Section 14-8-6 Access Standards for Developments**

- A. Access to public roads and highways in the City of Globe shall be limited to ensure that the congestion created by turning movements is reduced to an absolute minimum. All developments shall meet the following standards, except

as otherwise specifically provided in this Section.

1. All proposed residential uses shall have direct access to local residential streets only, if possible.
  - a. Individual detached single-family residences may have direct access to an arterial street only if no other access options are viable, if the lot is afforded an on-site turn-around area, and if the developer is physically unable to provide a local street. All access physically abutting the developer's property shall be provided at the developer's expense.
  - b. All other residential development, including multi-family development, must have direct access to a local or collector street even though such development may be served internally by private streets and/or drives.
2. All nonresidential uses must have primary access to a collector or arterial street or to a frontage road. Direct primary access to a local residential street is prohibited for nonresidential uses. Nonresidential uses may have secondary access to a local residential street with the permission of the City Planning Commission when principal access to said nonresidential use is provided from either a nonresidential collector street or an arterial street. The establishment of such access shall be in the form of an easement or deed restriction placed upon the lot.
3. All uses shall be discouraged from having more than one point of access unless additional access is required by the Fire Department or for other safety purposes. In instances where more than one access point is required, the number shall be minimized by combining access points with adjacent parcels when possible.
4. Uses on collector streets which have in excess of one hundred (100) feet of frontage may have one (1) access per one hundred (100) feet of frontage. In order to promote safe and efficient access, however, uses which have less than one hundred (100) feet of frontage on said collector streets shall utilize shared access drives which are located on the abutting property lines. Such shared access drives shall also serve to link off-street parking areas on abutting lots in order to promote site internal circulation between abutting uses and thus minimizing the need to use the collector street in order to accommodate vehicular flow between abutting lots.
5. Driveway spacing along existing and planned arterial and collector streets shall be determined as a function of arterial or collector street type.
6. No portion of a driveway shall be located within one hundred twenty (120) feet of the near curb return of an existing or planned intersection signalized with a traffic light.

## **Article 14-9 OUTDOOR LIGHTING RESTRICTION**

- Section 14-9-1 Purpose
- Section 14-9-2 Conformance with Applicable Code
- Section 14-9-3 Approved Material and Methods of Installation
- Section 14-9-4 Definitions
- Section 14-9-5 General Requirements
- Section 14-9-6 Prohibitions
- Section 14-9-7 Permanent Exemptions
- Section 14-9-8 Procedures for Compliance
- Section 14-9-9 Temporary Exemptions

### **Section 14-9-1 Purpose**

This Article is intended to establish restrictions and guidelines for the use and installation of outdoor artificial illuminating devices. To prevent emitting undesirable rays into the night sky which have a detrimental effect on astronomical observations.

### **Section 14-9-2 Conformance with Applicable Codes**

All outdoor artificial illuminating devices shall be installed and utilized in conformance with the provisions of the Chapter, and all other ordinances or building codes which may be applicable. Where any provision of state or federal law, or any other applicable code conflicts with the requirements of this outdoor light control article, the most restrictive shall control.

### **Section 14-9-3 Approved Material and Methods of Installation**

The provisions of this Article are not intended to prevent the use of any material or method of installation not specifically prescribed by this Article provided any such alternate has been approved. The Zoning Administrator may approve any such alternate, provided, he/she finds that the proposed design, material or method:

- A. Provides approximate equivalence to those specific requirements of this Article or;
- B. Is otherwise satisfactory and complies with the intent of this Article.

### **Section 14-9-4 Definitions**

- A. Outdoor Light Fixtures: Outdoor artificial illuminating devices, outdoor fixtures, lamps and other devices, permanent or portable, used for illumination or advertisement. Such devices shall include, but are not limited to search, spot, or floodlights for:
  - 1. Buildings and structures.
  - 2. Recreational areas.
  - 3. Parking lot lighting.

4. Landscape lighting.
  5. Billboards and other signage (advertising or others).
  6. Street lighting.
- B. Fully Shielded: Those fixtures shall be in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted.
- C. Partially Shielded: Those fixtures shall be in such a manner that the bottom edge of the shield is below the plane center line of the light source (lamp), minimizing light above the horizontal.
- D. Filtered: Outdoor light fixtures whose transmission is less than five percent (5%) total emergent flux at wavelengths less than thirty-nine hundred (3900) angstroms. Total emergent flux is defined as that between three-thousand (3000) and seven-thousand (7000) angstrom units.
- E. Individual: Any private individual, tenant, lessee, owner, or any commercial entity including, but not limited to companies, partnerships, joint ventures or corporations.
- F. Installed: The initial installation of outdoor light fixtures defined herein, following the effective date of this Chapter but shall not apply to those outdoor light fixtures installed prior to such date.

#### **Section 14-9-5 General Requirements**

- A. Shielding. All exterior illuminating devices, except those exempt from this Chapter shall be fully and/or partially shielded as required in Subsection (C) of this Section.
- B. Filtration. All exterior illuminating devices, except those exempt from this Chapter shall be filtered as required in Subsection (C).
- C. Requirements for Shielding and Filtering. The requirements for shielding and filtering light emissions from outdoor light fixtures shall be as set forth in the following table:



TABLE REQUIREMENTS FOR SHIELDING AND FILTERING		
FIXTURE LAMP TYPE	SHIELDED	FILTERED <sup>1</sup>
Low Pressure Sodium <sup>2</sup>	Partially	None
High Pressure Sodium	Partially	None
Metal Halide	Fully	Yes
Fluorescent	Partially <sup>3</sup>	Yes <sup>4</sup>
Quartz <sup>5</sup>	Partially	None
Incandescent Greater than 150W	Partially	None
Incandescent 150W or less	None	None
Fossil Fuel	None	None
Glass Tubes filled with Neon, Argon, Krypton	None	None
Other Lamp Types	AS APPROVED BY THE BUILDING INSPECTOR	
<p>FOOTNOTES:</p> <ol style="list-style-type: none"> <li>1. Glass, acrylic, or translucent enclosures satisfy these filter requirements.</li> <li>2. This is the preferred lamp type to minimize undesirable light into the night sky affecting astronomical observations.</li> <li>3. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding.</li> <li>4. Warm White and Natural Lamps are preferred to minimize detrimental effects.</li> <li>5. For the purpose of this Chapter, quartz lamps shall not be considered an incandescent light source.</li> </ol>		

### **Section 14-9-6 Prohibitions**

- A. Searchlights. The operation of searchlights for advertising purposes is prohibited between the hours of eleven (11:00) P.M. and six (6:00) A.M.
- B. Mercury Vapor. The installation of mercury vapor fixtures is prohibited.

### **Section 14-9-7 Permanent Exemptions**

- A. Nonconforming Fixtures. All outdoor light fixtures existing and fully installed prior to the effective date of this Chapter (June, 1998) may remain "nonconforming" indefinitely; provided, however, that no change in use, replacement, structural alteration, or restoration after abandonment of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of these regulations.

## EXCEPTIONS:

No outdoor recreational facility, public or private, shall be illuminated by nonconforming means after eleven (11:00) P.M. except to include a specific recreational or sporting event or any other activity conducted at a ball park, outdoor amphitheater, arena, or similar facility in progress prior to eleven (11:00) P.M.

- B. Fossil Fuel Light (Gas). Lighting produced by the combustion of natural gas or other utility-type fossil fuels is exempt. (This does not exempt lighting produced indirectly from combustion of natural gas or other utility-type fossil fuels, such as through the use of electricity to produce lighting.)
- C. Federal and State Facilities. Those facilities and lands owned, operated or protected by the U.S. Federal Government or the State are exempted by law from all requirements of this Chapter. Voluntary compliance with the intent of this Chapter at those facilities is sought and encouraged.
- D. Special Exemption. The Zoning Administrator may grant special exemption to the requirements of Subsection (C) of Section 14-9-5 only upon written finding that there are extreme geographic or geometric conditions warranting the exemption and that there are no conforming fixtures that would suffice.
- E. Outdoor Advertising Lighting. Bottom-mounted outdoor advertising lighting is exempt provided that the lighting is equipped with a permanent automatic shut-off device and that the lights shall not be operated between the hours of eleven (11:00) P.M. and six (6:00) A.M.

## **Section 14-9-8 Procedures for Compliance**

- A. Application
  - 1. Any individual applying for a building or use permit under this code intending to install outdoor lighting fixtures shall as a part of said application submit evidence that the proposed work will comply with this Chapter.
  - 2. All other individuals intending to install outdoor lighting fixtures shall submit an application to the Zoning Administrator providing evidence that the proposed work will comply with this Chapter.
  - 3. Utility companies entering into a duly approved contract with the City in which they agree to comply with the provisions of these regulations, shall be exempt from applying for and obtaining a permit for the installation of outdoor light fixtures, including residential security lighting.
- B. Contents of Application. The application shall contain the following information:
  - 1. Plans indicating the location on the premises, and the type of illuminating

devices, fixtures, lamps, supports, other devices, etc.

2. Description of the illuminating devices, fixtures, lamps, supports, and other devices, etc. This description may include but is not limited to, manufacturers' catalog cuts, and drawings (including Sections where required).
- C. The above required plans and descriptions shall be sufficiently complete to enable the Zoning Administrator to readily determine whether compliance with the requirements of this Chapter will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature of configuration of the device, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.
  - D. Issuance of Permit. Upon compliance with the requirements of this Chapter, the City shall issue a permit for installation of the outdoor lighting fixtures, to be installed as in the approved application. In the event the application is part of a building permit application, the issuance of the building permit will be made if the applicant is in compliance with this Chapter as well as other pertinent laws and regulations. Appeal procedures of the zoning regulations for decisions under this Article shall apply.
  - E. Amendment to Permit. Should the applicant desire to substitute outdoor light fixtures of lamps after a permit has been issued, the applicant must submit all changes to the Zoning Administrator for approval, with adequate information to assure compliance with this Chapter.

### **Section 14-9-9 Temporary Exemptions**

- A. Request for Temporary Exemptions. Any individual as defined herein may submit a written request to the Zoning Administrator for a temporary exemption to the requirements of this Chapter, such exemption to be valid for thirty (30) days, renewable at the discretion of the Zoning Administrator.
- B. The request of temporary exemption shall contain minimally the following listed information:
  1. Specific exemption requested.
  2. Type and use of exterior light involved.
  3. Duration of time for requested exemption.
  4. Type of lamp and calculated lumens.
  5. Total wattage of lamp or lamps.
  6. Proposed location of exterior light.
  7. Previous temporary exemptions, if any.
  8. Physical size of exterior light and type of shielding provided.

- C. In addition to the above data, the Zoning Administrator may request any additional information which would enable him to make a reasonable evaluation of the request for temporary exemption.
- D. Appeal for Temporary Exemption. The Zoning Administrator, within five (5) days for the date of the properly completed request for temporary exemption, shall approve or reject in writing the request. If rejected, the individual making the request shall have the right of appeal to the Planning and Zoning Commission for review, pursuant to the procedures applicable to any other appeal of the decision of the Zoning Administrator.

## **Article 14-10 ADMINISTRATIVE PROCEDURES**

- Section 14-10-1 Reservation of Authority to Make Amendments to This Chapter
- Section 14-10-2 Amendment Procedure Requiring Public Hearing with Public Notice
- Section 14-10-3 Public Hearing Required
- Section 14-10-4 Procedure for Variances to the Ordinance
- Section 14-10-5 Procedures for Design and Site Plan Review and Approval
- Section 14-10-6 Procedure for Conditional Use Permit
- Section 14-10-7 Procedure for Appeals to Board of Adjustment - Time and Waiver

### **Section 14-10-1 Reservation of Authority to Make Amendments to This Chapter**

- A. In accordance with the provisions of Arizona State Law, the City Council may from time to time adopt amendments to this Chapter. An amendment to this Chapter may include changes in its text and wording, including but not limited to changes in the regulations regarding uses, setbacks, heights, lot areas, definitions, administration, and/or procedures. Amendments may be initiated by the City Council, the City Planning Commission, the Zoning Administrator, or by petition of a person whose property would be affected by the amendment.
- B. If an individual or other party initiates a request for an amendment to this Chapter, the request must be made on a form provided by the Zoning Administrator. The request must state the exact section of this Chapter proposed for amendment, the proposed substitute wording, and the reasons for requesting the amendment. Graphic material should also be submitted if it will assist in understanding the benefits of the amendment. The submittal must be made to the Zoning Administrator and the processing fee paid at the time of filing same.
  - 1. The Zoning Administrator shall investigate and make a written recommendation on the application to the commission within forty-five (45) days of receipt of the application. The chairperson of the commission may authorize an extension of up to ninety (90) days for good cause.
  - 2. The Zoning Administrator shall reject any application which fails to supply sufficient information to allow the Administrator to complete his or her report. The time period set forth in the preceding subsection shall not commence until a complete application for amendment has been filed and all fees have been paid.
- C. An amendment not initiated by the Planning Commission shall be referred to the Planning Commission for study and action after review, study, and recommendation by the Zoning Administrator. In its deliberations on the matter, the Planning Commission shall consider oral or written statements from the petitioner, the public, City Staff, and its own members. The Planning Commission may approve, disapprove, or table an amendment application. The Planning Commission shall notify the City Council, in writing, of its recommendation unless the applicant shall request that the application be withdrawn.
- D. The City Council may, after receipt of the report and recommendation of the

Planning Commission, set a date for a public meeting and hearing on the amendment request. An amendment which has been recommended for denial by the City Planning Commission shall not be reviewed by the City Council except upon written request by the applicant. In its deliberations on the matter, the Council shall consider oral or written statements from the petitioner, the public, City staff members, and its own members. The City Council may approve the request, deny the request, or table the request.

- E. In the event that an application for amendment is denied by the City Council or is withdrawn by the applicant after the Planning Commission hearing, the City Planning Commission shall have no authority to review an application for the same amendment within one (1) year of the City Council action on the previous application, or the withdrawal of same.
  - 1. Unless by unanimous vote the commission determines such a review is warranted based on newly discovered facts or information.

### **Section 14-10-2 Amendment Procedure Requiring Public Hearing with Public Notice**

Any amendment which changes any property from one zone to another, imposes any regulation not previously imposed or which removes or modifies any such regulation previously imposed shall be adopted in the manner set forth in 14-10-3. All other amendments may be made in accordance with the procedures utilized in the amendment of other ordinances of the city.

### **Section 14-10-3 Public Hearing Required**

- A If an application for amendment proposes changing any property from one zone to another, imposes any regulation not previously imposed, or which removes or modifies any such regulation previously imposed the planning commission shall hold a public hearing on said amendment. Notice of the time and place of the hearing including a general explanation of the matter to be considered and including a general description of the area affected shall be given at least fifteen (15) days before the hearing in the following manner:
  - 1. The notice shall be published at least once in a newspaper of general circulation published or circulated in the city and shall be posted on the affected property in such a manner as to be legible from the public right-of-way and in at least ten (10) public places in the city. A posted notice shall be printed so that the following are visible from a distance of one hundred (100) feet; the word "zoning," the present zoning district classification, the proposed zoning district classification and the date and time of the public hearing.
  - 2. In proceedings involving rezoning of land which abuts another 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. In addition

to notice by publication, the City may give notice of the hearing in such other manner as it may deem necessary or desirable.

3. In proceedings that are not initiated by the property owner involving rezoning of land which may change the zoning classification, notice by first class mail shall be sent to each real property owner, as shown on the assessment of the property, to be rezoned.
4. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed by paragraph 5 of this section:
  - a. A ten percent (10%) or more increase or decrease in the number of square feet or units that may be developed.
  - b. A ten percent (10%) or more increase or reduction in the allowable height of buildings.
  - c. An increase or reduction in the allowable number of stories of buildings.
  - d. A ten percent (10%) or more increase or decrease in setback or open space requirements.
  - e. An increase or reduction in permitted uses.
5. In proceedings governed by paragraph 4 of this subsection, the city shall provide notice to real property owners pursuant to at least one of the following notification procedures:
  - a. Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property is directly governed by the changes.
  - b. If the city issues utility bills or other mass mailings that periodically include notices or other informational or advertising materials, the city shall include notice of such changes with such utility bills or other mailings.
  - c. The city shall publish such changes prior to the first hearing on such changes in a newspaper of general circulation in the city. The changes shall be published in a "display ad" covering not less the one-eighth (1/8) of a full page.
6. If notice is provided pursuant to subparagraphs 5 (b) or 5 (c) of this subsection the city shall also send notice by first class mail to persons who register their names and addresses with the city as being interested in receiving such notice, The city may charge a fee not to exceed five (5) dollars per year for providing this service and may adopt procedures to

implement this provision.

7. Notwithstanding the notice requirements set forth in paragraph 5 of this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the municipality for which the notice was given.<sup>6</sup>
- B. After the hearing, the planning commission or hearing officer shall render a decision in the form of a written recommendation to the Mayor and Council in such form and manner as may be specified by the Mayor and Council.
- C. If the planning commission has held a public hearing, the Mayor and Council may adopt the recommendations of the planning commission or hearing officer without holding a second public hearing if there is no objection, request for public hearing, or other protest. The Mayor and Council shall hold a public hearing if requested by the party aggrieved or any member of the public or the governing body, or, in any case, if no public hearing has been held by the planning commission or hearing officer. Notice of the time and place of the hearing shall be given in the time and manner provided for the giving of notice of the hearing by the planning commission as specified in subsection A. In addition the city may give notice of the hearing in such other manner as it may deem necessary or desirable.
- D. The City may enact an ordinance authorizing county zoning to continue in effect until municipal zoning is applied to the land previously zoned by the county and annexed by the city, but in no event for longer than six (6) months after the annexation.
- E. The City is not required to adopt a general plan prior to the adoption of zoning .
- F. If there is no planning commission, the Mayor and Council of the city shall perform the functions assigned to the planning commission.
- G. If the owners of twenty percent (20%) or more either of the area of the lots included in any proposed change, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom, or of those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of three-fourths (3/4) of all members of the governing body of the city, If any members of the governing body are unable to vote on such a question because of a conflict of interest, then the required number of votes shall in no event be less that a majority of the full membership of the legally established governing body. <sup>7</sup>
- H. Notwithstanding any provision to the contrary herein, a decision by the governing body involving rezoning of land which is not owned by the city and which changes the zoning classification of such land may not be enacted as an

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<sup>6</sup> **Editor's Notes:** State law reference: Public hearing required, A.R.S. 9-462.04

<sup>7</sup> State law reference: A.R.S. 9-462.04(H)



emergency measure and such change shall not be effective for a least thirty (30) days after final approval of the change in classification by the governing body.<sup>8</sup>

- I. Pursuant to the provisions of ARS. 9-462.08 the Mayor and Council may establish the position of Hearing Officer and delegate to the Hearing Officer the authority to conduct hearings required in this section.

#### **Section 14-10-4 Procedure for Variances**

- A. The Board of Adjustment may authorize a departure from the terms of the zoning regulations pertaining to height or width of structures or the size of yard and open spaces where such departure will not be contrary to the public interest, and where, as a result of conditions peculiar to the property because of its size, shape or topography, and not as a result of the action of the applicant, the literal enforcement of the provisions of this Chapter would deprive the owner of the reasonable use of the land and/or building involved.
- B. The Mayor and Council shall by resolution establish fees for variance applications which shall include the anticipated cost for publishing and mailing all notices required by this chapter or Arizona Law.
- C. A request for variance shall be made by filing an application with the Zoning Administrator and paying the required application fee. The application shall be accompanied by a development plan showing such information as the Zoning Administrator may reasonably require for purposes of this Chapter. The plans shall contain sufficient information for the Board to make an informed decision on the matter. The request shall state the exceptional conditions and the peculiar and practical difficulties claimed as a basis for a variance. In all cases, the application shall include:
  1. Name and address of the applicant;
  2. The legal description of the property involved in the request for variance, including the street address, if any, of the property;
  3. The names and addresses of the owners of the property and any other persons having a legal interest therein;
  4. A site plan drawn to scale showing the property dimensions, grading, landscaping, and location of utilities, as applicable;
  5. Location of all existing and proposed buildings;
  6. Drive accesses, driveways, access roads, parking spaces, off-street loading areas, and sidewalks as applicable;
  7. The variance requested and the reasons for the request; and

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<sup>8</sup> State law reference: A.R.S. 9-462.04(j)

8. The justification for such variance in accordance with the requirements of this Chapter and A.R.S. 9-462.06.
- D. A hearing shall be held on the variance request. Notice of the time, date, place and purpose of the variance hearing shall be published once in a newspaper of general circulation in the City and posted in a conspicuous place close to the property affected at least fifteen (15) days before the hearing, and shall be mailed at least seven (7) days prior to the Board meeting to each owner of property situated wholly or partly within three hundred (300) feet of the property to which the variance relates. The Zoning Administrator shall be responsible for mailing such notices. For the purpose of giving mailed notice, the Zoning Administrator shall require the applicant to furnish the names and addresses of all property owners within three hundred (300) feet of the property.
  - E. In considering applications for variance, the Board shall consider the effect of the proposed variance upon the health, safety and welfare of the community, traffic conditions, light and air, danger of fire, risk to the public safety, and the effect on values of property in the surrounding area. The Board shall hear oral or written statements from the applicant, the public, City staff, or its own members. If the Board determines by motion that the special conditions applying to the structure or land in question are peculiar to such property or the immediately surrounding area and do not apply generally to other land or structures in the district in which said land is located, that granting the proposed variance will not in any way impair health, safety, welfare, or in any other respect be contrary to the intent of this Chapter and any general plan of development adopted by the City, and that the granting of such variance will not merely serve as a convenience to the applicant, but is necessary to alleviate demonstrable hardship or difficulty, the Board may grant such variance and impose conditions and safeguards therein. A variance shall not be approved except upon the affirmative vote of three-fourths (3/4) of all members of the Board.
  - F. A board of adjustment may not:
    1. Make any changes in the uses permitted in any zoning classification or zoning district, or make any changes in the terms of this Chapter provided the restriction in this paragraph shall not affect the authority to grant variances pursuant to this section.
    2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.<sup>9</sup>

#### **Section 14-10-5 Procedures for Design and Site Plan Review and Approval**

- A. The purpose of the Design and Site Plan Review and Approval process is to evaluate all aspects of a proposed development pertaining to: Site planning, the relationship of the project to the surrounding community, building design,

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<sup>9</sup> **Editor's Notes:** State law reference: A.R.S. 9-462.06

drainage, landscaping, signage, and compliance with the remaining provisions of this Chapter and the city code. Design and Site Plan Review is intended to encourage development which is attractive, in harmony with its surroundings, and safe for the residents of the community. The City recognizes that a desirable and distinctive community character, founded on the principles of sound site planning and architecture, is a prime factor for a strong building environment and preservation of property values. Design and Site Plan Review is, therefore, considered to further the public health, safety, and general welfare.

- B. Prior to the issuance of any building, excavation, or sign permit for the development, construction, remodeling, changes or alterations of any proposed or existing project or building, the property owner or designated representative shall secure approval of the Zoning Administrator and City Engineer, except as exempted below. The Planning Department shall prescribe the form and content of the application and accompanying data.
1. Sufficient detail shall be provided to review the site layout and design, building architecture, drainage, landscaping treatment and signage of the project.
  2. All renderings submitted in conjunction with zoning changes, use permits, and development plans shall be realistic in nature depicting surrounding land uses, landscaping, and improvements one (1) month after project completion.
  3. Properties and uses exempted from Design and Site Plan Review and approval are as follows:
    - a. Single-family detached dwelling units and related accessory buildings within the R1-43, R1-9 and R1-6 residential districts.
    - b. Special exemptions for residential units as determined by City Council where lot size and type of residential units do not warrant review.
    - c. Temporary sales or construction offices and temporary signs.
- C. For purposes of this Chapter, site plans are classified as Major or Minor Site Plans. All developments within the City except individual single family and duplex residential units shall be subject to this Section.
1. Any Site Plan which involves one or more of the following shall be a Major Site Plan:
    - a. Forty (40) or more dwelling units in a multiple family structure or structures.
    - b. 15,000 or more square feet of

- office space
- retail commercial space
- service commercial space
- industrial space

c. One or more buildings on one site for

- office use
- retail commercial use
- service commercial use
- industrial use

d. 20,000 or more square feet of exterior storage of materials or goods.

e. Parking for more than 80 vehicles.

2. Any site plan that is not a Major Site Plan shall be a Minor Site Plan.

3. The Planning Commission may review, and may require revisions to, any proposed Site Plan, major or minor. The purpose of this review is to relieve demonstrable adverse impacts of the development upon public safety, health, or welfare; to protect public investment in roads, drainage facilities, sewage facilities, and other public facilities; to conserve the value of buildings; and to ensure that the regulations of the City are upheld.

4. Additionally, the Planning Commission may authorize the Zoning Administrator to conduct a review of any Site Plan. Any variances sought for approval of major or minor site plans must be sought from the Board of Adjustment.

D. For those rezoning requests that do not comply with the general plan adopted by the City, the site plan shall be submitted in conjunction with a rezoning application and the site plan or rezoning. The site plan and rezoning application must be submitted and approved prior to any construction or development. A general plan amendment process shall be processed prior to, or simultaneously with, the rezoning application.

1. For those areas with desired zoning, the site plan shall be submitted prior to any construction or development.

E. Applications for Major or Minor Site Plan Approval shall be on a form provided by the Zoning Administrator. The application shall be accompanied by the appropriate fee and development plans showing sufficient information for the Planning Commission or City staff to determine whether the proposed development will meet the development requirements of the City. In all cases, the application shall contain the following:

1. General Information:

- a. Name of project/development;
  - b. Location of project/development by street address;
  - c. Location map, including area within one-half mile of site;
  - d. Name and mailing address of developer/owner;
  - e. Name and mailing address of registered engineer/architect;
  - f. Date of plan preparation;
  - g. North point indicator;
  - h. Scale of not less than one (1") inch to one hundred (100') feet; and
  - i. Names and addresses of property owners within three hundred (300') feet of site.
  - j. Existing and proposed land use category of General Plan, and Zoning(s) of proposed site and adjacent properties.
2. Site Plan, including:
- a. Boundary line of property with dimensions;
  - b. Location, identification and dimension of existing and proposed data, to a distance of one hundred (100') feet unless otherwise stated and how it compares to this code:
    - i. Topographic contours at a minimum interval of two (2) feet
    - ii. Adjacent streets and street rights-of-way to a distance of one hundred fifty (150') feet, except for sites adjacent to major arterial streets where the distances shall be two hundred (200') feet
    - iii. On-site streets and rights-of-way
    - iv. Ingress and egress points
    - v. Traffic flow on-site
    - vi. Traffic flow off-site
    - vii. Utilities and utility rights-of-way or easements:
      - a) electric

- b) natural gas
  - c) telephone, cable TV
  - d) water
  - e) sewer (sanitary treated effluent and storm)
- viii. Buildings and structures
- ix. Parking facilities
- x. Water bodies
- xi. Surface water holding ponds and drainage ditches
- xii. Surface water drainage arrows and detail showing method of controlling proper drainage.
- xiii. Significant rock outcroppings
- xiv. Sidewalks, walkways, driveways, loading areas and docks, bikeways
- xv. Fences and walls
- xvi. Exterior signs
- xvii. Exterior refuse collection areas
- xviii. Exterior lighting
- xix. Landscaping (detailed plan showing plantings, equipment, etc.)
  - a) botanical and common names of vegetation to be used
  - b) size of plantings at time of planting and maturity
  - c) areas to be irrigated
- c. Number of employee and non-employee parking spaces, existing and proposed, and total square footage of each;
- d. Site statistics including site square footage, percent of site coverage (building and parking), dwelling unit density, percent park or open space; and
- e. All data necessary to show compliance with any applicable State or Federal requirements such as the Americans with Disabilities Act.
- f. A reproducible copy of the site plan with appropriate signatures

shall be submitted upon approval.

3. Building Information (On-Site), including:
    - a. Height above mean sea level of the lowest floor when the structure is proposed to be located in a floodway or floodplain area;
    - b. Gross square footage of existing and proposed structures; and
    - c. Front, rear and side elevations, with a description of exterior materials to be used.
  4. Permits:
    - a. A listing of all required Federal, State and City Permits and status of applications.
- F. In considering an application for Site Plan Approval under this Section, the applicant shall provide information to the City staff, and they shall consider the following:
1. Relationship of the plan elements to conditions both on and off the property;
  2. Conformance to the provisions of this Chapter;
  3. Conformance to the general plan adopted by the City;
  4. The impact of the plan on the existing and anticipated traffic, parking, water, sewer, schools, fire, police, and parks;
  5. The adequacy of the plan with respect to land use;
  6. Pedestrian and vehicular ingress and egress;
  7. Building location and height;
  8. Landscaping;
  9. Lighting;
  10. Provisions for utilities;
  11. Site drainage;
  12. Open space;
  13. Loading and unloading areas;
  14. Grading;

15. Signage;
  16. Screening;
  17. Setbacks; and
  18. Other related matters.
  19. Other matters as requested by the Zoning Administrator.
- G. The City staff shall meet with the applicant upon request. The City staff shall also consider oral or written statements from the public or other City staff members. A decision shall be made on a Site Plan within thirty (30) days of the date of application.
1. If the City staff determines that the proposed Site Plan will not be detrimental to the health, safety, or welfare of the community nor will cause traffic congestion or other community impacts, including but not limited to adverse drainage impacts, or seriously depreciate surrounding property values and at the same time is in harmony with the purposes and intent of this Chapter, the plan for the area, and the general plan adopted by the City, the staff may grant such Site Plan Approval, and such conditions and safeguards may be imposed as they deem necessary. Staff shall notify the Planning Commission at its next regular meeting of all site plan approvals made by staff.
  2. Site Plan Approval Applications may be denied by City staff upon finding and determination by the staff that the conditions or information required for consideration do not exist or are not complete or the proposed plan would be detrimental to the health, safety, or welfare of the community or otherwise is a violation of any provision of the City Code.
  3. When a Site Plan Approval Application is denied by City staff, the applicant may appeal that denial to the Planning Commission. If unusual or significantly difficult conditions exist which affect the Site Plan, the Zoning Administrator may require that the Site Plan be reviewed and acted upon by the Planning Commission.
- H. An approved site plan shall be valid for one (1) year from its date of approval.
- I. Any amendment or modification to an approved site plan shall be submitted for approval. All amendments shall be shown on a revised site plan drawing.
1. Amendments to site plans shall be submitted to City staff who may, if authorized by the Planning Commission, approve such amendment(s) if they determine that such amendment(s) are acceptable pursuant to the provisions of this Section.
  2. Minor amendments to site plans previously approved by the Planning Commission may be approved by the Chairman and Secretary of the



Commission upon finding by the Chairman and Secretary of the Commission that the amended Site Plan is in substantial compliance with the originally approved Site Plan. If it is determined by the Chairman and the Secretary that the amended Site Plan is not in substantial compliance with the originally approved Site Plan, the application shall be resubmitted and processed in accordance with the provisions and requirements of this Section.

#### **Section 14-10-6 Procedure for Conditional Use Permit**

- A. Certain uses, while generally not suitable in a particular zoning district, may, under certain circumstances, be acceptable if appropriate conditions are imposed. When such circumstances exist, a Conditional Use Permit may be granted if authorized in the zoning district which is the subject of the request. The Permit may be issued for a specified period of time, with automatic cancellation at the end of that time unless it is renewed, or conditions may be applied to the issuance of the permit and periodic review may be required. The permit shall be granted for a particular use and not for a particular person or firm.
- B. The person applying for a Conditional Use Permit shall fill out and submit to the Zoning Administrator the appropriate form together with the required fee. The request for a Conditional Use Permit shall follow the procedures and applicable requirements of Section 14-10-5 of this chapter regarding site plan approval.
- C. No Conditional Use Permit shall be given for a use which is not listed in this Chapter as a Conditional Use in the particular District in which it is proposed to be located. The Commission shall consider the effect of the proposed use upon the health, safety, and general welfare of occupants of surrounding land, existing and anticipated traffic conditions including parking facilities on adjacent streets and land, and the effect of the proposed use on any general plan adopted by the City. The Planning Commission may grant the application by motion, imposing such conditions and safeguards as it deems necessary, or it may deny the application.

If an application is denied, the denial shall constitute a finding that the applicant has not shown that the conditions required for approval do exist. No application for a Conditional Use Permit which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of said order of denial, except on grounds of new evidence or proof of change of conditions found to be valid by the Planning Commission.

- D. The applicant shall be notified in writing of the action taken by the Planning Commission within seven (7) days of its action. If the application has been granted, a permit shall be issued upon the signature of the Chairman of the Planning Commission and the Zoning Administrator, and any conditions, automatic termination date, or period of review shall be stated on the permit.

## **Section 14-10-7 Procedure for Appeals to Board of Adjustment**

- A. Any aggrieved person or any officer or department of the City affected by a decision of an administrative officer or the City Planning Commission pertaining to this Ordinance, may appeal to the Board of Adjustment by filing an application with the Zoning Administrator and paying the required fee. The application shall state the name and address (or City office) of the applicant and the reasons for filing the appeal. The application shall be made within thirty (30) days of the date said applicant received or should have received notice of the decision which is being appealed. The Zoning Administrator shall then transmit to the Board of Adjustment the complete record of the action from which the appeal is made. Failure to file a timely appeal shall preclude any other challenge to the decision of the officer of commission.
1. For purpose of determining the date notice of action is received or should have been received under this subsection, notice shall be deemed received, three (3) days after notice is mailed to the person appealing, the day a building permit is posted on the subject property, or the date construction commences, which ever shall first occur.
- B. An appeal to the Board stays all proceedings in furtherance of the action appealed unless the officer or body from which the appeal is taken certifies to the Board that by reason of facts stated in the application opposing the stay, the stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed other than by a restraining order granted by the Superior Court on notice to the Zoning Administrator and with due cause shown.
- C. No appeal may be granted by the Board of Adjustment until a public hearing has been held on the application. A notice of time, date, place, and purpose of the hearing shall be posted in accordance with the open meeting laws and mailed to the applicant and all other parties at least fifteen (15) days prior to the date of the hearing.
- D. If the appeal relates to a decision on a specific site, a similar notice shall be posted in conspicuous places close to the site affected and shall be mailed at least seven (7) days prior to the date of the hearing to each owner of the property situated within three hundred (300) feet of the property to which the appeal relates. The Zoning Administrator shall be responsible for mailing such notice. For the purpose of giving mailed notice, the applicant shall furnish the names and addresses of all property owners within three hundred (300) feet of the property. The failure to receive notice by individual property owners will not invalidate the proceedings.
- E. Within forty five (45) days of the date of application, but no sooner than fifteen (15) days from the date of public notice, the Board shall hear arguments favoring and opposing the appeal. The Board shall consider oral or written statements from the appellant, the public and City staff members. The Board shall also consider the record of the action from which the appeal is taken. The Board may, by three-fourths (3/4) majority of the entire Board, decide in favor of the

appeal or by simple majority, continue the appeal. If continued, the Board shall make a decision on the appeal at its next regularly scheduled meeting. If a three-fourths (3/4) majority of the Board does not decide in favor of the appellant, the appeal shall be denied. The Board may impose such conditions and safeguards on its decision as it deems necessary to satisfactorily mitigate the situation or issues of concern, but it shall not attempt to decide matters not specifically contained in the appeal.

- F. The Board shall issue a written notice of its decision to all concerned parties and to the Zoning Administrator, who shall notify the City Council and make official record of the decision. The notice shall state the facts or findings of the matter as determined by the Board, the reasons for its decision, and any conditions applied to the decision.
  
- G. The procedures set forth in this Section shall be considered an administrative remedy for any person aggrieved by a decision of an administrative officer or planning commissioner of the City. Said remedy must be exhausted prior to commencement of any action in Superior Court to challenge the decision. Any appeal of a decision of the Board of Adjustment shall be pursuant to the Rules of Procedure for Special Actions adopted by the Arizona Supreme Court. No appeal shall be accepted unless taken within thirty (30) days of the Board decision.

## **Article 14-11 ENFORCEMENT**

- Section 14-11-1 Violations
- Section 14-11-2 Enforcement and Remedies
- Section 14-11-3 Inspection of Development
- Section 14-11-4 Criminal Penalties
- Section 14-11-5 Other Enforcement Powers and Actions

### **Section 14-11-1 Violations**

- A. Any violation of the provisions and requirements of this Chapter shall be subject to the enforcement remedies and penalties provided by this code.
- B. Except as otherwise specified in this code, each day that a violation continues shall be considered a separate violation.

### **Section 14-11-2 Enforcement and Remedies**

- A. The Zoning Administrator shall have the duty and authority to enforce the provisions of this Chapter.
- B. The Zoning Administrator shall have the authority to enter any building, structure or premises, upon reasonable notice, at any and all reasonable times, for the purpose of performing the duties prescribed to the Zoning Administrator by this Chapter.
- C. All remedies provided in this code shall be cumulative and the use of one remedy shall not prohibit the use of other remedies for the same violation. To the extent that Arizona State law may limit the availability of a particular remedy for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.
- D. The Zoning Administrator shall order, in writing, the correction of any violation. Such order shall state the nature of the violation, the code provision violated, and the time in which the violation must be corrected. After such order has been served upon the record owner of the property affected or its agent, no work shall proceed on any structure or tract of land covered by such an order except to correct such violation or to comply with the order.
- E. Decisions of the Zoning Administrator may be appealed to the Board of Adjustment in accordance with the Section 14-10-7.
- F. In addition to or in lieu of the procedures outlined above the provisions of this code shall be enforceable by the City in a court of proper jurisdiction utilizing any available remedies at law or equity.
- G. This Chapter shall not be construed to hold the City of Globe, its Community Development Director, Zoning Administrator, City Engineer or any other City official, responsible for any damage to persons or property by reason of any

inspection or re-inspection authorized herein or the failure to so inspect or re-inspect or by reason of the issuance of a building permit as herein required.

### **Section 14-11-3 Inspection of Development**

- A. Following the issuance of any permit pursuant to this chapter, the Zoning Administrator shall:
  - 1. Review all permits issued and construction undertaken,
  - 2. Compare actual development with approved plans and permits for development and the approved development schedule, conditions, or stipulations if any, and
  - 3. Report his or her findings to the Chairperson of the Planning Commission.
- B. If at any time during the construction of a development the Zoning Administrator determines that development is not proceeding or has not been completed in accordance with the approved plans and permits for development, the Zoning Administrator may issue a stop work order.
- C. The Zoning Administrator may issue a stop work order on any development, excavation, building, or structure on any land on which there is an uncorrected violation of a provision of this code or of a permit or other form of authorization issued hereunder.

### **Section 14-11-4 Penalties**

- A. Any person, or entity which knowingly or willfully violates any provision of this chapter, except where specifically provided otherwise, shall be guilty of a civil violation and shall be punished as provided in section 1-5-1(A) of this code.
- B. In the event that the Zoning Administrator determines that a violation of this Chapter has occurred, the Zoning Administrator shall send written notification of such violations to the person or entity causing the violation and the owner of record of the property where the violation has occurred, if different. Both shall be deemed to be a violator. The violator shall have seven (7) days to correct the violation. If the violation is not corrected within the specified period, all development shall cease and all permits granted by the City shall become null and void. The Zoning Administrator may extend the seven (7) day period if the violation cannot be corrected within seven (7) days and the violator and owner, within the seven (7) day period, show a good faith intent to correct the violation.
- C. Each and every day beyond the initial seven (7) day notice period during which such violation continues shall be deemed a separate violation, punishable as set forth in paragraph A above.
- D. Violation of a stop work order issued pursuant to section 14-11-3 shall be a class one misdemeanor punishable as provided in section 1-5-1(B).

## **Section 14-11-5 Other Enforcement Powers and Actions**

- A. Nothing in this Section shall prohibit the continuation of previous enforcement actions undertaken pursuant to prior valid law or regulation.
- B. Whenever the Zoning Administrator has reasonable cause to believe that any person or entity is violating or threatening to violate the provisions of this Chapter, the Zoning Administrator may, either before or after the institution of any other action or proceeding authorized by this chapter, institute a civil action in the name of the City for injunctive relief to restrict the violation or threatened violation. This injunctive action shall be brought in the Superior Court. The institution of injunctive action under this Section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of the provisions of this chapter.
- C. The Zoning Administrator shall have such other enforcement powers and remedies as are and may from time to time be provided for or permitted by Arizona law for the violation of city codes.

## **Article 14-12 DEDICATION OR EXACTION APPEALS**

- Section 14-12-1 Compliance with Arizona Statute, Appointment of Hearing Officer
- Section 14-12-2 Notice Provisions, Continuing Education
- Section 14-12-3 Appeals Procedure, Time Limits, Ruling
- Section 14-12-4 Legislative Act - Non-applicability

### **Section 14-12-1 Compliance with Arizona Statute, Appointment of Hearing Officer**

- A. In order to comply with State and Federal laws, there is hereby created the office of Hearing Officer for the City of Globe to hear appeals from property owners who have been required by a decision of an administrative agency or official of the City to complete a dedication or exaction as a condition of approving an applied for use, improvement, or development of the owner's real property. All actions of the hearing officer shall be in full compliance with the provisions of A.R.S. §9-500.12 et seq., as amended from time to time, and with the provisions of this Article. Should there be a conflict between the provisions of this Article and State law, the provisions of State law shall apply.
- B. The hearing officer shall be appointed by the Mayor and Council and shall serve a term of two (2) years, be over the age of eighteen (18), be a resident of the City of Globe, shall not be a City employee other than as a hearing officer, and shall be informed of, and follow, the Conflict of Interest Policy established by the City.
- C. The compensation of the hearing officer shall be determined by the Mayor and Council at the time of appointment and shall include reimbursement for expenses of appearing at hearings. There shall be no change to the compensation during the term of office.

### **Section 14-12-2 Notice Provisions, Continuing Education**

The City Manager shall establish procedures to comply with the provisions of A.R.S. §9-500.12 et seq. as same may be amended from time to time, including the establishment of a procedure to notify property owners of their appeal rights pursuant to State law and this Article. The City Manager shall further establish a method of insuring continuing education and notification of all City administrative agencies, City staff and the Mayor and Council of the requirements of State law.

### **Section 14-12-3 Appeals Procedure, Time Limits, Ruling**

- A. At the time of any decision by an administrative agency or official of the City which makes a final determination granting the approval of a requested use, improvement, or development of real property subject to the requirement of a dedication or exaction as a condition of granting the approval, the property owner shall be notified in writing of his/her right to appeal the required dedication or exaction pursuant to this Code and A.R.S. §9-500.12. The notice shall further describe the appeals procedure which shall, in all respects, comply with A.R.S. §9-500.12.

B. Appeals:

1. The appeal shall be in writing and filed with or mailed to the hearing officer designated by the City within thirty (30) days of the decision of the administrative agency or official requiring the dedication or exaction.
2. No fee will be charged for the filing.
3. The hearing officer shall schedule a hearing within thirty (30) days of the receipt of the request.
4. At the hearing, the City shall bear the burden of proving that the dedications or exactions being required bear an essential nexus between the requirement imposed and a legitimate governmental interest of the City and that the proposed dedication or exaction is roughly proportional to the impact of the use, improvement, or development proposed by the property owner.
5. The hearing officer shall provide at least ten (10) days notice of the date, time, and place of the hearing unless the property owner acknowledges, in writing, that less notice is acceptable to him/her. The hearing officer must render his/her decision within five (5) working days after the appeal is heard.
6. The hearing officer can affirm the dedication or exaction, modify it, or delete the requirement. His/her decision shall be in writing and delivered to the address provided by the property owner and to the City Manager and City Attorney.
7. If the property owner is aggrieved by decision of the hearing officer which modifies or affirms the requirement of the dedication or exaction, the property owner may, within thirty (30) days, after the hearing officer has rendered a decision, file a complaint for a trial de novo in Superior Court on the facts and the law regarding the issues of the condition or the requirement of a dedication or exaction.

**Section 14-12-4 Legislative Act - Nonapplicability**

The provisions of this Article shall not apply to a dedication or exaction required in a legislative act of the City Council which does not give discretion to an administrative agency or official to determine the nature or extent of the dedication or exaction.



## **Article 14-13 SEXUALLY ORIENTED BUSINESSES**

### **Section 14-13-1 Sexually Oriented Business Regulation**

#### **A. Purpose and Intent.**

It is the purpose and intent of this Section to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the City of Globe and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the City, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this Section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene material.

#### **B. Definitions.**

1. Adult arcade means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or 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 five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
2. Adult bookstore, adult novelty store or adult video store means a commercial establishment which, offers for sale or rental, for any form of consideration any one or more of the following:
  - a. books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
  - or
  - b. instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities"; and which meets one (1) or more of the following criteria:

- i. a substantial or significant portion of its inventory, stock or merchandise on hand at any time is comprised of sexually explicit material; or
  - ii. a substantial or significant portion of its gross income for any one month is derived from the sale or rental, in any form of consideration, of sexually explicit material; or
  - iii. a substantial or significant amount of sexually explicit material is displayed in its display area; or
  - iv. its principal business purpose is the sale or rental of sexually explicit material; or
  - v. regularly excludes all minors from the premises because of the sexually explicit nature of the items sold, rented or displayed therein.
- 3. Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment which features:
  - a. persons who appear in a state of nudity or semi-nude; or
  - b. live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or
  - c. films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- 4. Adult motel means a hotel, motel or similar commercial establishment which:
  - a. offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas," and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
  - b. offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
  - c. allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

5. Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
6. Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
7. Employee means a person 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 an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
8. Escort means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
9. Escort agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
10. Establishment means and includes any of the following:
  - a. the opening or commencement of any sexually oriented business as a new business;
  - b. the conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
  - c. the additions of any sexually oriented business to any other existing sexually oriented business; or
  - d. the relocation of any sexually oriented business.
11. Licensee means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

12. Massage establishment means an establishment in which a person, firm, association or corporation engages in or permits massage activities, including any method of pressure on, friction against, stroking, kneading, rubbing, tapping, pounding, vibrating or simulating of external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance.
  - a. This paragraph does not apply to:
    - i. physicians licensed pursuant to A.R.S. Title 32, Chapter 7, 8, 13, 14, or 17, as amended.
    - ii. registered nurses, licensed practical nurses, physical therapists or technicians who are acting under the supervision of a physician licensed pursuant to A.R.S. Title 32, Chapter 13, 15, 17, or 19, as amended.
    - iii. persons who are employed or acting as trainees for a bona fide amateur, semiprofessional athlete or athletic team.
    - iv. persons who are licensed pursuant to A.R.S. Title 32, as amended, or if the activity is limited to the head, face, or neck.
    - v. massage therapy which is a non-sexual massage offered by an individual who is licensed by a professionally recognized organization.
13. Nude model studio means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Arizona or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation, or in a structure:
  - a. that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
  - b. where in order to participate in a class a student must enroll at least three days in advance of the class; and
  - c. where no more than one nude or semi-nude model is on the premises at any one time.

14. Nudity or a state of nudity means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage 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.
15. Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.
16. Semi-nude or in a semi-nude condition means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
17. Sexual encounter center means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
  - a. physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
  - b. activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
18. Sexually explicit material means any material which depicts or describes "specified sexual activities" or "specified anatomical areas".
19. Sexually oriented business means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
20. Specified anatomical areas means:
  - a. the human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
  - b. less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
21. Specified criminal activity means any of the following offenses:
  - a. prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual

performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;

- b. for which:
  - i. less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
  - ii. less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
  - iii. less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.
- c. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

22. Specified sexual activities means any of the following:

- a. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- b. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- c. excretory functions as part of or in connection with any of the activities set forth in (a) through (b) above.

23. Substantial enlargement of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%).

24. Transfer of ownership or control of a sexually oriented business means and includes any of the following:

- a. the sale, lease, or sublease of the business;

- b. the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- c. the establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

C. Classification.

Sexually oriented businesses are classified as follows:

- 1. adult arcades;
- 2. adult bookstores, adult novelty stores, or adult video stores;
- 3. adult cabarets;
- 4. adult motels;
- 5. adult motion picture theaters;
- 6. adult theaters;
- 7. escort agencies;
- 8. nude model studios; and
- 9. sexual encounter centers.

D. Location of sexually oriented businesses.

- 1. No person shall operate or cause to be operated a sexually oriented business in any zoning district other than Light Industrial (M-1) or General Industrial (M-2) as defined and described in this Chapter, nor shall any person operate or cause to be operated a sexually oriented business without a conditional use permit which meets all of the requirements set forth in Section 14-10-6, Conditional Use Permits, and this Section.
- 2. No person shall operate or cause to be operated a sexually oriented business within five hundred (500) feet of:
  - a. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
  - b. A public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior

high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

- c. A boundary of a residential zoning district as defined in this Chapter;
  - d. A public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within the City which is under the control, operation, or management of the City park and recreation authorities;
  - e. The property line of a lot devoted to a residential use;
  - f. An entertainment business which is oriented primarily towards children or family entertainment; or
  - g. A licensed premise, licensed pursuant to the alcoholic beverage control regulations of the State.
3. No person shall cause or permit the operation, establishment, substantial enlargement, or transfer of ownership or control of a sexually oriented business within two hundred (200) feet of another sexually oriented business.
4. No person shall cause or permit the operation, establishment, or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or the increase of floor area of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
5. For purposes of the five hundred (500) foot restriction referenced in paragraph (2) above, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in Subsection D(2) above. Presence of a City, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
6. For purposes of the two hundred foot (200) requirement referenced in paragraph (3) above, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the



intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.

E. Additional regulations for adult motels.

1. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this ordinance.
2. It shall be unlawful for any person, if as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented license, he or she rents or subrents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he or she rents or subrents the same sleeping room again.
3. For purposes of (2) above, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

F. Regulations pertaining to exhibition of sexually explicit films, videos or live entertainment in viewing rooms.

1. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, live entertainment, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
  - a. Upon application for a conditional use permit for a sexually oriented business, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty-two (32) square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6") inches. The City may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

- b. The application shall be sworn to be true and correct by the applicant.
- c. No alteration in the configuration or location of a manager's station may be made without the prior approval of the City.
- d. It is the duty of the licensee of the premises to ensure that at least one licensed employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this Subsection must be by direct line of sight from the manager's station.
- f. It shall be the duty of the licensee to ensure that the view area specified in Subsection (e) remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Subsection (a) of this Subsection F(1).
- g. No viewing room may be occupied by more than one person at any time.
- h. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than five (5.0) foot-candles as measured at the floor level.
- i. It shall be the duty of the licensee to ensure that the illumination described above is maintained at all times that any patron is present in the premises.
- j. No licensee shall allow openings of any kind to exist between viewing rooms or booths.
- k. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.

- I. The licensee shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
- m. The licensee shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
- n. The licensee shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight (48") inches of the floor.

G. Additional regulations for escort agencies.

1. An escort agency shall not employ any person under the age of 18 years.
2. No person shall act as an escort or agree to act as an escort for any person under the age of 18 years.

H. Additional regulations for nude model studios.

1. A nude model studio shall not employ any person under the age of 18 years.
2. No person under the age of 18 years shall appear semi-nude or in a state of nudity in or on the premises of a nude model studio. No employee shall allow a person under the age of 18 year to appear semi-nude or in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this Subsection if the person under 18 years was in a restroom not open to public view or visible to any other person.
3. No person shall appear in a state of nudity, or knowingly allow another person to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.
4. A nude model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

I. Additional regulations concerning public nudity.

1. No person shall knowingly or intentionally, in a sexually oriented business, appear in a state of nudity or depict specified sexual activities.
2. No person shall knowingly or intentionally, in a sexually oriented business, appear in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least ten (10) feet from any patron or customer and on a stage at least two feet from the floor.

3. No employee shall, while in a semi-nude condition in a sexually oriented business, solicit any pay or gratuity from any patron or customer nor shall any patron or customer pay or give any gratuity to any employee, while said employee is in a semi-nude condition in a sexually oriented business.

4. No employee of a sexually oriented business shall, while in a semi-nude condition, touch a customer or the clothing of a customer.

J. Prohibition against children.

No person shall knowingly allow a person under the age of 18 years on the premises of a sexually oriented business.

K. Prohibition against serving alcohol.

No alcoholic beverages shall be sold, served, or consumed on the premises of any sexually oriented business.

L. Hours of operation.

No sexually oriented business, except for an adult motel, may remain open at any time between the hours of twelve o'clock (12:00) A.M. and eight o'clock (8:00) A.M.

M. Exemptions.

1. It is a defense to prosecution under this Section that a person appearing in a state of nudity did so in a modeling class operated:

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

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

c. in a structure:

i. which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and

ii. where, in order to participate in a class a student must enroll at least three (3) days in advance of the class; and

iii. where no more than one nude model is on the premises at any one time.

N. Injunction.

A person who operates or causes to be operated a sexually oriented business without a valid license or in violation of any part of this Section is subject to a suit for injunction and shall be guilty of a civil violation punishable as provided in Section 1-5-1(A). Each day a sexually oriented business operates in violation of any part of this Section is a separate offense or violation.

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