

## **Title 17 ZONING**

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## **Chapter 17.04 GENERAL PROVISIONS, ADMINISTRATION AND ENFORCEMENT**

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### **17.04.010 Purpose.**

This title is established and adopted by the town council of the town for the purpose of securing adequate light, pure air and safety from fire and other dangers; conserving the values of land and buildings throughout the town, lessening or avoiding congestion in the public streets; and promoting the public health, safety, comfort, morals and welfare of the citizens of the town.

(Zoning Ord. § 1-1-101)

### **17.04.020 Short title.**

This title may be cited as the "town of Youngtown, Arizona, zoning ordinance."

(Zoning Ord. § 1-2-101)

**17.04.030 Definitions.**

For the purpose of this title, certain terms and words are defined in this section. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural, the singular and the word "shall" is mandatory and not directory.

"Accessory building" means a detached subordinate building located on the same lot as the main building, the use of which is incidental to that of the dominant use of the main building or premise.

"Alley" means a public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general traffic circulation.

"Alternative WCF building element" means a building element designed to conceal and/or camouflage wireless communications facilities, including but not limited to a wall mount, clock tower, cupola or church steeple.

"Alternative WCF structure" means a structure designed to conceal and/or camouflage wireless communications facilities. Structures may include but are not limited to a freestanding structure such as an artificial cactus or tree, or a sculpture. Alternative structures do not include a flagpole, monopole with an attached flag, or a monopole with a minimal design feature.

"Amateur radio facilities" means equipment and structures used for airway communication purposes by persons holding a valid amateur radio (ham) license issued by the Federal Communications Commission.

"Amendment" means a change in the wording, context or substance of the ordinance codified in this section, 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 removes or modifies any such regulation theretofore imposed.

"Animal shelter" means a facility that houses homeless, lost or abandoned cats and/or dogs that are kept at the facility until they are either reclaimed by an owner, adopted to a new owner or placed with a foster home or another organization.

"Antenna" means any system of poles, panels, rods, dishes, wires or similar devices used for the transmission or reception of wireless signals.

"Antenna mast" means a freestanding or guyed framework or other vertical element that supports or serves as an antenna.

"Apartment house" is included in the definition of "Dwelling, multiple."

"Auto car wash" means a place, either automated or self service, for the washing of automobiles for compensation, but does not include steam cleaning.

"Basement" means that portion of a building between floor and ceiling which is less than one-half its height below grade. For purposes of height regulations, a basement is counted as a story, if it is subdivided and used for dwelling purposes by others than a janitor employed on the premises.

"Boarding house" means a building where, for compensation, and by prearrangement for definite periods, meals, or lodging and meals, are provided for three or more persons, but not exceeding twenty (20) persons.

"Boarding kennel" means a facility other than an animal shelter, doggie daycare, retail sale of pet supplies and grooming of dogs, or veterinary office where more than two dogs that do not legally belong to the operator are kept or boarded overnight. Boarding kennel shall not include a breeding kennel where dogs not legally belonging to the operator are kept for breeding purposes.

"Building" means any structure for the shelter, support or enclosure of persons, animals or property; and when separated by dividing walls without openings, each portion of such building so separated shall be deemed a separate building.

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Building, height of. "Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Building, public. "Public building" means a building constructed, maintained, used or occupied by any municipal, state, county or federal government entity or agency thereof.

Building, semi-public. "Semi-public building" means a building constructed or maintained for use by the general public, including but not limited to office buildings, churches, schools, theatres, hotels and motels.

"Carport" means an enclosure with one or more open sides under which a vehicle may be driven.

"Cellar" means that portion of a building between floor and ceiling which is equal to or more than one-half its height below grade and shall not be counted as a story.

"Children's residential care facility" means a residential care facility with a minimum floor area of thirty-five thousand (35,000) square feet, minimum parcel size of one acre, limited to a single building or parcel, licensed by the state of Arizona, which may provide short- or long-term care, including lodging, meals, educational programs, legal services, counseling and medical services to children under eighteen (18) years of age.

"Co-location" means the use of a single support structure and/or site by more than one telecommunications provider.

"Cosmetic maintenance and repair" means the incidental maintenance and repairs that keep property in ordinary working condition.

"Court" means any space other than a yard on the same lot with a building or group of buildings and which is unobstructed and open to the sky from and above the floor level of any room having a window or door opening on such court. The width of the court shall be its least horizontal dimension.

"Developmentally disabled" means a person who has autism, cerebral palsy, epilepsy or mental retardation, as provided for by A.R.S. Section 36-581.

"District" means any portion of the town within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this title.

"District map" means the official zoning map of the town which is a part of the zoning ordinance of the town.

"Doggie daycare" means a facility where more than two dogs and/or cats are kept or boarded but no dogs and/or cats other than up to two dogs and/or cats that are owned by and licensed to an operator of the facility are kept or boarded between the hours of eight p.m. and six a.m. All activities shall be contained in an enclosed facility.

"Driveway" means a permanently unenclosed surfaced area of concrete or blacktop having an area of not less than one hundred eighty (180) square feet, allowing ingress or egress of an automobile.

"Dwelling" means any building, or portion thereof, which is designed or used exclusively for residential purposes.

Dwelling, multiple. "Multiple dwelling" means a building or portion thereof designed for occupancy by three or more families including apartment houses.

Dwelling, single-family. "Single-family dwelling" means a building designed for occupancy by one family.

Dwelling, two-family. "Two-family dwelling" means a building designed for occupancy by two families.

"Dwelling unit" means one or more rooms in a dwelling designed for occupancy by one family for living purposes and having its own cooking and sanitary facilities.

"Entertainment district" means a specific contiguous area that is designated an entertainment district by resolution adopted by the town council, that consists of no more than one square mile, that is no less

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than one-eighth mile in width and that contains a significant number of entertainment, artistic and cultural venues, including music halls, concert [concert] facilities, theaters, arenas, stadiums, museums, studios, galleries.

"Equipment cabinet or building" means a cabinet or building used to house equipment used by telecommunications providers to house equipment at a facility.

"Exception" is included in the definition of "Use, special."

"Existing vertical element" means any existing monopole, tower, pole, sign or exhaust stack performing a non-WCF function. Existing vertical element does not include a building.

"Existing vertical element, recreational field light pole" means a light pole constructed and used to provide an appropriate lighting function such as parking, security or recreational ball field lighting, as well as a wireless communications function.

"Family" means one or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house or hotel as defined in this chapter.

"Front wall" means the front wall of a building, either residential or commercial, which is the front sustaining wall facing the street and supporting the main roof of the building.

"Frontage" means all the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is dead-end, then all of the property abutting on one side between an intersecting street and the dead-end of the street including property fronting on a cul-de-sac.

Garage, private. "Private garage" means an accessory building designed or used for the storage of not more than two passenger cars, trucks, tractors or similar four-wheeled motor-driven vehicles, provided that no private garage may be used or rented for the storage of commercial trucks having a capacity in excess of one ton.

Garage, public. "Public garage" means a building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

Garage, storage. "Storage garage" means a building or portion thereof designed or used exclusively for housing of three or more motor-driven vehicles.

"Grade" means:

1. For buildings having walls adjoining one street only, the average of the elevation of the sidewalk, or if there be no sidewalk, then the center line elevation of the roadway at the center of the wall adjoining the street;
2. For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk, or if there be no sidewalk, the streets;
3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

"Group home for the handicapped" means a dwelling shared by handicapped persons who reside together as a single housekeeping unit and who receive care, supervision, or counseling from one or more staff persons. This definition includes assisted living homes, homes for the mentally ill, group care agencies and similar residential living arrangements for handicapped persons, but shall not include boarding houses, nursing homes, or substance abuse treatment facilities.

"Guest room" means a room which is designed or intended for occupancy by, or which is occupied by one or more guests for compensation, but in which no provision is made for cooking, nor does the term include dormitories for sleeping purposes.

"Handicapped" means a person who:

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1. Has a physical or mental impairment that substantially limits one or more of such persons' major life activities;
2. Has a record of having such an impairment; or
3. Is regarded as having such an impairment.

"Handicapped" shall not include current illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 United States Code 802]).

"Heliport" means an area that is used or intended to be used for the landing and takeoff of helicopters, and may include any or all of the areas or buildings which are appropriate to accomplish these functions.

"Home occupation" means a business or profession that is incidental, secondary, or accessory to the residential use.

"Hospital" means an institution for the diagnosis, care or treatment of two or more nonrelated persons suffering from illness, or deformity, or rendering obstetrical or other medical or nursing care, which extends beyond twenty-four (24) hours. Such institution shall be open and services available twenty-four (24) hours a day, and shall make available at least clinical laboratory services, diagnostic x-ray services, and treatment facilities for surgery or obstetrical care or other definite medical treatment. The term "hospital" shall not include the office of a physician or practitioner.

"Hotel" means a building or that portion thereof containing more than five rooming units or sleeping facilities for more than twenty (20) persons, such rooming units or dwelling units being for residential or transient purposes.

"House trailer" means any vehicle whether or not self-propelled, used, or may be used, or designed for use as a conveyance upon the public streets or highways and designed or constructed in such manner as to permit occupancy as a dwelling or sleeping place for one or more persons. The term "house trailer" shall include the term "mobilehome."

"Institution" means a building or buildings occupied by a nonprofit corporation or a nonprofit establishment for public use.

"Land use law" means any rule, ordinance, resolution or law enacted by the town that regulates the use or division of land or any interest in land or that regulates accepted farming or forestry practices.

Laundry, self-help. "Self-help laundry" means a building in which domestic-type washing machines, dryers or dry cleaning machines are provided on a rental basis for use by individuals doing their own laundry.

"Loading space" means a space not less than ten (10) feet in width, twenty (20) feet in length, and having height clearance of fourteen (14) feet above grade level, such space being accessible to an alley or street.

"Lodging house" means a building in which lodging only is provided for compensation for not less than three nor more than twenty (20) persons, and includes the term "rooming house."

"Lot" means a parcel of land occupied or intended for occupancy by one or more main buildings together with its accessory buildings, and uses customarily incidental thereto, including but not limited to the open spaces required by this title, and having its principal frontage upon a street or upon a place as defined in this title. The word "lot" shall include the word "plot."

"Lot area" means the area of a lot, not including any area in a public way.

Lot, corner. "Corner lot" means a lot adjoining two or more streets at their intersection.

Lot, depth of. "Depth of lot" means the horizontal distance between the front and rear lot lines.

Lot, double frontage. "Double frontage lot" means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot, interior. "Interior lot" means a lot other than a corner lot or key lot.

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Lot, key. "Key lot" means a lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and facing on the street which forms the side boundary of the corner lot.

"Lot line" means the line bounding a lot.

"Lot of record" means a lot which is a part of a subdivision, the plat of which has been recorded in the office of the county recorder of Maricopa County, or parcel of land, the deed of which is recorded in the aforesaid office.

"Lot width" means, in the case of rectangular lots, lots having parallel side lot lines, or lots on the outside of the curve of a street, the distance between side lot lines measured at the required minimum from setback line on a line parallel to the street or street chord; in the case of lots on the inside of the curve of a street, the distance between side lot lines measured thirty (30) feet behind the required minimum front setback line parallel to the street or street chord.

"Manufactured home" means a residential structure manufactured off site.

"Medical clinic" or "veterinary clinic" means any structure or building used solely as an office by any practitioner of the medical professions required to be licensed by the state of Arizona.

"Medical marijuana" means of all parts of the genus cannabis whether growing or not, and the seed of such plants that may be administered to treat or alleviate a qualifying patient's debilitating medical condition or symptoms associated with the patient's debilitating medical condition.

"Medical marijuana cultivation, infusion or manufacturing facility" means a facility at which a person grows a marijuana plant or at which a person incorporates medical marijuana (cannabis) by the means of cooking, blending, or incorporation into consumable/edible goods. A facility shall mean a building, structure or premises used for the cultivation or storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary.

"Medical marijuana dispensary" means a non-profit entity defined in A.R.S. § 36-2801(11), that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients.

"Mini-storage facility" means a facility offering enclosed storage of personal property and office records to the general public. The facility may offer storage of vehicles, trailers and boats not to exceed ten (10) feet in height as an accessory use when fully screened by a finished wall.

Mobilehome. See "House trailer."

"Monopole" means a single pole attached to a permanent foundation.

Monopole, portable. "Portable monopole" means a single pole and associated equipment mounted on a transportable base.

"Motel" means any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building, with garage or parking space located on the lot and designed, used or intended wholly or in part for the accommodation of automobile transients. Motel includes motor court, motor lodge or tourist court, but not a trailer court.

"Nonchartered financial services" means a business, other than a state or federally chartered bank, credit union, mortgage lender or savings and loan association, that offers check cashing services and loans for payment of a percentage fee. Specifically included are check cashing businesses that charge a percentage fee for cashing a check or negotiable instrument, "pay day" businesses that make loans upon assignments of wages received or to be received, or businesses that function as deferred presentment services.

"Nonconforming use" means any building or land lawfully occupied by a use at the time of passage of the ordinance codified in this chapter or amendment thereto which does not conform after the passage of this ordinance or amendment thereto with the use regulations of the district in which located.

"Nontraditional business" means a pawn shop, stand-alone smoking lounge, tattoo and/or body piercing establishment, secondhand store, thrift store, or used automobile dealership.

"Notice" means publication in a newspaper of general circulation in the town.

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"Notice requirements" means the manner of giving notice as may be required by state law or this title for an action of the town council, the board of adjustment or the zoning hearing officer.

"Nursing home" means a facility, other than a hospital or maternity home, in which continuing nursing care on a twenty-four (24) hour basis by a graduate nurse licensed in Arizona, or other nursing personnel meeting standards adopted by the State Board of Health, is provided and in which medical services are prescribed by or performed under the direction of a physician or surgeon licensed to practice in Arizona, for two or more unrelated persons who are not acutely in and not in need of hospital care. No surgery shall be permitted in a nursing home.

"Office" means the building, room or department in which clerical work of an establishment is done, or the building, room or department for an executive and his or her assistants.

"Over-the-air reception device (OTARD)" means an antenna designed to:

1. Receive direct broadcast satellite service, including direct-to-home satellite services, or to receive or transmit fixed wireless signals via satellite and that is one meter (39.37 inches) or less in diameter; or
2. Receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite and that is one meter (39.37 inches) or less in diameter or diagonal measurement; or
3. Receive television broadcast signals.

For purposes of this definition, "fixed wireless signals" means any commercial nonbroadcast communications signals transmitted via wireless technology to and/or from a fixed customer location, but shall not include among other things, AM radio, FM radio, amateur ("ham") radio, citizen's band ("CB") radio and digital audio radio service ("DARS") signals.

"Parking lot" means a parcel of land devoted to unenclosed parking spaces.

"Pawn shop" means an establishment engaged in the buying and selling of new or secondhand merchandise and offering loans in exchange for personal property.

"Planned shopping center" is included in the definition of shopping center.

Plot. See "Lot."

Porch, open. "Open porch" means a building extension consisting of only a roof and the necessary poles, columns or other supports to hold up the roof.

"Portable temporary storage unit" means any container, storage unit, shed-like container or other transportable unit or structure that can or is designed and used primarily for temporary storage of personal property of any kind, including building materials, and which is located for such purposes outside an enclosed building other than an "accessory building," as defined in this code, complying with all building codes and land use requirements.

"Public safety facility" includes administrative offices, fire station, police station, and ambulance service.

"Recreational vehicle" means any vehicle whether or not self-propelled, used, or may be used or designed for use as a conveyance upon the public streets or highways and licensed as such, and designed or constructed in such a manner as to permit occupancy as a dwelling or sleeping place for one or more persons. Recreational vehicles include trailer coaches.

"Recreational vehicle (RV) park" means any lot, tract or parcel of land used or offered for use in whole or in part, with or without charge, for the parking of recreational vehicles used for living or sleeping purposes. Recreational vehicle park includes trailer parks.

"Religious assemblies and institutions" means a building or other structure where people congregate, gather, or assemble to exercise their religion, engage in religious worship or teaching, as well as a use accessory to the primary religious use.

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"Rooming house" is included in the definition of "Lodging house."

Satellite dish antenna, large. "Large satellite dish antenna" means a satellite dish antenna exceeding one meter (39.37 inches) in diameter designed or used for receiving communications from a satellite.

"Satellite earth station" means a facility equipped with transmitters, receivers, antennas and other equipment for receiving and transmitting communications from satellites, and for interfacing communications with a land-based communications network.

Satellite earth station, large-scale. "Large-scale satellite earth station" means a facility in which one or more antennas exceed two meters (78.74 inches) in diameter or diagonal dimension.

Satellite earth station, small-scale. "Small-scale satellite earth station" means a facility in which no antenna exceeds two meters (78.74 inches) in diameter or diagonal dimension.

"School" and "college," unless otherwise specified are limited to charter schools, private or public places of general instruction and do not include nursery schools, dancing schools, riding academies, or trade or specialized vocational schools.

"Seamstress for hire" means property used by a seamstress who conducts a part-time or full-time business as a seamstress.

"Secondhand store" means retail sales of previously used merchandise, the majority of which is not donated, such as clothing, furniture, appliances, household goods, sporting goods, recreational equipment or other merchandise not considered to be antique, that is in good repair or has been restored or reconditioned to a clean and useable condition. This definition excludes pawn shops and thrift stores.

"Service station" means any building or premises used principally for the storing, dispensing, selling, or offering for sale at retail of automobile fuels or oils and includes convenience stores when a convenience store is operated in conjunction with a service station.

"Shopping center" means a group of stores functioning as a unit, with off-street parking, landscaped areas and pedestrian malls or plazas provided on the property as an integral part of the unit.

"Stand-alone smoking lounge" means a self-contained, independently operating business establishment that is dedicated, in whole or in part, to the smoking of tobacco or other substances whether or not such substances are purchased therein, including but not limited to cigar lounges, hookah lounges, tobacco bars, but not including tobacco stores.

"Story" means that portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, half. "Half-story" means a space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing an independent apartment or living quarters is deemed a full story.

"Street" means all property dedicated or intended for public or private street purposes or subject to public easements therefor.

"Street line" means a dividing line between a lot, tract or parcel of land and a contiguous street.

"Structure" means anything constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground.

"Structural alteration" means 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.

"Support structure" means the structure to which wireless communications facility antennae and other hardware are mounted.

"Tattoo and/or body piercing establishment" is defined in Section 5.19.020 of the Town Code.

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"Thrift store" means a store that derives the majority of its sales from donated previously used merchandise such as clothing, furniture, appliances, household goods, sporting goods, recreational equipment or other merchandise not considered to be antique.

"Use" means the purpose for which land or building is occupied, or maintained, arranged, designed or intended.

Use, accessory. "Accessory use" means a subordinate use customarily incident to and conducted on the same lot with the principal use or building.

Use, special. "Special use" means a use not authorized by the zoning in the particular district, but which is listed in Section 17.56.010, and which may be approved by the zoning hearing officer under the circumstances set forth in Chapter 17.56.

Use, nonconforming. See "Nonconforming use."

"Used automobile dealership" means any establishment which brokers, deals, or engages in the purchase, sale, lease or exchange of five or more used automobiles within a twelve-month period or four or more used automobiles at any one point in time.

"Variance" means a relaxation of the terms of the zoning ordinance, where such variance will not be contrary to the public interest, and where, due to conditions peculiar to the applicant's property, a literal enforcement of this title would result in unnecessary and undue hardship. A variance shall be granted only in accordance with the other applicable provisions of this title.

"Vehicle storage facility" means a facility offering storage of vehicles, trailers and boats not to exceed thirteen (13) feet, six inches in height.

"Veterinary office" means an office or treatment facility maintained by a doctor of veterinary medicine for the diagnosis and treatment of animals and aviary.

Walls, side. "Side walls" means the longest wall or walls of a structure as opposed to the "end walls" which are the shortest wall or walls of a structure.

"Wireless communication facilities (WCF)" means antennas, support structures and related equipment for the transmission or reception of personal wireless services, radio or microwave signals as authorized by the Federal Communication Commission. Personal wireless services include commercial mobile services, common carrier wireless exchange access services and unlicensed wireless services, but not direct-to-home satellite services.

"Yard" means an open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this title. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, front. "Front yard" means a yard extending across the front width of a lot being the minimum horizontal distance between the street line and the main building, or any projection thereof, other than steps, unenclosed balconies and unenclosed porches. The front yard of a corner lot includes the yard adjacent to both street frontages except those properties along 111th Avenue which have the front entrance to the structure on a street other than 111th Avenue and have an address other than 111th Avenue. See also Sections 17.24.040, 17.28.040, 17.32.040 and 17.36.060 (Front yard regulations).

Yard, rear. "Rear yard" means a yard extending between the side yards of a lot and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projection, other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard or the face of the property responsible for the address. (See diagram at the end of this section.)

Yard, side. "Side yard" means a yard between the building and the side lot line of a lot and extending from the front yard to the rear yards or along the full depth in the absence of front or rear yards and being the minimum horizontal distance between a side lot line and the side of the main building or any

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projection thereof, other than steps, unenclosed balconies or unenclosed porches. An interior side yard is defined as the side yard adjacent to a common lot line.



(Ord. 08-11 § 1 (part); Ord. 07-12 § 1 (part); Ord. 07-02 § 1 (part); Ord. 06-06 § 1 (part); Ord. 05-02 § 1 (part); Ord. 04-03 § 1 (part); Ord. 03-13 § 1 (part); Ord. 03-14 § 1 (part); Ord. 02-12 (part); Ord. 98-10 § 3; Ord. 96-10 § 1; Zoning Ord. §§ 1-3-101—1-3-192; Ord. No. 09-08, § I, 12-17-09; Ord. No. 10-08, § I, 6-3-10; Ord. No. 10-11, § I, 6-24-10; Ord. No. 11-01, § I, 1-20-11; 11-02, § I, 1-20-11; Ord. No. 11-08, § I, 4-21-11; Ord. No. 11-19, § I, 12-1-11; Ord. No. 11-18, § I, 12-15-11; Ord. No. 13-01, § I, 3-21-2013; Ord. No. 14-05, § I, 9-18-14)

**17.04.040 Interpretation, scope and purpose.**

In their interpretation and application, the provisions of this title shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare, and shall further be held to be the minimum requirements for the promotion of a comprehensive plan and design to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements of the town.

(Zoning Ord. § 2-1-101)

**17.04.050 Conflicts.**

It is not intended by this title to interfere with nor to abrogate, annul or in any other way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by this title, nor with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land to which the town is a party. When this title imposes a greater restriction on the land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this title shall control.

(Zoning Ord. § 2-1-102)

**17.04.060 Right of inspection.**

The building inspector, plumbing or mechanical inspector, electrical inspector, or his or her duly authorized agents, shall, at any reasonable hour, have authority to enter any premises, building or structure during the course of construction or alterations, for which a permit has been issued, to make inspections to determine if the premises, building or structure are in compliance with the plans as submitted and this title. Also, the above-named officials, or their duly authorized agents, shall have the authority to enter any premises, building or structure, for the purpose of performing official duties in connection with this title, and shall make a final inspection before any occupancy permit is issued. It is unlawful to refuse to allow any of the above-named officials, or their authorized agents, entry to such premises.

(Zoning Ord. § 2-5-101)

**17.04.070 Adoption of rules.**

For carrying into effect its provisions, the town council may adopt rules consistent with this title.

(Zoning Ord. § 2-5-102)

**17.04.080 Records.**

- A. The town clerk, or a duly authorized agent, shall keep comprehensive records of applications or permits issued, of certificates issued, of inspections made, of reports rendered and of notices or orders issued. He or she shall retain on 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.
- B. All such records shall be open to public inspection at reasonable hours but shall not be removed from the office of the town clerk.

(Zoning Ord. § 2-5-103)

**17.04.090 Reports.**

The town clerk, or a duly authorized agent, shall make a report to the mayor once each month, or more often if requested by the mayor or town council, including statements of permits and certificates issued and orders promulgated.

(Zoning Ord. § 2-5-104)

**17.04.100 Cooperation of other officials.**

The town council may request and shall receive, so far as may be necessary in the discharge of their duties, the assistance and cooperation of the law enforcement officer in enforcing orders, of the town legal counsel in prosecuting violations and of other town officials.

(Zoning Ord. § 2-5-105)

**17.04.110 Penalties.**

- A. Any person, firm, company or corporation, whether as principal, owner, agent, tenant, employee or otherwise, violating, disobeying, omitting, neglecting or refusing to comply with any provision of this title, or violating or failing to comply with any order or regulation made hereunder, is guilty of a misdemeanor, punishable upon conviction by a fine of not more than two thousand five hundred dollars (\$2,500.00) or by imprisonment in the jail designated by the town, for a term not exceeding six months, or by both such fine and imprisonment.
- B. Such person, firm, company or corporation shall be deemed guilty of a separate offense for each day during which any such violation or failure to comply with this title is committed, continued or permitted.

(Ord. 02-12 (part); Zoning Ord. § 2-5-106)

**17.04.120 Legal and equitable remedies.**

If any building, structure or improvement is constructed, erected, altered, repaired, converted, built or maintained or any use is made of property contrary to the provisions of this title, the same shall be and is declared unlawful and a public nuisance, and the town attorney shall, upon order of the town council, immediately commence any necessary or appropriate action or proceeding for the abatement, restraint or removal thereof in the manner provided by law; shall take such other lawful steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate, enjoin and remove such building or use, and restrain and enjoin any person, firm or corporation from setting up, erecting, building, moving or maintaining any such building or using any property contrary to the provisions of this title.

(Zoning Ord. § 2-5-107)

**17.04.130 Conditions precedent to filing an action against town.**

Prior to filing an action against the town, an administrative claim shall be filed with the town pursuant to the provisions of A.R.S. § 12-821.01, except for claims for diminution in value filed pursuant to A.R.S. § 12-1134.

(Ord. 02-12 (part): Zoning Ord. § 2-5-108)

(Ord. No. 11-08, § I, 4-21-11)

**17.04.140 Court's discretionary authority.**

In any action or proceeding under the terms of Section 17.04.120, the court with jurisdiction has the power and in its discretion may issue a restraining order or a preliminary injunction, as well as a permanent injunction, upon such terms and under such conditions as will do justice and enforce the purposes of this title.

(Zoning Ord. § 2-5-109)

**17.04.150 Remedies, cumulative and supplemental.**

All remedies provided for in this chapter shall be cumulative and supplemental. The conviction and punishment of any person hereunder shall not relieve such person from the responsibility to correct

prohibited conditions or to remove prohibited buildings, structures or improvements nor prevent the enforcement, correction or removal thereof.

(Zoning Ord. § 2-5-110)

## **Chapter 17.08 ZONING HEARING OFFICER**

Sections:

[17.08.010 Creation—Term.](#)

[17.08.020 Assistant hearing officer.](#)

[17.08.030 Zoning secretary.](#)

[17.08.040 Conduct of hearings.](#)

[17.08.050 Records.](#)

[17.08.060 Notice of decision.](#)

[17.08.070 Duties of the zoning hearing officer.](#)

### **17.08.010 Creation—Term.**

- A. There is created the office of zoning hearing officer who shall serve at the pleasure of the council.
- B. The zoning hearing officer shall serve without pay, except that the council may, at its discretion, give prior approval for reimbursement for travel, meals or educational expenses as provided by the Arizona State Law governing reimbursement for such items to public officials. The zoning hearing officer shall be a town resident.

(Ord. 02-12 (part); Ord. 97-05 § 1 (part): Zoning Ord. § 2-2-101)

### **17.08.020 Assistant hearing officer.**

- A. The council may appoint additional assistant zoning hearing officers to serve at the pleasure of the council on such cases where the zoning hearing officer is unavailable.
- B. If the council determines that a particular case requires the expertise of a professional it may appoint such person for that one case for a reasonable professional fee. Otherwise, any assistant zoning hearing officer shall serve without pay under the same terms as the zoning hearing officer. A specially appointed professional zoning hearing officer need not be a town resident.

(Ord. 02-12 (part); Ord. 97-05 § 1 (part): Zoning Ord. § 2-2-102)

### **17.08.030 Zoning secretary.**

- A. The town manager shall appoint a zoning secretary who shall keep minutes, post notices, and handle all such secretarial duties for the zoning hearing officer.
- B. The town manager may appoint an alternate zoning secretary to serve in the absence of the zoning secretary.

(Ord. 02-12 (part); Ord. 97-05 § 1 (part): Zoning Ord. § 2-2-103)

**17.08.040 Conduct of hearings.**

All hearings conducted by the zoning hearing officer shall be at such times as he or she sets or at such other times as the town council determines. All hearings shall be public and the zoning hearing officer may administer oaths, take evidence, and compel the attendance of witnesses.

(Ord. 02-12 (part): Ord. 97-05 § 1 (part): Zoning Ord. § 2-2-104)

**17.08.050 Records.**

The zoning secretary shall keep minutes of the proceedings and shall file such minutes with the town clerk.

(Ord. 97-05 § 1 (part): Zoning Ord. § 2-2-105)

**17.08.060 Notice of decision.**

The zoning hearing officer shall, within three days after the conclusion of the hearing, file a written recommendation with the town council entitled "notice of decision" unless the zoning hearing officer determines that additional evidence or testimony must be taken. In such a case, the zoning hearing officer shall adjourn the hearing to a later date not to exceed thirty (30) days hence.

(Ord. 02-12 (part); Ord. 97-05 § 1 (part): Zoning Ord. § 2-2-106)

**17.08.070 Duties of the zoning hearing officer.**

The zoning hearing officer shall hold public hearings when necessary and make recommendations to the town council on all matters concerning the creation of zoning districts, the boundaries thereof and appropriate regulations to be enforced therein, the determination of nonconforming uses, the amendment of the zoning ordinances and any other matter within the scope of the zoning power. The zoning hearing officer shall fix a reasonable time for hearing on the application and give notice as required by A.R.S. Section 9-462.04.

(Ord. 02-12 (part); Ord. 97-05 § 1 (part): Zoning Ord. § 2-2-107)

**Chapter 17.12 BOARD OF ADJUSTMENT**

Sections:

[17.12.010 Creation—Membership—Term.](#)

[17.12.020 Meetings—Oaths—Attendance of witnesses.](#)

[17.12.030 Rules, regulations and records.](#)

[17.12.040 Applications for appeals and variances—Method of presentment—Fees.](#)

[17.12.050 Appeals to board—Stay of proceedings.](#)

[17.12.060 Board duties on appeal.](#)

[17.12.070 Board vote.](#)

[17.12.080 Effect of granting variance.](#)

**17.12.010 Creation—Membership—Term.**

- A. The town council shall serve as the board of adjustment.
- B. The word "board" when used in this chapter shall mean the Youngtown town council sitting as the board of adjustment.
- C. The mayor, or in his or her absence the vice-mayor, shall act as the chairperson of the board of adjustment. In the absence of both the mayor and the vice-mayor, the members present shall elect a member to serve as chairperson pro tem.

(Ord. 02-12 (part); Ord. 00-12 § 2: Zoning Ord. 2-3-101)

**17.12.020 Meetings—Oaths—Attendance of witnesses.**

All meetings of the board shall be held at the call of the chairperson and at such other times as the board or the town council shall determine. All meetings of the board shall be open to the public. The chairperson of the board, or in his or her absence an acting chairperson, may administer oaths, take evidence and compel the attendance of witnesses.

(Zoning Ord. § 2-3-102)

**17.12.030 Rules, regulations and records.**

The board may make, publish and adopt rules and regulations to govern its proceedings, and to carry into effect the provisions of this title. The board shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating that fact, and shall keep records of its examinations and other official actions. Every rule, regulation or repeal thereof, and every order, requirement, decision or determination of the board shall be reduced to writing and immediately filed in the office of the board and shall be a public record. The office of the town clerk shall be deemed to be the office of the board.

(Zoning Ord. § 2-3-103)

**17.12.040 Applications for appeals and variances—Method of presentment—Fees.**

- A. Applications or petitions for appeals, variances, interpretations or other matters coming within the jurisdiction of the board shall be presented and filed at the office of the town manager in such form as shall be approved by the town manager. At the time of filing, the applicant or petitioner shall file a separate application for each appeal, variance, interpretation or other matter coming before the board, and the applicant or petitioner shall pay a separate filing fee for each application for each appeal, variance interpreted or other matter coming before the board. The filing fee shall be in such sum as may be, from time to time, fixed by resolution of the town council, which fee shall not be refundable.
- B. Applications initiated by the town shall not be subject to the requirements of a filing fee.
- C. Filing fees for variances and other matters to be heard by the board shall be established from time to time by resolution of the council. Filing fees shall be non-refundable.

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- D. The board shall fix a reasonable time not to exceed thirty (30) days for hearing the application, and give notice thereof to the parties in interest by letter, and the public by posting in three separate places in the town, the time and place of the hearing.
- E. All applications for variances shall be accompanied by a waiver of claims for diminution in value pursuant to A.R.S. § 12-1134, executed by all owners of property subject to the variance.

(Ord. 02-12 (part); Ord. 96-02 § 1(a); Zoning Ord. § 2-3-104)

(Ord. No. 11-08, § I, 4-21-11)

**17.12.050 Appeals to board—Stay of proceedings.**

- A. Appeals to the board may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality affected by a decision of an administrative official, within thirty (30) days by filing with the officer from whom the appeal is taken and with the board, a notice of appeal, specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit all papers constituting the record, upon which the action appealed from was taken, to the board of adjustment.
- B. The appeal shall stay all proceedings in the matter appealed from, unless the officer from whom the appeal is taken certifies to the board that, by reason of the facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, except by a restraining order granted by the board or by a court of record on application and notice to the officer from whom the appeal is taken. The board shall fix a reasonable time, not to exceed, thirty (30) days, for hearing the appeal and give notice thereof to the parties in interest and the public. The board shall determine whether it has jurisdiction over all matters to be heard by the board, setting forth in written form the basis upon which the board has assumed or will assume jurisdiction.

(Zoning Ord. § 2-3-105)

**17.12.060 Board duties on appeal.**

The board shall:

- A. Hear and decide appeals when there is error in an order, requirement or decision made by any administrative official in the enforcement of this title;
- B. Hear and decide special exceptions to the terms of this title upon which the board is required to pass under this title;
- C. Authorize, in specific cases, such variances from the terms of this title as will not be contrary to the public interest where, due to special conditions, a literal enforcement of the provisions of this title will result in unnecessary hardship;
- D. Reverse or affirm, wholly or partly, or modify the order or decision appealed from and make such order or decision as ought to be made, and to that end shall have the powers of the officer from whom the appeal is taken.
- E. If the board of adjustment determines that a particular case requires the expertise of a professional, it may appoint a hearing officer for that one case for a reasonable professional fee. A specially appointed professional hearing officer need not be a town resident.

(Ord. 02-12 (part); Ord. 95-01; Zoning Ord. § 2-3-106)

**17.12.070 Board vote.**

The concurring vote of a majority of the board shall be necessary to reverse an order or decision of an administrative official, or to decide in favor of the applicant, on any matter upon which it is required to pass under this title, or to effect any variation in this title.

(Zoning Ord. § 2-3-107)

**17.12.080 Effect of granting variance.**

The granting of a variance shall have no precedent value whatsoever as to whether a variance should be granted with regard to any other use in Youngtown.

(Zoning Ord. § 2-3-108)

**Chapter 17.16 ZONING DISTRICTS DESIGNATED**

Sections:

[17.16.010 Districts—Enumeration.](#)

[17.16.020 Boundaries on district map.](#)

[17.16.030 Effect of annexation and vacation of streets.](#)

[17.16.040 Exceptions.](#)

[17.16.050 Rules where uncertainty may arise.](#)

**17.16.010 Districts—Enumeration.**

In order to classify, regulate and restrict the location of business, trades, residences and other land uses, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings hereafter erected, reconstructed or structurally altered; to regulate and limit the intensity of the use of lot areas, and regulate and determine the area of yards, courts and other open spaces within and surrounding such building, the town is divided into nine classes of districts. The use, height and area regulations are uniform in each class of district, and said districts shall be known as:

R	Rural District;
R-3	Single-Family Dwelling District;
R-2	Two-Family Dwelling District;
R-1	Multiple-Family Dwelling District;

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C-1	Commercial District;
C-2	Commercial District.
R-43	Rural residential Dwelling District
PAD	Planned Area Overlay District
P	Open Space District

(Ord. 02-12 (part): Zoning Ord. § 4-1-101)

**17.16.020 Boundaries on district map.**

- A. The boundaries of those districts shown upon the map are made a part of this title, which map is designated as the "District Map." The district map and all the notations, references and other information shown thereon are a part of this title and have the same force and effect as if the district map and all the notations, references and the other information shown thereon were all fully set forth as described in this section, which district map is attached to the ordinance codified in this chapter and made a part of this title by reference.
- B. If in accordance with the provisions of the town of Youngtown zoning ordinance, changes are made in district boundaries, district classes, or other matter set forth on the district map, such changes shall be entered on the district map within fifteen (15) days following the effective date of the ordinance adopting the change.

(Zoning Ord. § 4-1-102)

(Ord. No. 10-12, § I, 5-20-10)

**17.16.030 Effect of annexation and vacation of streets.**

When any street, alley or other public way is vacated by official action of the town council, the zoning districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

(Ord. 02-12 (part): Zoning Ord. § 4-1-103)

**17.16.040 Exceptions.**

- A. No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used except in conformity with the use, height, area and parking regulations in the district in which the building or land is located.

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- B. The minimum yards and other open spaces, including lot area per residence, required by this title for each and every building existing at the time of passage of the ordinance codified in this title, or for any building hereafter erected, shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced beyond the district regulations of this title.
- C. Every building hereafter erected or structurally altered shall be located on a lot as defined in this title and in no case shall there be more than one main building on one lot, except as otherwise provided in Chapter 17.52 and Section 17.56.080.
- D. Nonchartered financial services are not a permitted use in any class of district within town boundaries.

(Ord. 07-12 § 1 (part); Zoning Ord. § 4-1-104)

### **17.16.050 Rules where uncertainty may arise.**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this title, the following rules apply:

- A. The district boundaries are either streets or alleys unless otherwise shown, and where the districts designated on the map accompanying and made a part of this title are bounded approximately by street or alley lines, the street or alley shall be construed to be the boundary of the district.
- B. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this title are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
- C. In subdivided property, the district boundary lines on the map accompanying and made a part of this title shall be determined by the use of the scale appearing on the map.

(Zoning Ord. § 4-2-101)

## **Chapter 17.20 R RURAL DISTRICT <sup>11</sup>**

Sections:

[17.20.010 Designation of district.](#)

[17.20.020 Use regulations.](#)

[17.20.030 Front yard regulations.](#)

[17.20.040 Side yard regulations.](#)

[17.20.050 Rear yard regulations.](#)

[17.20.060 Height regulations.](#)

[17.20.070 Parking regulations.](#)

[17.20.080 Sign regulations.](#)

[17.20.090 Fence regulations.](#)

[17.20.100 Swimming pools.](#)

**17.20.010 Designation of district.**

The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the district regulations in the rural district.

(Zoning Ord. § 5-1-101)

**17.20.020 Use regulations.**

A building or premises in the R rural district, shall be used only for the following purposes:

- A. Public and private forest and wild life reservation;
- B. Golf course, except miniature course or practice driving tee operated for commercial purposes;
- C. Private club and fraternal organization and necessary accessory buildings;
- D. Hospitals, medical clinics, physicians, surgeons or medical practitioners of similar nature to have offices for private practice, and institutions of religious, charitable or philanthropic nature, and home for the aged, but such buildings shall not be located upon sites containing an area of less than five acres, may occupy not over twenty (20) percent of the total area of the lot, and the buildings shall be set back from all lot lines a distance of not less than two feet for each foot of building height;
- E. Pharmacy;
- F. Pumping or booster station along a pipe or substation along an electric transmission line;
- G. Accessory buildings and uses customarily incident to any of the above uses, not involving the conduct of a business of the extraction of minerals provided that accessory buildings shall comply with the requirements of Section 17.52.070 of this chapter;
- H. Television and radio transmitter tower and station, provided approval is first obtained from the Federal Aviation Administration;
- I. Wireless communications facilities, subject to the requirements of Chapter 17.57 of this title.

(Ord. 05-02 § 1 (part); Ord. 02-12 (part); Ord. 98-10 § 2; Ord. 95-05; Zoning Ord. § 5-1-102)

(Ord. No. 11-01, § I, 1-20-11)

**17.20.030 Front yard regulations.**

- A. There shall be a front yard having a depth of not less than forty (40) feet.
- B. Where lots have a double frontage, the required front yard shall be provided on both streets.

(Ord. 02-12 (part); Zoning Ord. § 5-1-103)

**17.20.040 Side yard regulations.**

Except as provided in Chapter 17.52, and except for corner lots, there shall be a side yard on each side of a building. For corner lots there shall only be one side yard. Side yards shall have a width of not less than thirty (30) feet or ten (10) percent of the width of the lot, whichever amount is smaller; provided, that no side yard shall have a width of less than seven feet.

(Ord. 02-12 (part); Zoning Ord. § 5-1-104)

**17.20.050 Rear yard regulations.**

Except as provided in Chapter 17.52, there shall be a rear yard having a depth of not less than forty (40) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller; provided, that no rear yard shall have a depth of less than twenty-five (25) feet. (See Section 17.20.020(E).)

(Zoning Ord. § 5-1-105)

**17.20.060 Height regulations.**

- A. Public, semi-public or public service buildings, hospitals, institutions or schools may be erected to a height not exceeding thirty (30) feet and churches and temples may be erected to a height not exceeding fifty (50) feet if the building is set back from each line at least one foot for each two feet of additional building above the height limit otherwise provided herein.
- B. No building or structure or any portion thereof which exceeds a height of twenty (20) feet shall be erected or structurally altered within five hundred (500) feet of the projected centerline of an existing or proposed runway or landing strip for a distance of one thousand (1,000) feet from the end of the existing or proposed runway or landing strip. Beyond a distance of one thousand (1,000) feet from the end of the existing or proposed runway or landing strip, no building or structure or any portion thereof shall be erected to exceed a height that would interfere with the takeoff or landing of a plane with a glide angle of one foot vertical for every forty (40) feet horizontal, such glide angle to be computed as beginning at a point on the extended centerline of the runway two hundred (200) feet beyond and at the same elevation as the end of the runway pavement; or, if runway pavement is not provided, one hundred (100) feet beyond and at the same elevation as the end of the landing strip.

(Ord. 02-12 (part); Zoning Ord. § 5-1-106)

**17.20.070 Parking regulations.**

The provisions of Section 17.60.010 shall apply.

(Zoning Ord. § 5-1-107)

**17.20.080 Sign regulations.**

The provisions of Chapter 17.64 shall apply.

(Zoning Ord. § 5-1-108)

(Ord. No. 10-17, § I, 12-16-10)

**17.20.090 Fence regulations.**

- A. Fences or freestanding walls or hedges shall not exceed seven feet in height in any side or rear yard, or thirty-six (36) inches in height in any front yard. Construction of any fence or wall shall require a building permit.
- B. The material of fences in a front yard shall be limited to split rail, chain link, concrete block or brick, wooden slats, steel poles with chains, or similar materials approved by the building official. In approving a material for a fence, the building official shall consider visibility requirements and consistency and compatibility of materials for the specific location of the fence. No approval shall be given for fences made of fence posts, plywood, particle board, barbed wire, chicken wire or pallets.
- C. If a lot has only three sides with two of the sides adjacent to two streets, the building official may approve a fence for the rear yard if the fence is parallel to the lot lines, meets setback requirements and does not extend beyond a line extending from the front of the house to the two adjacent streets.
- D. Slats may be used with chain link fences and, when used, shall be made of aluminum, vinyl, or plastic. Electrified fences are prohibited.
- E. No fence shall encroach onto adjacent property except pursuant to a recorded instrument executed by the owner of the adjacent property.

(Ord. 06-09 § 1 (part); Ord. 03-13 § 1 (part); Ord. 02-12 (part))

**17.20.100 Swimming pools.**

Private swimming pools shall be located not closer than three feet to any property line, shall not occupy any front yard, and shall be screened from adjacent properties by a solid wall or fence. The fence and gate shall be constructed and maintained in accordance with the requirements of the International Building Code and Sections 15.04.020(A)(2) and (3) of this code. The provisions of Section 15.04.010(B) of this code shall not apply. Outdoor wading pools, spas and jacuzzis shall be located only in the rear yard.

(Ord. 06-10 § 1 (part); Ord. 02-12 (part))

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FOOTNOTE(S):

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**Editor's note**—Ord. No. 11-06, § I, adopted Mar. 3, 2010, and Ord. No. 11-15, § I, adopted Oct. 6, 2011, amended Ch. 17.20 by deleting the map set forth for R rural district and replaced said map with the district map adopted pursuant to § 17.16.020. [\(Back\)](#)

**Chapter 17.22 R-43 RURAL RESIDENTIAL DWELLING DISTRICT\***

Sections:

[17.22.010 Designated.](#)

[17.22.020 Use regulations.](#)

[17.22.030 Intensity of lot use.](#)

[17.22.040 Front yard regulations.](#)

[17.22.050 Side yard regulations.](#)

[17.22.060 Rear yard regulations.](#)

[17.22.070 Height regulations.](#)

[17.22.080 Parking regulations.](#)

[17.22.090 Sign regulations.](#)

[17.22.100 Fence regulations.](#)

[17.22.110 Swimming pools.](#)

### **17.22.010 Designated.**

Designation of district regulations set forth in this chapter or set forth elsewhere in the ordinance codified in this chapter, when referred to in this chapter are the R-43 rural residential dwelling district regulations.

(Ord. 02-12 (part))

### **17.22.020 Use regulations.**

- A. A building or premises in an R-43 rural residential dwelling district shall be used for the following purposes:
1. Single-family dwelling;
  2. Farms;
  3. Group homes for the handicapped;
  4. Public schools, elementary and high;
  5. Private and charter schools as long as the following standards are met:
    - a. All structures must set back a minimum of one hundred (100) feet from all property lines and shall be screened from adjacent rural and residential zoned property by a six-foot-high fence;
    - b. The lot shall have frontage along a paved road that has been accepted as a public right-of-way;
    - c. The site shall include an on-site drop-off and pick-up of students. All on-site drop-off and pick-up and other parking must be set back at least fifty (50) feet from all property lines, excluding ingress and egress, and meet the requirements of Chapter 17.60 of this title;
    - d. All other standards of the R-43 district shall apply. A zoning clearance must be obtained prior to construction of any school;
  6. Wireless communications facilities, subject to the requirements of Chapter 17.57 of this title;
  7. A home occupation, so long as the use complies with the requirements of Chapter 17.54 of this title.

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- B. If these standards cannot be met, a special use permit may be applied for:
1. Public and private forests and wildlife reservations;
  2. Publicly or privately owned or operated fire stations and publicly owned or operated police stations and post offices;
  3. Golf courses, including club houses located thereon, but not including miniature courses or practice driving tees operated for commercial purposes;
  4. Libraries, museums, parks, playgrounds and community buildings, provided such uses are conducted on a nonprofit basis;
  5. Roadside stands offering for sale only farm products produced on the premises;
  6. Plant nurseries and greenhouses for the propagation, cultivation and wholesale distribution of plants produced on the premises, provided such uses do not include retail sales. Open storage is limited to plants or packaged fertilizer, and the buildings and structures used in connection therewith set back from all lot lines a distance of not less than fifty (50) feet;
  7. Corrals for the keeping of horses;
  8. Group homes for the handicapped;
  9. Accessory buildings and uses, provided that accessory building shall comply with Section 17.52.070 of this title.

(Ord. 08-11 § 1 (part); Ord. 05-02 § 1 (part); Ord. 04-03 § 1 (part); Ord. 02-12 (part))

(Ord. No. 11-01, § I, 1-20-11)

### **17.22.030 Intensity of lot use.**

- A. In the R-43 rural residential dwelling district, every lot used for a residential purpose shall have an area of not less than one acre and a width of not less than one hundred forty-five (145) feet. If a lot of record has less area or width than herein required and has been duly recorded prior to the date of passage of the ordinance codified in this section, such lot may be used for any purpose permitted in this chapter.
- B. One dwelling unit shall be permitted per lot. The maximum lot coverage shall be fifteen (15) percent of the lot area.

(Ord. 06-10 § 1 (part); Ord. 02-12 (part))

### **17.22.040 Front yard regulations.**

- A. There shall be a front yard having a depth of not less than forty (40) feet.
- B. Where lots have a double frontage, the required front yard shall be provided on both of the streets.
- C. Yards along each street adjacent to a corner lot shall have a width equal to not less than one-half the depth of the required front yard. Such yards shall otherwise conform to the regulations applicable to front yards.

(Ord. 02-12 (part))

**17.22.050 Side yard regulations.**

There shall be a side yard on each side of a building having a width of not less than thirty (30) feet.

(Ord. 02-06 (part))

**17.22.060 Rear yard regulations.**

There shall be a rear yard having a depth of not less than forty (40) feet.

(Ord. 02-06 (part))

**17.22.070 Height regulations.**

No building shall exceed two stories or thirty (30) feet in height, except as provided in Chapter 17.52.

(Ord. 02-12 (part))

**17.22.080 Parking regulations.**

The provisions of Section 17.60.020 shall apply.

(Ord. 02-12 (part))

**17.22.090 Sign regulations.**

The provisions of Chapter 17.64 shall apply.

(Ord. 02-12 (part))

(Ord. No. 10-17, § I, 12-16-10)

**17.22.100 Fence regulations.**

Fences or freestanding walls shall not exceed a height of six feet outside of the lot's buildable area. Utility companies that are regulated by the Arizona Corporation Commission are allowed increased height if required by national, state or local safety codes.

(Ord. 02-12 (part))

**17.22.110 Swimming pools.**

- A. Swimming pools shall be located in the backyard and not closer than three feet to any property line, shall not occupy any front yard, and shall be screened from adjacent property by a solid wall or fence. The fence and gate shall be constructed and maintained in accordance with the requirements of the International Building Code and Sections 15.04.020(A)(2) and (3) of this code. The provisions of Section 15.04.010(B) of this code shall not apply. The property owner shall ensure that any pool enclosure fence and its appurtenances (gates, latching devices, locks, etc.) are maintained in safe and good working order. No person shall alter or remove any portion of a swimming pool enclosure

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except to repair, reconstruct or replace the enclosure in compliance with the provisions of swimming pool barriers as provided in the International Building Code. Outdoor wading pools, spas and jacuzzis shall be located only in the rear yard.

- B. All fish ponds and other contained bodies of water, either above or below ground level, with the container being eighteen (18) inches or more in depth and/or wider than eight feet at any point measured on the long axis shall conform to the location and enclosure requirements for swimming pools as provided in the Uniform Building Code.
- C. Irrigation and storm water retention facilities and water features in public parks and golf courses are exempt from the fencing requirements for swimming pool barriers as provided in the Uniform Building Code.

(Ord. 06-10 § 1 (part); Ord. 02-12 (part))

### **Chapter 17.24 R-3 SINGLE-FAMILY DWELLING DISTRICT** [\[2\]](#)

Sections:

[17.24.010 Designation of district.](#)

[17.24.020 Use regulations.](#)

[17.24.030 Intensity of lot use.](#)

[17.24.040 Front yard regulations.](#)

[17.24.050 Side yard regulations.](#)

[17.24.060 Rear yard regulations.](#)

[17.24.070 Height regulations.](#)

[17.24.080 Parking regulations.](#)

[17.24.090 Sign regulations.](#)

[17.24.100 Fence regulations.](#)

[17.24.110 Swimming pools.](#)

#### **17.24.010 Designation of district.**

The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the R-3 single-family dwelling district regulations.

(Ord. 02-12 (part); Zoning Ord. § 5-2-101)

#### **17.24.020 Use regulations.**

A building or premises in an R-3 single-family dwelling district shall be used for the following purposes:

A building or premises in an R-3 single-family dwelling district shall be used for the following purposes:

- A. Single-family dwelling;

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- B. Golf course, except miniature course or practice driving tee operated for commercial purposes;
- C. Any occupation and profession when conducted under the same conditions as are prescribed under Chapter 17.54 of this title, relating to home occupation uses;
- D. Accessory buildings and uses customarily incident to the above use, including a private garage and home occupations, but not involving any activity conducted on a commercial basis (See Section 17.52.070 of this title);
- E. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work, or upon the expiration of a period of one year from the time of erection of such temporary buildings, whichever is sooner;
- F. Group homes for the handicapped;
- G. Wireless communications facilities, subject to the requirements of Chapter 17.57 of this title.

(Ord. 08-11 § 1 (part); Ord. 05-02 § 1 (part); Ord. 04-03 § 1 (part); Ord. 02-12 (part); Zoning Ord. § 5-2-102)

(Ord. No. 11-01, § I, 1-20-11)

### **17.24.030 Intensity of lot use.**

- A. In the R-3 single-family residential district, every residential lot shall have an area of not less than six thousand (6,000) square feet and width of not less than sixty (60) feet. If a lot of record has less area or width than herein required and has been duly recorded prior to the date of passage of the ordinance codified in this chapter, such lot may be used for any purpose permitted in this chapter.
- B. No residence shall have a living area of less than one thousand (1,000) square feet which requirement shall apply to the area enclosed by the walls proper of the house, but exclusive of open porches, pergolas or attached garages or carports, if any, or other similar extension thereof.
- C. One single-family lot of record is permitted.

(Ord. 02-12 (part); Zoning Ord. § 5-2-103)

### **17.24.040 Front yard regulations.**

There shall be a front yard having a depth of not less than twenty-five (25) feet, except as provided in Chapter 17.52.

(Ord. 04-12 (part); Ord. 02-12 (part); Zoning Ord. § 5-2-104)

### **17.24.050 Side yard regulations.**

Except as provided in Chapter 17.52, there shall be a side yard on each side of a building having a width of not less than seven feet or fifteen (15) percent of the width of the lot, whichever amount is smaller. Corner lots shall have side yards having a width of not less than seven feet or fifteen (15) percent of the width of the lot, whichever amount is smaller.

(Ord. 04-12 (part); Ord. 02-12 (part); Zoning Ord. § 5-2-105)

**17.24.060 Rear yard regulations.**

Except as provided in Chapter 17.52, rear yards shall have a depth of not less than thirty-five (35) feet or twenty (20) percent of the lot, whichever amount is smaller.

(Ord. 02-12 (part); Zoning Ord. § 5-2-106)

**17.24.070 Height regulations.**

- A. No building shall exceed one story or fifteen (15) feet in height, except as provided in Chapter 17.52.
- B. No residential building or accessory building shall have side walls which exceed eight and one-half feet in height.

(Zoning Ord. § 5-2-107)

**17.24.080 Parking regulations.**

The provisions of Section 17.60.020 shall apply.

(Zoning Ord. § 5-2-018)

**17.24.090 Sign regulations.**

The provisions of Chapter 17.64 shall apply.

(Zoning Ord. § 5-2-109)

(Ord. No. 10-17, § I, 12-16-10)

**17.24.100 Fence regulations.**

- A. Fences or freestanding walls or hedges shall not exceed six feet in height in any side or rear yard, or thirty-six (36) inches in height in any front yard. (Dimensions are nominal.) Construction of any fence or wall shall require a building permit.
- B. The material of fences in a front yard shall be limited to split rail, chain link, concrete block or brick, wooden slats, steel poles with chains, or similar materials approved by the building official. In approving a material for a fence, the building official shall consider visibility requirements and consistency and compatibility of materials for the specific location of the fence. No approval shall be given for fences made of fence posts, plywood, particle board, barbed wire, chicken wire or pallets.
- C. If a lot has only three sides with two of the sides adjacent to two streets, the building official may approve a fence for the rear yard if the fence is parallel to the lot lines, meets setback requirements and does not extend beyond a line extending from the front of the house to the two adjacent streets.
- D. Slats may be used with chain link fences and, when used, shall be made of aluminum, vinyl, or plastic. Electrified fences are prohibited.
- E. No fence shall encroach onto adjacent property except pursuant to a recorded instrument executed by the owner of the adjacent property.

(Ord. 06-09 § 1 (part); Ord. 03-13 § 1 (part); Ord. 02-12 (part))

(Ord. No. 11-19, § 1, 12-1-11)

**17.24.110 Swimming pools.**

Private swimming pools shall be located in the backyard and not closer than three feet to any property line, shall not occupy any front yard, and shall be screened from adjacent properties by a solid wall or fence. The fence and gate shall be constructed and maintained in accordance with the requirements of the International Building Code and Sections 15.04.020(A)(2) and (3) of this code. The provisions of Section 15.04.010(B) of this code shall not apply. Outdoor wading pools, spas and jacuzzis shall be located only in the rear yard.

(Ord. 06-10 § 1 (part); Ord. 04-12 (part); Ord. 02-12 (part))

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FOOTNOTE(S):

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**Editor's note**—Ord. No. 11-06, § I, adopted Mar. 3, 2010 and Ord. No. 11-15, § I, adopted Oct. 6, 2011, amended Ch. 17.24 by deleting the map set forth for R-3 single-family dwelling district and replaced said map with the district map adopted pursuant to § 17.16.020. ([Back](#))

**Chapter 17.28 R-2 TWO-FAMILY DWELLING DISTRICT**

Sections:

[17.28.010 Designation of district.](#)

[17.28.020 Use regulations.](#)

[17.28.030 Intensity of use.](#)

[17.28.040 Front yard regulations.](#)

[17.28.050 Side yard regulations.](#)

[17.28.060 Rear yard regulations.](#)

[17.28.070 Height regulations.](#)

[17.28.080 Parking regulations.](#)

[17.28.090 Sign regulations.](#)

**17.28.010 Designation of district.**

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the R-2 two-family dwelling district regulations.

(Zoning Ord. § 5-3-101)

**17.28.020 Use regulations.**

A building or premises in an R-2 two-family dwelling district shall be used only for the following purposes:

- A. Any use permitted in the R-1 single-family dwelling district;
- B. Fences as provided in Section 17.24.020 of this title;
- C. Two-family dwelling;
- D. Sign regulations permitted in R-1 single-family dwelling district shall apply to such uses in R-2 two-family dwelling district;
- E. Group homes for the handicapped;
- F. Wireless communications facilities, subject to the requirements of Chapter 17.57 of this title;
- G. A home occupation, so long as the use complies with the requirements of Chapter 17.54 of this title.

(Ord. 08-11 § 1 (part); Ord. 05-02 § 1 (part); Ord. 04-03 § 1 (part); Zoning Ord. § 5-3-102)

**17.28.030 Intensity of use.**

- A. A lot on which there is erected a single-family dwelling shall contain an area of not less than six thousand (6,000) square feet.
- B. A lot on which there is erected or converted a two-family dwelling shall contain an area of not less than three thousand five hundred (3,500) square feet per family.
- C. If a lot of record has less area than herein required for a single-family dwelling and was of record at the time of the passage of the ordinance codified in this chapter, that lot may be used for single-family purposes, together with customary accessory buildings or for any other nondwelling uses permitted in this title.
- D. No residence shall have a living area of less than one thousand (1,000) square feet, and a two-family dwelling shall provide not less than two thousand (2,000) square feet allowing one-half of this amount for each of the two dwelling units, which requirement shall apply to the area enclosed by the walls proper of the house, but exclusive of open porches, pergolas or attached garages or carports, if any, or any similar extensions thereof.

(Zoning Ord. § 5-3-103)

**17.28.040 Front yard regulations.**

- A. There shall be a front yard having a depth of not less than twenty (20) feet, except as provided in Chapter 17.52.
- B. Where lots have double frontage, the required front yard shall be provided on both streets.

(Ord. 02-12 (part); Zoning Ord. § 5-3-104)

**17.28.050 Side yard regulations.**

Except as provided in Chapter 17.52 and except for corner lots, there shall be a side yard on each side of a building having a width of not less than five feet. Corner lots shall have one side yard having a width not less than five feet.

(Ord. 02-12 (part); Zoning Ord. § 5-3-105)

**17.28.060 Rear yard regulations.**

Except as provided in Chapter 17.52, there shall be a rear yard having a depth of not less than thirty-five (35) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

(Zoning Ord. § 5-3-106)

**17.28.070 Height regulations.**

The height regulations for the R-3 single-family dwelling district shall apply to structures and buildings in the R-2 two-family dwelling district.

(Ord. 02-12 (part); Zoning Ord. § 5-3-107)

**17.28.080 Parking regulations.**

The provisions of Section 17.60.030 shall apply.

(Zoning Ord. § 5-3-108)

**17.28.090 Sign regulations.**

The provisions of Chapter 17.64 shall apply.

(Zoning Ord. § 5-3-109)

(Ord. No. 10-17, § I, 12-16-10)

**Chapter 17.32 R-1 MULTIPLE-FAMILY DWELLING DISTRICT <sup>31</sup>**

Sections:

[17.32.010 Designation of district.](#)

[17.32.020 Use regulations.](#)

[17.32.030 Intensity of use.](#)

[17.32.040 Front yard regulations.](#)

[17.32.050 Side yard regulations.](#)

[17.32.060 Rear yard regulations.](#)

[17.32.070 Height regulations.](#)

[17.32.080 Parking regulations.](#)

[17.32.090 Sign regulations.](#)

**17.32.010 Designation of district.**

The regulations set forth in this chapter, or set forth elsewhere in this title when referred to in this chapter, are the R-1 multiple-family dwelling district regulations.

(Ord. 02-12 (part); Zoning Ord. § 5-4-101)

**17.32.020 Use regulations.**

A building or premises in an R-1 multiple-family dwelling district shall be used only for the following purposes:

- A. Any use permitted in the R-2 two-family dwelling district;
- B. Fences as provided in Section 17.24.020 of this title;
- C. Multiple-family dwelling;
- D. Nonprofit or philanthropic institutions, but not penal or mental treatment institutions;
- E. Accessory buildings, including a detached private garage or storage garage, shall be located not less than sixty (60) feet from the front lot line;
- F. Group homes for the handicapped;
- G. Sign regulations permitted in R-1 single-family dwelling district shall apply in R-3 multiple-family dwelling district;
- H. Wireless communications facilities, subject to the requirements of Chapter 17.57 of this title.

(Ord. 05-02 § 1 (part); Ord. 04-03 § 1 (part); Ord. 02-12 (part); Zoning Ord. § 5-4-102)

(Ord. No. 11-01, § I, 1-20-11)

**17.32.030 Intensity of use.**

- A. A lot on which there is erected a single-family dwelling shall contain an area of not less than six thousand (6,000) square feet.
- B. A lot on which there is erected or converted a two-family dwelling shall contain an area of not less than three thousand five hundred (3,500) square feet per family.
- C. A lot on which there is erected a three-family dwelling shall contain an area of not less than three thousand (3,000) square feet per family.
- D. A lot on which there is erected or converted a dwelling containing four or more dwelling units shall contain an area of not less than two thousand five hundred (2,500) square feet per family.
- E. If a lot of record has less area than herein required for a single-family dwelling and was recorded at the time of the passing of the ordinance codified in this chapter, that lot may be used for single-family dwelling purposes, together with customary accessory buildings or for any other nondwelling uses permitted in this article.

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- F. Apartment dwellings with only one bedroom and one bathroom shall have a living area of at least six hundred forty (640) square feet. All other apartment dwellings shall have a living area of at least eight hundred fifty (850) square feet. These requirements shall apply to the area enclosed by the walls proper of the dwelling exclusive of open porches, pergolas or attached garages or carports, if any, or any similar extension thereof.

(Ord. 02-12 (part); Ord. 95-04 (part); Zoning Ord. § 5-4-103)

**17.32.040 Front yard regulations.**

- A. There shall be a front yard having a depth of not less than twenty (20) feet, except as provided in Chapter 17.52.
- B. Where lots have a double frontage, the required yard shall be provided on both streets.

(Ord. 02-12 (part); Zoning Ord. § 5-4-104)

**17.32.050 Side yard regulations.**

Except as provided in Chapter 17.52 and except for corner lots, there shall be a side yard on each side of a building having a width of not less than five feet. Corner lots shall have one side yard having a width of not less than five feet.

(Ord. 02-12 (part); Zoning Ord. § 5-4-105)

**17.32.060 Rear yard regulations.**

Except as provided in Chapter 17.52, rear yards shall have a depth of not less than thirty-five (35) feet or twenty (20) percent of the depth of the lot, whichever amount is smaller.

(Ord. 02-12 (part); Zoning Ord. § 5-4-106)

**17.32.070 Height regulations.**

The height regulations for the R-3 single-family dwelling district shall apply to structures and buildings in the R-1 multiple-family dwelling district.

(Ord. 02-12 (part); Zoning Ord. § 5-4-107)

**17.32.080 Parking regulations.**

The provisions of Section 17.60.040 shall apply.

(Zoning Ord. § 5-4-108)

**17.32.090 Sign regulations.**

The provisions of Chapter 17.64 shall apply.

(Zoning Ord. § 5-4-109)

(Ord. No. 10-17, § I, 12-16-10)

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FOOTNOTE(S):

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**Editor's note**—Ord. No. 11-06, § I, adopted Mar. 3, 2010 and Ord. No. 11-15, § I, adopted Oct. 6, 2011, amended Ch. 17.32 by deleting the map set forth for R-1 multiple-family dwelling district and replaced said map with the district map adopted pursuant to § 17.16.020. ([Back](#))

## **Chapter 17.36 C-1 COMMERCIAL DISTRICT** <sup>[4]</sup>

Sections:

[17.36.010 Designation of district.](#)

[17.36.020 Use regulations.](#)

[17.36.030 Accessory uses—Storage—Lighting.](#)

[17.36.040 Fence and free standing wall regulations.](#)

[17.36.050 Intensity of use.](#)

[17.36.060 Front yard regulations.](#)

[17.36.070 Side yard regulations.](#)

[17.36.080 Rear yard regulations.](#)

[17.36.090 Height regulations.](#)

[17.36.100 Parking regulations.](#)

[17.36.110 Sign regulations.](#)

[17.36.120 Animal shelter, boarding kennels and doggie daycare regulations.](#)

[17.36.130 Children's residential care facility regulations.](#)

### **17.36.010 Designation of district.**

The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this article, are the C-1 commercial district regulations.

(Zoning Ord. § 5-5-101)

**17.36.020 Use regulations.**

A. A building or premises in a C-1 commercial district shall only be used for the following purposes:

1. Animal shelter, subject to the requirements of Section 17.36.120 of this title;
2. Antique store;
3. Apartment houses which do not exceed two stories nor more than twenty-four (24) feet or two stories in height, unless located within the Youngtown redevelopment district, identified in Resolution 00-09. In such a case, the maximum height shall be forty-eight (48) feet or four stories;
4. Art shop;
5. Automobile dealerships;
6. Automobile rental businesses;
7. Bakery goods store; provided, that all goods baked on the premises are sold at retail over the counter only;
8. Bank;
9. Barber shop, beauty parlor, chiropody or similar personal service shop;
10. Bicycle sales and repair;
11. Boarding kennel, subject to the requirements of Section 17.36.120 of this title;
12. Book, stationery or gift store;
13. Building contractor;
14. Camera shop;
15. Candy store or fountain, provided there is no manufacturing of candy on the premises;
16. Children's residential care facility, subject to a special use permit and the requirements of Section 17.36.130 of this chapter;
17. Cigar store;
18. Clothes cleaning or pressing establishment; provided, that the cleaning fluid used shall be in Class 4 of the standard of the National Board of Fire Underwriters for Dry Cleaning plants, as recommended by the National Fire Protection Association in bulletin of NBFU No. 32 dated June 2, 1961;
19. Clothing, new and dry goods store;
20. Delicatessen store, all food prepared on premises shall be sold at retail over the counter only. There shall be no slaughtering of animals or poultry on the premises;
21. Doggie daycare, subject to the requirements of Section 17.36.120 of this title;
22. Dress or millinery shop, custom;
23. Drug store;
24. Electric carts, sale and repair;
25. Electrical contractor;
26. Florist;
27. Furniture and house furnishing store, provided that no manufacturing or remodeling of furniture is allowed on the premises;
28. Golf cart sale and repair;

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29. Grocery store and meat market, provided there is no slaughtering of animals or poultry on the premises;
30. Hardware store;
31. Home refrigeration, heating, sale and repair;
32. Household appliance store, sales and/or repair;
33. Ice cream store, provided there is no manufacturing of ice cream on the premises;
34. Jewelry store;
35. Laundry agency, laundry or laundromat;
36. Leather and leather goods shop;
37. Liquor sales for off-site consumption;
38. Locksmith shop;
39. Medical clinic;
40. Musical instrument and sheet music shop;
41. Notion and five-and-ten store;
42. Office;
43. Optical goods store and repair;
44. Paint and wall paper store;
45. Parking lot;
46. Photographer's or artist's studio;
47. Plumbing shop;
48. Printing shop;
49. Professional services;
50. Radio and television store and repair;
51. Refuse service office;
52. Restaurant or cafe, including drive-in car service;
53. Retail sales and serving of spirituous liquors for consumption on the premises in connection with an established restaurant, which may contain a cocktail lounge, but whose principal business is serving food, and which shall have a capacity of not less than fifty (50) persons, exclusive of any cocktail lounge or bar. Drive-in car services are permitted;
54. Retail sale of pet supplies and grooming of dogs; provided, that no animals shall be boarded on the premises overnight;
55. Security guard and patrol service;
56. Service station, including incidental auto repairing, provided that all repair work is conducted wholly within a completely enclosed building and does not occupy more than forty (40) percent of the floor space;
57. Shoe repair shop;
58. Store or shop for conduct of retail business;
59. Private and semi-public swimming pool; provided, that such pool shall be located not closer than seven feet to any property line, shall not occupy any front yard and is screened from adjacent properties by a solid wall or fence. The fence and gate shall be constructed and

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maintained in accordance with the requirements of the International Building Code and Sections 15.04.020(A)(2) and (3) of this code. The provisions of Section 15.04.010(B) of this code shall not apply. Such protective enclosure shall be maintained by locked gates or entrances when the pool is not tended by a qualified and responsible person;

60. Tailor, custom;
  61. Tanning salons;
  62. Taxi, chauffeur limousine and similar transportation services for individuals;
  63. Thrift stores;
  64. Trade schools;
  65. Theater, but not including drive-in theater;
  66. Veterinary office for the treatment of animals; provided, that no animal larger than a household pet may be kept on the premises overnight;
  67. Wireless communications facilities, subject to the requirements of Chapter 17.57 of this title.
- B. Separation requirements between all nontraditional business uses: The minimum separation between any two nontraditional businesses shall be two thousand five hundred (2,500) feet, as measured in a straight line in any direction from the closest perimeter business walls.

(Ord. 06-10 (part); Ord. 05-02 § 1 (part); Ord. 02-12 (part); Ord. 00-08 § 1; Zoning Ord. § 5-5-102)

(Ord. No. 09-08, § I, 12-17-09; Ord. No. 13-01, § I, 3-21-13; Ord. No. 14-05, § I, 9-18-14)

### **17.36.030 Accessory uses—Storage—Lighting.**

- A. Accessory buildings and uses customarily incident to the uses set forth in Section 17.36.020 are permitted in C-1 commercial district including parking lots.
- B. Any building used primarily for any of the purposes enumerated in Section 17.36.020 may not have more than forty (40) percent of the floor area devoted to storage purposes incidental to such primary use.
- C. Nonresidential uses, except signs, shall be restricted to closed buildings. Any lighting shall be so placed to reflect the light away from lots in residential districts.

(Ord. 02-12 (part); Zoning Ord. § 5-5-103)

### **17.36.040 Fence and free standing wall regulations.**

Fences or free standing walls shall not exceed six feet in height in side or rear yard. Fences may be solid, of any approved fencing material except barbed wire, but may have a barbed wire protector along top, protector must be straight in line with fence or slope in. Fences in front yards may not exceed two and one-half feet in height.

(Zoning Ord. § 5-5-104)

**17.36.050 Intensity of use.**

Apartment dwellings with only one bedroom and one bathroom shall have a living area of at least six hundred forty (640) feet. All other apartment dwellings shall have a living area of at least eight hundred fifty (850) square feet. These requirements shall apply to the area enclosed by the walls proper of the house exclusive of open porches, pergolas or attached garages or carports, if any, or any similar extension thereof.

(Ord. 02-12 (part); Ord. 95-04 (part); Zoning Ord. §§ 5-5-105, 5-5-112)

**17.36.060 Front yard regulations.**

- A. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as provided in Chapter 17.52.
- B. Where lots have a double frontage, the required front yard shall be provided on both streets.
- C. A canopy or roof extension on the front of a building shall not exceed eight feet.

(Ord. 02-12 (part); Ord. 96-11 § 1; Zoning Ord. § 5-5-106)

**17.36.070 Side yard regulations.**

- A. No side yard shall be required except where a lot adjoins a dwelling district, in which event there shall be a side yard of not less than seven feet. In all other cases, if a side yard is provided, it shall not be less than three feet in width.
- B. No canopies or roof extension shall project more than five feet on the side of a building.

(Zoning Ord. § 5-5-107)

**17.36.080 Rear yard regulations.**

No rear yard shall be required except where a lot adjoins a dwelling district, in which event there shall be a rear yard of not less than twenty (20) feet.

(Zoning Ord. § 5-5-108)

**17.36.090 Height regulations.**

No building shall exceed two stories or twenty-four (24) feet in height, unless located within the Youngtown redevelopment district, identified in Resolution 00-09. In such case, the maximum height shall be forty-eight (48) feet or four stories.

(Ord. 02-12 (part); Ord. 00-08 § 2; Zoning Ord. § 5-5-109)

**17.36.100 Parking regulations.**

The provisions of Section 17.60.050 shall apply.

(Zoning Ord. § 5-5-110)

**17.36.110 Sign regulations.**

The provisions of Chapter 17.64 shall apply.

(Zoning Ord. § 5-5-111)

(Ord. No. 10-17, § I, 12-16-10)

**17.36.120 Animal shelter, boarding kennels and doggie daycare regulations.**

- A. No person shall own or operate an animal shelter, boarding kennel or doggie daycare without having made application and having received the appropriate license pursuant to Chapter 5 of this code. The application shall include the submittal of a site plan and floor plan for the facility.
- B. Every entity or person who owns or operates an animal shelter, boarding kennel or doggie daycare shall ensure that all animals housed at the facility have all current licenses and vaccinations required by state or local laws.
- C. Every entity or person who owns or operates an animal shelter, boarding kennel or doggie daycare shall:
  - (1) Maintain the facility in a clean and sanitary condition;
  - (2) Ensure all food and water bowls in use shall be non-spill, made of stainless steel and be cleaned and disinfected each day;
  - (3) Ensure the facility and associated surrounding areas are adequately ventilated and in clean condition free from vermin and offensive odors;
  - (4) Ensure an exercise area shall be provided so as to enable each animal to exercise freely and easily for at least six hours per day so as to maintain physical health and well being; and
  - (5) Ensure the excreta, dead animals and other waste resulting from the keeping of any animals shall be removed from the premises as necessary and in accordance with any applicable state or local laws and in a manner that avoids any offensive odors from emanating to surrounding properties.
- D. Every entity or person who operates an animal shelter or boarding kennel shall ensure any outdoor cage or pen used for housing, holding or exercising animals is constructed and maintained so that each animal may extend its legs to its full extent, stand, sit, turn around and lie down in a fully extended position, so that there is adequate shade to protect the animals from direct sun, and so that any animal cannot readily escape from the cage or pen; and any outdoor exercise area must be a minimum of one hundred fifty (150) feet from any residential zoning district.
- E. Every entity or person who operates an animal shelter or boarding kennel shall ensure that there is sufficient staff present to care for the animals housed at the facility, except that no person must be present between the hours of nine p.m. to six a.m.
- F. Every entity or person who operates a doggie daycare shall ensure that at least one staff person is present at all times the business is open for business. No animals may be boarded or kept at a doggie daycare between the hours of eight p.m. and six a.m.
- G. Any person operating a boarding kennel or doggie daycare shall keep records for each incoming and outgoing animal including the following information:
  - (1) Name and address of the owner of all animals cared for or kept at the facility;
  - (2) Dates of arrivals to and departures from the facility of each individual animal; and
  - (3) Records evidencing that each animal cared for or kept at the facility has all licenses and vaccinations required by state or local laws.

(Ord. No. 09-08, § I, 12-17-09)

**17.36.130 Children's residential care facility regulations.**

Children's residential care facilities shall comply with the following:

- A. The children's residential care facility shall not be located on a lot within one thousand three hundred twenty (1,320) feet, measured by a straight line in any direction, from the lot line of another children's residential care facility.
- B. Where required, the children's residential care facility should be licensed by, certified by, approved by, registered with, or under contract with a federal, state, or local government and evidence of such must be provided to the town.
- C. An application for a special use permit shall include detailed site plan and operations plan.

(Ord. No. 13-01, § I, 3-21-13)

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FOOTNOTE(S):

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**Editor's note**—Ord. No. 11-06, § I, adopted Mar. 3, 2010 and Ord. No. 11-15, § I, adopted Oct. 6, 2011, amended Ch. 17.36 by deleting the map set forth for C-1 commercial district and replaced said map with the district map adopted pursuant to § 17.16.020. ([Back](#))

**Chapter 17.40 C-2 COMMERCIAL DISTRICT** <sup>[5]</sup>

Sections:

[17.40.010 Designation of district.](#)

[17.40.020 Use regulations.](#)

[17.40.030 Accessory uses—Lighting.](#)

[17.40.040 Front yard regulations.](#)

[17.40.050 Side yard regulations.](#)

[17.40.060 Rear yard regulations.](#)

[17.40.070 Height regulations.](#)

[17.40.080 Parking regulations.](#)

[17.40.090 Sign regulations.](#)

[17.40.100 Sexually oriented businesses locational requirements.](#)

[17.40.110 Medical marijuana cultivation, infusion or manufacturing facility regulations and medical marijuana dispensary regulations.](#)

**17.40.010 Designation of district.**

The regulations set forth in this chapter or set forth elsewhere in this title, when referred to in this chapter, are the C-2 commercial district regulations.

(Zoning Ord. § 5-6-101)

**17.40.020 Use regulations.**

A building or premises in a C-2 commercial district shall be used only for the following purposes:

1. Any use permitted in the C-1 commercial district;
2. Auto car wash, automated or self-service;
3. Bars and nightclubs;
4. Bicycle sales and repair;
5. Catering establishment;
6. Cabinet shop or store, but not more than ten (10) percent of the lot or tract occupied by such establishment shall be used for the open or unenclosed storage of material and equipment;
7. Garage repair shop;
8. Golf practice driving range;
9. Hotel or motel;
10. Key shop;
11. Medical marijuana cultivation, infusion or manufacturing facility;
12. Medical marijuana dispensary;
13. Milk distributing station which does not involve any bottling operation on the premises;
14. Nursery and greenhouse;
15. Plumbing shop;
16. Printing shop;
17. Retail sales and service of spirituous liquors solely for consumption on licensed premises, in connection with an established restaurant, which may contain a cocktail lounge, but the principal business of which is serving food, and having a seating capacity of not less than fifty (50) persons in its dining area exclusive of any cocktail lounge or bar facility. Dancing is allowed in restaurants which conform to above provisions. Drive-in car services are permitted;
18. Sales or show room;
19. Telephone exchange or telegraph office;
20. Tire store sales and services including vulcanizing and involving no manufacturing on the premises;
21. Upholstery shop not involving any furniture manufacturing;
22. Cremation retort;

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23. Sexually oriented businesses, subject to a special use permit and the locational requirements of Section 17.40.100;
24. Municipal facilities, including administrative offices and equipment storage facilities;
25. Mini-storage facility;
26. Vehicle storage facility, provided that vehicles, trailers and boats are fully screened by a finished masonry or concrete wall not to exceed ten (10) feet in height and Xeriscape (drought-tolerant) landscape vegetation.
27. Public safety facility, including administrative offices, fire station, police station, and ambulance service.

(Ord. 07-02 § 1 (part); Ord. 06-06 § 1 (part); Ord. 05-02 § 1 (part); Ord. 04-12 (part); Ord. 03-03 § 1 (part); Ord. 02-12 (part); Zoning Ord. § 5-6-102)

(Ord. No. 11-02, § I, 1-20-11; Ord. No. 11-18, § I, 12-15-11; Ord. No. 15-01, § I, 3-5-15)

**17.40.030 Accessory uses—Lighting.**

- A. Accessory buildings and uses customarily incident to the uses set forth in Section 17.40.020 are permitted in a C-2 commercial district, including parking lots, signs, bulletin boards and poster panels.
- B. Any lighting shall be so placed to reflect the light away from lots in residential districts.

(Zoning Ord. § 5-6-103)

**17.40.040 Front yard regulations.**

- A. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as provided in Chapter 17.52.
- B. Where lots have a double frontage, the required front yard shall be provided on both streets.
- C. A canopy or roof extension from the front of a building shall not exceed eight feet.

(Ord. 02-12 (part); Ord. 96-11 § 2; Zoning Ord. § 5-6-104)

**17.40.050 Side yard regulations.**

- A. No side yard shall be required except where a lot adjoins a residential dwelling district, in which case there shall be a side yard of not less than seven feet. In all other cases, if a side yard is provided, it shall not be less than three feet in width.
- B. No canopies or roof extension shall project more than five feet on the side of a building.

(Ord. 02-12 (part); Zoning Ord. §§ 5-6-105, 5-6-110)

**17.40.060 Rear yard regulations.**

The rear yard regulations are the same as those in the C-1 commercial district.

(Zoning Ord. § 5-6-106)

**17.40.070 Height regulations.**

No building shall exceed two stories nor shall it exceed twenty-four (24) feet in height unless the property is located in the Youngtown redevelopment district as identified in Youngtown Resolution 00-08. If within the redevelopment district, the maximum height allowed shall be four stories or forty-eight (48) feet.

(Ord. 02-12 (part); Ord. 00-08 § 3; Zoning Ord. § 5-6-107)

**17.40.080 Parking regulations.**

The provisions of Sections 17.60.060 and 17.60.070 shall apply.

(Zoning Ord. § 5-6-108)

**17.40.090 Sign regulations.**

The provisions of Chapter 17.64 shall apply.

(Zoning Ord. § 5-6-109)

(Ord. No. 10-17, § I, 12-16-10)

**17.40.100 Sexually oriented businesses locational requirements.**

- A. A person commits a Class 1 misdemeanor if that person operates or causes to be operated a sexually oriented business in any zoning district other than as permitted in this chapter.
- B. A person commits a Class 1 misdemeanor if the person operates or causes to be operated a sexually oriented business within six hundred (600) feet of:
  - 1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
  - 2. 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;
  - 3. A boundary of a residential district as defined in this section;
  - 4. A public park or recreational area which has been designated for park or recreational activities including, but not limited to, a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, wilderness area, or other similar public land within the town which is under the control, operation or management of the town or other governmental entity;
  - 5. The property line of a lot devoted to a residential use as defined in this section; or
  - 6. An entertainment business which is oriented primarily towards children or family entertainment.

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- C. A person commits a Class 1 misdemeanor if that person causes or permits the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within six hundred (600) feet of another sexually oriented business.
- D. A person commits a Class 1 misdemeanor if that person causes or permits 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.
- E. For the purpose of subsection B of this section, 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 B of this section. Presence of a town, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
- F. For purposes of subsection C of this section, 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.
- G. Any sexually oriented business lawfully operating on the effective date of this ordinance that is in violation of subsections A—F of this section shall be deemed a legal nonconforming use. The legal nonconforming use will be permitted to continue for a period not to exceed one year, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such legal nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within six hundred (600) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually legally operating at a particular location is the conforming use and the later established business(es) is/are nonconforming and subject to subsection G of this section.
- H. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in subsection B of this section within six hundred (600) feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

(Ord. 03-03 § 1 (part))

### **17.40.110 Medical marijuana cultivation, infusion or manufacturing facility regulations and medical marijuana dispensary regulations.**

- A. No person shall own or operate a medical marijuana cultivation, infusion or manufacturing facility or medical marijuana dispensary without having made application and having received a business license pursuant to Chapter 5 of this code and approval from the state of Arizona to own or operate such facility.
- B. A person commits a Class 1 misdemeanor if that person operates or causes to be operated a medical marijuana cultivation, infusion or manufacturing facility or medical marijuana dispensary in any zoning district other than as permitted in this section.
- C. Every person, owner or operator of a medical marijuana cultivation, infusion or manufacturing facility and/or medical marijuana dispensary shall provide:
  - 1. In the case of a medical marijuana dispensary, the name(s) and location(s) of any offsite medical marijuana cultivation, infusion or manufacturing facility with which it is affiliated;

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2. In the case of a medical marijuana cultivation, infusion or manufacturing facility, the name(s) and location(s) of any offsite medical marijuana dispensary with which it is affiliated;
  3. A copy of the operating procedures adopted in compliance with A.R.S. § 36-2804;
  4. A survey sealed by a registrant of the state of Arizona showing the location of the nearest medical marijuana dispensary or cultivation, infusion or manufacturing facility;
  5. A site plan, floor plan, building permits for occupancy change, and a security plan for the facility or dispensary.
- D. Retail sales of medical marijuana are prohibited at any medical marijuana cultivation, infusion or manufacturing facility.
- E. Retail sales of devices, equipment, products, or material used to consume medical marijuana may be sold at a medical marijuana dispensary to a state-qualified patient(s) but are prohibited at any medical marijuana cultivation, infusion or manufacturing facility.
- F. Food products may be sold at a medical marijuana dispensary to a state-qualified patient(s) but are prohibited at any medical marijuana cultivation, infusion or manufacturing facility.
- G. No person may consume medical marijuana at any medical marijuana dispensary and/or medical marijuana cultivation, infusion or manufacturing facility.
- H. A medical marijuana dispensary and/or medical marijuana cultivation, infusion or manufacturing facility shall be located in a permanent building and shall not be located in a trailer, cargo container or motor vehicle.
- I. No drive-through services shall be provided at any medical marijuana dispensary or medical marijuana cultivation, infusion or manufacturing facility.
- J. Each medical marijuana dispensary and medical marijuana cultivation, infusion or manufacturing facility shall provide for proper disposal of marijuana remnants or by-products and such products shall not be placed within the facility's exterior refuse containers.
- K. A person commits a Class 1 misdemeanor if the person operates or causes to be operated a medical marijuana cultivation, infusion or manufacturing facility or medical marijuana dispensary within two hundred fifty (250) feet of the boundary of a residential district as defined in this title, and within one thousand (1,000) feet of:
1. A building that is used primarily for religious worship and related religious activities;
  2. 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, or a bus stop serving such facility;
  3. A public park or recreational area that has been designated for park or recreational activities including, but not limited to, a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, wilderness area, or other similar public land within the town which is under the control, operation or management of the town or other governmental entity;
  4. An entertainment business that is oriented primarily towards children or family entertainment; or
  5. Another medical marijuana cultivation, infusion or manufacturing facility or medical marijuana dispensary.
- L. Every entity or person who owns or operates medical marijuana cultivation, infusion or manufacturing facility or medical marijuana dispensary shall:
1. Maintain the facility in a clean and sanitary condition;

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2. Ensure the facility and associated surrounding areas are adequately ventilated and in clean condition free from offensive odors, and there shall be no omission of dust, fumes, vapors or odors into the environment.
- M. Every entity or person who operates a medical marijuana dispensary shall ensure that at least one staff person is present at all times the facility is open for business.
- N. A medical marijuana dispensary may only be open for business between the hours of eight a.m. and eight p.m., Monday through Saturday.

(Ord. No. 11-02, § I, 1-20-11; Ord. No. 11-07, § I, 4-21-11; Ord. No. 14-07, § I, 9-18-14; Ord. No. 14-08, § I, 9-18-14; Ord. No. 14-09, § I, 9-18-14)

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FOOTNOTE(S):

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**Editor's note**—Ord. No. 11-06, § I, adopted Mar. 3, 2010 and Ord. No. 11-15, § I, adopted Oct. 6, 2011, amended Ch. 17.40 by deleting the map set forth for C-2 commercial district and replaced said map with the district map adopted pursuant to § 17.16.020. ([Back](#))

### **Chapter 17.44 ASD AGE SPECIFIC OVERLAY ZONING DISTRICT**

Sections:

[17.44.010 Purpose.](#)

[17.44.020 Location.](#)

[17.44.030 Additional regulations.](#)

[17.44.040 Application requirements.](#)

[17.44.050 Application procedure.](#)

#### **17.44.010 Purpose.**

The age specific overlay zoning district ("ASD") is intended to provide for planned residential development which is specifically designed for residency by persons of advanced age.

(Ord. 98-13 (part): Zoning Ord. § 4-3-101(A))

**17.44.020 Location.**

An ASD may be established in all of the residential districts as provided in this code. The regulations which apply to property in any district in which the ASD is combined shall remain the same, except as to the matters specified in this chapter.

(Ord. 98-13 (part): Zoning Ord. § 4-3-101(B))

**17.44.030 Additional regulations.**

- A. An ASD shall only be established on residential single-family or multiple family lots (each an "age lot") which are, as of the date that the applications described in Section 17.44.040 are submitted to the town, subject to a residential zoning classification described in this code.
- B. An ASD shall consist of not less than eight contiguous age lots.
- C. "Contiguous age lots" shall, for the purposes of this chapter, mean a series of subdivided lots each of which has one portion of its boundary line touching or abutting one or more of the boundary lines of the other age lots in the ASD; provided, that any age lot which is separate from at least one other age lot in the proposed ASD, by a public or private street or a public or private alley (an "outlot") shall be deemed to be a "contiguous age lot" so long as such outlot has a perpendicular connection to the age lot which is located immediately across the applicable street or alley from the subject outlot.
- D. "Perpendicular connection," for purposes of this chapter, means that a perpendicular straight line which is drawn from any point on the boundary line of an outlot must cross a public or private street or a public or private alley and intersect any portion of an age lot located immediately across the subject alley or street from such outlot. A perpendicular connection does not exist if the perpendicular straight line described in this section passes through or touches the boundary line of any lot which is not an age lot in the ASD in which the outlot seeks to become a part.
- E. Each dwelling unit located on an age lot (a "dwelling unit") shall be occupied by at least one person fifty-five (55) years of age or older (a "qualifying occupant"). No person under nineteen (19) years of age shall reside in any dwelling unit for more than ninety (90) days in any calendar year.
- F. In the event that any qualifying occupant dies, such person's spouse may continue to occupy such dwelling unit to the extent permitted by applicable federal and state laws regarding age-restricted communities; and provided, that at no time shall less than eighty (80) percent of the age lots subject to the applicable ASD be occupied by at least one qualifying occupant.
- G. Temporary occupancy (other than as stated above) where such dwelling unit does not contain a qualifying occupant and/or where a qualifying occupant or other occupant seeks to allow a person who is under nineteen (19) years of age to reside in such dwelling units for more than ninety (90) days, may occur upon the owner of the applicable dwelling unit applying for a use permit in accordance with Chapter 17.56.
- H. Although this chapter sets the minimum size of an ASD at eight lots, the town council is not bound to accept an ASD that small. Each application will be examined on its own merits and in no case will a district be approved that would be illegal on grounds of spot zoning or on any other basis that would make it illegal under federal or state law.

(Ord. 98-13 (part): Zoning Ord. § 4-3-101(C))

**17.44.040 Application requirements.**

- A. An application for an ASD will be considered only after submission of a petition signed by one hundred (100) percent of the owners of the lots which will be located within the proposed ASD.

- B. Such application will include in addition to the owner's name and address, the legal description of the property and the owner's date of birth, and the names and dates of birth of all residents of the household. If a lot is owned by more than one person (such as a husband and wife), all owners must sign the petition for it to be valid.

(Ord. 98-13 (part): Zoning Ord. § 4-3-101(D))

**17.44.050 Application procedure.**

Application for an ASD shall be made in accordance with the provisions of this chapter.

(Ord. 98-13 (part): Zoning Ord. § 4-3-101(E))

**Chapter 17.48 PLANNED AREA OVERLAY DISTRICTS**

Sections:

[17.48.010 Designation of district.](#)

[17.48.020 Purpose.](#)

[17.48.030 Objectives.](#)

[17.48.040 Permitted uses.](#)

[17.48.050 Intensity of land use.](#)

[17.48.060 Construction without approval prohibited.](#)

[17.48.070 Development plan required.](#)

[17.48.080 Description of development plan.](#)

[17.48.090 Final development plan approval.](#)

**17.48.010 Designation of district.**

The regulations set forth in this chapter, or elsewhere in this title, are the planned area overlay district regulations and are referred to as a "PAD."

(Ord. 02-12 (part); Zoning Ord. § 5-7-101)

**17.48.020 Purpose.**

- A. This district is intended to accommodate, encourage and promote innovatively designed developments involving residential and non-residential uses, which together form an attractive and harmonious unit of the community. The district may be designed as a large-scale separate entity, able to function as an individual community or neighborhood; as a small scale project which requires flexibility because of unique circumstances or design characteristics; or as a transitional area between dissimilar land uses (interface zone).
- B. This district recognizes that adherence to a rigid set of space, bulk and use specifications contained elsewhere in this code would preclude the application of the PAD concept. Therefore, where PAD

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zoning is deemed appropriate or necessary. The underlying district regulations of a zoning district are modified by the PAD.

(Ord. 02-12 (part); Zoning Ord. § 5-7-102)

### **17.48.030 Objectives.**

The objectives of the PAD district are:

- A. To accommodate variations in building design, lot arrangements and land uses;
- B. To provide for a coordinated and compatibly arranged variety of land uses through innovative site planning;
- C. To provide a maximum choice in the types of environments for residential, commercial, industrial uses and facilities;
- D. To encourage an efficient and safe traffic circulation, including the separation of pedestrian from vehicular traffic;
- E. To encourage economy in the construction and maintenance of streets and utilities;
- F. To encourage the provision of useable open space;
- G. To maintain a reasonable quality of living standard and minimize adverse environmental impact on surrounding areas during development.

(Zoning Ord. § 5-7-103)

### **17.48.040 Permitted uses.**

All uses permitted within the PAD district are set forth in the approved plan of development for the site.

- A. Residential uses may be any variety of types and styles. In the development of a balanced community, a variety of housing types within one project shall be deemed most in keeping with the objectives of this title.
- B. All other uses shall be determined by the compatibility of such uses with each other and with surrounding land uses.

(Ord. 02-12 (part); Zoning Ord. § 5-7-104)

### **17.48.050 Intensity of land use.**

Densities and intensity permitted in the PAD district shall be set forth in the approved plan of development for the site. (

(Ord. 02-12 (part); Zoning Ord. § 5-7-105)

### **17.48.060 Construction without approval prohibited.**

No building or zoning permit shall be issued for any use in this district prior to approval of the final development plan as prescribed in this chapter.

(Zoning Ord. § 5-7-106)

**17.48.070 Development plan required.**

A PAD development plan is required prior to issuance of a building permit. The approval of such plan shall be handled in the following way:

- A. In case of specific or small scale, single phase projects, the plan, as described in Section 17.48.080, shall be filed at any time prior to the issuance of a building permit. The zoning hearing officer and town council shall hold public hearings in accordance with the requirements of Chapter 17.80.
- B. In case of large, multi-phase areas, such approval may be given in stages. The initial submittal with the application may be a conceptual preliminary plan with sufficient description and documentation to identify nature, mix, general arrangement, density, open space and quality of the project. Such conceptual plan may be then approved conditionally, with the preliminary development plan to be submitted to the zoning hearing officer and town council in time and phases stipulated by town council at the time of rezoning.

(Ord. 02-12 (part); Zoning Ord. § 5-7-107)

(Ord. No. 10-14, § I(5.), 6-24-10)

**Editor's note**— Ord. No. 10-14, § I(5.), adopted June. 24, 2010, changed the Title of § 17.48.070 from "preliminary plan required" to "development plan required." See also the Code Comparative Table.

**17.48.080 Description of development plan.**

- A. A preliminary development plan shall contain the following information:
  - 1. An area map showing adjacent property owner location of all buildings and existing uses within three hundred (300) feet of the parcel;
  - 2. A legal description of the metes and bounds of the parcel;
  - 3. Drawings and descriptions clearly showing the following:
    - a. The existing topographical features of the site,
    - b. A statement of intended design philosophy and environmental quality. This statement may be in writing, graphic, photographic or a combination of these,
    - c. Where portions of the site are subject to flooding, the map shall indicate extent and frequency; location of retention areas, calculations and maintenance responsibility,
    - d. Where areas lie in aircraft approach and holding patterns, such areas shall be indicated,
    - e. The location and nature of the various uses and their areas in acres,
    - f. The proposed circulation system and traffic analysis including any improvements needed to accommodate additional traffic; indicating whether they are public or private,
    - g. Delineation of the various land use areas indicating for each such area its general extent, size, total number of dwelling units and approximate percentage allocation by dwelling type, building arrangement, architectural style and exterior building materials and colors,
    - h. The interior open space system,

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- i. General statement as to how common open space is to be owned and maintained,
  - j. A calculation of the residential density in dwelling units per gross acre including interior roadways,
  - k. Perimeter treatment and relationship of the project to surrounding land uses,
  - l. Principal ties to the community at large with respect to transportation, water supply and sewage disposal; indicating whether they are public or private,
  - m. General description of the availability of other community facilities, such as schools, fire protection services and cultural facilities, if any, and how these facilities are affected by this proposal,
  - n. Evidence of how the developer's proposed land use meets existing and projected community requirements,
  - o. If the development is to be phased, a general indication of how the phasing is to proceed. Whether or not the development is to be phased, the sketch plan shall show the intended total project,
  - p. The hearing officer may waive any of the above required information when it is not applicable and require additional information when needed to adequately describe or clarify the project or its impact.
- B. Zoning hearing officer shall review the development plan and after a public hearing in compliance with Chapter 17.48.080, forward a recommendation to the town council for review.
- C. Town council shall hold a public hearing in compliance with Chapter 17.48.080, and review the development plan, together with commission and staff reports. Town council may approve the PAD and development plan only upon finding that:
1. The application meets the intent, objectives, and general requirements for PAD districts;
  2. The application conforms to and is consistent with the general plan and codes and policies of the town.
- D. If town council approves the PAD zoning, the town zoning map shall be so changed by ordinance. The council may, as necessary, attach conditions to the PAD approval which may include but are not limited to the following:
1. Use limitations;
  2. Landscaping;
  3. Screen planting;
  4. Setback and height of building;
  5. Paving, location of drives and parking areas;
  6. Storm drainage and storm water retention;
  7. Public and/or private open space;
  8. Shape and size of lots;
  9. Grouping and uses of buildings;
  10. Maintenance of grounds;
  11. Regulation of signs;
  12. Fences and walls;
  13. Adequacy of vehicular and pedestrian circulation and access;
  14. Timing and phasing;

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15. Any other reasonable consideration council finds germane to project quality neighborhood and interest of the town.

(Ord. 02-12 (part); Zoning Ord. § 5-7-108)

(Ord. No. 10-14, § I(5.), 6-24-10)

**Editor's note**— Ord. No. 10-14, § I(5.), adopted June. 24, 2010, changed the title of § 17.48.070 from "description of preliminary development plan" to "description of development plan." See also the Code Comparative Table.

### **17.48.090 Final development plan approval.**

- A. It is the intent of this section that subdivision review be carried out simultaneously as an integral part of the PAD review. The plans required under this section must be submitted in a form which substantially satisfies the requirements of the subdivision regulations for final plan approval under the town subdivision regulations and the plan shall be recorded in the same manner as a final plat.
- B. The applicant shall submit eight copies of the final development plan to the town. The plan shall contain the following information:
  1. All information required on the preliminary development plan;
  2. Complete site plans showing location and type of all improvement;
  3. Plans and elevations of all building types, building materials and colors;
  4. Schematic grading plans including proposed treatment of sloped and retention areas;
  5. The number of dwelling units by type;
  6. All applicable standards of design and construction required by all pertinent town codes and policies;
  7. Phases and timing of development in numerical order, if applicable;
  8. Any other requirements of this code;
  9. An agreement to maintain the property free and clear of weeds, uncontrolled vegetation and trash, litter and debris by twice annually clearing all undeveloped space until project completion. Semi-annual weed/debris removal shall be done in May and October;
  10. An agreement to post all phased projects with signs prohibiting dumping of waste, scrap or fill material of any type and to berm and trench the entire periphery of all undeveloped space not in an active phase of development.
- C. The final development plan must be in substantial conformance with the approved preliminary development plan. Any deviations from the approved preliminary plan that would alter the nature of the project will require approval by the planning and zoning commission and the town council.
- D. The final development plan shall be accompanied by a statement of how the deviations from other provisions of the zoning code, as requested or approved in the preliminary development plan, have been achieved in the final development plan.

(Zoning Ord. § 5-7-109)

## **Chapter 17.50 OPEN SPACE DISTRICTS**

Sections:

Title 17 ZONING

[17.50.010 Designation of district.](#)

[17.50.020 Use regulations.](#)

[17.50.030 Height regulations.](#)

[17.50.040 Parking regulations.](#)

[17.50.050 Sign regulations.](#)

[17.50.060 Swimming pools.](#)

**17.50.010 Designation of district.**

The regulations set forth in this chapter, or set forth elsewhere in this title, when referred to in this chapter, are the district regulations for the open space district.

(Ord. 02-12 (part))

**17.50.020 Use regulations.**

Premises in the P, park district, shall be used only for the following purposes:

- A. Parks, open space and recreation;
- B. Recreation facilities, including sports fields and spectator facilities, children's play areas with swings, slides, jungle gyms and similar children's facilities;
- C. Public and private forest and wildlife reservations;
- D. Golf course, except miniature course or practice driving tee operated for commercial purposes;
- E. Accessory buildings and uses customarily incident to any of the above uses not involving the conduct of a business or the extraction of minerals;
- F. Riding stables.

(Ord. 02-12 (part))

**17.50.030 Height regulations.**

No building or structure or any portion thereof shall exceed one story or fifteen (15) feet in height.

(Ord. 02-12 (part))

**17.50.040 Parking regulations.**

The provisions of Section 17.60.010 shall apply.

(Ord. 02-12 (part))

**17.50.050 Sign regulations.**

The provisions of Chapter 17.64 shall apply.

(Ord. 02-12 (part))

(Ord. No. 10-17, § I, 12-16-10)

**17.50.060 Swimming pools.**

Swimming pools shall be screened from adjacent properties by a solid wall or fence. The fence and gate shall be constructed and maintained in accordance with the requirements of the International Building Code and Sections 15.04.020(A)(2) and (3) of this code. The provisions of Section 15.04.010(B) of this code shall not apply.

(Ord. 06-10 § 1 (part): Ord. 02-12 (part))

**Chapter 17.52 GENERAL PROVISIONS <sup>[6]</sup>**

Sections:

[17.52.010 Supplemental district regulations.](#)

[17.52.020 Height regulations—Finished floor structure.](#)

[17.52.030 Height regulations—Public buildings.](#)

[17.52.040 Height regulations—Storage buildings.](#)

[17.52.050 Height in required yards.](#)

[17.52.060 Height of plantings and fixtures.](#)

[17.52.070 Accessory buildings.](#)

[17.52.080 Projections into required yards.](#)

[17.52.090 Open space requirements.](#)

[17.52.100 Front yards.](#)

[17.52.110 Side yards.](#)

[17.52.120 Pool safety.](#)

[17.52.130 Clean burning fireplaces.](#)

[17.52.140 Group homes for the handicapped.](#)

[17.52.150 Portable temporary storage units.](#)

**17.52.010 Supplemental district regulations.**

The district regulations set forth in this chapter qualify or supplement, as the case may be, the district regulations in this title.

(Zoning Ord. § 6-1-101)

**17.52.020 Height regulations—Finished floor structure.**

With reference to any lot within the town, the finished floor of any structure, building or improvement erected thereon shall be a minimum of eight inches above the lowest point of the top of the curb of the street running parallel to the front lot line or side lot line of the lot. Where a curb is not in existence across the front or side lot line of the lot, the finished floor of any structure, building or improvement erected upon the lot shall be a minimum of eight inches above the lowest point of the grade of the center of the street running parallel to the front lot line or side lot line of the lot.

(Zoning Ord. § 6-2-101)

**17.52.030 Height regulations—Public buildings.**

Public, semi-public or public service buildings, hospitals, institutions, when permitted in a district, may be erected to a height not exceeding thirty (30) feet, and churches and temples may be erected to a height not exceeding fifty (50) feet if the building is set back from each yard line at least one foot for each two feet of additional building height above the height limit otherwise provided in the district in which the building is located.

(Zoning Ord. § 6-2-102)

**17.52.040 Height regulations—Storage buildings.**

Buildings that are to be used for storage purposes only may exceed the maximum number of stories permitted in the district in which they are located, but such buildings shall not exceed the number of feet of building height permitted in such districts. Such buildings shall include a floor of not less than four inches in thickness and the structure shall rest upon such floor.

(Zoning Ord. § 6-2-103)

**17.52.050 Height in required yards.**

Every part of required yard shall be open to the sky, unobstructed, except for accessory buildings in a rear yard, and except for the ordinary projections of sills, cornices and ornamental features projecting, not to exceed thirty-six (36) inches.

(Zoning Ord. § 6-2-104)

**17.52.060 Height of plantings and fixtures.**

- A. As an aid to freer safe movement of vehicles at and near street intersections, in order to promote more adequate protection for the safety of children, pedestrians, operators of vehicles and property and for proposed construction hereafter, there shall be limitations on the height of fences, walls, gateways, ornamental structures, hedges, shrubbery and other fixtures, construction and planting on corner lots in all districts where front yards are required, as follows:
1. Such barriers to clear unobstructed vision at corners of intersection streets shall be limited to a height of not over two and one-half feet above the established elevation of the nearest street line, for a distance of twenty-five (25) feet along both the front and side lot lines, measured from a point of intersection of the intersecting lot lines.

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2. Within the isosceles triangle formed as required in subsection (A)(1) of this section by connecting the ends of the respective twenty-five (25) foot distance, all the fixtures, construction, hedges, shrubbery and other plantings shall be limited to a height of not over two and one-half feet above the elevation of the street line level at the intersecting streets.
  3. Within the triangle, and in cases where front yards are terraced, the ground elevation of such front yards shall not exceed two feet above the established street line elevation at the intersecting streets.
- B. It is unlawful for any person to maintain or allow any tree, hedge, billboard or other obstructions which prevent persons driving vehicles on public streets, alleys, private driveways or highways from obtaining a clear view of traffic or any official sign or other traffic control device.

(Zoning Ord. § 6-2-105)

(Ord. No. 11-19, § I, 12-1-11)

### **17.52.070 Accessory buildings.**

- A. Accessory buildings shall be built only in a rear yard. Accessory buildings, including detached private garages or storage facilities, shall be located a minimum of three feet from the rear property line and a minimum of two feet from the side yard property line. An accessory building shall not occupy more than thirty (30) percent of a rear yard. When a garage in the R-3 district is entered directly from the alley, it shall not be located closer than five feet to the alley line and two feet from the side yard line.
- B. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.
- C. Manufactured trusses shall be used in the construction of any garage built in the R-3 district that is twenty (20) feet or more in width (clear span).
- D. Side walls of an accessory building shall not exceed eight and one-half feet in height above grade. Roof height of an accessory building shall not exceed fifteen (15) feet above grade.

(Ord. 03-13 § 1 (part); Ord. 02-12 (part); Zoning Ord. § 6-3-101)

### **17.52.080 Projections into required yards.**

- A. Porches shall comply with the following:
  1. An open, unenclosed porch of not more than one story in height or a paved terrace may project into the required front yard. No porch may extend more than ten (10) feet beyond the front wall of the building. Sun screens, lattice work and other decorative railings are permitted.
  2. Storage of personal items on porches is not permitted other than outdoor furniture such as chairs, swings, or small tables intended to be used by the property owner to enjoy the porch.
- B. Terrace, uncovered porches, platforms and ornamental features which do not extend more than three feet above the floor level of the ground or first story may project into a required yard, provided these projections are at least two feet from the adjacent side lot line.
- C. If a lot of record is less than sixty (60) feet in width and has been duly recorded prior to the date of the passage of the ordinance codified in this chapter, an attached open porch, carport or balcony may project within three feet of the adjoining side lot line of such lot.
- D. A television satellite dish shall be built in rear yards only and may not exceed eight feet in height from the ground level unless a greater height is permitted by federal law.

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- E. An open carport twenty (20) feet in width or one-half the width of the original elevation may extend twenty (20) feet into the required front yard when all of the following is complied with:
1. The roof structure must be of the same architectural design and material as the original house.
  2. The structure must be completely open on three sides. A twenty-four (24) inch base wall would be permitted.
  3. No column may exceed twelve (12) inches in any dimension.
  4. Side yard setback must be the same distance as the required side yard setback.
  5. No eave may extend more than two feet from the structural frame of the carport.
  6. The structure and the driveway must be on a concrete surface with a minimum thickness of four inches.

(Ord. 06-10 § 1 (part); Ord. 02-12 (part); Ord. 97-06; Ord. 96-10 § 2; Zoning Ord. § 6-3-102)

### **17.52.090 Open space requirements.**

- A. Where a lot or tract is used for rural, R-2, R-1, commercial or industrial purposes, more than one main building may be located upon the lot or tract but only when such buildings conform to all open space requirements around the lot for the district in which the lot or tract is located.
- B. In the event that a lot is to be occupied by a group of two or more related buildings, the open space between buildings that are parallel or within forty-five (45) degrees of being parallel, shall have a minimum dimension of twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings and forty (40) feet for three-story buildings.
- C. Where an open space is more than fifty (50) percent surrounded by a building, the minimum width of the open space shall be at least twenty (20) feet for one-story buildings, thirty (30) feet for two-story buildings and forty (40) feet for three-story buildings. These stories shall be counted from ground level.

(Ord. 02-12 (part); Zoning Ord. § 6-3-103)

### **17.52.100 Front yards.**

The front yards established in this title shall be adjusted in the following cases:

1. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed (with a variation of five feet or less) a front yard greater in depth than required in this title, new buildings shall not be erected closer to the street than the average front yard so established by the existing buildings.
2. Where forty (40) percent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have not observed a front yard as described above, then:
  - a. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of existing buildings on both sides, the minimum front yard shall be a line drawn between the closest front corners of the adjacent buildings on the two sides; or
  - b. Where a building is to be erected on a parcel of land that is within one hundred (100) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building.

(Zoning Ord. § 6-4-101)

**17.52.110 Side yards.**

For the purpose of the side yard regulations, a two-family dwelling or multiple dwelling shall be considered one building occupying one lot.

(Zoning Ord. § 6-4-102)

**17.52.120 Pool safety.**

- A. A swimming pool or other contained body of water required to be enclosed, whether a below-ground or above-ground pool, shall meet the following requirements:
  - 1. Be entirely enclosed by a wall, fence or other barrier meeting the provisions of Sections 15.04.020(A)(2) and (3) of this code. The provisions of Section 15.04.010(B) of this code shall not apply;
  - 2. Have no openings in the wall, fence or barrier through which a spherical object four inches in diameter can pass. The horizontal components of any wall, fence or barrier shall be spaced not less than forty-five (45) inches apart measured vertically or shall be placed on the pool side of a wall, fence or barrier which shall not have an opening greater than one and three-quarter inches measured horizontally. Wire mesh or chain link fences shall have a maximum mesh size of one and three-quarter inches measured horizontally;
  - 3. Gates for the enclosure shall: (a) be self-closing and self-latching with the latch located at least fifty-four (54) inches above the underlying ground or on the pool side of the gate with a release mechanism at least five inches below the top of the gate and no opening greater than one-half inch within twenty-four (24) inches of the release mechanism; (b) open outward from the pool;
  - 4. The wall, fence or barrier shall not contain openings, handholds or footholds accessible from the exterior side of the enclosure that can be used to pass through the wall, fence or barrier;
  - 5. The wall, fence or barrier shall be at least thirty-six (36) inches from the water's edge.
- B. If a residence or living area constitutes part of the enclosure for a swimming pool or other contained body of water, there shall be one of the following:
  - 1. Between the swimming pool or other contained body of water and the residence or living area, a minimum of five-foot wall, fence or barrier to the pool area which meets all of the requirements of subsections A.2—5. of this section.
  - 2. The pool shall be protected by a motorized safety pool cover which requires the operation of a key switch which meets the American Society of Testing and Materials Emergency Standards 13-89 and which does not require manual operation other than the use of the key switch.
  - 3. All ground level doors or other doors with direct access to the swimming pool or other contained body of water shall be equipped with a self-latching device which meets the requirements of subsection (A)(3)(a) of this section.
- C. Exception. A control device may be an approved alarm that sounds when any unsecured opening is opened.

(Ord. 06-10 § 1 (part): Ord. 04-12 (part): Ord. 98-10 § 1: Zoning Ord. § 6-5-101)

(Ord. No. 13-02, § I, 11-7-13)

**17.52.130 Clean burning fireplaces.**

- A. The town is committed to improving air quality, and it is very important therefore that all new fireplaces be clean burning.
- B. Any new wood burning fireplace or wood burning stove shall meet the following standards:
  - Maricopa Association of Governments Fireplace Standards, dated October 23, 1997, A.R.S. Section 9-500.16, et seq., A.R.S. Section 11-871, et seq., and A.R.S. Section 11-875, et seq. Copies of these standards and statutes are available at town hall.
- C. No fireplace or wood burning stove that is constructed in accordance with the requirements of this title may subsequently be altered to a nonpermitted use.

(Ord. 02-12 (part); Ord. 98-15 §§ 1—3; Zoning Ord. § 6-6-101)

**17.52.140 Group homes for the handicapped.**

Group homes for the handicapped are permitted in R-43 rural residential zoning districts, R-3 single-family dwelling districts, R-2 two-family dwelling districts, and R-1 multiple-family dwelling districts so long as such group homes are in compliance with the following conditions:

- A. There shall be a maximum of ten (10) residents per group home, not including staff.
- B. No sign, graphics, display or other visual means of identifying the group home shall be visible from a public street.
- C. The group home shall comply with all applicable building and fire safety regulations. If a group home has one or more non-ambulatory residents, building code requirements apply in addition to those applicable to group homes with no non-ambulatory residents.
- D. There shall be a minimum separation between each group home of one-thousand two-hundred (1,200) feet for the purpose of main-streaming handicapped residents into the surrounding neighborhood. Such separation shall be measured from the property line.
- E. Large and/or multiple trash receptacles not usually found in the residential area shall be blocked from public view.
- F. If more parking spaces for each resident are required, the building official shall approve the parking configuration, which shall be designed to accommodate the needs of the handicapped residents, encourage off-street parking by visitors, minimize possible traffic hazards, and preserve the residential character of the group home.
- G. Group homes shall register with the Youngtown town clerk and present evidence of a current state license annually.
- H. All licenses, certifications, and registrations required for the group home by the town or a state or federal agency shall be maintained. Failure to comply with applicable laws or rules shall be a violation of this section.
- I. No group home shall house any person whose tenancy would constitute a direct threat to the health or safety of other individuals or would result in substantial physical damage to the property of others.
- J. Notwithstanding the foregoing, if the state has adopted laws or rules for the regulation of a specific type of home, such as a group home for the developmentally disabled pursuant to A.R.S. Section 36-582, then any such state law or rule shall apply in addition to the conditions listed in this section and shall preempt any conflicting condition listed in this section.

(Ord. 04-03 § 1 (part))

**17.52.150 Portable temporary storage units.**

- A. Portable temporary storage units shall be permitted in any zoning district in compliance with this section:
1. The individual or entity responsible for the portable temporary storage unit may only place one portable temporary storage unit on one lot, subject to the requirements of this section.
  2. It shall be unlawful to place a portable storage unit on a lot without first obtaining a permit pursuant to this section.
  3. Portable temporary storage unit permits shall be issued for a period of fourteen (14) days or less by the building official or his designee. The permit shall contain a complete description of the portable temporary storage unit, its location, the address where it will be located, and the name and telephone number of the individual or entity responsible for the temporary storage unit. The cost of the permit shall be established by the town council by resolution, and paid by the individual or entity applying for, and receiving, the permit.
  4. The building official or his designee must approve the location of a portable temporary storage unit in the related permit. A portable temporary storage unit may be placed in a backyard, side yard, or front yard, subject to any special safety or setback restrictions determined necessary by the building official and set forth in the permit.
  5. The building official or his designee town may issue up to one fourteen (14) day extension of the permit for good cause, and subject to an additional permit fee as established by the town council by resolution. good cause shall include, but is not limited to:
    - A. The time period during which individuals are moving into or out of the lot on which the temporary portable storage unit is placed exceeds fourteen (14) days; or
    - B. The portable temporary storage unit meets all code requirements for an "accessory building" in the relevant zoning district and remains in the backyard of the lot.
  6. No more than two permits shall be issued for any one property address within a twelve (12) month period unless the owner of the property has changed during that twelve (12) month period.
  7. Portable temporary storage units shall comply with the height requirements set forth in Section 17.52.060 of this code.
  8. Portable temporary storage units shall only be placed on an improved, dustproof paving surface that employs one or more of the following methods:
    - A. Asphaltic concrete.
    - B. Cement concrete.
    - C. Penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate.
    - D. Other stabilization method approved by the town.
  9. No portable temporary storage unit may be placed in or obstruct a public alley, right-of-way, or sidewalk.
  10. No portable temporary storage unit may exceed one hundred and fifty (150) square feet gross square footage.
- B. The requirements of this section do not apply to portable units for donating goods to a charitable organization, or any containers regulated by Section 8.08.040 or 8.04.050.

(Ord. No. 10-08, § I, 6-3-10)

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FOOTNOTE(S):

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**Editor's note**—Ord. No. 10-08, § 1, adopted June 3, 2010, changed the Title of § 18-208 from "height and regulations" to "general provisions." See also the Code Comparative Table. [\(Back\)](#)

## **Chapter 17.54 HOME OCCUPATIONS**

Sections:

[17.54.010 General.](#)

[17.54.020 Compliance with laws.](#)

[17.54.030 Home occupation use regulations.](#)

### **17.54.010 General.**

- A. A home occupation use shall only be conducted in compliance with this chapter.
- B. Notwithstanding any other provision of this title, the following uses shall not be permitted as home occupations: auto repair, minor or major; barber shop; beauty salon; carpentry work; chiropractic offices; dance instruction; dental office; massage establishment; medical office; painting of vehicles, trailers, or boats; photo studios; private schools with organized classes; radio repair; television repair; upholstering; and uses similar to the above.

(Ord. 08-11 § 1 (part))

### **17.54.020 Compliance with laws.**

Home occupations shall comply with all applicable federal, state, county and town laws.

(Ord. 08-11 § 1 (part))

### **17.54.030 Home occupation use regulations.**

- A. Home occupations are permitted in R-43 residential zoning districts, R-3 single-family dwelling districts, R-2 two-family dwelling districts, and R-1 multiple-family dwelling districts and shall comply with the following requirements:
- B. A home occupation shall not change the character of the dwelling unit or adversely affect the uses permitted in the residential district in which it is located.
- C. A home occupation shall be conducted solely by resident occupants of the dwelling.

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- D. No more than one room or twenty-five (25) percent of the gross area of one floor of the dwelling unit in which the home occupation is conducted, whichever is less, shall be used for the home occupation. Use of accessory buildings or garages for these purposes is prohibited.
- E. No home occupation shall require internal or external alterations or involve construction features or the use of electrical or mechanical equipment that would change the fire rating of the dwelling unit or the fire district in which the dwelling unit is located.
- F. No home occupation shall cause an increase in the use of any one or more utilities such that the combined total use for the dwelling unit in which the home occupation is located exceeds the average use for any one or more utilities for dwelling units in the dwelling district.
- G. There shall be no outside storage of any kind related to the home occupation.
- H. The home occupation may not increase vehicular traffic flow and parking by more than one additional vehicle at a time.
- I. There shall be no signs, buildings or structures other than those permitted in the dwelling district in which the home occupation is located.
- J. No home occupation shall create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other hazard or nuisance to any greater or more frequent extent than that usually experienced in the dwelling district in which the home occupation is located under normal circumstances where no home occupation exists.

(Ord. 08-11 § 1 (part))

### **Chapter 17.55 RELIGIOUS ASSEMBLIES AND INSTITUTIONS**

Sections:

[17.55.010 Definitions.](#)

[17.55.020 General.](#)

#### **17.55.010 Definitions.**

In this chapter, unless the context otherwise requires:

"Demonstrates" means meets the burdens of going forward with the evidence and of persuasion.

"Entertainment district" means a specific contiguous area that is designated an entertainment district by resolution adopted by the town council, that consists of no more than one square mile, that is no less than one-eighth mile in width and that contains a significant number of entertainment, artistic and cultural venues, including music halls, concern [concert] facilities, theaters, arenas, stadiums, museums, studios, galleries, restaurants, bars and other related facilities.

"Town" means the town of Youngtown, Arizona.

"Person" includes an individual and a religious assembly or institution.

"Religion-neutral zoning standards" means numerically definable standards such as maximum occupancy codes, height restrictions, setbacks, fire codes, parking space requirements, sewer capacity limitations and traffic congestion limitations. "Religion-neutral zoning standards" does not include: (i) synergy with uses that a government holds as more desirable; or (ii) the ability to raise tax revenues.

"Suitable alternate property" means a financially feasible property considering the person's revenue sources and other financial obligations with respect to the person's exercise of religion and with relation to

spending that is in the same zoning district or in a contiguous area that the person finds acceptable for conducting the person's religious mission and that is large enough to fully accommodate the current and projected seating capacity requirements of the person in a manner that the person deems suitable for the person's religious mission.

(Ord. No. 11-01, § I, 1-20-11)

**17.55.020 General.**

- A. Religious assemblies and institutions shall be permitted in any zoning district unless one of the following conditions exists:
  - 1. Location of a religious assembly or institution at a particular location violates religion-neutral zoning standards enacted into the town's laws at the time of the person's application for a permit.
  - 2. Location of a religious assembly or institution at a particular location would be hazardous due to toxic uses in adjacent properties.
  - 3. There exists, within the town limits, a suitable alternate property the religious assembly, institution or person could use for the exercise of religion. the determination of suitable alternative property shall be made by the town manager unless otherwise delegated.
- B. Religious assemblies and institutions shall comply with all federal, state, county and town laws, including religion-neutral zoning standards.
- C. Religious assemblies and institutions shall comply with all regulations set forth in Title 17, Chapter 17.64 [of the town of Youngtown Municipal Code], relating to signage, applicable to the district in which they are located. Spires, steeples, and other non-signage structures shall not be deemed signage within the meaning of Chapter 17.64 [of the town of Youngtown Municipal Code.]
- D. The town may, on a case-by-case basis, approve an exemption from the distance requirements set forth in A.R.S. § 4-207 for a religious assembly or institution that is located in an entertainment district.
- E. Religious assemblies and institutions shall provide two off-street parking spaces for every five seats in the main assembly area. Religious assemblies and institutions shall comply with all parking requirements and restrictions set forth in Title 10, Chapter 10.16 of the town of Youngtown Municipal Code.

(Ord. No. 11-01, § I, 1-20-11)

**Chapter 17.56 SPECIAL USES AND TEMPORARY BUILDINGS**

Sections:

- [17.56.010 Special uses enumerated.](#)
- [17.56.020 Special exceptions—Policy considerations.](#)
- [17.56.030 Application fees.](#)
- [17.56.040 Notice and hearing.](#)
- [17.56.050 Alterations after special use approved.](#)
- [17.56.060 Conditions voiding special use permit.](#)
- [17.56.070 Effect on existing structures.](#)
- [17.56.080 Temporary buildings.](#)

**17.56.010 Special uses enumerated.**

The zoning hearing officer may, by special use permit, after application has been made and a public hearing held, make recommendations to the council, to authorize the location of any of the following buildings, structures or uses in a district from which they are prohibited by this title when found to be in the best interest of the public, health, safety and general welfare of the community:

- A. Heliport or landing field;
- B. Amusement park and outdoor theatre;
- C. Bowling alley, billiard parlor or pool hall;
- D. Children's residential care facility;
- E. Community buildings or recreation field;
- F. Hospital;
- G. Medical clinic or veterinary clinic;
- H. Nursing home;
- I. Privately and commercially operated recreational lake, swimming pools or tennis courts;
- J. Public utilities or public service uses, buildings, structures or appurtenances thereto;
- K. Signs;
- L. Semi-public buildings;
- M. Group homes for the handicapped for not more than ten (10) persons;
- N. Stand-alone smoking lounges;
- O. Tattoo and/or body piercing establishments; and
- P. Massage establishments.

(Ord. 07-03 § 1; Ord. 02-12 (part); Zoning Ord. § 7-1-101)

(Ord. No. 11-01, § I, 1-20-11; Ord. No. 13-01, § I, 3-21-13; Ord. No. 15-01, § I, 3-5-15)

**17.56.020 Special exceptions—Policy considerations.**

- A. Permits for special uses will be granted only in those cases where difficulties, unnecessary hardship or results inconsistent with the general purpose and intent of this title would occur through the strict application of such ordinance and regulations contained therein or adopted in accordance therewith.
- B. The granting of an application for a special use permit, either in whole or in part, or the denial of an application for a special use permit shall set no precedent whatsoever with regard to whether or not an application for a special use permit for a similar or other special use should be granted within the same district, or in any other district, or under similar or varying circumstances.

(Zoning Ord. § 7-2-101)

**17.56.030 Application fees.**

The application for a special use permit requested by this chapter shall be filed with the town clerk or a duly authorized agent in such form as shall be approved by the town council.

- A. At the time of filing the applicant shall pay a filing fee in the amount of three hundred dollars (\$300.00) for both residential and commercial property. The fee shall not be refundable.
- B. All applications for special use permit shall be accompanied by a waiver of claims for diminution in value pursuant to A.R.S. § 12-1134 executed by all owners of property subject to the special use permit.

(Ord. 96-02 § 2: Zoning Ord. § 7-2-102)

(Ord. No. 11-08, § I, 4-21-11)

**17.56.040 Notice and hearing.**

- A. Before issuance of a special use permit for any of the buildings, structures or uses listed in this chapter, or before any changes of use of the premises existing at the time of the effective date of the ordinance codified in this chapter, or as permitted in this chapter, and after application for a permit for a special use has been made, the zoning hearing officer shall hold a public hearing on the application.
- B. At the time of filing such application, the applicant shall submit preliminary plans in sufficient detail to explain the proposed use of the buildings, structures and premises, together with a statement of the applicant fully explaining such proposed use.
- C. Not less than fifteen (15) days prior to the date of the public hearing for a special use permit, written notice shall be sent by mail to the applicant at their last known place of residence. Fifteen (15) days prior to the date of the public hearing for a special use permit, a public notice of hearing shall be placed on the property itself. Should the property be undeveloped, the town shall provide a post on the applicant's property to which shall be attached a public notice of the hearing. Notice shall be published pursuant to A.R.S. Section 9-462.04.
- D. Thereafter, the zoning hearing officer shall hold such public hearing in accordance with the notice of hearing, and shall take evidence and consider all information submitted by the applicant, including the preliminary plans and the applicant's statements.
- E. The zoning hearing officer shall act upon the application and make their recommendations to the council. In rendering its decision upon the application, the zoning hearing officer shall make a thorough study of the effect of either recommending the granting of said application in whole or in part, or denying the application, and shall also make a determination concerning the following matters:
  - 1. The effect of the proposed special use upon the public health, safety and morals and general welfare of the town and its inhabitants;
  - 2. Whether property will be adversely affected;
  - 3. Whether ample off-street parking facilities will be provided; and
  - 4. Whether the general integrity and character of the district involved and the utility value of adjacent and surrounding territory and properties be preserved.
- F. The town council's decision shall be rendered at a special hearing after notice thereof has been given to the parties in interest in writing, and the public by publication pursuant to A.R.S. Section 9-462.04. (See also Chapter 17.80 of this title.)

(Ord. 02-12 (part); Zoning Ord. § 7-2-103)

**17.56.050 Alterations after special use approved.**

After a special use permit has been qualified and approved by the zoning hearing officer and the town council, the town council, subject to the advice of the inspectors whose duties relate to additions and structural alterations, shall thereafter have the jurisdiction to authorize and approve any and all additions and structural alterations to such special use or uses upon the property on which the special use permit has been granted. Authorization and approval by the town council of such additions or structural alterations shall be granted only when the same is found to be in the interest of the public health, safety, morals and general welfare of the town.

(Ord. 02-12 (part); Zoning Ord. § 7-2-104)

**17.56.060 Conditions voiding special use permit.**

- A. Any special use permit granted by the town council shall automatically become void, if within six months from the date of such granting, the proposed use is not commenced or a building permit has not been issued for such use.
- B. Any special use permit granted by the town council shall automatically become void, if any building or structure to be built upon the subject property has not been fully completed within twelve (12) months from the date of issuance of a building permit therefor.
- C. Upon application to the town council and for good cause shown, the town council may grant extensions of time for original special use permits. A special use permit shall not be transferable from location to location.

(Zoning Ord. § 7-2-105)

**17.56.070 Effect on existing structures.**

Any building, structure or use listed in Section 17.56.010, existing as of the effective date of the ordinance codified in this chapter, shall be considered a nonconforming use unless such building, structure or use has qualified as provided in this chapter and a conditional use permit has been applied for and granted, or a use permit has been granted by the zoning hearing officer and the town council.

(Ord. 02-12 (part); Zoning Ord. § 7-2-106)

**17.56.080 Temporary buildings.**

Temporary buildings used in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary buildings shall be removed from the premises upon completion of the construction work.

(Zoning Ord. § 7-3-101)

**Chapter 17.57 WIRELESS COMMUNICATIONS FACILITIES**

Sections:

[17.57.010 Purpose and applicability.](#)

[17.57.020 Procedures.](#)

[17.57.030 Use and development regulations.](#)

[17.57.040 Additional development regulations.](#)

[17.57.050 Required findings for special use permit.](#)

[17.57.060 Miscellaneous provisions.](#)

### **17.57.010 Purpose and applicability.**

The purpose of these regulations is to:

- A. Establish uniform standards and procedures to manage the development, siting, installation and operation of wireless communication facilities (WCFs) in compliance with the Federal Telecommunications Act of 1996; and
- B. Provide for appropriate development of WCFs to provide services within the town in a manner that will protect and promote public health and safety, preserve the town's residential character and uncluttered appearance, and prevent visual blight.
- C. This chapter applies to all new WCFs and the expansion and/or alteration of any existing WCF.
- D. This chapter shall not apply to the following uses: over-the-air reception devices, large satellite dishes, satellite earth stations and amateur radio facilities as defined in Section 17.04.030 of this title.

(Ord. 05-02 § 1 (part))

### **17.57.020 Procedures.**

- A. Certain Facilities Permitted Subject to Administrative Review by Town Building Official. Certain wireless communications facilities are permitted uses in zoning districts as set forth in Tables 17.57.030.T1 and 17.57.030.T2, provided that conditions of this chapter are complied with. An application for a building permit for a wireless communications facility and the application fee established by the council shall be submitted to the town building official.
- B. Monopoles, Other Facilities Require Special Use Permit. Monopoles and certain other wireless communications facilities are permitted uses in zoning districts as set forth in Tables 17.57.030.T1 and 17.57.030.T2, upon obtaining a special use permit and subject to compliance with this chapter.
- C. Application for Special Use Permit. An application for a wireless communications facility requiring a special use permit, or expansion or alteration of any existing facility which originally required a special use permit shall be filed in accordance with the application procedures set forth in Chapter 17.56, Special Uses and Temporary Buildings, of this title. An application fee established by the town council shall be submitted along with the application. In addition to any other requirements specified, applications shall include the following:
  1. Inventory. An inventory list and map of existing WCFs operated within two miles of the proposed site including specific information as to location, height and design of each facility;
  2. Report on Alternatives. A statement explaining why the WCF is needed at the requested location. If the applicant is seeking to construct a new monopole, the applicant shall explain why co-location or location on another kind of support structure is not feasible, including efforts made to develop such an alternative. If the town has requested that the applicant co-locate his

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or her WCF on a site, the applicant shall explain why co-location is not feasible, including efforts made to develop such an alternative.

3. Facility Plans.
  - a. Dimensioned elevations of the proposed facility, including equipment cabinets and buildings, antennas and fences. Elevations shall identify the separation between the proposed WCF and any existing WCFs on the same support structure;
  - b. Proposed color and material palette;
  - c. A site plan illustrating the separation between the proposed WCF and any existing WCFs on the same site;
  - d. Method of screening for mechanical and electrical equipment;
  - e. Location and type of lighting fixtures proposed; and
  - f. Plans for a new monopole shall demonstrate that the structure will accommodate at least one additional WCF.
4. Photographic Simulation. A photographic simulation with a minimum of four views of the proposed facility from surrounding properties and streets. Specific locations shall be approved in advance by the zoning administrator. A map shall be submitted indicating the locations used for the analysis and their distances from the proposed WCF.

(Ord. 05-02 § 1 (part))

### **17.57.030 Use and development regulations.**

#### **A. In General.**

1. Land Use Regulations. The land use regulations for each base zoning district in Chapter 17 of this title and Tables 17.50.030.T1 and 17.57.030.T2 establish the districts in which wireless communication facilities are permitted.
2. Special Use Permit Regulations. In Tables 17.57.030.T1 and 17.57.030.T2, the notation "P" designates uses permitted subject to administrative review by the town building official for compliance with conditions of this chapter, and the notation "U" designates uses that require a special use permit, pursuant to Chapter 17.56, Special Uses and Temporary Buildings, of this title and this chapter.
3. Site Development Regulations. Site development regulations are set forth in Tables 17.57.030.T1 and 17.57.030.T2. In addition, WCFs are subject to the development regulations set forth in Section 17.57.040, Additional development regulations, of this chapter.

#### **B. Residential Zoning Districts. WCFs are permitted in residential zoning districts only:**

1. On property owned by the state, county or town, if the primary use of such property is a governmental use; or
2. On property owned by an electric utility company, if the property is used for an electric utility use; or
3. On property located in an R-43 rural residential dwelling district;
4. Subject to the requirements of Table 17.57.030.T1.

### Table 17.57.030.T1

#### WCF Site Development Regulations—Residential Zoning Districts

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WCF Type	Maximum Height†	Minimum Setbacks‡	Permitted/ Special Use Permit
Monopole, Portable	65'	—	P
Monopole			
In general	75'	75'/110%	U
Public park	100'	75'/110%	U
Existing Vertical Element—Electric Utility Pole	15' above height of pole	—	P/U*
Existing Vertical Element—Recreational Field Light Pole	15' above light array	—	U
Alternative WCF Light Pole			
In general	75'	75'/110%	U
Public park	100'	75'/110%	U
Alternative WCF Building Element	Height of building	—	P
Alternative WCF Structure	75'	75'/110%	U

\* Use permit required if antenna array exceeds four feet in diameter.

† "Maximum Height" shall include all the height of the freestanding pole or structure and any and all additional structures, antennae, artificial palm fronds or limbs, or other design features.

‡ Where the pole or structure is less than sixty (60) feet, then the minimum setback shall be one hundred ten (110) percent of the actual height of the pole or structure.

C. Commercial Zoning Districts. WCFs are permitted in commercial zoning districts, subject to the requirements of Table 17.57.030.T2.

Table 17.57.030.T2

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WCF Site Development Regulations—Commercial Zoning Districts

WCF Type	Maximum Height†	Minimum Setbacks‡	Permitted/ Special Use Permit
Monopole, Portable	65'	—	P
Monopole	75'	75'/110%	U
Existing Vertical Element	Height of existing vertical element	—	P/U*
Existing Vertical Element—Electric Utility Pole	15' above height of pole	—	P/U*
Existing Vertical Element—Recreational Field Light Pole	15' above light array	—	P/U*
Alternative WCF Light Pole			
Religious assembly	40'	75'	U
Public park	100'	75'/110%	U
Alternative WCF Building Element	Height of building	—	P
Alternative WCF Structure	75'	75'/110%	P/U*‡

\* Use permit required if antenna array exceeds four feet in diameter.

† "Maximum Height" shall include all the height of the freestanding pole or structure and any and all additional structures, antennae, artificial palm fronds or limbs, or other design features.

‡ Where the pole or structure is less than sixty (60) feet, then the minimum setback shall be one hundred ten (110) percent of the actual height of the pole or structure. Any pole or structure that cannot meet the setbacks requires a use permit.

(Ord. 08-15 § 1 (part); Ord. 05-02 § 1 (part))

**17.57.040 Additional development regulations.**

**A. Setbacks.**

1. Measurement. Setbacks shall be measured from the boundary of the entire property prior to the WCF application even though the WCF may be sited on one or more smaller individual parcels within a larger lot or parcel.
2. Required Setback Distances. All monopoles, alternative WCF light poles and alternative WCF structures shall be set back a distance equal to the greater of:
  - a. Seventy-five (75) feet from any lot or parcel designated for residential use in the general plan; or
  - b. One hundred ten (110) percent of the height of the WCF, including attached antennas; or
  - c. A distance equal to the building setback for the district in which it is located.
3. Additional Setbacks Required. Notwithstanding the above setback requirements, monopoles, alternative WCF light poles, alternative WCF structures and public safety communication towers shall be set back from property designated for residential use in the general plan to the maximum extent feasible.
4. Equipment Cabinets and Buildings. WCF equipment cabinets and buildings shall comply with the required building setbacks of the base zoning district in which the WCF is located, except as provided for in Section 17.57.030 of this chapter.
5. Setback Exemptions. The following WCFs are exempt from WCF setback requirements:
  - a. WCF antennas mounted on an existing vertical element;
  - b. WCF antennas incorporated as a building design element; and
  - c. Equipment cabinets or buildings located on an electric utility substation site.

**B. Support Structures.**

1. Alternative WCF Building Element. A building used as a support structure for a WCF shall be a nonresidential building.
2. Monopole. Any new monopole shall be constructed to allow for co-location of at least one other similar wireless communication antenna. If constructed to less than the maximum height permitted, the monopole shall have the capability of having an additional vertical section added.
3. Alternative WCF Light Pole. When an alternative WCF light pole replaces one of a group of light poles, its dimensions and appearance shall replicate those of the existing light poles to the maximum extent feasible.
4. Existing Vertical Element, Recreational Field Light Pole. When a recreational field light pole replaces one of a group of light poles, its dimensions and appearance shall replicate those of the existing light poles to the maximum extent feasible, and the replacement pole diameter shall not be increased by more than fifty (50) percent from the original.
5. Nonconforming Support Structures. A "nonconforming support structure" means a support structure that was lawfully constructed under the provisions of the code or regulations of the district in effect at the time of construction. No alteration to a nonconforming support structure shall be made unless required or permitted by law, unless the alteration will result in reduction or elimination of the nonconformity, or unless the alteration conforms to the following provisions:
  - a. Additions. Additional antennas may be authorized by a special use permit to locate on a nonconforming support structure. In addition to the findings required for approval in Section 17.57.030 of this chapter, required findings for special user permit and Chapter 17.56, Special Uses and Temporary Buildings, of this title, the following findings shall establish the rationale for the granting of relief:

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- i. The existing use of the property is conforming;
  - ii. The additional antenna conforms with the requirements of this chapter; and
  - iii. Any relief granted shall be the minimum required to implement the purposes of this chapter.
- C. Portable Monopoles. Temporary portable monopoles shall be approved in advance by the town building official, and may be approved for a period not to exceed ninety (90) days for the following purposes: (1) during the construction, modification or replacement of an approved WCF; or (2) during a special event, such as a parade or golf course tournament; or (3) any other temporary communications purpose approved by the town building official.
- D. Screening and Aesthetics.
  1. WCFs mounted on existing vertical elements shall use the smallest antenna and array size feasible. An array exceeding four feet in diameter requires a special use permit.
  2. WCF poles and antennas shall have a nonreflective finish.
- E. Equipment Cabinets and Buildings.
  1. Screening.
    - a. Equipment Cabinets and Associated Equipment. Equipment cabinets and associated equipment, including air conditioning units and emergency generators, shall be located within the building or structure upon which antennas are placed, or shall be fully screened from view by a decorative solid fence equal to or exceeding the height of the cabinets.
    - b. Equipment Buildings. Equipment buildings shall be screened from view by an eight-foot decorative solid fence.
    - c. Waiver or Modification of Screening Requirement. If the zoning administrator determines that the WCF cabinets and equipment will only be visible from permanently unoccupied areas, or are already screened from public view, the screening requirement may be waived or modified.
  2. Height.
    - a. Equipment cabinets shall not exceed eight feet in height.
    - b. Equipment buildings shall not exceed fifteen (15) feet in height.
  3. Area. An equipment cabinet or building may contain an area of up to three hundred (300) square feet for a single provider or six hundred (600) square feet for multiple providers.
- F. Fencing.
  1. Design. Fencing shall be architecturally compatible with buildings or fencing on the property or adjacent properties.
  2. Height. Fencing shall not exceed a maximum of eight feet in height.
  3. Prohibitions.
    - a. The use of barbed wire or razor wire is prohibited.
    - b. The use of chain link, woven wire and similar fence material is prohibited, except at temporary construction sites.
- G. Lighting.
  1. Artificial lighting of a WCF, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes.
  2. Alternative WCF light poles shall comply with lighting standards of the zoning district where located.

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- H. Noise. WCF and any related equipment, including backup generators and air conditioning units, shall not generate continuous noise in excess of forty (40) decibels (dba) measured at the property line of any adjacent residential property, and shall not generate continuous noise in excess of fifty (50) dba during the hours of seven a.m. to ten p.m. and forty (40) dba during the hours of ten p.m. to seven a.m. measured at the property line of any adjacent nonresidential property. Backup generators shall only be operated during power outages and for testing and maintenance purposes.
- I. Co-Location. The operator of any WCF shall permit co-location of at least one additional WCF on the same support structure or site. Applicants and operators shall share technical information to enable evaluation of the feasibility of co-location. Permit requirements may include permission for an additional operator to install, at their cost, an additional support structure to accommodate co-location. Failure to comply with co-location requirements when feasible as provided for in this section is grounds for denial of a use permit application.

(Ord. 08-15 § 1 (part); Ord. 05-02 § 1 (part))

### **17.57.050 Required findings for special use permit.**

In addition to the findings required in Chapter 17.56, Special Uses and Temporary Buildings, of this title, the zoning hearing officer in the case of a special use permit shall approve, approve with modifications and/or conditions, or deny a special use permit after making the additional findings of fact set forth in this section:

- A. The proposed WCF conforms with the requirements of this chapter;
- B. The applicant has demonstrated the inability to co-locate the proposed WCF on an existing vertical element; and
- C. The visibility of the WCF is reduced to the extent feasible by decreasing its height, increasing its setback, locating it in proximity to other structures, using antenna designs which minimize horizontal projections, and constructing it with colors and materials that de-emphasize its visibility.

(Ord. 05-02 § 1 (part))

### **17.57.060 Miscellaneous provisions.**

- A. WCFs on Utility Property. The costs of improvements to utility facilities, poles and property to accommodate a WCF shall not be charged against any municipal aesthetics program funding granted to the town.
- B. Independent Technical Study. Should the zoning hearing officer require additional technical information that cannot be obtained from the applicant, the town may require the applicant to pay the cost of an independent technical study.
- C. Revocation. Failure to comply with co-location requirements as provided for in this chapter is grounds for revocation of an existing special use permit following notice and a public hearing.

(Ord. 05-02 § 1 (part))

## **Chapter 17.60 PARKING AND LOADING**

Sections:

[17.60.010 Parking in rural district.](#)

[17.60.020 Parking in R-3 district.](#)

[17.60.030 Parking in R-2 district.](#)

[17.60.040 Parking in R-1 district.](#)

[17.60.050 Parking in C-1 district.](#)

[17.60.060 Parking in C-2 district.](#)

[17.60.070 Loading.](#)

**17.60.010 Parking in rural district.**

- A. Whenever the following structures are erected, converted, reconverted, reconstructed, enlarged or structurally altered, they shall be provided off-street parking space on the lot in accordance with the following minimum requirements:
  - 1. For hospitals, and institutions of an educational, charitable or philanthropic nature, homes for the aged and nursing homes, or convalescent homes, one parking space for each bed;
  - 2. For private clubs and lodges, and fraternal organizations and doctors' offices, one parking space for each two hundred (200) square feet of floor space in the building.
- B. The parking of commercially-registered motor vehicles having (i) a gross weight rating in excess of ten thousand (10,000) pounds or (ii) exceeding a one-ton chassis rating, on property located in the R rural district is prohibited, except for purposes of loading and unloading, as set forth in Section 10.16.070: stopping, standing and parking, of this code.

(Zoning Ord. § 8-1-101)

(Ord. No. 11-01, § I, 1-20-11; Ord. No. 11-10, § I, 7-21-11)

**17.60.020 Parking in R-3 district.**

- A. There shall be a parking space provided on the premises for each dwelling in an R-3 district.
- B. The parking regulations for uses permitted in the R rural district shall apply to such uses when permitted and located in the R-3 single-family dwelling district.
- C. The parking of commercially-registered motor vehicles having (i) a gross weight rating in excess of ten thousand (10,000) pounds or (ii) exceeding a one-ton chassis rating, on property located in the R-3 district is prohibited, except for purposes of loading and unloading, as set forth in Section 10.16.070: stopping, standing and parking, of this code.

(Ord. 02-12 (part); Zoning Ord. § 8-1-102)

(Ord. No. 11-10, § I, 7-21-11)

**17.60.030 Parking in R-2 district.**

- A. The parking regulations for uses permitted in R rural and R-3 single-family dwelling districts shall apply to such uses when located in the R-2 two-family dwelling district.
- B. Whenever a structure is erected, converted, structurally altered or increased in size for a two-family dwelling, two parking spaces shall be provided on the lot for each dwelling unit.

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- C. The parking of commercially-registered motor vehicles having (i) a gross weight rating in excess of ten thousand (10,000) pounds or (ii) exceeding a one-ton chassis rating, on property located in the R-2 district is prohibited, except for purposes of loading and unloading, as set forth in Section 10.16.070: stopping, standing and parking, of this code.

(Ord. 02-12 (part); Zoning Ord. § 8-1-103)

(Ord. No. 11-10, § I, 7-21-11)

**17.60.040 Parking in R-1 district.**

- A. The parking regulations for uses permitted in R-2 two-family dwelling district shall apply to such uses when located in the R-1 multiple-family dwelling district.
- B. Whenever a structure is erected, converted, structurally altered or increased in size for multiple-family dwelling purposes, one parking space shall be provided on the lot for each dwelling unit in the structure.
- C. The parking of commercially-registered motor vehicles having (i) a gross weight rating in excess of ten thousand (10,000) pounds or (ii) exceeding a one-ton chassis rating, on property located in the R-1 district is prohibited, except for purposes of loading and unloading, as set forth in Section 10.16.070: stopping, standing and parking, of this code.

(Ord. 02-12 (part); Zoning Ord. § 8-1-104)

(Ord. No. 11-10, § I, 7-21-11)

**17.60.050 Parking in C-1 district.**

- A. Commercial buildings shall provide permanent parking spaces on the lot in the ratio of one parking space for each two hundred (200) square feet of floor space in the building.
- B. For apartment buildings the required parking space shall be based on a ratio of one parking space for each family unit, plus one additional parking space for each ten (10) family units for visitor parking.
- C. For mini-storage facilities and vehicle storage facilities, the parking requirement set forth in subsection A may be modified by the town council upon a showing that the nature of the use does not require one parking space for each two hundred (200) square feet of floor space. Any such modification shall be recorded with the Maricopa County recorder's office. Such recording shall state the modified parking requirement and the use to which the modified parking requirement applies. Any change of use shall require one parking space for each two hundred (200) square feet of floor space until the council grants a modification pursuant to this section for such changed use.

(Ord. 07-02 § 1 (part): Ord. 06-06 § 1 (part): Zoning Ord. § 8-1-105)

**17.60.060 Parking in C-2 district.**

The parking regulations in a C-2 district are the same as those in the C-1 commercial district.

(Zoning Ord. § 8-1-106)

**17.60.070 Loading.**

One loading space shall be provided on the lot for buildings having a floor area of twenty-five thousand (25,000) square feet or less devoted to commercial use. Buildings having in excess of twenty-five thousand (25,000) square feet devoted to commercial use shall provide one loading space for each twenty-five thousand (25,000) square feet of floor area, or fraction thereof.

(Zoning Ord. § 8-2-101)

**Chapter 17.64 SIGN REGULATIONS** [\[7\]](#)

Sections:

[17.64.010 Purpose of regulations.](#)

[17.64.020 Definitions.](#)

[17.64.30 General regulations.](#)

[17.64.040 Measurement standards.](#)

[17.64.050 Allowed signs.](#)

[17.64.060 Design standards.](#)

[17.64.070 Specific sign regulations.](#)

[17.64.080 Permits, plans and approval required.](#)

[17.64.090 Sign lighting standards.](#)

[17.64.100 Nonconforming signs.](#)

[17.64.110 Enforcement and penalties.](#)

**17.64.010 Purpose of regulations.**

- A. To promote the creation of an attractive visual environment that promotes a healthy economy by:
  - 1. Allowing individuals and businesses to inform, identify, and communicate effectively; and
  - 2. Directing the general public through the use of signs while maintaining an attractive application of signs on the buildings and sites.
- B. To protect and enhance the physical appearance of the community in a lawful manner that recognizes the rights of property owners by:
  - 1. Encouraging the appropriate design, scale, and placement of signs;
  - 2. Encouraging the orderly placement of signs while avoiding regulations that are inflexible; and
  - 3. Assuring that the information displayed on a sign is clearly visible, conspicuous, legible and readable so that the sign achieves the intended purpose.
- C. To foster public safety along public and private streets within the community by assuring that all signs are in safe and appropriate locations.
- D. To have administrative review procedures that are the minimum necessary to:
  - 1. Balance the community's objectives and regulatory requirements with the reasonable advertising and way to finding needs of businesses; and

2. Allow for consistent enforcement of the sign code and to minimize the time required to review a sign application.

(Ord. No. 10-11, § I, 6-24-10)

#### **17.64.020 Definitions.**

The following words and phrases used in this sign code shall have the following meanings:

"Abandoned sign" means a sign for a period of at least ninety (90) consecutive calendar days or more that no longer advertises or identifies a legal business establishment, product or activity.

"Address sign" means a sign used to show the address number of the building or property and may show street name, owner or tenants' name.

"A-frame sign" means a movable sign used to display advertising or business logo (see portable sign).

"Alteration" means any change in color, size or shape, which changes appearance of a sign, or a change in position, location, construction or supporting structure of a sign, except that a copy change on a sign is not an alteration.

"Animated sign" means a sign which has any visible moving part, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance in a manner that is not permitted by these regulations.

"Area of sign" refer to measurement standards [section] 17.64.040.

"Attraction or reader board" means any sign having changeable copy for the purpose of advertising events, sales, services or products provided at the site on which the sign is located.

"Awning" means a shelter extending from the exterior wall of a building and composed of nonrigid materials except for the supporting framework.

"Awning sign" means any sign painted on, attached to, or supported by an awning.

"Balloon sign" means a lighter-than-air gas-filled balloon tethered in a fixed location that has a sign with a message on its surface or attached in any manner to the balloon.

"Banner sign" means a temporary, lightweight sign that contains a message which is attached or imprinted on a flexible surface that deforms under light pressure and that is typically constructed of a cloth material or plastic.

"Billboard" or "poster panel" means an "off-premises" sign.

"Blade sign" see projecting signs.

"Building identification sign" means any sign containing the name or address of a building and may include hours of operation and emergency information that is located on the same site as the structure to which the sign refers.

"Business sign" means a sign which attracts attention to a business, profession, commodity or service sold, offered or manufactured, or to entertainment offered on the premises where sign is located (see "on-premises" sign).

"Cabinet sign (can sign)" means signage mounted on or in a cabinet mounted on a wall, pole or structure and which may be illuminated.

"Canopy" means a permanent roof-like shelter or cover attached to a building, but not requiring support from the ground or an adjacent structure.

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"Canopy sign" means any permanent sign attached to or constructed underneath a canopy. These signs are below a projecting structure which extends over the pedestrian walkway which effectively prevents the wall signs for being visible to the pedestrian walking under the canopy. See projecting sign.

"Carport sale sign" means a sign announcing a temporary residential sale of personal property on an informal basis for the sale of used goods such as, but not limited to, household items, clothing, tools, toys, recreation equipment or other used or secondhand items normally found in an about the home and sold by private individuals. Carport sales are also commonly referred to as a yard sale, garage sale, craft sale, basement sale, rummage sale, tag sale, moving sale, junk sale, or block sales.

"Changeable copy sign" means a sign or portion thereof on which the copy or symbols change either automatically through electrical or electronic means (for example, time and temperature units), or manually through placement of letters or symbols on a panel mounted in or on a track system.

"Comprehensive sign plan (CSP)" means a coordinated program of all signs, including exempt and temporary signs for a business, or businesses if applicable, located on a development site. The sign program shall include, but not be limited to, indications of the locations, dimensions, colors, letter styles and sign types of all signs to be installed on a site for a new development.

"Construction sign" means a nonpermanent sign identifying the persons, firms or business directly connected to a construction project at the site where the sign is located.

"Digital sign" means an electronic illuminated sign with changeable copy.

"Directional sign" means a wall or freestanding instructional sign located on private property at or near the public right-of-way, directing or guiding personnel or vehicular traffic onto the property toward parking or other identified locations or offices on the property.

"Double faced sign" means any sign having copy on two faces of equal dimension with an angle between the two faces of forty-five (45) degrees or less.

"Footcandle" means a measure of illumination on a surface that is one foot from the uniform source of light of one candle and equal to one lumen per square foot.

"Freestanding sign" means any ground, monument, pole or similar sign which is permanently affixed in or upon the ground, supported by one or more structural members.

"Frontage" means the horizontal width of any given building, business or tenant as measured at grade, along the face of the building which is closest to and most nearly parallel with the contiguous street right-of-way line.

"Governmental sign" means a sign erected and maintained pursuant to and in discharge of any governmental function, or required by law, ordinance or other governmental regulation.

"Grade" means the level of the site at the property line located at the closest distance to the sign.

"Ground sign" see freestanding sign.

"Height of sign" refer to measurement standards [section] 17.64.40.

"Illegal sign" means any sign placed without proper approval or permits as required by this code at the time of sign placement. "Illegal sign" shall also mean any sign placed contrary to the terms or time limits of any permit and any nonconforming sign which has not been brought into compliance with any applicable provisions of this code.

"Illuminated sign" means any sign for which an artificial source of light is used in order to make readable the sign's message, including internally- and externally-lighted signs and reflecting, glowing or radiating signs.

"Instructional sign" means a sign clearly for instructional purposes shall not be included in the permitted sum of the sign area of identification wall signs, provided such sign is not larger than otherwise provided for by ordinance.

"Length of frontage" means:

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1. For measurement purposes, the length of any primary or secondary frontage as defined in section 17.64.040 shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined clearly unrelated to the frontage criteria.
2. For buildings with two or more frontages, the length and allowable sign area shall be calculated separately for each such frontage.
3. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

"Logo, logogram, or logotype" means an emblem, letter, character, pictograph, trademark, or symbol used to represent any firm, organization, entity, or product.

"Monument sign" see freestanding sign.

"Mural" means a picture on an exterior surface of a structure. A mural is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

"Neon sign" means a sign with tubing that is internally illuminated by neon or other electrically-charged gas.

"Noncommercial sign" means a sign with a message which is not commercial in nature. Such messages typically relate to debatable matters of public concern, such as, by way of example and not limitation, religion, arts, science, philosophy, commentary on governmental policy, etc. A noncommercial sign is not a "political sign," which is defined below, but is treated the same as a "political sign" except that a noncommercial sign may not be placed in the right-of-way.

"Nonconforming sign" means a sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the current provisions of this code.

"Obscene signs" means any sign that shows or depicts any state of nudity, semi-nudity, or simulated nudity, or any activity prohibited under section 5.17.020 and following of this code.

"Off-premises (off-site) sign" means a sign used to promote an interest other than that of a business, individual, products, or service available on the premises where the sign is located.

"On-premises (on-site) sign" means any sign used for promoting a business, individual, product or service available on the premises where the sign is located.

"Plaza sign" means town plaza (kiosk) signs [that] are directional signs owned by the town and installed by a third-party contractor vendor which serve as off-premises signs for town buildings, parks and businesses.

"Pole sign" see freestanding sign.

"Political sign" means a temporary sign which supports candidates for office or urges action on any other matter on the ballot of primary, general and special elections relating to any national, state or local election.

"Portable sign" means any movable sign not permanently attached to the ground or a building and easily removable by using ordinary hand tools, but does not include a "walking sign" as defined, below.

"Primary and secondary frontage" means the primary frontage of any building or site [that] shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building unit. The secondary frontage shall include frontages containing secondary public entrances to the building or building units, and all walls facing a public street or primary parking area not designated as the primary frontage above.

"Private street" means primary accessways that are intended to provide vehicular access to multiple commercial businesses and/or ownerships and are not dedicated as a public thoroughfare.

## Title 17 ZONING

"Projecting sign" means a sign which projects from and is supported by a ceiling or canopy or a wall or parapet of a building with the display surface of the sign in a plane perpendicular to or approximately perpendicular to the wall. Also see "canopy sign".

"Real estate sign" means any nonpermanent sign pertaining to the sale, exchange, lease, rental, or availability of land, buildings, condominium and similar units, or apartments. Such signs may include building name and address, price and amenities, identity of seller or broker, and similar information.

"Revolving or rotating sign" means an animated sign.

"Right-of-way" means public land used for streets, sidewalks, utilities, or for future expansion and similar uses.

"Roof sign" means any sign erected upon a roof, parapet, or roof-mounted equipment structure and extending above a roof, parapet, or roof-mounted equipment structure of a building or structure.

"Sign" means any name, figure, character, outline, display, announcement, or device, or structure supporting the same, or any other device of similar nature designed to attract attention outdoors, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and supports or anchoring thereof. A sign shall not include any architectural or landscape features that may also attract attention.

"Sign face" means an exterior display surface of a sign, including nonstructural trim exclusive of the supporting structure.

"Site" means all the contiguous ground area legally assembled into one development location which is a zoning lot. A zoning lot is defined as a permanent parcel (lot of record), multiple lots of record, or a portion of a lot of record.

"Special event sign" means any temporary or nonpermanent sign advertising or pertaining to any assembly, gathering, activity, or meeting sponsored, arranged, or promoted by a religious, charitable, community service, educational, or other similar nonprofit organization.

"Super graphic" means a painted design which covers all or a major portion of a wall, building or structure. A super graphic is a sign only if it is related by language, logo, or pictorial depiction to the advertisement of any product or service or the identification of any business.

"Temporary sign" means any sign which is placed for a period not to exceed thirty (30) days.

"Vehicle sign" means any sign permanently or temporarily attached to or placed on a vehicle or trailer.

"Variances" means a variance is a legal device that allows a local government to provide a property owner with relief from the normal application of some restriction in the zoning code, such as minimum lot or building size, height limits, or setback requirements. Variances are granted when government determines that there are special circumstances, unique to the property in question, that would create practical difficulties if the zoning code were enforced as written.

"Walking sign" means a sign that is carried, worn, toted or held by a person, robotic device or any animal. A walking sign is also commonly referred to as a sign walker.

"Wall sign" means any sign attached to or painted on the wall of a building or structure in a plane parallel or approximately parallel to the plane of said wall.

"Window, area of" means the area of a single window [and] includes all of the window panes in an area that is separated by mullions, frames or other dividers.

"Window sign" means any sign viewable through and/or affixed in any manner to a window or exterior glass door such that it is intended to be viewable from the exterior (beyond the sidewalk immediately adjacent to the window), including signs located within six feet inside a building but visible primarily from the outside of the building.

(Ord. No. 10-11, § I, 6-24-10)

**17.64.30 General regulations.**

- A. No sign shall be allowed on any property unless the sign is specifically allowed in that zoning district.
- B. No sign may be posted on public or private property without the property owner's prior permission.
- C. Every sign and its supporting structure shall be designed and constructed to conform to the provisions of all applicable codes and ordinances.
- D. No sign shall be erected, relocated or maintained so as to prevent free ingress to, or egress from, any door, window or fire escape nor shall any sign be attached to a standpipe or fire escape.
- E. No sign shall be erected, installed or maintained at or near any intersection of streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of its position, shape, color or illumination, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or makes use of the words, "stop," "look," "danger," or any other word, phrase, symbol or character in such manner as to interfere with, mislead, or confuse drivers, riders or pedestrians.
- F. No sign shall be erected or painted upon or attached to any tree, rock or other natural feature, or to any street sign, utility pole or similar structure, except that portable signs authorized under subsection 17.64.050E. may be temporarily secured while on display, provided that the sign is secured in a manner that does not damage public property or impair public safety.
- G. The regulations of this code shall not apply to signs of metal, stone or other noncombustible material when built into the walls of a building or structure provided that such inlays or tablets shall bear only the name of the owner or architect, name or use of the building, date of building erection or reading matter commemorating a person or event. Size of such signs shall be limited to two square feet and not more than one per building.
- H. Nothing contained herein shall prevent the erection, construction and maintenance of official traffic, fire department or police signs, signals, devices and other posters or markings of the federal, state, or local jurisdictions or other competent public authorities, or the posting of notices as required by law.
- I. No signs shall be placed in the right-of-way except political signs installed per Town Code [section] 9.08.090, town plaza signs, and public directional signs owned by the town. All others will be removed by public works or public safety officials and either retained as evidence of a violation of this code or destroyed.
- J. All signs shall be maintained and owners are responsible for preventing and eliminating any peeling, cracking, discoloration, covering with dirt or other material and other similar problems caused by wear and tear and common weather conditions. All signs shall be cleaned and repainted as necessary. All cracked or broken sign faces and nonfunctioning interior lamps shall be repaired or replaced or within forty-five (45) working days following receipt of notification from code enforcement that the sign requires repair or maintenance. Any party who may be aggrieved by the issuance of a maintenance directive by public officials may appeal the notification of a violation to the building official.
- K. Any sign allowed under this code may contain a noncommercial message.

(Ord. No. 10-11, § I, 6-24-10; Ord. No. 14-02, § I, 3-6-14; Ord. No. 14-06, § I, 9-18-14)

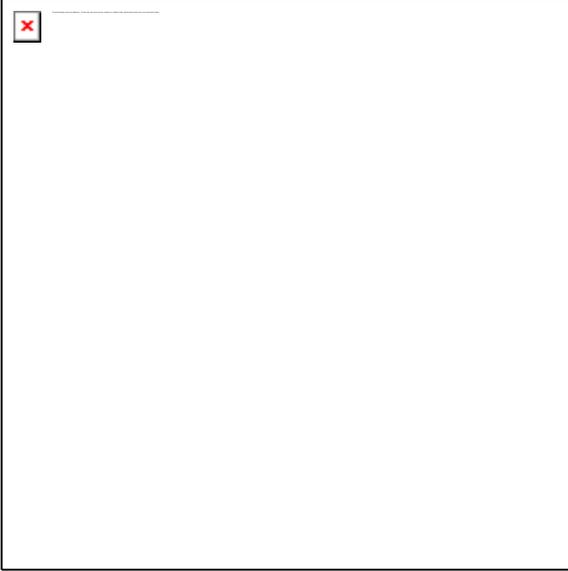
**17.64.040 Measurement standards.**

- A. Determining Sign Area and Dimensions.
  - 1. For a wall sign which is framed, outlined, painted or otherwise prepared and intended to provide a background for a sign display, the area and dimensions shall include the entire portion within such background or frame.

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2. For a wall sign comprised of individual letters, figures or elements on a wall or similar surface of the building or structure, the area and dimensions of the sign shall encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, the frame, and any applied background that is not part of the architecture of the building. When separate elements are organized to form a single sign but are separated by open space, the sign area and dimensions shall be calculated by determining the geometric form, or combination of forms, which comprises all of the display areas, including the space between different elements. Minor appendages to a particular regular shape, as determined by the zoning, building safety and code enforcement staff, and shall not be included in the total area of a sign.
- B. Calculation of Wall Sign Area.
1. The basic allowance for wall signs shall be limited to one square feet of sign area for each lineal foot of building or tenant frontage.
  2. All businesses are entitled up to a minimum of twenty-four (24) square feet of sign area provided all other provisions of this title are in compliance.
  3. Each tenant may have multiple wall signs as long as the total wall sign area does not exceed the allowances established for wall signs. The wall sign or signs shall not be greater than eighty (80) percent of the width of the tenant space or the length of the building frontage for single tenant buildings.
  4. The minimum area of any wall sign may be increased by twenty-five (25) percent when the building is setback at least two hundred (200) feet from the public right-of-way and may be further increased an additional twenty-five (25) percent for each additional two hundred (200) feet of setback, up to a maximum increase of one hundred (100) percent.
  5. Additional wall sign area is permitted for a secondary frontage (see definitions) which shall be equal to one hundred (100) percent of the primary sign area allowance based on allowances selected.
  6. Signs shall not project above the wall or parapet.
  7. Additional wall signs for multiple-story buildings are permitted on each of the building's primary and secondary frontages according to the following:
    - a. For a building with two floors the additional permitted sign area is twenty (20) square feet for each eligible wall.
    - b. This additional permitted sign area may be increased by ten (10) square feet for each additional building floor.
    - c. The sign must be placed at the height for which the bonus has been granted.

Title 17 ZONING



**Wall Sign Area – Examples of Area Calculations and the Effect of Measurement Alternatives**



*Examples*



*Measuring the examples using multiple geometric shapes*



*Representation of sign areas using single geometric shapes equivalent to the areas (square feet) using multiple geometric shapes.*

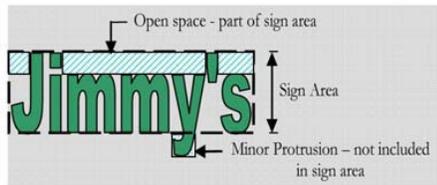
**Penalty When Using a Single Geometric Area**

**Area - 63%**  
**Letter Height - 47%**

**Area - 40%**  
**Letter Height - 30%**

**Area - 66%**  
**Letter Height - 40%**

*These examples illustrate that when a single geometric shape is required to measure the sign area of a unique, attractive sign, that the size and effectiveness of the sign is penalized (substantially reduced in height and area) compared to measuring the sign with multiple geometric shapes.*



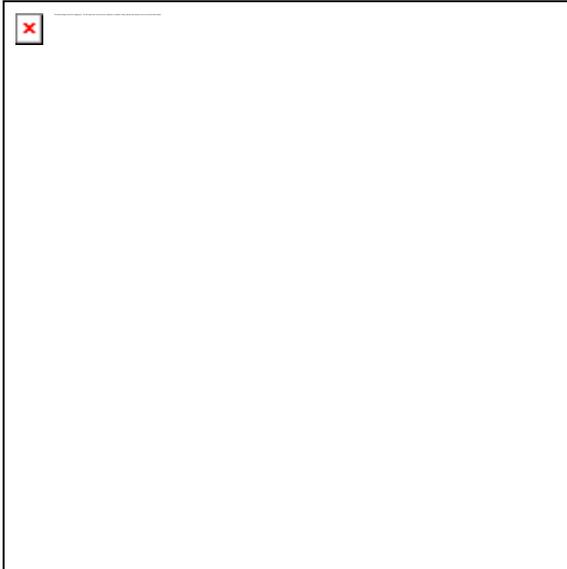
*This illustrates the areas to be included within the calculation of a Sign Area. It is useful to include, in the sign regulations, illustrations that interpret provisions in the code, similar to this one.*

*Comment: When measuring wall signs, multiple geometric shapes should be used, rather than one rectangle. This is to assure that "air space" or "the background wall" are not included as part of the sign area. When reasonable background areas are not excluded then uniquely shaped signs are often penalized. This is because in order to comply with the maximum area (using a single geometric shape) the message area will be smaller than other "conventionally" shaped signs in the vicinity, or even on the same building. Furthermore, the sign may not be adequately visible.*

8. For a freestanding sign, the sign area shall include the frame, if any, but shall not include:
  - a. A pole or other structural support unless such pole or structural support is internally illuminated or otherwise so designed to constitute a display device, or a part of a display device.

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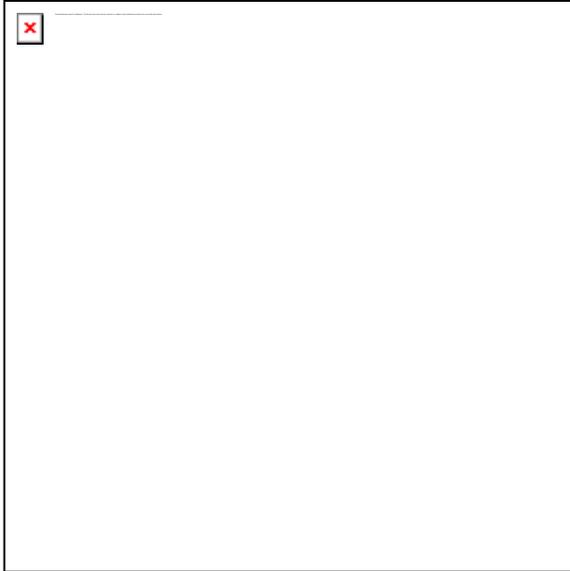
- b. Architectural features that are either part of the building or part of a freestanding structure, and not an integral part of the sign, and which may consist of landscaping, building or structural forms complementing the site in general.



*The area of a sign, with more than two faces, would be calculated as the area of the largest rectangular plane of the panels that are visible from any single location.*

9. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time or a maximum forty-five (45) degree angle for double-faced sign, and are part of the same sign structure, the sign area shall be computed as the measurement of one of the two faces. When the sign has more than two display surfaces, the area of the sign shall be the area of largest display surfaces that are visible from any single direction.
10. In the event of a dispute in determining the area or dimension of any sign, a negative decision of the administration may be appealed, by the applicant submitting a formal application to the board of adjustment with the appropriate nonrefundable fees.

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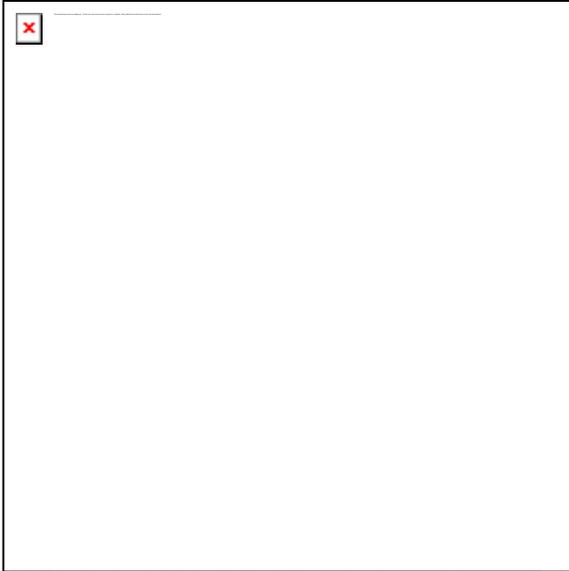


*The black dashed line indicates the sign area*



*In the sign to the left, the frame may or may not be included in the sign area.*

*In the sign above, the solid base is not included in the sign area.*



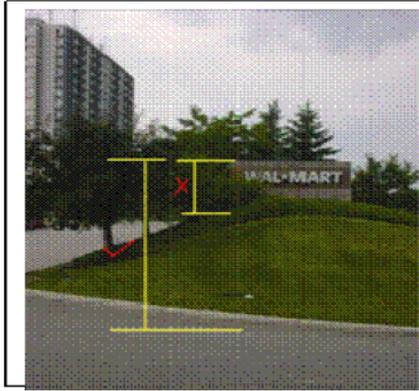
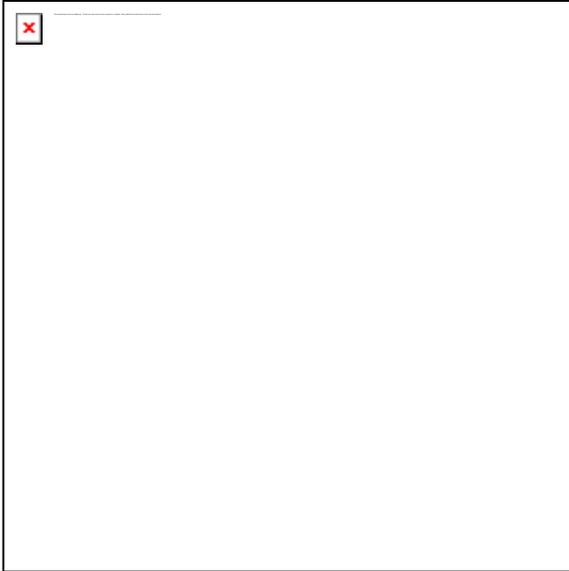
Comment: The minimum height should assure that the bottom of the sign is visible above parked and moving vehicles and any other obstructions that would block the view of the sign. To accomplish this, the minimum height of the sign (to accommodate a minimum clearance of seven feet from the ground and the message area) should be twelve (12) feet to the top of the sign. This limited height, however, only permits a sign area five feet in height. A fourteen-foot sign would afford greater design flexibility for the shape of the sign. Lower signs should only be considered on local retail or industrial streets when there is a generous landscaped area adjacent to the street in which to place the sign, the traffic volumes are light and the speed is relatively slow.

C. Determining Sign Height (See [section] 17.64.050 for commercial zoning district dimensions)

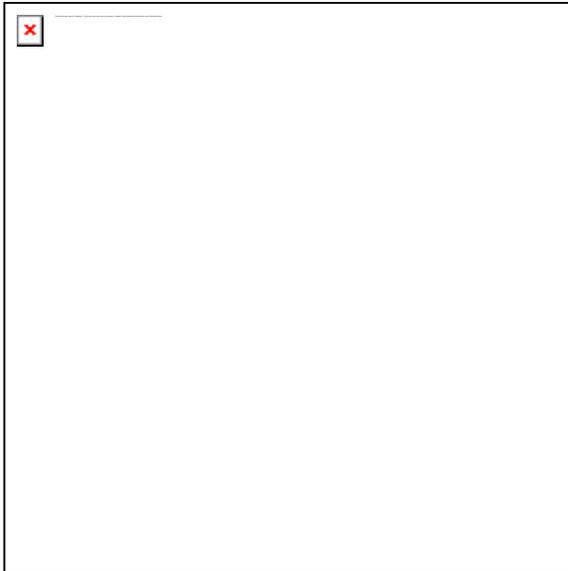
The height of a freestanding sign shall be measured from the base of the sign or supportive structure at its point of attachment to the ground, to the highest point of the sign. A freestanding sign on a manmade base, including a graded earth mound, shall be measured from the grade of the nearest pavement or top of any pavement curb.

1. There shall be both a minimum and a maximum height of freestanding signs for each property with the standards established for each character area.

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*The height of a sign is measured from the grade of the street level where the sign is viewed; and not the top of the mound on which it may stand.*



*When the sign is too low (top photo) it limits the sign's effectiveness, particularly when it is blocked from view. Furthermore, in most instances it is unrealistic to expect that the parking can be moved to make these lower signs more visible. Alternatively, if the parking is eliminated, the remaining parking spaces will often fall below what the code requires and what the business needs*



*Acceptable sign height*

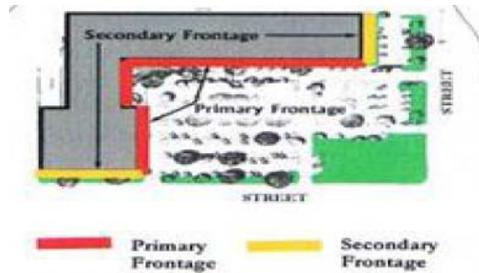
Comment: The measurement of the sign height is to assure that each sign has reasonable and generally equal visibility. This means that if the grade of the site is substantially lower than the adjacent public street, the building inspector or code enforcement official should have the authority to determine that additional sign height is warranted (above the lower grade) to assure that the sign has visibility equal to the other signs along the street. Alternatively, the sign should not be granted extra height by measuring the height from an "artificial" site feature that has raised the base of the sign substantially above the grade of the adjacent street.

2. No portion of a freestanding sign shall be in or project over a public right-of-way and the maximum setback shall be no greater than twenty (20) feet from the property line.

D. Determining Building Frontages and Frontage Lengths.

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1. Building Unit - The building unit is equivalent to the tenant space. The frontage of the tenant space on the first floor shall be the basis for determining the permissible sign area for wall signs.
  2. Primary and Secondary Frontage - The frontage of any building unit shall include the elevation(s) facing a public street, facing a primary parking area for the building or tenants, or containing the public entrance(s) to the building or building units.
    - a. The primary frontage shall be considered the portion of any frontage with the primary public entrance(s) to the building or building units.
    - b. The secondary frontage shall include those frontages containing secondary public entrances to the building or building units, and all building walls facing a public street or primary parking area that are not designated as the primary building frontage by subsection above.
- E. Length of Building Frontage.
1. The length of any primary or secondary building frontage, as defined above, shall be the sum of all wall lengths parallel, or nearly parallel, to such frontage, excluding any such wall length determined by the administration clearly unrelated to the frontage criteria.
  2. For buildings with two or more frontages, the length of the wall and allowable sign area shall be calculated separately for each such building frontage. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

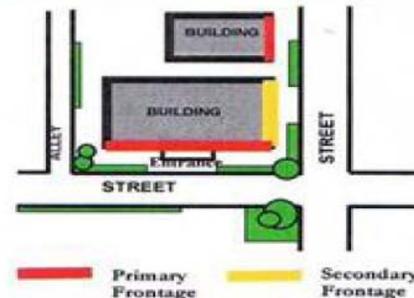
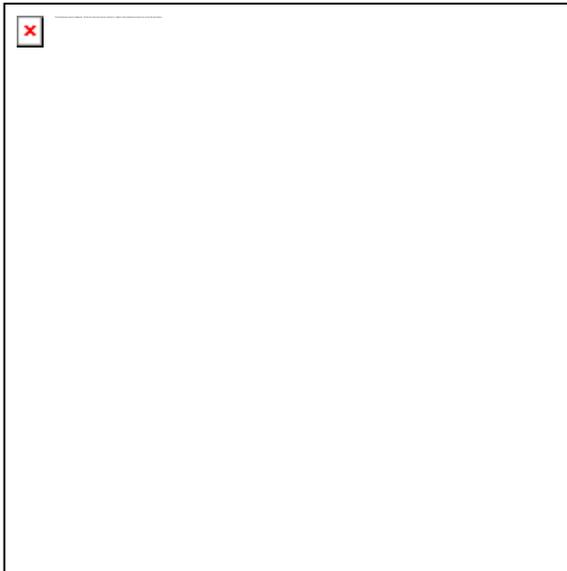


*Multiple Tenant Building*

*Comment: A minimum area allowance assures that even the smallest tenant is able to have a sign that is visible to the intended viewer.*

*Comment: Even when each tenant is entitled to a proportional share of sign area based on the building frontage, the overall sign allowance for the building remains in proportion to the size of the building wall.*

*Signs on multiple building elevations do not contribute to sign clutter since the overall sign allowances remain in proportion to the size of the building walls and the signs on no more than two elevations can be viewed at the same time.*



*Single Tenant Building*

(Ord. No. 10-11, § I, 6-24-10)

**17.64.050 Allowed signs.**

The signs allowed in each of the zoning districts are those as indicated.

A. Rural, Parks and R-43 Districts.

1. The following signs are allowed in Rural, Parks and R-43 Districts without a permit:
  - a. A nonilluminated sign not exceeding four square feet for the address number (required) and additional identification that pertains to the address or ownership.

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- b. A single nonilluminated sign per street frontage not exceeding twelve (12) square feet for the sale or lease of the property on which the sign is displayed.
  - c. Signs erected by the town or other government agencies on parks districts to identify the name and other pertinent information of a park.
  - d. Directional signs are permitted. Such signs are limited up to six square feet and the freestanding signs are limited to three feet high.
  - e. Political and noncommercial signs. Political and noncommercial signs shall not exceed twelve (12) square feet each, and no more than four total political and noncommercial signs may be posted and only with the property owner's permission.
2. A nonilluminated or illuminated freestanding or wall sign not exceeding thirty-two (32) square feet for announcing an allowed use on the property. A sign permit is required.
  3. All other signs require an application for a temporary or special use permit.
- B. R-3 and R-2 Single-Family and Two-Family Zoning District.
1. A nonilluminated sign not exceeding two square feet for the address number (required) and the street name, owner or tenant or combination of. A sign permit is not required.
  2. Real estate signs not exceeding six square feet and not placed in the right-of-way. Only one sign is permitted per street frontage of lot. A sign permit is not required.
  3. Carport signs installed pursuant to Town Code [section] 5.16.010 and not exceeding six square feet shall be placed during sale hours only, one sign per street frontage. Off-site signs for directional purposes to the sales event shall have prior permission from property owners. Signs shall not be placed in the right-of-way, affixed to a pole, structure, traffic signal or similar device. A sign permit is not required.
  4. A nonilluminated or indirectly illuminated sign not to exceed thirty-two (32) square feet for a subdivision name or marketing of homes of five lots or more may be permitted with the approved subdivision site plan or separate permit.
  5. Political and noncommercial signs. Political and noncommercial signs shall not exceed twelve (12) square feet each, and no more than four total political and noncommercial signs may be posted and only with the property owner's permission. A sign permit is not required.
  6. Signs for home occupation are not permitted in any size, shape or form.
- C. R-1 Multi-Family Zoning District.
1. Same as R-3 and R-2 except directional signs are permitted not exceeding six square feet. Freestanding directional signs shall not exceed three feet in height above grade level.
  2. Nonilluminated realty signs advertising residential units for sale or lease that do not exceed twelve (12) square feet and are allowed without a sign permit.
  3. A nonilluminated or illuminated realty sign advertising residential units for sale or lease is allowed with a sign permit if it is between twelve (12) square feet and thirty-two (32) square feet. No nonilluminated or illuminated realty signs advertising residential units for sale or lease exceeding thirty-two (32) square feet shall be allowed.
  4. All other signs require an application for a temporary or special use permit.
- D. Commercial Zoning Districts (C-1 and C-2).
1. Wall signs for businesses are subject to the measurement standards and calculations based on lineal feet of business. Freestanding signs are limited to a maximum sixty-four (64) square feet and fifteen (15) feet in height for the freestanding signs for individual parcels with three tenants or less. See section 17.64.040. A sign permit is required.

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2. Shopping center identification freestanding signs are limited to an area of one hundred fifty (150) square feet and twenty (20) feet in height. The shopping center identification signs with four tenants or more are limited to one sign per street frontage. A sign permit is required. Any empty business sign faces shall have a blank opaque face inserted to avoid a blight appearance.
3. The freestanding monument or ground-mounted-type signs are highly recommended for the above for aesthetic looks and value. Such signs should be located to be highly visible from the street by use of landscaping so as not to be blocked by parked vehicles, and shall not limit visibility of traffic or pedestrians. Signs erected in a parking lot that have open areas below the sign shall be a minimum ten (10) feet above the paved surface. Freestanding pole signs are permitted under design review when space is limited. A sign permit is required.
4. Projecting signs from a wall or ceiling/awning are permitted when there is multiple tenants along a building wall. Such signs are limited to six square feet and may project a maximum four feet out from a wall and shall be a minimum eight feet above the walking surface. Minimum spacing between projecting signs shall be fifteen (15) feet. A sign permit is required.



Comment: The illustration on the left shows under-canopy signs and on the right signs projecting from the building frontage.

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5. Directional signs are limited to six square feet and when freestanding, shall not exceed three feet above the surface. A sign permit is not required.
  6. Address identification signs (required) are limited to four square feet. A sign permit is not required.
  7. Window signs are limited to twenty-five (25) percent of the window area of the business. A permanent window sign is included with a wall or freestanding sign permit or by a separate permit. The additional square footage is not added to the overall square feet allowed.
  8. Billboard signs are permitted along Grand Avenue or Olive Avenue in C-2 zoning with a permit. Signs are permitted up to four hundred (400) square feet of face area with a minimum one thousand three hundred (1,300) feet between digital billboard signs. All other billboard signs shall be a minimum three hundred (300) feet between any types of billboard sign. Any portion of the billboard sign must meet the minimum setbacks for C-2 zoning and maintain a side setback of seven feet or half the sign height, whichever amount is greater when next to a residential use or district or when the adjacent property is undeveloped. Billboard signs are limited to thirty (30) feet in height above curb line elevation or nearest right-of-way. The sign shall not limit vehicle or pedestrian traffic or visibility.
  9. Banners, pennants, and similar advertising attention getting devices are allowed with a permit. Such permits are good for thirty (30) days at a time for a maximum three times within any one-year time span. The announcement of a grand opening or change of ownership of a business would be permitted for no longer than thirty (30) days.
  10. Building directory. In addition to wall or freestanding signs permitted by these regulations, an additional sign maybe permitted up to a maximum of twelve (12) square feet for the purpose of identifying first floor or upper floor tenants that do not have outside building frontage. No sign permit is required.
  11. For new commercial development, a comprehensive sign plan shall be submitted for review.
  12. Political and noncommercial signs. Political and noncommercial signs shall not exceed twelve (12) square feet each, and no more than four total political and noncommercial signs may be posted and only with the property owner's permission. A sign permit is not required.
  13. Nonilluminated realty signs advertising units for sale or lease that do not exceed twelve (12) square feet and are allowed without a sign permit.
  14. A nonilluminated or illuminated realty sign advertising units for sale or lease is allowed with a sign permit if it is between twelve (12) square feet and thirty-two (32) square feet. No nonilluminated or illuminated realty signs advertising residential units for sale or lease exceeding thirty-two (32) square feet shall be allowed.
  15. Walking signs, subject to the regulations set forth in section[s] 17.64.030 and 17.64.70.
- E. Portable Signs. Portable signs (e.g., A-frame or sandwich signs) that are professionally made shall be allowed in C-1 and C-2 zoning districts as long as the signs are on the premises (on site) in a size not to exceed a maximum of six square feet per side and three feet high. One portable sign is permitted per street frontage, may be displayed only during the hours of the business to which the sign relates, and may not be in the right-of-way or in any manner that limits vehicle or pedestrian traffic or visibility. A sign permit is required.

(Ord. No. 10-11, § I, 6-24-10; Ord. No. 14-02, § I, 3-6-14)

**17.64.060 Design standards.**

- A. Signs are regarded as an integral and complementary element of the overall architectural character of the town and shall be integrated with the building and landscape design.
- B. All freestanding ground or monument signs shall have a foundation base or planter capable of supporting all gravity and wind loads.
- C. All signs except those consisting of individual letters mounted against a nondifferentiated surface shall have edge treatment or border.
- D. All signs shall be professionally made except for temporary carport signs, signs announcing an open house, political signs, noncommercial signs, and real estate signs.

(Ord. No. 10-11, § I, 6-24-10)

**17.64.070 Specific sign regulations.**

A. Walking Signs.

- 1. Walking signs shall be allowed in C-1 and C-2 districts thirty (30) feet from a street or driveway intersection measured from the back of the curb or edge of pavement if no curb exists, and five feet from the street measured from the back of curb or edge of pavement if no curb exists.
- 2. Walking signs shall yield right-of-way to pedestrians, bicycles and all others traveling or located on the sidewalks.
- 3. Prohibited locations. Walking signs shall not be located:
  - a. In raised or painted medians;
  - b. In parking aisles or stalls;
  - c. In driving lanes or driveways;
  - d. On equestrian or multi-use trails;
  - e. So that less than a minimum of four feet is clear for pedestrian passage on all sidewalks and walkways, or so as to cause a hazard to pedestrian traffic;
  - f. On fences, boulders, planters, other signs, vehicles, utility facilities, or any structure;
  - g. Within a minimum distance of twenty (20) feet from any other walking sign;
  - h. In a manner that results in sign walkers physically interacting with motorists, pedestrians, or bicyclists;
  - i. In the right-of-way.
- 4. Display. Signs shall be:
  - a. Displayed only during the hours the business is open to conduct business;
  - b. Held, worn or balanced at all times;
- 5. Elements prohibited. The following shall be prohibited:
  - a. Any form of illumination, including flashing, blinking, or rotating lights;
  - b. Animation on the sign itself;
  - c. Mirrors or other reflective materials;
  - d. Attachments, including, but not limited to, balloons, ribbons, speakers.

B. Menu Signs.

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1. One preview menu board and one ordering menu board with a maximum of thirty-two (32) square feet per sign is allowed per drive-thru restaurant. Such signs may be freestanding or wall mounted.
  2. The menu board items and prices shall not be visible from the public street or roadway.
  3. Any menu wall sign outside a building shall be placed near the entrance and shall be limited to a maximum size of three square feet. A permit is not required.
- C. Window Signs.
1. Permanent window signs for business name, hours, etc., shall not exceed twenty-five (25) percent of the window area and are included with the wall or freestanding sign permit or by separate permit. The area of a window sign is not added to the overall area allowed for wall or freestanding signs.
    - a. The area is determined as an imagined border around all exterior wording and logos.
    - b. Temporary nonilluminated window sign(s) for promotional sales of goods and products are allowed for an additional six square feet maximum of window area. These temporary signs do not require a permit.
- D. Official Government Signs.
1. Official government signs are allowed in all zoning districts.
  2. Official government signs are not subject to any of the restrictions or regulations of this title, including that no sign permit is required for any official government sign.
- E. Obsolete and Abandoned Signs. [An] obsolete sign and its supporting structure and frames shall be removed by the owner of the property, his agent, or person having the beneficial use of the building or structure within ninety (90) consecutive calendar days of the date of the business vacating the premises or of receipt of notification from the building inspector or code enforcement officer that the sign is obsolete, whichever is earlier.
- F. Political Signs.
1. Political signs may be placed in the right-of-way as regulated by Town Code section 9.08.090.
  2. No political signs are allowed within seventy-five (75) feet of any polling place or voting sites on any election day.
  3. Political signs placed in the public right-of-way may not be posted more than sixty (60) days prior to the election to which the sign refers and shall comply with state law. Political signs placed in the public right-of-way shall be removed no later than fifteen (15) days after the general election, except that a sign for a candidate in a primary election who does not advance to the general election shall be removed no later than fifteen (15) days after the primary election.
  4. Political signs do not require a permit.
- G. Digital Signs.
1. Digital sign may only be a monument sign or a billboard.
  2. Digital message centers copy information shall not change more than once every eight seconds and are limited to fifty (50) percent of the sign face area except for billboards which are not limited. This subsection shall not apply to official traffic control signs erected by any agency of a federal, state or local government.
  3. Only one digital sign is allowed on any lot located within the appropriate zoning district. Location and operational characteristics of any digital monument sign must be approved by the public works manager or his designee.

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4. Digital signs shall have dimming capabilities that adjust the brightness to the ambient light—regardless of the time of day.
  5. Digital signs will go dark from eleven p.m. to sunrise.
- H. Offsite and Onsite Directional Signs.
1. Offsite business directional signs in the right-of-way are permitted only on town plaza (kiosk) signs through a designated third-party sign contractor authorized by the town to place signs within the community.
  2. Onsite directional signs shall be limited in area to six square feet.
  3. Freestanding onsite directional signage shall not exceed three feet in height.
  4. Onsite directional signs shall not be counted against the total allowed sign area for a given site, building or occupancy.
  5. Offsite directional signs relating to a carport sale, special event, or open house may be placed on an owner's lot with the property owner's permission, must be removed daily immediately after event.
- I. Grand Opening, Going-Out-of-Business and Change-of-Ownership or Management Signs.
1. Onsite signs relating to grand openings, going-out-of-business sales, or change of ownership or management are allowed on the property at which the business is located, for a thirty-day maximum, commencing with the first day of the event, subject to the following:
  2. The sign may include attention getting devices that do not interfere with the safe and orderly flow of traffic or in any way present a danger to the health, safety and welfare of the public at large.
  3. The sign may include attention-getting devices that do not violate the regulations of any applicable codes or ordinances.
  4. A site plan must be submitted and approved prior to installation of such signs.
  5. A banner sign is limited to three feet in height by fourteen (14) feet in width.
- J. Special Events.
1. A maximum of thirty (30) days at a time, with a maximum of three times within a one-year time span, for special event signs and attraction-getting devices subject to permit may be allowed, subject to the following:
  2. A sign permit authorizing the use of special event signs, pennants and other attention-attracting devices is required except for window signs or posters on windows not to exceed an additional six square feet of window area. Such signs displayed are not to exceed thirty (30) days for the special event. All such window signs shall be removed immediately after the special event.
  3. Banner-type signs hung for special events shall be a maximum three feet high and fourteen (14) feet wide, have steel-reinforced grommets on every corner, hung on the building or other device on site within the parking lot or developed area and be constructed of a durable material.
- K. Prohibited Signs.
1. Signs not specifically listed within or authorized by this Code are prohibited including, but not limited to, the following:
    - a. Animated, revolving, sparkling, searchlights, and flashing signs are prohibited except as permitted below:
      - (1) Where otherwise permissible by this title or any town code or ordinance, any revolving barber poles and clocks including those which alternately display time and temperature having a maximum face area not to exceed three square feet may be installed.

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- (2) On and off flashing "open" signs during business hours provided that such sign shall not exceed a maximum size of three square feet.
- b. Obscene signs. No person, as principal, agent or otherwise, shall exhibit, post or display or cause or permit to be exhibited, posted or displayed, upon any advertising structure, any obscene statements, symbol or sign, or false statements relating to goods, products, or services advertised.
- c. Miscellaneous signs and posters. The tacking, painting, pasting or otherwise affixing of signs or posters of a miscellaneous character, visible from a public way, on the walls of buildings, sheds, trees, fences, utility poles or other structures, or upon vehicles or trailers where such vehicles or trailers are used primarily as support for such signs, is prohibited.
  - (1) Pole signs, except as specifically approved through design review.
  - (2) Signs which are mounted on, attached to, or painted on motor vehicles, trailers, or boats that are parked on the premises for advertisement of business. This does not apply to licensed operable service vehicles.
  - (3) Offsite signs, including any form of remote signage such as off-premises advertising signs or billboards unless specifically allowed by this title.
  - (4) All signage erected for a home occupation on the property.
  - (5) Internally illuminated cabinet or can signs when light source is visible (must be opaque).
  - (6) Banner signage shall not be used for permanent signage on a property.
  - (7) Any sign emitting sound or emitting any substance.

(Ord. No. 10-11, § I, 6-24-10; Ord. No. 11-16, § I, 12-15-11; Ord. No. 14-06, § I, 9-18-14)

### **17.64.080 Permits, plans and approval required.**

- A. When this code requires a sign permit, an application for a sign permit shall be made on forms provided by the building inspector. Permit fees shall be established by the town council by resolution. When a sign permit is required, the building inspector shall review applications within a reasonable time after filing for the permit. If it appears from the application and any supporting documents that the requested sign(s) and any existing sign(s) or uses directly related to the application and in the ownership and control of the permit applicant violate any applicable provision of this title or any other town code or ordinance, no permit shall be issued until the violation is corrected.
- B. Sign permits shall not be required for minor repairs or for repainting of existing wording and color of any permitted sign.
- C. Application for sign permit must include:
  1. Site plan indicating the location of the sign in relationship to nearby buildings, structures, rights-of-way, easements and driveways.
  2. A scaled elevation drawing indicating the dimensions of the sign, sign copy, all materials and the method of construction and attachment to the building or support on the ground. Engineered design may be required.
  3. Name of person, firm, or corporation erecting signs and all attendant structures.
  4. Written consent of the owner of the building, structure or premises on which sign is to be erected.
  5. Other reasonable information as may be required by the building inspector when reviewing the application or as the applicant may believe will assist the building inspector.

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6. All contractor and business license information.
- D. Appeal of Decision. If an applicant is aggrieved by a decision of the building inspector, the applicant or interested person may appeal such decision to the building official, who shall render a decision within ten (10) days. If the applicant or interested person is aggrieved by the decision of the building official, the applicant or interested person may submit an appeal in writing together with the appropriate nonrefundable appeal fee as established by town council resolution, to the board of adjustment within ten (10) days following the date of decision by the building official. Within thirty (30) days of the date the appeal is filed, the board of adjustment shall affirm, modify or reverse the decision of the building inspector.
- E. Issuance of and Effect of Permit:
  1. If the work authorized by a sign permit has not been completed within six months after issuance, the permit shall expire.
  2. All rights and privileges acquired under a sign permit are mere licenses that are revocable at any time by the Town of Youngtown, and all such permits shall so state.
  3. The granting of a sign permit shall not be deemed to be a permit for approval of any violation of this title. The provisions of this title shall not be construed as relieving or limiting in any way the responsibility or liability of any person, firm or corporation, erecting or owning any sign, or resulting from the negligence or willful acts of such person, firm or corporation, its agents, employees or workmen, in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor shall issuance of such permit be construed as imposing on the town or its officers or employees, any responsibility or liability by reasons of the approval of any signs, material or devices under the provisions of this title. No error or misinterpretation of the provisions of this title, or any other chapter of Town Code will prevent, prejudice or extinguish the right of the town to revoke, reject or deny any sign permit.

(Ord. No. 10-11, § I, 6-24-10)

### **17.64.090 Sign lighting standards.**

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

- A. Lighting shall be placed to reflect the light away from residences.
- B. Signs illuminated by external lighting shall have the light source shielded in such a manner as to eliminate visibility from and reduce light glare to adjacent properties.
- C. Subdivision entrance signs shall be illuminated by reverse pan-channel lettering or hard-mounted lettering where light source is shielded in such a way as to eliminate visibility from and reduce light glare to adjacent properties.
- D. No lighting is allowed to interfere with or obscure the vision of any motor vehicle operator or pedestrian.
- E. All wires furnishing electricity to a freestanding sign shall be underground.

(Ord. No. 10-11, § I, 6-24-10)

### **17.64.100 Nonconforming signs.**

- A. Legal nonconforming signs shall mean a sign or signs lawfully existing at the time of the enactment of this title that does not conform to the regulations as set forth herein. Notwithstanding any provisions to the contrary contained herein, a legal nonconforming sign may be utilized in perpetuity except as noted below.

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1. A legal nonconforming sign may not be altered in any manner not in conformance with this title; however, the sign(s) shall be maintained as required by section 17.64.070 of this title.
  2. Whenever the owner or tenant of a given building or premises changes or use changes, such as from retail to office, or beauty shop to clothing store or minimart, all nonconforming signs on the building and/or premises shall be modified to bring them into conformance with these regulations.
  3. A notice shall be sent by code enforcement to the owner for all signage on a property that has been abandoned/vacant for six months or more to be brought into compliance or removed.
- B. Nonconforming signs. Upon adoption of this title, the following signs shall be removed from display, obliterated or dismantled within six months:
1. Portable signs, unless as specifically authorized in subsection 17.64.050E of this title.
  2. Any sign that has lost legal nonconforming status.

(Ord. No. 10-11, § I, 6-24-10)

### **17.64.110 Enforcement and penalties.**

- A. The Town of Youngtown has the authority to revoke any permit if the sign authorized by the permit has been constructed or is being maintained in violation of this title or the sign permit.
- B. Notice of the town's decision to revoke a sign permit shall be served upon the holder of the permit: i) by personally delivering a copy of the notice to the holder of the permit or to officer or manager of the corporation; or ii) by handing a copy of any such notice to any person known to be in control of the premises; or iii) in the event that no such person can be found, a copy of the revocation notice may be affixed in a conspicuous position at any entrance to the premises and by depositing in the United States Postal Service a certified letter enclosing a copy of the revocation notice that is addressed to the last known address of the holder of the permit.
- C. The notice shall state the reasons and grounds for revoking the permit, specifying the deficiencies or defects in such sign in a reasonable and definitive manner and the violations charged. Such notice shall specify what repairs, if any, will make such an installation conform to the requirements of this title and shall specify that the sign must be removed or brought into compliance with the provisions of this code within the time periods set in the notice. This notice shall be known as a noncompliance notice.
- D. The holder of the permit may appeal the decision of the town in writing to the building official, who shall render a decision within ten (10) days. If the applicant or interested person is aggrieved by the decision of the building official, the applicant or interested person may submit an appeal in writing together with the appropriate nonrefundable appeal fee as established by town council resolution, to the board of adjustment within ten (10) days following the date of decision by the building official. Within thirty (30) days of the date the appeal is filed, the board of adjustment shall affirm, modify or reverse the decision of the building inspector. This appeal must be filed within fourteen (14) calendar days of the date the notice was initially served at the premises where the sign has been placed or is being placed, regardless of whether or not the holder of the permit has taken delivery of the certified letter mailed to the last known address of the permit holder. All required fees are the responsibility of the permit holder.
- E. If no appeal has been filed by the end of the fourteen-calendar-day appeal period, or if the holder of the permit files to appear and then fails to appear at the board of adjustment hearing, then the permit remains revoked and the sign will be considered illegal. The town may then initiate the procedure for the removal of the illegal sign at the expense of the permit holder. If the permit holder is the legal owner of the property where the sign exists or is being placed, a lien maybe filed with the county recorder against the property's title to ensure reimbursement of the removal fees to the town. If the

permit holder is not the owner of the property, the town may take any other legal actions necessary to obtain reimbursement.

(Ord. No. 10-11, § I, 6-24-10)

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FOOTNOTE(S):

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**Editor's note**—Ord. No. 10-11, § I, adopted June 24, 2010, repealed Ch. 17.64 and enacted a new Ch. 17.64 as set out herein. The former Ch. 1764 pertained to "Signs." See also the Code Comparative Table and Disposition List. ([Back](#))

## **Chapter 17.68 NONCONFORMING USES**

Sections:

[17.68.010 Continuance and abandonment.](#)

[17.68.020 Change to another nonconforming use.](#)

[17.68.030 Nonconforming use by operation of law.](#)

[17.68.040 Discontinuance of nonconforming use.](#)

[17.68.050 No enlargement of nonconforming use.](#)

[17.68.060 Destruction of nonconforming use.](#)

[17.68.070 Use in violation of prior zoning regulation.](#)

### **17.68.010 Continuance and abandonment.**

The lawful use of land existing at the time of the passage of the ordinance codified in this chapter, although such use does not conform to the provisions hereof for such land, may be continued, but if such nonconforming use is discontinued for a period of twelve (12) consecutive months, any future use of said land shall be in conformity with the provisions of this title.

(Zoning Ord. § 2-4-101)

### **17.68.020 Change to another nonconforming use.**

The lawful use of a building existing at the time of the passage of the ordinance codified in this chapter may be continued, although such use does not conform with the provisions hereof for such building, and such use may be continued providing no structural alterations, except those required by law or ordinance or permitted under this title are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a building which is for

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the same or more restricted classification in the opinion of the zoning commission as evidenced by a resolution of record. The foregoing provisions shall also apply to nonconforming uses in districts hereafter changed. Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

(Zoning Ord. § 2-4-102)

### **17.68.030 Nonconforming use by operation of law.**

Whenever the use of a building becomes nonconforming through a change in the zoning ordinance or district boundaries, such use may be continued and, if no structural alterations are made, it may be changed to another nonconforming use of the same or of a more restricted classification.

(Zoning Ord. § 2-4-103)

### **17.68.040 Discontinuance of nonconforming use.**

In the event a nonconforming use of any building is discontinued for a period of twelve (12) consecutive months, any future use of said building or premises shall be in conformity with the provisions of this title.

(Zoning Ord. § 2-4-104)

### **17.68.050 No enlargement of nonconforming use.**

No existing building designed, arranged, or intended for or devoted to a use not permitted under the regulations of this title for the district in which such building or premises is located shall be enlarged, extended, reconstructed or structurally altered unless such building and such enlargement, extension, reconstruction and structural alterations, and further use thereof, conform in every respect with the regulations specified by this title for such district in which the building is located; provided, however, nothing herein restricted shall apply to ordinary and necessary repairs.

(Zoning Ord. § 2-4-105)

### **17.68.060 Destruction of nonconforming use.**

If, at any time, any building in existence or maintained at the time of the adoption of the ordinance codified in this chapter which does not conform to the regulations for the district in which it is located shall be destroyed by fire, explosion, act of God or act of the public enemy to the extent of seventy-five (75) percent of its value, according to the appraisal thereof by competent appraisers, then and without further action by the town council, the building and the land on which the building was located or maintained shall, from and after the date of such destruction, be subject to all of the regulations specified by this title for the district in which such land and building are located.

(Zoning Ord. § 2-4-106)

**17.68.070 Use in violation of prior zoning regulation.**

Nothing in this chapter shall be interpreted as authorization for or approval of the continuance of the use of a building or premises in violation of zoning regulations in effect at the time of the effective date of the ordinance codified in this chapter.

(Zoning Ord. § 2-4-107)

**Chapter 17.72 PLANS AND PERMITS**

Sections:

[17.72.010 Permit required—Condition of issuance.](#)

[17.72.020 Form of application for permit.](#)

[17.72.030 Plans—Contents—Street frontage requirements.](#)

[17.72.040 Plan approval—Filing fee.](#)

[17.72.050 Conditions of the permit.](#)

[17.72.060 Signature—Posting requirements—Permit limitations.](#)

[17.72.070 Amendments.](#)

[17.72.080 Conditional permit.](#)

[17.72.090 Revocation.](#)

**17.72.010 Permit required—Condition of issuance.**

- A. Except as required in subsection B of this section, it is unlawful to construct, alter, repair, remove or demolish, or to commence the construction, alteration removal or demolition of a building or structure, or the placement of a completed building, or partially completed building of any nature, not just a storage unit, upon the premises of any property within the corporate limits, without first filing with the building official a written application for a permit to do such work or to take such action. The applicant shall obtain a written permit in such form as may be prescribed by the town manager. The permit may be issued in the form of a construction permit, electrical permit, mechanical permit or plumbing permit, dependent upon the type of work to be undertaken.
- B. A permit is not required for cosmetic maintenance and repairs.
- C. As a condition precedent to the issuance of any permit required under subsection A of this section, an applicant shall file a statement which he or she has prepared and has signed stating that the applicant is licensed under the provisions of Title 32, Chapter 10, Arizona Revised Statutes, 1956, as amended, which statement shall include the number of the applicant's contractor's license and a statement by the applicant that the license is in full force and effect. If the applicant is entitled to exemption from licensing under state statutes, the statement shall contain the basis for the applicant's alleged exemption.
- D. All work performed for the town shall be done after obtaining a permit covering the work, in order that such work may be inspected.

(Ord. 04-12 (part); Ord. 02-12 (part); Zoning Ord. § 3-1-101)

**17.72.020 Form of application for permit.**

- A. An application for a permit shall be submitted in such form as the town manager may prescribe.
- B. The application shall be made by the owner or lessee, or agent of either, or the architect, engineer or builder employed in connection with the proposed work. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner in fee, or the person making the application that the proposed work is authorized by the owner in fee and that the person making the application is authorized to make such application.
- C. The application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers.
- D. The application shall include a working drawing with proper dimensions and describe the proposed work and shall give such additional information as may be required by the town council for an intelligent understanding of the proposed work.
- E. The application shall include the name of the person or company actually performing the work.

(Ord. 02-12 (part); Zoning Ord. § 3-1-102)

**17.72.030 Plans—Contents—Street frontage requirements.**

- A. The applicant shall provide the building inspector, or his or her duly authorized agent, with a plan in triplicate, drawn to scale, of the proposed construction or use. The required information to be shown on the plan shall include:
  - 1. A legal description of the property upon which the improvement is to be made;
  - 2. The street address of the property;
  - 3. The type of use to which the improvement is to be put;
  - 4. The type of building in question;
  - 5. The dimension of the lot;
  - 6. The parcel or tract upon which the improvement is to be made;
  - 7. The dimension of the improvement and the distance the improvement is from the front, side and rear lines of the lot, parcel or tract;
  - 8. The elevation of the improvements, showing the height thereof, the location of water and sewer lines serving the improvements;
  - 9. The location of existing uses and buildings; and
  - 10. Such other information as the building inspector, or duly authorized agent, may require for the purpose of determining whether the permit may be issued under the terms of this title.
- B. Except by virtue of specific exceptions, as in this title provided, no building permit shall be issued for the construction of any structure for the use of residential, commercial or industrial purposes unless a lot or parcel on which the construction is to take place fronts upon a street of the width required by virtue of the type of street and location in which the structure is to be built.
- C. Application for permits for all buildings shall be accompanied by such drawings and specifications of the proposed work, drawn to scale including floor plans, sections, elevations and structural details, also plumbing, electrical installations, water lines and sewage disposal, as the town council may require. In all public and semi-public buildings, the above shall be completed by a duly registered architect of the state of Arizona, and his stamp shall be affixed thereto.
- D. There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact

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location of all proposed new construction, or, in the case of demolition, of such construction as is to be demolished, and of all existing buildings and structures that are to remain.

(Zoning Ord. §3-1-103)

### **17.72.040 Plan approval—Filing fee.**

- A. All plans shall require the approval of the building official, the building, plumbing and electrical inspectors prior to issuance of any permit.
- B. The application for each building permit hereunder shall be accompanied by a filing fee to be computed in accordance with fee schedules, from time to time adopted by resolution of the town council. The basis upon which the filing fee is to be computed shall be in accordance with resolutions of the town council adopted from time to time. The filing fee is not refundable.
- C. It is the duty of the town manager, or a duly authorized agent, and the duly authorized inspectors involved, or their duly authorized agents, to examine the applications for permits within thirty (30) days after filing. If after examination they find no objections to the same and it appears the proposed work will be in compliance with the laws and ordinances applicable thereto, they shall approve such work as soon as practicable. If their examination reveals otherwise, they shall reject such application, noting their findings in a report to be attached to the application and delivering a copy to the applicant.

(Ord. 02-12 (part); Zoning Ord. § 3-1-104)

### **17.72.050 Conditions of the permit.**

- A. All work performed under a permit issued by the town manager, or a duly authorized appointed agent, shall conform to the approved application and plans, and approved amendments thereof.
- B. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to.
- C. It is unlawful to diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in condition is filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

(Ord. 02-12 (part); Zoning Ord. § 3-1-106)

### **17.72.060 Signature—Posting requirements—Permit limitations.**

- A. All building permits issued shall have the signature of the building official or duly appointed agent.
- B. A copy of the permit and a certified copy of the approved plans shall be kept on the premises at all times during the prosecution of the work and until completion thereof.
- C. Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time for a period of one hundred eighty (180) days. Before such work can be recommended, a new permit shall be first obtained to do so and the fee therefor shall be one-half the amount required for a new permit for such work; provided, that no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year.

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- D. All permits except excavating and grading permits issued under the provisions of this chapter shall expire one year from date of issuance whether work thereunder be completed or not. No work shall be done thereafter until a renewal permit has been applied for and obtained. Full compliance with all provisions of this chapter shall be necessary and a full filing fee shall be charged if the building for which the permit has been issued is not fifty (50) percent completed within one year. The town building inspector shall determine the percentage of completion. For example, a building ninety (90) percent complete would be charged ten (10) percent of the total filing fee. Each year the town inspector shall determine the percentage of completion until the building is completed.
- E. Excavating and grading permits shall expire ninety (90) days from the date of issuance.

(Ord. 02-12 (part); Zoning Ord. § 3-1-107)

### **17.72.070 Amendments.**

Nothing in this chapter shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the work permit was sought. Such amendments, after approval, shall be filed with and deemed part of the original application.

(Zoning Ord. § 3-1-108)

### **17.72.080 Conditional permit.**

- A. When application is made for a permit to erect a building, the use of which must be approved by the Maricopa County health department or the health department of the state of Arizona, or any governmental or quasi-governmental agency, a conditional permit may be issued.
- B. Application for a conditional permit shall be accompanied by plans and specifications and conform with all the requirements of a formal or regular permit.
- C. Construction may not commence on a building until the applicant has filed with the building official, or a duly authorized agent, copies of approval of the use, plans and specifications, by all interested county and state health departments, and all other interested governmental and quasi-governmental agencies.

(Ord. 02-12 (part); Zoning Ord. § 3-1-109)

### **17.72.090 Revocation.**

The town building official may revoke a permit or approval issued under the provisions of this chapter where there has been a false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. Revocation of a permit may be appealed pursuant to the provisions of the uniform building code.

(Ord. 02-12 (part); Zoning Ord. § 3-1-110)

## **Chapter 17.76 CERTIFICATE OF OCCUPANCY**

Sections:

[17.76.010 Application and issuance.](#)

[17.76.020 Controls and record of certificates—No fee.](#)

[17.76.030 Certificate of occupancy for land and excavation.](#)

**17.76.010 Application and issuance.**

- A. Certificates of occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for upon completion of the final inspection, if the building meets the requirements of the town's codes, the certificate of occupancy shall be issued within five days after the request for the same has been made, in writing, to the town manager or a duly authorized agent.
- B. Pending the issuance of a regular certificate, a temporary certificate of occupancy may be issued by the building official, or a duly authorized agent, for a period not exceeding one hundred eighty (180) days, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners, or of the town, relating to the use or occupancy of the premises, or in any other matter covered by this title, and such temporary certificates shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

(Ord. 02-12 (part); Zoning Ord. § 3-2-101)

**17.76.020 Controls and record of certificates—No fee.**

The certificate of occupancy shall state that the building, or proposed use of a building or land, complies with all building and health laws and ordinances and with the provisions of this title. A record of all certificates shall be kept on file in the office of the town clerk and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a certificate of occupancy.

(Zoning Ord. § 3-2-102)

**17.76.030 Certificate of occupancy for land and excavation.**

A certificate of occupancy for the use of vacant land, or the change in the character of the use of land as provided in this chapter, shall be applied for before any such land shall be occupied or used, and a certificate of occupancy shall be issued within five working days after the application has been made, provided such use is in conformity with the provisions of these regulations.

(Ord. 02-12 (part); Zoning Ord. § 3-2-103)

**Chapter 17.80 ZONING AMENDMENTS**

Sections:

[17.80.010 Amendments.](#)

[17.80.020 Application to amend—Filing fee.](#)

[17.80.030 Submission.](#)

[17.80.031 Citizen review process.](#)

[17.80.032 Public hearing by zoning hearing officer.](#)

[17.80.040 Subsequent application after denial or withdrawal.](#)

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[17.80.050 Application requirements—Petition by property owners in included area.](#)

[17.80.060 Protests to proposed amendments—Conflict of interest.](#)

[17.80.080 Public hearing—Publication of notice.](#)

[17.80.100 Claim for diminution in value pursuant to A.R.S. § 12-1134.](#)

### **17.80.010 Amendments.**

The provisions of the zoning ordinance may from time to time be amended, supplemented, changed, modified or repealed.

(Zoning Ord. § 3-3-101)

### **17.80.020 Application to amend—Filing fee.**

Requests made to amend this title may be initiated by the zoning hearing officer, town council or real property owner in the area to be included in the proposed amendment. Applications for amendment shall be made in the office of the town clerk on such form as shall be acceptable to the town council. Filing fees shall be set by resolution of the town council. Applications initiated by the zoning hearing officer or town council shall not be subject to payment of a filing fee.

(Ord. 02-12 (part); Zoning Ord. § 3-3-102)

### **17.80.030 Submission.**

Applications for amendments to the town of Youngtown, Arizona zoning ordinance, including the zoning map, shall be submitted to the town manager, or a duly authorized agent, for review and determination of completeness. The application and supporting documents shall then be referred to the zoning hearing officer.

(Ord. 08-16 § 1 (part); Ord. 02-12 (part); Zoning Ord. § 3-3-103)

### **17.80.031 Citizen review process.**

- A. Prior to a public hearing on any application for a rezoning of property, creation or amendment of a specific plan, issuance of a special use permit, or a zoning ordinance amendment that imposes any regulation not previously imposed or that removes or modifies any such regulation previously imposed, a citizen review process complying with this section shall be conducted. The purpose of the citizen review process is to provide an opportunity for citizen involvement and public awareness of applications for rezoning of property, adoption or amendment of specific plans, approval of special use permits, and adoption of any zoning ordinance text amendment that imposes, removes or modifies a land use regulation.
- B. Applications for Rezoning, Specific Plans, and Issuance of a Special Use Permit.
  1. The applicant, in coordination with the planning department, shall establish a time, date and place for a citizen review session to provide a reasonable opportunity for the applicant, adjacent landowners, and other potentially affected citizens to discuss issues or concerns they may have with the application proposed by the applicant. Planning staff shall attend the meeting as an

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observer and shall not conduct the meeting. The applicant shall supply the planning department with minutes of the neighborhood meeting and a list of all individuals in attendance. The staff member in attendance shall report in writing the results of the neighborhood meeting and a list of all individuals in attendance to the hearing officer and/or town council at such time as either takes action on the rezoning, specific plan or special use permit application.

2. Written notice of the citizen review session shall be given at least five days prior to the meeting and shall include the time, date, and location of the citizen review meeting and sufficient details regarding the substance of the proposed rezoning or specific plan or special use permit application so as to allow citizens and other affected persons to determine how they might be affected by the approval of the proposed application.
3. The applicant shall provide to the town for mailing such notice by first class mail to:
  - a. Each property owner within one thousand (1,000) feet of the boundary of the property subject to the application;
  - b. All other interested parties who have requested that they be placed on a notification list maintained by the planning department; and
  - c. Adjoining municipalities sharing borders with the property subject to the application.
4. The zoning administrator may establish additional procedures for the citizen review process as is deemed necessary to enhance public participation.

### C. Text Amendments to the Zoning Ordinance.

1. A citizen review session shall be held by the zoning hearing officer at least five days prior to the public hearing for consideration of a proposed text amendment that imposes, removes or modifies a land use regulation. Landowners and other citizens potentially affected by the proposed text amendment will be invited to gather further information regarding the proposed text amendment at the citizen review session and to express any issues or concerns they may have with the proposed text amendment.
2. Notice of the citizen review session shall be given to landowners and other citizens potentially affected by the proposed text amendment at least ten (10) days prior to the citizen review session scheduled by the zoning hearing officer regarding the proposed text amendment. This notice shall state the date, time, and place of the citizen review session and shall include a general explanation of the substance of the proposed text amendment to the zoning ordinance. The form of notice to be used will vary according to the type of text amendment proposed, and any means deemed by the town to provide the appropriate method of notice for the proposed text amendment shall be considered sufficient. The form of notice given may include, but is not limited to, the following:
  - a. Publication in a local newspaper of general circulation distributed to residents living within the town;
  - b. Posting at official town posting locations;
  - c. Posting on the town's website.
3. After the citizen review session, the zoning hearing officer may take all issues and concerns raised by landowners and other citizens potentially affected by the proposed text amendment at such session into account when he or she considers his or her recommendation to the town council on the proposed text amendment and shall, prior to the council's public hearing on the proposed text amendment, report to the council the issues and concerns raised during the citizen review input and discussion session.

(Ord. 08-16 § 1 (part))

**17.80.032 Public hearing by zoning hearing officer.**

- A. The zoning hearing officer shall hold a public hearing to consider the proposed amendment, notice of which shall be given as set forth in Title 9, Chapter 4 of the Arizona Revised Statutes.
- B. After the public hearing, the zoning hearing officer shall render a decision in the form of a written recommendation to the town council as to whether the council should approve, approve with modifications and/or conditions, or deny the application to the town council. The recommendation shall include the reasons for the recommendation.
- C. If the zoning hearing officer fails to make a written recommendation to the town council within ninety (90) days after receipt of the application, such failure shall be deemed to be a recommendation of approval by the zoning hearing officer to the town council.

(Ord. 08-16 § 1 (part))

**17.80.040 Subsequent application after denial or withdrawal.**

In the event that an application is denied by the town council, the zoning hearing officer shall refuse to accept another application for the same amendment within a year of the date of the hearing of the previous application before the zoning hearing officer.

(Ord. 02-12 (part); Zoning Ord. § 3-3-104)

**17.80.050 Application requirements—Petition by property owners in included area.**

The application for amendment, if initiated by other than the zoning commission or town council, shall be signed by a real property owner in the area included in the application. No application will be considered complete unless accompanied by a waiver of claims for diminution in value pursuant to A.R.S. § 12-1134, signed by all owners of real property affected by the zoning amendment.

(Zoning Ord. § 3-3-105)

(Ord. No. 11-08, § I, 4-21-11)

**17.80.060 Protests to proposed amendments—Conflict of interest.**

In the event that a written protest against a proposed amendment is presented at any town council hearing held on the application for amendment, by the owners of twenty (20) percent or more, either of the area of lots included in such proposed change or of those immediately adjacent in the rear thereof extending one hundred fifty (150) feet therefrom, or of those adjacent to any one side and extending one hundred fifty (150) feet therefrom, or of those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of such opposite lots, such amendments shall not become effective except by the favorable vote of three-fourths of all the members of the town council of the town. If any members of the town council are unable to vote on such question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths of the remaining membership of the town council; provided, that such required number of votes shall in no event be less than a majority of the full membership of the town council.

(Zoning Ord. § 3-3-106)

**17.80.080 Public hearing—Publication of notice.**

No amendment, supplement, change, modification, or repeal shall be made of this zoning code until after a public hearing by the town council in relation thereto, at which hearing the parties in interest will have an opportunity to be heard. Notice of the hearing shall be given in accordance with the notice requirements of A.R.S. Section 9-462.04. A copy of the notice of the public hearing shall be sent to the applicant and any person who has requested notice.

(Ord. 02-12 (part); Zoning Ord. § 3-3-108)

**17.80.100 Claim for diminution in value pursuant to A.R.S. § 12-1134.**

- A. Filing of Claim. all claims for diminution in value pursuant to A.R.S. § 12-1134 shall be filed with the town clerk on a form prescribed by the town.
- B. Town Review. After a claim is filed, town staff shall conduct an investigation to determine the validity of the claim. a certified land appraiser or other relevant qualified expert shall be consulted to estimate the real value of the diminishment claim.
- C. Staff Recommendation. The town manager or designee shall prepare a recommendation to council for possible action.
- D. Town Council Determination. Within ninety (90) days of the filing of the claim, town council shall make a determination as to whether to deny the claim, pay the claim, or rescind or modify the land use law or its application to the claimant's property. Said determination shall take into consideration the town manager's recommendation and any reports or recommendations from the appraiser or other relevant expert.
- E. Satisfaction of Notice of Claims Requirements. Filing a claim pursuant to this section shall be deemed to satisfy the requirements set forth in A.R.S. § 12-821.01 for filing a claim against the town.

(Ord. No. 11-08, § I, 4-21-11)